

RESOLUTION R2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A CERTIFICATE OF APPROPRIATENESS FOR MAJOR ALTERATIONS TO A LOCAL LANDMARK LOCATED AT 2344 OLD SONOMA ROAD AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, on January 4, 2023, Napa Community Real Estate Fund (“Applicant”) submitted an application (File No. PL23-0002) for a Certificate of Appropriateness pursuant to Napa Municipal Code (“NMC”) Section 15.52.070 (“Certificate of Appropriateness”) and related entitlements for alterations to three Local Landmark buildings and construction of two new non-contributing buildings within the National Register District on the former Health and Human Services property (the “Project”) located at 2344 Old Sonoma Road (APN: 004-291-015) (“Site”); and

WHEREAS, the Cultural Heritage Commission held a duly noticed public hearing on March 23, 2023, on the Certificate of Appropriateness, at which time the Cultural Heritage Commission heard a presentation by Staff and took public testimony, and thereafter closed the public hearing and where they subsequently recommended that the City Council approve the Certificate of Appropriateness; and

WHEREAS, the City Council has considered all information related to the Certificate of Appropriateness Application, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa as follows:

Section 1. The City Council hereby determines that the potential environment effects of the actions authorized by this resolution were adequately analyzed in that certain City of Napa General Plan Update Final EIR (SCH #2021010255) certified by the City Council on September 20, 2022 (“GP EIR”) and, pursuant to Public Resources Code Section 20183.3 and Sections 15183 and 15168 of the CEQA Guidelines, no additional environmental review is required for the Project because the Project is consistent with the development density and use characteristics established by the 2040 General Plan and there are no potentially significant environmental effects that (1) are peculiar to the Project or the Site, (2) were not analyzed as significant effects in the GP EIR, (3) are potentially significant off-site impacts and cumulative impacts which were not discussed in the GP EIR, or (4) are previously identified significant effects which, as a result of substantial new information which was not known at the time the GP EIR was certified, are determined to have a more severe adverse impact than discussed in the GP EIR. These findings are set forth in

greater detail, accompanied by the substantial evidence in support thereof, in that certain CEQA Initial Study and Consistency Analysis and Determinations for the 2344 Old Sonoma Road Mixed Use Project, attached hereto as Exhibit A and incorporated herein by reference.

Section 2. The City Council hereby makes the following findings for approval of the Certificate of Appropriateness in accordance with NMC Section 15.52.070(F)(3):

- A. The project preserves, enhances or restores the exterior architectural features of the local landmark.*

The Project will enhance the integrity of the Local Landmark designated buildings by rehabilitating the three contributing buildings, removing the three non-contributing buildings, preserving the crescent shaped driveway and lawn, and constructing two new non-contributing but compatible buildings. The three contributing buildings will be rehabilitated in compliance with the Secretary of the Interior Standards. Character-defining features of the contributing buildings will be preserved, while adapting them to new commercial and residential uses. The contributing buildings will be preserved in their entirety maintaining building heights and shapes, roof forms and details, fenestration patterns, and stucco walls removing insensitive alterations and restoring missing features to improve the historic character of the contributing buildings. This renovation will include removing non-original vinyl sashes, slab doors, composition roof shingles and restoring clay tile roofs, wood window sashes and basement vents, front and back porch configurations, and wood paneled doors.

- B. The project will not result in a substantial adverse change to the integrity of the local landmark or its major exterior character-defining features.*

The Local Landmark buildings will be preserved in their entirety maintaining building heights and shapes, roof forms and details, fenestration patterns, and stucco walls removing insensitive alterations and restoring missing features to improve the historic character of the contributing buildings. As such, there will be no substantial adverse change to integrity of the Local Landmark buildings.

- C. The project will not adversely affect the special character or special historic, architectural, or aesthetic interest or value of the local landmark.*

The historic character of the contributing buildings and landscape feature as well as the district as a whole will be retained and preserved. The Project does not propose the removal of any of the character defining features described above. Any demolition activity is limited to the removal of noncontributing buildings and non-original materials and features such as roof shingles, vinyl windows, and ADA ramps.

D. The project is consistent with the applicable Secretary of the Interior's Standards.

The Project is consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties in that the property will undergo exterior renovations which will enhance the property while not damaging or destroying character-defining features of the historic property.

E. The project is consistent with applicable historic design guidelines.

The Project has been reviewed against the universally applicable Napa Abajo/Fuller Park Historic District Design Guidelines and has been found to be in conformance with the guidelines. Consistent with the guidelines, existing primary entrances remain clearly defined by restored entry porch archways at the rear of the buildings and new stairs and rails on the front entries. Most all existing fenestration locations will be retained, and new wood windows will replace non-historic vinyl windows that had replaced original windows.

F. The project will not negatively impact the integrity of a cultural landscape through alteration of spatial organization, landscape features, circulation patterns, or small-scale features that are character defining features of the resource.

The spatial orientation of the three historic infirmary buildings around the historic crescent shaped driveway and lawn/open space will remain intact in its historic configuration. However, the lawn will be slightly reduced to meet sustainable water use requirements but will still include approximately 20,000 square feet of lawn.

Section 3. The City Council hereby approves the Certificate of Appropriateness as defined on the revised plans date stamped January 4, 2023, ("Plans"), subject to the following conditions of approval:

COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

1. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements of the Certificate of Appropriateness.
2. The Certificate of Appropriateness authorizes alterations to the three Local Landmark buildings and the construction of two non-contributing buildings within the National Register District that face the curve of the historic crescent driveway on the Site in accordance with the Plans as modified by these conditions of approval. These renovations are a historic component of a larger mixed-use project on the Site.
3. The plans submitted for building permits shall conform substantially to the Plans received on January 4, 2023.
4. Archaeological monitoring shall occur during all site ground disturbing activities. Prior to commencement of such activities, the Applicant shall provide a letter to the

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Planning Division identifying the firm and personnel who will be conducting the monitoring, along with a scope of work.

5. The historic report, "Certificate of Appropriateness, The Crescent, 2344 Old Sonoma Road" and dated December 21, 2022, prepared by Teresa Grimes, shall be kept on the Site for review by visitors and guests.
6. All conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of Building Permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
7. All exterior lighting on the Site shall be properly shielded and directed downward to preclude glare conditions that might impact adjacent properties or public streets.
8. The plans submitted for a Building Permit shall identify the locations of all mechanical and utility equipment, including transformers and backflow devices.
9. The Applicant shall repair deteriorated exterior historic features rather than replace them where reasonably feasible. Where the severity of deterioration requires replacement of an exterior distinctive feature, the new feature shall match the old in design, color, texture and materials to the greatest extent feasible. Replacement of missing exterior features will be substantiated by documentary and physical evidence. Photographs and a narrative explanation of required replacements shall be provided to the Planning Manager for review and approval prior to issuance of a certificate of occupancy.
10. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if necessary, shall be undertaken using the gentlest means possible.
11. All mechanical and utility equipment, including transformers and backflow devices must be screened and/or integrated into a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of this approval. Because transformers and backflow prevention devices are regularly maintained and tested, screening is required to meet certain criteria for the accessibility and visibility. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project.
12. Construction activities shall be limited to specific times pursuant to NMC Section 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The Ordinance further states that there will be: no start-up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor

equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.

CITY GENERAL CONDITIONS

13. The plans submitted for improvement plan review and Building Permit review shall include a written analysis specifying how each of the conditions of approval have been addressed or incorporated into either the improvement plan set or building plan set.
14. Unless otherwise specifically provided in this resolution, each condition of this approval shall be satisfied prior to the first to occur of: (a) approval of a final map (if this resolution includes the approval of a tentative subdivision map or tentative parcel map), (b) issuance of a building permit, or (c) commencement of any use of land that is authorized by this resolution. An improvement agreement between the City and the Applicant (and landowner, if different) that obligates the Applicant to complete specified conditions of approval will be deemed to be a satisfaction of those specified conditions if: (i) the agreement is accompanied by required security for faithful performance and labor and materials, and (ii) the agreement is approved as to substance by the City Engineer, and approved as to form by the City Attorney.
15. No use authorized by this permit may commence until after the Applicant executes any required permit agreement.
16. Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements).
17. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, or other documents submitted for permit approval, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, any applicable Specific Plan, the Napa Municipal Code (NMC), City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved tentative map, site plan or other documents submitted for permit approval and with the plans and specifications submitted to and approved by City.
18. The time limit within which to commence any lawsuit or legal challenge to any quasi-judicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-judicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.
19. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees from and against any claims, suits,

liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.

20. If the Applicant is not the owner of the subject property, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Applicant.
21. The conditions of Project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions have begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.
22. Violation of any term, condition, mitigation measure or Project description relating to this approval is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
23. Project approval would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of law, this Project approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.
24. The Certificate of Appropriateness is subject to the expiration provisions of NMC Section 17.68.170 and may be extended in accordance with the requirements of NMC Section 17.68.130.

Section 4. This resolution shall become effective immediately upon the effective date of the Ordinance establishing the Old Sonoma Road Mixed-Use Master Plan District (MP: OSR-MU) and rezoning the site to MP: OSR-MU.

ATTACHMENT 3

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 2nd day of May 2023 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney