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**PLANNING COMMISSION STAFF REPORT
FEBRUARY 1, 2024**

AGENDA ITEM 7.A File No. PL22-0137 **FIRST & OXBOW HOTEL DESIGN REVIEW & USE PERMIT**

I. GENERAL INFORMATION

PROJECT SUMMARY: Application for a Design Review Permit and Use Permit to authorize construction of a 123-room hotel consisting of two four-story buildings, which includes ancillary hotel guest and public-serving uses, and below-grade parking.

LOCATION OF PROPERTY: 730 Water Street
APNs: 003-235-002, -003, -004, -005, -006, -007 and 003-241-003, -005, -006

GENERAL PLAN: Oxbow Commercial (OBC)

ZONING: Oxbow Commercial (OBC), Floodplain Management Overlay (FP), Soscol Corridor Overlay (SC), Traffic Impact Overlay (TI)

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ATTACHMENTS: ATCH 1 – Draft Resolution
ATCH 2 – Project Description
ATCH 3 – Project Plans
ATCH 4 – Elevations and Renderings
ATCH 5 – Design Review Updates
ATCH 6 – On-Site Parking Letter
ATCH 7 – Operations Memorandum

- ATCH 8 – Porter Vehicle
- ATCH 9 – Economic Impact Analysis
- ATCH 10 – CEQA Memorandum
- ATCH 11 – PC Staff Report - PL16-0124
- ATCH 12 – Extension Approval Letter (8-31-2022)
- ATCH 13 – 2020 Addendum

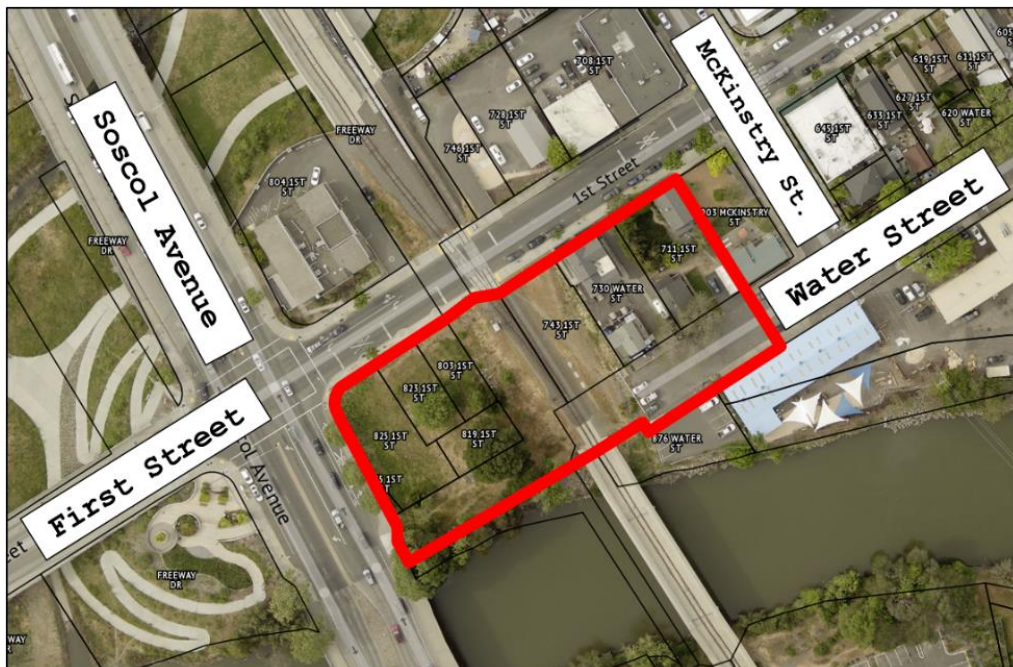
II. RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation to the City Council to adopt a resolution approving a Design Review Permit and Use Permit to authorize construction of a 123-room hotel consisting of two four-story buildings, which includes ancillary hotel guest and public-serving uses, and below-grade parking at 730 Water Street, and determining that the actions authorized by the resolution were adequately analyzed by a previous California Environmental Quality Act (CEQA) action.

III. EXECUTIVE SUMMARY

The Applicant, Stratus Development Partners, LLC, requests a Design Review Permit and Use Permit to authorize construction of a 123-room hotel consisting of two four-story buildings, which includes ancillary hotel guest and public serving uses, and below-grade parking (“Project”). If approved, the Project would supersede the previously approved Design Review Permit and Use Permit for the First and Oxbow Hotel (PL16-0124; City Council Resolution R2020-134, approved by City Council on November 17, 2020), for 74 rooms and ground floor retail. The Project is located at 730 Water Street, as shown in **Figure 1, Location Map**.

**FIGURE 1
Location Map**



While a more complete project description is provided below under “Project Description,” and provided in **Attachment 2, Project Description**, a summary of the proposed changes between the originally approved project and the proposed Project is listed below, as shown in **Table 1, Summary of Changes**.

TABLE 1
Summary of Changes

	Approved 2020	Proposed Project	Changes
Hotel Rooms	74	123	49
Retail (square feet)	6,294	--	(6,294)
Meeting/Conference Space (square feet)	5,754	3,375	(2,199)
Parking Spaces	121	154	33
Building Height (feet)	60	60	No Change
Building Size (square feet)	184,106	151,224	(32,882)

IV. SITE CONTEXT AND HISTORY

The Project site is approximately 0.71 acres and is composed of multiple parcels located at the southeast corner of Soscol Avenue and First Street, and First Street and the railroad. The properties are bounded by Soscol Avenue, First Street, Water Street, and the Napa River. The Project, if approved, would impact adjacent property not under the Applicant’s ownership, including City of Napa (City) rights-of-ways and Napa County Flood Control and Water Conservation District (Flood Control District) property. As part of the project, the Applicant has requested that the City abandon a portion of the Water Street right-of-way between Soscol Avenue and McKinstry Street and of the Lawrence Street right-of-way between First Street and the Water Street right-of-way.

The Napa Valley Wine Train railroad tracks generally divide the project site into two (2) areas. The western side of the tracks is currently vacant containing vegetation and trees, and the eastern side of the tracks are currently developed with three (3) single-story, single-family residences, a one-story commercial structure, and two (2) small accessory structures.

The overall site begins at the western boundary and entrance to the area referred to as the “Oxbow District” in the Napa 2040 General Plan. Surrounding land uses include commercial retail, and office to the north, single-family residential and commercial retail and restaurant to the east, Napa River and existing warehouse buildings containing event and transportation to the south, and Soscol Avenue, Oxbow Commons, and Napa River to the west.

A. PL16-0124 First and Oxbow Hotel

The original entitlements (PL16-0124) were approved by City Council on November 17, 2020 (City Council Resolution R2020-134) and granted a two-year extension (PL22-0102) on August 31, 2022.

As further described in **Attachment 11, PC Staff Report - PL16-0124**, the original project consisted of two, four-story buildings totaling approximately 184,106 square feet accommodating 74 guest rooms (up to 37 in each building). The west building included 2,787 square feet of commercial tenant space that could accommodate five (5) commercial tenants, along with pool and fitness facilities. The east building included 3,507 square feet of commercial tenant space for up to six (6) commercial tenants and 5,754 square feet of conference and meeting space. Both buildings included outdoor bars on their top floors.

In addition, the original project also included 121 parking spaces divided between each building's two-level subterranean garage, laundry, and housekeeping facilities in each building, along with an improved pedestrian path between First Street and Water Street parallel to the railroad. The original application included the following entitlements:

1. **Design Review Permit:** For a 74-room hotel consisting of two, four-story buildings totaling 184,106 square feet on two sites divided by the Wine Train railroad at the southeast corner of the intersection of First Street and Soscol Avenue. The Design Review Permit was approved by Council Resolution No. R2020-134.
2. **Use Permit:** For authorization of a hotel use in the OBC, Oxbow Commercial District, where a Use Permit is required for hotels pursuant to the NMC 17.10.020. The Applicant is requesting a Use Permit to increase the number of hotel rooms from 74-to-123 rooms. The Use Permit was approved by Council Resolution No. R2020-134.
3. **Certificate of Appropriateness:** For relocation of two Local Landmark structures from 718 Water Street and 731 First Street to 58 Randolph Street. The Certificate of Appropriateness was approved by Council Resolution No. R2020-135. The previously approved Certificate of Appropriateness would remain in effect.
4. **Right-of-Way Abandonment:** For abandonment of a portion of the Water Street right-of-way between Soscol Avenue and McKinstry Street and of the Lawrence Street right-of-way between First Street and the Water Street right-of-way. Lawrence Street and the portion of Water Street west of the Napa River are paper streets. The portion of Water Street east of the Napa River is a dead-end street. The conditional abandonment was approved by Council Resolution No. R2020-137 and allowed for the enlargement of the project site to allow larger buildings and for the conversion of the public street to a smaller access drive while maintaining public access. The abandonment of right-of-way would be reconsidered as part of a separate action by City Council.
5. **Lot Line Adjustment/Lot Merger:** Combination of all parcels on the west side of the railroad into a single parcel and all parcels on the east side of the railroad into a single parcel. The lot line adjustment/lot merger was never approved. However, in conjunction with the new entitlements and the right-of-way abandonment, the additional land area would be reconfigured to accommodate the project, and each building would be on a separate parcel separated by the railroad. The lot line adjustment/lot merger would be approved administratively should the City Council approve the revised project and the abandonment.

B. PL22-0102 First & Oxbow Extension I

City staff approved the first two-year extension administratively (PL22-0102) on August 31, 2022, which extended the entitlement (PL16-0124) to November 17, 2024 (**Attachment 12, Extension Approval Letter (8-31-2022)**).

V. PROJECT DESCRIPTION

The Applicant requests a Design Review Permit and Use Permit to authorize construction of a 123-room hotel consisting of two four-story buildings totaling approximately 151,224 square feet on lots that total approximately 0.71 acres. Of the 123 rooms, 54 rooms would be in the west building, and 69 would be in the east building.

The Project would include various amenities common to hotel use such as pool and fitness facilities in the west building facing both the Napa River and First Street frontage, respectively. The hotel would provide approximately 3,375 square feet of conference and meeting space split between the two buildings. Both buildings would also feature auxiliary bars and food service areas managed by the hotel operator, yet accessible to hotel guests and members of the public.

The hotel would provide 154 parking spaces divided between each building's single-level below-grade garage. Each building would be served by its own housekeeping facilities with further operational details described below in **Section V.H**. There would be an improved path between First Street and Water Street adjacent to and parallel to the railroad.

C. Amendments

As described in **Attachment 5, Design Review Updates**, the Applicant proposes a similar building footprint, setbacks, site design, height, and access as the originally approved plans while partially reducing the overall massing of the west building and decreasing the below-grade parking levels from two levels to one level. The Applicant also proposes reconfiguration of the internal space and removal of the retail space to accommodate the additional rooms.

D. Site Design

The site design for the Project is generally consistent with the original approval. The site is bisected by the Napa Valley Wine Train railroad tracks and fronts both First Street extending east from downtown and Soscol Avenue, with traffic heading north and south. The west building would face the Napa River towards the rear and the east building faces a dead-end street.

Both the west and north street adjacent sidewalk along Soscol Avenue and First Street feature wide sidewalks with the primary pedestrian entrances for both buildings located along First Street. The Project proposes a 13-foot-wide walkway between the east building and the railroad to provide a cut-through for people to access Water Street and connect to the future river-adjacent path and pedestrian bridge. The service entrance for the east building is accessed from Water Street, with the entrance for the west building along First Street adjacent to the railroad tracks.

E. Elevations

The Project proposes an overall height of 60 feet, similar to the previous project, along with a similar style of elevation. However, the proposed Project would provide for a slightly reduced building mass by featuring an approximately 30-to-60-foot step back of the fourth floor of the western building to allow for a rooftop patio that faces up-valley to the northwest.

The facades would contain mid-elevation bay windows, and Romeo and Juliet balconies with plantings along the handrails. The corners would also feature private patios with glass door access. The siding would be composed of a variation of Woodtone lap siding with a grain finish, light beige stucco, and board-formed concrete at ground floor and garage levels. The Applicant is also proposing to swap the yellow awning as shown in the original plans for a dark-brown awning for aesthetic and long-term maintenance reasons, as shown in **Attachment 4, Elevations and Renderings**. The Project would include additional awnings above some of the east, south, and west facing windows to provide additional shading. The remaining windows along the east, south, and west-facing facades would also feature window trellises for additional variation.

Due to the reconfiguration of the ground floor levels in both the west and east building, the Applicant proposes a reduction in the amount of window glazing to provide for greater back-of-house service, equipment, and storage areas along the southeast side (rear) of both buildings; however, the rear of the west building would feature a pool area for all hotel patrons and a south-facing quasi-open atrium extending from the second to the third floor with a direct view of the Napa River.

F. Parking & Circulation

The Applicant proposes to reduce the below-grade parking levels from two-levels to one-level, while increasing the number of parking spaces from 121 to 154 parking spaces. The Project, as amended, would utilize mechanical parking stackers as further described in **Attachment 6, On-Site Parking Letter**, to fit vehicles more efficiently while reducing the amount of soil needing to be excavated from the site. The parking facilities would not be accessible by members of the public or hotel patrons; instead, the facilities would only be accessible by the hotel operator and appropriately trained hotel staff members.

NMC Section 17.54.040, defers to Chapter 6 of the Downtown Napa Specific Plan (“DNSP”) to regulate parking for properties located within the DNSP boundaries. The DNSP specifies the following parking ratio for hotel uses: 1 space per sleeping room plus 1 space for the manager and 1 space for every 2 employees (full or part time), plus if the hotel has convention, banquet, restaurant or meeting facilities, parking shall be provided in addition to the hotel requirement, as determined by the Planning Commission. Staff recommends that the Planning Commission apply the general parking requirement for commercial space in the DNSP of 3.2 spaces per 1,000 square feet to this small meeting space. **Table 2**, below, illustrates the total required parking.

TABLE 2
Required vs. Provided Parking

DNSP Parking Requirements	Parking Required
1 space per sleeping room	123 spaces
1 space for manager	1 space
1 space for every 2 employees (32 employees)	16 spaces
3,375 sq. ft. commercial space @ 3.2 per 1,000 sq. ft.	10.8 spaces
Total Required	151 spaces
Total Provided	154 spaces

Vehicular access to the western building and eastern building parking garages will remain consistent with the original Project and would be accessed via a ramp leading from First Street, just west of the railroad tracks, and via a ramp leading down from Water Street on the south side of the building, respectively.

G. Landscaping

The Applicant is not proposing to alter any of the site landscaping shown in the original Project approval. The site would feature street trees and low hedges defining the semi-public street-side space. Both buildings would be constructed with centered atriums and trees in the middle starting on the second floor. The balconies and private patio spaces would also feature additional plantings along the handrails to help soften the façade.

The Project would require the Applicant to remove one (1) Coast Live Oak that is classified as a Protected Native Tree pursuant to NMC Chapter 12.45. The removal of the protected native tree may be authorized by the City Council pursuant to NMC Section 12.45.090; however, the Applicant would be required to satisfy the replacement criteria as described in NMC Section 12.45.100.

H. Operations

The hotel buildings would be located on separate parcels bisected by railroad tracks, but function as one hotel. Operations such as valet, deliveries, laundry services, luggage, food services, trash collection, and transportation would be shared between the buildings. As further described in **Attachment 7, Operations Memorandum**, functions such as deliveries, laundry, and trash collection would require the use of a street legal porter vehicle (see **Attachment 8, Porter Vehicle**) transporting goods or refuse along the public streets from building to building. Food service is not contemplated to travel between buildings; however, luggage may be transported from the east building to the west building via a non-motorized luggage cart along the sidewalk and across the railroad tracks.

All valet drop-off and pick up would occur at the east building in a designated unloading and loading area. To prevent excessive queuing along First Street, guests would pick up their vehicles staged at the garage opening on Water Street for the east building.

I. Public Art

The Applicant has expressed interest in installing a public art feature, but an artist or design concept has not yet been identified at this stage. However, the Applicant has indicated that it no longer intends to pursue construction and placement of the “arrow” art contemplated in the original Project approval.

Pursuant to NMC Section 15.108.040, the Applicant would be required to have (1) an on-site public art feature approved by Council, (2) request City Council consider placement of a developer-funded piece in a public place nearby - which is identified in the public art master plan, (3) pay the public art contribution, or (4) install public art on the development project site that has a value lower than the public art contribution amount and make an in-lieu contribution for the balance of the public art contribution. The Applicant shall demonstrate compliance with NMC Chapter 15.108 prior to obtaining a building permit for construction of the development project.

VI. ANALYSIS

A. General Plan

The property is located within the Oxbow Commercial General Plan Designation of the Napa 2040 General Plan. The Oxbow Commercial land use designation and zoning district applies to the eastern portion of Downtown generally between Soscol Avenue and the Napa River and north to River Terrace Drive. The Oxbow Commercial land use designation and zoning district allows for uses oriented to tourists such as hotels and their related amenities; recreational facilities; community and visitor-serving retail, commercial, entertainment and restaurants; and similar compatible uses in addition to residential and live/work opportunities. The Project would provide for a use oriented towards tourists and would be compatible with and support adjacent community and visitor-serving retail, commercial, entertainment and restaurant businesses in the Oxbow District and greater downtown area. The Project would be consistent with the following goals outlined in the Napa 2040 General Plan:

- **Policy LUCD 13-1** Promote infill development in Focus Areas that makes efficient use of limited land supply, while ensuring compatibility and integration with adjacent uses. Ensure that uses and intensities of infill development support a cohesive development pattern.
- **Policy LUCD 18-6** Continue development of the pedestrian/bike trail network, including access to the Vine Trail along the Napa River; require new development to connect to trails when consistent with the City of Napa Bicycle Plan.
- **Policy ED 6-1** Continue to support tourism and the development of visitor-serving components to the City’s economy as a valuable source of jobs, tax revenues, and cultural amenities.

B. Downtown Napa Specific Plan & Zoning

The property is located within the boundaries of the Downtown Napa Specific Plan (DNSP) area and identified as OBC, Oxbow Commercial Zoning District. The OBC district applies to the eastern portion of Downtown generally between Soscol Avenue and the Napa River and north to River Terrace Drive. The District allows for tourist-oriented uses such as hotels and their related amenities, recreational facilities, community and visitor-serving retail, commercial, restaurants, and similar compatible uses.

The site is also subject to the DNSP Building Form Overlay (“BF Overlay”); “Downtown II”. Regulations established by the BF Overlay District are technically in addition to regulations of the underlying zone district with which it is combined. However, the OBC simply defers to the BF Overlay standards and does not prescribe any additional standards. As such, the following **Table 3, Downtown II Development Standards**, summarizes the project’s consistency with the subject development standards:

**TABLE 3
Downtown II Development Standards**

Development Standards	OBC District	Project Proposed
Floor Area Ratio (FAR)	4.0	3.9
Building Height (feet)	max. 60’	60’
Front Setback (feet)	15’ maximum	10.8’
Side Setback (feet)	n/a	West: 15.9’ East: 10’
Rear Setback (feet)	n/a	20’

The Downtown II regulations establish a building form allowing for medium-to-high density development designed to be complimentary to the downtown core. While the massing and footprint of the proposed structure is consistent with the design of the original entitlement, neither the original building nor the proposed building feature a traditional stepback, as required by the DNSP, for the third story and above along the east side of the eastern building since that side of the building is facing an existing residential structure; however, the regulations do allow for the building to be constructed at the property line.

As proposed, the footprint of the building is approximately 10 feet from the property line. With the partial wall plane projection, the third and fourth story would still be a greater distance from the property line than the DNSP requires.

The Project site is also located within the FP, Floodplain Management, SC, Soscol Corridor, and TI, Traffic Impact Zone Overlays, which require compliance with NMC Chapters 17.38, 17.46, and 17.48, respectively. The Project has been reviewed by the Public Works Department to ensure compliance with floodplain management and traffic-related regulations to ensure the Project is built in a safe manner. While the Project site is located within the boundaries of the Soscol Corridor/Downtown Riverfront Development and Design Guidelines, the design regulations in the DNSP supersede the alternate regulations.

C. Design Review

Pursuant to NMC Section 17.62.050, an application for a Design Review Permit is required for all hotels. To approve a Design Review Permit, the City Council is required to make the findings prescribed in NMC Section 17.62.080. Those findings are shown below under the “Findings” section, along with Staff’s analysis of each finding.

D. Use Permit

Pursuant to NMC Section 17.10.020, the OBC Zone District allows for a hotel subject to the approval of a Use Permit. Use Permits are required for land uses that may be suitable only in specific locations or require special consideration in their design, operation, or layout to ensure compatibility with surrounding uses. To approve a Use Permit, the City Council is required to make the findings prescribed in NMC Section 17.60.070. Those findings are shown below under the “Findings” section, along with Staff’s analysis of each finding.

E. Hotel Policies

The following is a discussion of how the project complies with the City’s Hotel Policies adopted in 2008.

- 1. A priority should be placed on the development of full-service and resort hotels downtown because of the ancillary and complementary benefits to other downtown uses and activities. This does not preclude the full range of additional lodging products in appropriate locations throughout the city.**

The Project would house a full-service hotel including meeting rooms, and auxiliary bars and food service areas managed by the hotel operator, yet accessible to hotel guests and members of the public, that are part of a full-service hotel’s slate of services. It would be located within walking distance of the City’s top tourist attractions, including the fairgrounds that host the Bottle Rock Music Festival and its approximately 120,000 attendees.

- 2. Limited service hotels with meeting room space and close proximity to surrounding support services would be considered desirable. Bed and breakfasts and small inns as in-fill projects would be encouraged as indicated in the General Plan.**

This policy is not applicable.

- 3. New hotel projects should provide a minimum of 15-100 square feet of contiguous meeting room space per guest room depending on the type of hotel and location to facilitate and expand the group meeting demand.**

The 123-room hotel would include 3,375 square feet of indoor conference space. This equates to approximately 27.43 square feet of conference space per guest room.

- 4. Hotel applicants/developers should demonstrate how they will pursue mass transport activities that reduce traffic congestion such as shuttle services, linkages with other hotels, use of the trolley or like public transit options, for guest and employees, particularly for group-oriented hotels.**

Guests of the resort would use personal vehicles that would be valet parked upon arrival. Although guests are not forbidden from using their vehicles, the hotel is within walking distance of the City's main tourist attractions and the locations of its most popular events, including the Napa Valley Wine Train depot, Oxbow Public Market, CIA at Copia, and the fairgrounds that host the Bottle Rock Music Festival. The hotel will also be close to public transit. The Applicant is not a hotel operator, so operations like arranging group tours would be up to the hotel operator once one is selected.

- 5. Hotel applicants/developers should demonstrate how they will link with the Napa Valley College Hospitality Institute and Hospitality and Tourism Management Program, and/or provide in-house hospitality and employment training programs that will provide a career ladder and stable employment sector.**

The Applicant's economic impact statement includes a list of workers that would be needed to operate a hotel complex of the proposed size and the estimated wages that they will be paid. These positions range from \$17/hr to \$120,000/yr. It will be up to the hotel operator to decide whether to train people on the job and promote employees to more responsible positions, creating a career ladder within the company, or to hire high-wage employees from outside.

- 6. Hotel projects should demonstrate how they will meet sustainability (green) practices as determined by LEED standards or future green ordinances or initiatives that may be adopted by the City.**

The Project would meet or exceed California's stringent building code. The site is located in a walkable area in downtown Napa and is near tourist attractions. It will meet all standards for storm water management, low-flow plumbing fixtures, efficient lighting, and high efficiency mechanical systems.

- 7. Hotel applications should demonstrate as part of the application process a commitment to advancing cultural arts by providing a public art component visible and accessible to the public, particularly for hotels located downtown. Hotel projects in the pipeline may be subject to a future "art in public places" ordinance, pending adoption by City Council in 2008.**

*The Applicant has communicated interest in installing a public art feature, but it has not yet been identified at this stage; however, the Applicant has identified that it would no longer pursue construction and placement of the "arrow" art contemplated in the original Project approval. Refer to **Section IV.I.** above.*

8. Hotel applicants should provide a report or study that provides a comprehensive overview regarding hotel employment. The report or study should be prepared by an independent consultant and include, at a minimum, the following information: the number of employees the hotel would employ, full-time vs. part-time, position titles, wage rates by position, and types of benefits; the anticipated breakdown of employees residing inside or outside the County of Napa, and the rationale for breakdown; and any programs or policies the Applicant or operator will implement in the area of employee housing and congestion management. The City Council has requested this employment information to measure any economic, housing and transportation impacts the hotel would create.

*The Applicant submitted **Attachment 9, Economic Impact Analysis**, and the following data below:*

Annual Economic Impact at Hotel Oxbow Stabilization

- 12% TOT = \$1,831,716
- 2% Tourism = \$305,286
- 1% Affordable Housing = \$152,643

Hotel Oxbow Team Members

- *Executive & Management - Base annual salary range of \$48,000 to \$120,000*
- *Sales & Marketing - Salary range of \$52,000 to \$82,000*
- *Engineers - Salary range of \$25 to \$33 per hour*
- *Front Desk Attendants - Salary range of \$17 to \$21 per hour*
- *House Keeping & Laundry Staff - Salary range of \$17 to \$21 per hour*
- *Tipped valet & Bell Staff - Salary range of \$17 to \$21 per hour*

Hotel Oxbow Restaurant and Bar Team Members

- *Management - Salary range of \$48,000 to \$95,000*
- *Cooks and Prep Staff - Salary range of \$17 to \$28 per hour*
- *Tipped Staff - Salary range of \$17 to 21 per hour*

Misc.

- *Estimated construction income to local North Bay and Bay Area contractors - \$40,500,000*
- *Project construction will generate approximately 275 individual local area jobs and tax revenue during the 22-months of construction activity.*
- *Project operations after opening will generate approximately 32 full-time local individual jobs with a 1.10 multiplier for supporting services.*

VII. ENVIRONMENTAL REVIEW

Staff recommends that the Planning Commission recommend that the City Council determine that the Project falls within the scope of the Downtown Napa Specific Plan Program (DNSP) Final Environmental Impact Report (DNSP FEIR) certified by the City Council on May 1, 2012 (SCH #2010042043), as documented in the 2020 Addendum prepared for the original project and the January 2024 Addendum prepared for the revised project and on file with the City Clerk, and no further environmental review is required under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15162, 15164 and 15168 as documented in the CEQA Memorandum prepared for the project included as **Attachment 10**.

VIII. REQUIRED FINDINGS

A. Design Review

Approval of the Project is subject to the required findings in NMC Section 17.62.080 relating to Design Review Permits. These findings are provided below and relate to consistency of the project with the General Plan, Zoning Ordinance, and applicable Guidelines.

Staff determined that the proposed Project would comply with these findings, subject to the conditions of approval provided in **Attachment 1**.

1. The project design is in accord with the General Plan and any applicable specific plan design policies.

The proposed Project, associated improvements, and tourist-oriented use as amended are consistent with the Oxbow Commercial General Plan designation under the Napa 2040 General Plan, which defers to the DNSP Downtown II Building Form Overlay. The DNSP allows for a maximum FAR of 4.0 and this Project provides a FAR of approximately 3.90 which is below the DNSP maximum FAR. Likewise, the Project meets the DNSP Design Guidelines in that it employs four-sided architecture and includes measures to create an active pedestrian street frontage. Accordingly, the Project aligns with the design policies set forth in the General Plan and DNSP.

2. The project design is consistent with applicable design review guidelines adopted by the City Council.

The Project is subject to the DNSP Design Guidelines. The proposed Project's design, site layout and architecture are consistent with the goals, policies and recommendations outlined in the Design Guidelines. The Project design employs four-sided architecture and employs thoughtful landscaping and sustainability measures. The design will exhibit a contemporary interpretation of the traditional "small block, small lot" development pattern in Downtown Napa. The new building would employ articulation in walls and roofing while using a contemporary style with natural materials that would provide variety in First Street architecture. The design elements meet the DNSP Design Guidelines.

- 3. The design review permit is in accord with provisions of this title and will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.**

The Design Review permit is consistent with NMC Title 17 (Zoning Ordinance), and the development standards of the DNSP "Downtown II" District. As conditioned, the proposed Project would not result in any significant impacts. The hotel and its tourist-oriented uses have been appropriately conditioned to minimize any potential impacts to the surrounding neighborhood and therefore would not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

B. Use Permit

The City Council's approval of this project is subject to the required findings in NMC Section 17.60.070 relating to Use Permits. These findings are provided below and relate to consistency of the project with the General Plan, Zoning Ordinance, and applicable Guidelines.

Staff determined that the proposed Project would comply with these findings, subject to the conditions of approval provided in **Attachment 1**.

- 1. The proposed use in accord with the General Plan, applicable specific plans, the objectives of the zoning ordinance and the purposes of the district and overlay district in which the site is located.**

The Project would align with the goals of the Oxbow Commercial (OBC) land use designation of the Napa 2040 General Plan as well as the goals and standards of the Downtown Napa Specific Plan (DNSP). In particular, the hotel makes efficient use of the underutilized site between the central part of First Street and the Oxbow Public Market. It proposes lodging facilities at a conveniently accessed site and would continue development of the pedestrian/bike trail network along the Napa River by connecting First Street down to Water Street, which would allow for the future buildout of a river adjacent trail and future pedestrian bridge. This would be consistent with Policies LUCD 13-1, 18-6, and ED 6-1.

The Project would further be consistent with the DNSP in that the proposed design would feature a human- scale, pedestrian- friendly environment that is inviting to residents and visitors. The Project would place priority on high- quality design and developing unique structures that complement their surroundings, orienting buildings and entrances to streets and public gathering places. The design of the new building would be complementary to the existing mix of buildings in the DNSP area, being a tall, contemporary building with an active street front like other new downtown Napa hotels built on First Street next to prewar commercial buildings. The design would meet the Guidelines of the DNSP and would meet the development standards prescribed by the "Downtown II" Building Form Overlay. Accordingly, the Project is found to further the objectives and policies of the General Plan and would not inhibit attainment of any goals or objectives outlined in the General Plan or the DNSP.

- 2. The proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city.**

The Project application has been circulated to relevant departments and agencies and their comments and special conditions have been incorporated to ensure the Project will not pose a nuisance to the community. The Public Works Department has determined that the improvements have been designed consistent with both the existing City Floodplain Management regulations and standards, and with Federal floodplain criteria. The proposed access points have been reviewed, modified, and designed to minimize traffic conflicts, thereby rendering safe vehicular and pedestrian movements. Historically, portions of the Site had been occupied by various uses including a foundry, machine shop and a dry-cleaning business. Although subsurface investigations conducted with the Phase 1 ESA determined lead levels below the commercial/ industrial land use ESL thresholds, the Project has been conditioned to prepare a Soils Management Plan, Health and Safety Plan and a Human Health Risk Assessment Plan to Construction Workers to ensure contaminants of concern do not pose human health risks to future construction and utility workers and the public. As conditioned, the Project will not cause negative impacts to the neighborhood nor result in impacts that would be detrimental to the public health, safety, or welfare. Hospitality and visitor accommodation uses already function proximate to the Site.

- 3. The proposed use complies with each of the applicable provisions of the zoning ordinance.**

Hotels may be established by a Use Permit in the OBC Zoning District. The proposed hotel has been reviewed for compliance with the DNSP "Downtown II" development standards and has been found to be compliant with these standards. With City Council approval of a Use Permit as conditioned, the proposed use would be in compliance with the provisions of Chapters 17.10 and 17.60 of the Zoning Ordinance.

- 4. The proposed use complies with any other applicable findings required under other chapters of this title for the specific use.**

There are no other applicable findings required under other chapters of this title for the proposed use.

IX. PUBLIC NOTICE

Notice that this application was received was provided by the City on March 2, 2023, and notice of the scheduled public hearing was provided on January 19, 2024, by US Postal Service to all property owners within a 500-foot radius of the subject property. Notice of the public hearing was also published in the Napa Valley Register on January 20, 2024, and provided to people previously requesting notice on the matter at the same time notice was provided to the newspaper for publication. The Applicant was also provided a copy of this Report and the associated attachments in advance of the public hearing on the project.

X. PUBLIC COMMENT

As of this writing, no public comments have been received.



MEMO

TO: CHAIR SHOTWELL, MEMBERS OF THE PLANNING COMMISSION
FROM: RYDER DILLEY, ASSOCIATE PLANNER
DATE: JANUARY 31, 2024
SUBJECT: FIRST & OXBOW HOTEL (Project No. PL22-0137)

Following the publication of the February 1, 2024, Planning Commission agenda, additional correspondence was received for consideration for the First & Oxbow Hotel project (PL22-0137) identified as Public Hearing Item 7.A.

The correspondence includes letters and correspondence from the following, which are attached to this memorandum.

- Jamboree Housing (01-30-24)
- Diana and Joe Wilcox (01-31-24)
- Cass Walker (01-31-24)
- Chuck and Felicia Shinnamon, John and Dorothy Salmon, Cass Walker (01-31-24)
- Alan Charles Dell'Ario (01-31-24)
- Janet Fletcher (01-31-24)
- Katie Shaffer (Feast it Forward) (01-31-24)
- Carlotta Sainato (Napa County Bicycle Coalition) (01-30-24)
- Howard Siegel (01-31-24)
- Carol Barge (01-31-24)

January 31, 2024

Dear Planning Commissioners:

Mr. Gordon Huether, Mr. Paul Kelley, Mr. Bob Massaro,
Mr. Alexander Myers, Ms. Beverly Shotwell

I am writing in opposition to the First & Oxbow Hotel Design Review and Use Permit. These talking points were drafted and distributed by Chuck Shinnamon and others in our community. I am in complete agreement with them.

As Chuck's (et al) letter states:

"Why hasn't an overall plan for the Oxbow been developed for public review, discussion, and approval? Why is the City approving projects in a piecemeal fashion rather than in a cohesive manner?"

With the current parking challenges in the Oxbow, all of these new uses are going to overwhelm the area. Why hasn't a cohesive parking plan been created?

What about issues of car and tour bus traffic especially on First Street and Silverado Trail; water supply; River issues; drainage and flooding; visual issues related to these very tall buildings?"

Listed below are the many reasons why this project **should not move forward** until more analysis of this particular project is completed along with a comprehensive specific plan for the Oxbow District. A myriad of projects are slated for the Oxbow that could total as many as **1100 hotel rooms**.

As Chuck Shinnamon (et al) stated:

"1. We urge you to take the General Plan off the shelf.

- General Plan Oxbow Commercial land use designation: "There is a remaining need for the City to specifically address the unique challenges and opportunities within the Oxbow District as part of a focus area plan or a specific plan." The General Plan is calling for a "big picture" analysis of the Oxbow District rather than one project approval at a time.
- LUCD 22-1: Update the Downtown Napa Specific Plan to recognize the Oxbow District as its own unique part of downtown. This should be done before this project is considered.
- LUCD 22-2: Determine and plan for an appropriate number of hotels or hotel rooms in Downtown. Use that information to update or amend the Downtown Napa Specific Plan. This should be done before this project is considered. [This 2022 Statement of General Plan Policy overrides the Hotel Policies adopted in 2008 that are referenced in the Staff report].

Don't turn your back on the General Plan.

2. CEQA requires an updated analysis on GHG impacts and transportation/transit impacts because there is "new information" and "changed circumstances" (the CEQA standards for when new analysis is required):

- New information: The 2024 Addendum recommends the same GHG Reduction Plan as was recommended in 2020 even though this project produces more GHG; and even though the Bay Area Air

Quality Management District adopted a 2022 GHG threshold which replaces the threshold under which the 2020 project was analyzed. GHG impacts are "significant and unavoidable" according to the DNSP EIR. That means they could not be mitigated.

- Changed circumstances: Since the DNSP EIR and the 2020 Addendum were approved, the state law changed to require an analysis of VMT, rather than level of service (LOS) to determine transportation impacts. This change of circumstances requires a full VMT analysis (which has never been done).

GHG impacts and transportation impacts were identified as "significant and unavoidable" in the DNSP EIR. That means they could not be mitigated. Therefore it's particularly important that the new project not make things even worse.

3. The developer's very limited analysis regarding hotel employment does not comply with the City's Hotel Policy which requires a "comprehensive overview" prepared by an "independent consultant."

The analysis suggests that salary levels will fall into low-moderate income range. Where is the affordable housing in Napa where these employees will live? And if they don't live in Napa, then where will they commute from? [A question that a complete VMT analysis will answer]. “

Respectfully,

Carol Barge

██████████ Napa

Mayra Espinoza

From: Alan Charles Dell'Ario [REDACTED]
Sent: Wednesday, January 31, 2024 12:39 PM
To: Mayra Espinoza
Cc: Mary Luros; Beth Painter; Scott Sedgley
Subject: Oxbow development - planning commission agenda item 7A February 1, 2024

Some people who received this message don't often get email from charles@dellario.org. [Learn why this is important](#)

[EXTERNAL]

Ms. Espinoza:

I write in opposition to the hotel development proposed for the Oxbow site in agenda item 7A. The additional hotel rooms are not justifiable and the project itself threatens to overwhelm the Oxbow district. I agree with the objectors who feel that the Oxbow projects must be considered in the aggregate, and not piecemeal as is being done. This project and the others proposed for the Oxbow add to the mounting threat that Napa will become nothing but a tourist and second-home playground. Already the lack of services downtown such as a grocery market have damaged the quality of life for the residents.

Additionally, the CEQA analysis by staff is erroneous and inadequate, to wit:

A 12-year-old EIR cannot serve to properly address the changes that have occurred in Napa as pertain to the Oxbow District and that will be impacted by the project.

— The addenda that were prepared for the project do not cure the inadequacies and the conditions specified in section 15162 do not exist. A new Initial Study is required within the meaning of Section 15064.

At best the 2012 Napa Specific Plan EIR referenced in the agenda and proposed resolution is a project EIR. A recent appellate decision from San Diego explains:

[I]f a later proposal is not 'either the same as or within the scope of the project ... described in the program EIR,' then review of the proposal is not governed by section 21166's deferential substantial evidence standard. (*Sierra Club, supra*, 6 Cal.App.4th at p. 1321, 8 Cal.Rptr.2d 473, citing CEQA Guidelines, § 15168, subd. (c)(5).) Instead, under ... section 21094, the agency is required to apply a more exacting standard to determine whether the later project might cause significant environmental effects that were not fully examined in the initial program EIR."

Save Our Access v. City of San Diego (2023) 92 Cal.App.5th 819, 845

— The cumulative impact of the project, in conjunction with other projects in planning or approved, on the Oxbow district, and the community as a whole is not properly addressed within the meaning of the guidelines. Sec. 15064 (f)(7)

— The traffic impact of the project is not properly addressed, particularly in light of SB 743 and Sec. 15064.3.

— Greenhouse gas emissions are not adequately addressed. Sec. 156064.4.

There may be other errors/omissions in the EIR and the addenda.

This project is oversized for the area and threatens quality of life for the people that live here.

~A. Charles Dell'Ario

Alan Charles Dell'Ario
2019 California Lawyer Attorney of the Year
Certified Specialist, Appellate Law
State Bar of California Board of Legal Specialization

██████████
Napa, California 94559
██████████

Mayra Espinoza

From: Janet Fletcher [REDACTED]
Sent: Wednesday, January 31, 2024 1:44 PM
To: Mayra Espinoza
Subject: First and Oxbow hotel proposal

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Hello,

In advance of tomorrow's Planning Commission meeting, which I cannot attend, I am writing to express my opposition to the approval of the First and Oxbow Hotel **unless and until** the City of Napa prepares a master plan for the Oxbow District. All development in that area should be subject to a master plan that addresses environmental impact, traffic and parking considerations, pedestrian impact and the overall character of downtown Napa. Projects should not be approved piecemeal, as appears to be the case with the proposed First and Oxbow Hotel.

Thank you,
Janet Fletcher

[REDACTED]
Napa
[REDACTED]



January 29, 2024

Ryder Dilley
Senior Planner
City of Napa
Sent via email

**Subject: Jamboree Housing Corporation's Affordable Housing Project
515 Silverado Trail, Napa**

Dear Mr. Dilley,

We have been asked to provide additional background information on how Jamboree Housing Corporation "Jamboree" came to propose and entitle the affordable housing development at 515 Silverado Trail ("Silverado Trail") in Napa.

David Wood, Jamboree's Board Chairman and 20+ year Board Member, presented the Silverado Trail development site to Jamboree in June 2022. He provided property information and an introduction to the property owner. Jamboree, with guidance from David, negotiated a letter of intent and purchase agreement with the owner. Escrow opened in January 2023.

Working with Molly Rattigan at the City, the project is now entitled for 40 one-bedroom units with resident services, plus a manager's unit. With the City's collaboration and assistance Silverado Trail was entitled utilizing AB2162.

Silverado Trail is a smaller development for Jamboree, but based on David's introduction to City Staff and the warm reception received we determined this was an appropriate opportunity to pursue. We foresee this as the beginning of a long-term relationship with the City similar to other cities where Jamboree has developed 5 or more communities.

It is our understanding David's company, Stratus Development Partners, still plans to pay the housing in-lieu fee (estimated at \$723,000) to the City as part of its hotel modification application.

In summary, due to David's efforts, introductions, relationships, and guidance, we would not have known about Silverado Trail and the entitlements and financing would not have occurred.

Sincerely,
Jamboree Housing Corporation

Roger Kinoshita
Vice President, Acquisitions

Ryder Dilley

From: Carlotta Sainato [REDACTED]
Sent: Tuesday, January 30, 2024 4:05 PM
To: Lorien E. Clark
Cc: Kara Vernor; Ryder Dilley; [REDACTED]
Subject: Questions about First & Oxbow Hotel Project

You don't often get email from csainato@napabike.org. Learn why this is important

[EXTERNAL]

Hi Lorien,

Hope you're doing well! We have a few clarifying questions about the First & Oxbow Hotel project that's coming to the Planning Commission this Thursday that I was hoping you could help with.

Ryder confirmed with me that Class II bike lanes will be installed on First Street as part of this development, which is great to hear! A few follow-up questions on that:

- Do you know if the bike lanes will be from Soscol to McKinstry Street only, or will they extend further east to connect to the existing bike lanes around Vernon Street?
• Will conflict markings be included at conflict points like the driveways/the valet drop-off area?
• The cross-section included in the plans attachment shows the bike lanes to be 8 feet wide - is there currently any plan of making those bike lanes buffered? We love to see the extra space, and understand that using some of the space to include the painted buffer will reduce the likelihood of motorists confusing it for a parking lane or pulling over in the bike lane "for just a minute," as well as improve bicyclist comfort.

Separately, will there be any improvements to the First/Soscol intersection for bicyclists or pedestrians to improve access to the Vine Trail and downtown? And can you confirm the amount, location and type (long-term vs. short-term) of bike parking that is planned on being provided?

I know these are a lot of questions and some may be a bit early in the process, but we'd greatly appreciate any clarification you can provide. Thank you!

--
Carlotta Sainato (she/her)
Program Manager, Napa County Bicycle Coalition



www.napabike.org

Become an NCBC member today!

Ryder Dilley

From: Katie Shaffer [REDACTED]
Sent: Tuesday, December 26, 2023 10:29 AM
To: Ryder Dilley; Ricky Caperton
Subject: Hotel Oxbow // Supporting Project

You don't often get email from katie@feastitforward.com. [Learn why this is important](#)

[EXTERNAL]

Good Morning Ryder & Ricky,

I hope this email finds you well after a nice holiday celebration.

I am writing in support of Hotel Oxbow's proposed modifications. As my business, Feast it Forward, is directly across from the planned location, I believe Stratus Development Partners will not only bring increased excitement and revenue to our growing Oxbow neighborhood, but additionally support the affordable housing movement which we so greatly need.

Thank you for your time and support of our community. Wishing you a Happy New Year!

Cheers,

Katie Hamilton Shaffer
Founder & President



www.feastitforward.com



Napans Who Love The Oxbow

January 30, 2024

Napa City Planning Commission
1600 First Street
Napa, CA 94559

Re: First & Oxbow Hotel

Via Email: mespinoza@cityofnapa.org

Dear Commissioners,

In 2020 the City Council approved and the Planning Commission recommended denial of a project that is similar to this proposal. We were dismayed with the project design and height at that time and continue to be dismayed with this proposal. This is far more than simple design review with simple changes to that original project; this is a new application under both land use law as well as under CEQA. Not only does this new proposal have significantly more rooms and parking spaces, it has made significant changes to its uses. This is, plain and simple, a different hotel. Further, as we have pointed out previously to the Commission and to the Council, projects in the Oxbow continue to be processed in a piecemeal fashion. There are changed circumstances in the District and these need to be addressed for both their land use and their CEQA implications.

Since the 2020 approval, we have a new General Plan and there are updated analysis requirements needed for Green House Gases (GHG's) and Transportation/Transit that were not consider in the 2024 CEQA Addendum. Here are the key reasons we are even more concerned about this project.

1. Approval of this project directly contradicts the policies of the 2040 General Plan.

Summary: The City is relying on Hotel Policies adopted in 2008 rather than following the direction of the 2040 General Plan which (1) suggests regular updates to the DTSP prioritizing focused planning for the Oxbow District; and (2) advises determining and planning for an appropriate number of hotels or hotel rooms in the Oxbow District. The project should not be approved until the update called for by the General Plan is completed.

Details:

A. Page 2-16 of the General Plan (describing the Oxbow Commercial land use designation):

The Oxbow Commercial land use designation and zoning district applies to the eastern portion of Downtown generally between Soscol Avenue and the Napa River and north to River Terrace Drive. The Oxbow Commercial land use designation and zoning district allows for uses oriented to tourists such as hotels and their related amenities; recreational facilities; community and visitor-serving retail, commercial entertainment and restaurants; and similar compatible uses in addition to residential and live/work opportunities. There is a remaining need for the City to specifically address the unique challenges and opportunities within the Oxbow District as part of a focus area plan or a specific plan.

The City should follow the direction of its General Plan and address the unique challenges and opportunities within the Oxbow District before approving further development.

B. Goal LUCD 22-1 (page 2-49 of the General Plan) Support regular updates to the Downtown Specific Plan (DTSP) and prioritize focused planning for the Oxbow District.

Partial list of the policies to implement Goal LUCD 22-1 (page 2-49 and 2-50):

LUCD 22-1 – Recognize the Oxbow District as its own unique part of Downtown that should be addressed in the updated DTSP or its own specific or area plan. Refer to the 2018 Oxbow District ULI Technical Assistance Panel report for background information or plan concepts.

LUCD 22-2 -- Reflect the following considerations as part of the DTSP Update.....

- ***Determine and plan for an appropriate number of hotels or hotel rooms in Downtown and/or balance between hotels in Downtown and elsewhere in the City by conducting a hospitality and economic development needs assessment. The findings from this study can either be used to inform the DTSP update or used to amend the existing DTSP.***
- ***Support opportunities for workforce and affordable housing to help bring residents and activity into Downtown***
- ***Consider new economic uses and opportunities in Downtown to diversify the City's tax base, support the local workforce and strengthen economical resiliency.***

C. Rather than implementing LUCD 22-2, the proposed approval of the project relies on Hotel Policies adopted in 2008, which is out of date and supplanted by the 2040 General Plan.

2. Additional analysis is required to determine transportation/transit impacts and GHG emissions impacts.

Summary: GHG impacts and transportation impacts require additional information to incorporate (1) new 2022 BAAQMD Board of Directors GHG thresholds; and (2) VMT analysis (not completed as part of the 2020 Addendum.

Details:

A program EIR was adopted for the Downtown Napa Specific Plan (in 2012). Both the 2020 Addendum prepared for the First and Oxbow project and the 2024 Addendum prepared for this new proposal determined that no additional environmental analysis was required because (1) there are no effects of the project that were not examined in the previous EIR; and (2) there is no new information of substantial importance; (3) there are no substantial changes with respect to the circumstances under which the project is undertaken; and (4) there are no substantial changes to the project.

We think the 2024 Addendum is incorrect in its determination that no additional environmental analysis is required: (1) There is, in fact new information of substantial important; and (2) there is, in fact, changed circumstances. This means the project cannot rely on the EIR prepared for the Downtown Napa Specific Plan prepared 10 years ago [see Section 15062.3 of the CEQA Guidelines].

1. GHG Impacts: The 2020 Addendum required the applicant to prepare a GHG Reduction Plan to reduce emissions from the project below 660 MT of CO₂ annually. Condition 26 to the approval of the First and Oxbow Hotel imposed a condition that required the applicant to prepare such a Plan. The 2024 Addendum suggests the identical conditions even though (1) more GHG will be produced by this project than the 2020 project; and (2) the BAAQMD adopted a 2022 threshold which replaces the threshold under which the 2020 project was analyzed. The 2024 Addendum asserts that the new threshold "doesn't require recirculation of the EIR" (Section 15088). However, the question is not whether the EIR must be recirculated. The question is whether this is "new information" which requires additional environmental analysis (under Section 15162 of the Guidelines). Since this is "new information," additional environmental analysis is required and the EIR for the DNSP does not adequately inform decision-makers of the environmental impact of this project.

GHG impacts are "significant and unavoidable" according to the DNSP EIR. Therefore, it's particularly important to make sure that the project will not make things even worse. Further, there's nothing in the condition that requires checking whether the impacts are actually reduced.

2. Transportation/transit impacts: There was a significant change in the law between the 2020 Addendum and the 2024 Addendum regarding how transportation impacts are measured. In the 2020 Addendum, impacts were still measured by LOS. That changed in 2021 when the City adopted the state-required metric - VMT. However, the City did not adopt a specific threshold for hotel uses (when it adopted its VMT thresholds in 2021). The 2024 Addendum cites OPR's Technical Advisory on Evaluating Transportation Impacts under CEQA and the Solano Napa Activity Based Travel Demand Model (SNABM). Each of these sources might be worthy of review and consideration. However, CEQA requires more analysis than a citation of two reports without any opportunity for public review of the information. CEQA does not allow the project to rely on the EIR for the DNSP (prepared before VMT was a required metric). These changed circumstances require a supplement, at the very least, that analyzes the issue fully and allows for public review and input.

As we have discussed with the City Council in the past, the City's own studies show a significant affordable housing demand created when new hotels are built. There are two recent studies done related to hotels within the City of Napa. We have previously referenced the 2018 Draft Lodging Market Study that includes a detailed analysis prepared by BAE Urban Economics, which outlines the housing needs generated by hotels of various kinds.

Many questions need to be answered as part of this environmental review including the above information. Where is all the local housing needed for these new employees? We fully understand that a small modicum may live locally but will the rest need to commute long distances? That very issue is discussed in the BAE study, which shows maps and estimates of potential commute distances. As most employers in our community are aware, finding employees is extremely difficult as there is a woeful lack of local housing affordable to those working in the hospitality industry. As such, many employees commute from long distances from surrounding communities. A resulting issue needing to be addressed is that of "Vehicle Miles Traveled (VMT's)" for those employees.

Further, here is an additional excerpt from the BAE Study which discusses employee travel distances:

"City of Napa Commute Shed. While some people who work in hotels in the City of Napa will live in Napa, many will live elsewhere due to housing cost or availability, personal preference, proximity to family or a spouse's place of employment, or other factors. BAE conducted a geospatial analysis using the ArcGIS "drive time" analysis tool to define the geographic areas from which commuters can reach the City of Napa by car within 30 minutes and 60 minutes. As shown in Figure 1, the 30-minute drive time includes the Cities of American Canyon, Napa, St. Helena, and Yountville in Napa County; Sonoma in Sonoma County; Vallejo in Solano County; and portions of unincorporated Napa County, Sonoma County, and Solano County. In addition to these areas, the 60-minute drive time includes additional cities and unincorporated areas in Alameda, Contra Costa, Marin, Napa, Solano, Sonoma, and Yolo Counties, as shown in Figure 2. However, drive times can vary substantially based on traffic conditions, and commutes from some of these areas may take longer than indicated by the figures below during heavy traffic periods.

Based on the above, we are of the strong opinion that further work is needed to ascertain how many employees are needed and how far these employees need to travel. Transportation impacts are "significant and unavoidable" according to the DNSP EIR. These impacts are not limited to hotel guests but to the entire array of guests, employees, deliveries, etc. Therefore, it's particularly important to make sure that the project will not make things even worse. In addition, more analysis is needed regarding VMT since this is "new information" that has become available since the 2020 Addendum.

3. We are surprised that the 2024 Addendum doesn't mention the "flood wall" which will be 105-feet long and one foot above the finished sidewalk grade and provide one foot of freeboard for flood protection. Requiring the wall implies to us that there's been "new information" (within the meaning of the CEQA Guidelines). Further, having been deeply involved in the Corps of Engineers' discussions and plans for the River Project, we are also surprised that only one foot of freeboard is being required.

What is particularly fascinating about the 2024 Addendum’s discussion about VMT’s (Section 3.5.1, Page 20) is that it essentially points out that we are now in the middle of a Zero-Sum game. It clearly outlines that new hotels are poaching the guests from existing hotels; we suspect that the same is true with employees with any number of employees choosing to move to new opportunities. Currently, hotel occupancies in the City of Napa are hovering around 63% based on Visit Napa Valley’s research. Yes, total revenues have increased mainly as a result of higher average daily rate (ADR) increases. But, how long will this go on? This excerpt from the 2024 Addendum makes a strong case for the City’s and the community’s need to take a break and have a serious conversation and plan for the number of hotels in our community, in our downtown, and in the Oxbow. Let’s pull the 2040 General Plan off the shelf and follow its lead.

We also question the economic analysis for the hotel as provided by the developers. They suggest that the additional rooms will generate more transient occupancy taxes as well as other economic benefits. They suggest an occupancy rate of 85%, which flies in the face of current trends of mid-60% occupancies as outlined above. Further, a five star hotel would have generated room rates well in excess of \$700 per night as opposed to, perhaps, \$400 per night for the new proposal. We suggest that there is no increased revenue from this new proposal as compared with the approved 74 room, five-star hotel.

In summary, there are three key issues for us:

- The 2020 original proposal was a mistake at the time and compounding that mistake would be the wrong decision. We hope that the Commission will recommend denial of the new proposal.
- The 2040 General Plan was crafted with a great deal of care, time, and significant expense. Why are we ignoring its land use tenets and policies? The project should not be considered or approved until the update called for by the General Plan is completed.
- As outlined in the above details, numerous CEQA issues need to be analyzed with required public consideration and input before this project can move forward.

Thank you all for your consideration.

Sincerely yours,

Chuck and Felicia Shinnamon John and Dorothy Salmon Cass Walker



January 29, 2024

Napa City Planning Commission
 School Street
 Napa, CA 94559

Re: First & Oxbow Hotel; Housing Issues

Via Email: mespinoza@cityofnapa.org

Planning Commissioners,

We have met with the hotel's development team several times over the last eighteen months to discuss how they planned to address the housing agreements and promises made by the original developers. We now understand that they only plan to pay the City's In-Lieu Fee instead of being involved directly as developers of any housing. Yet, we want to acknowledge the work done over this period especially by David Wood, partner in the development team. We understand that Mr. Wood is the Chair of the Board of Jamboree Housing Corporation, an affordable housing development company from Southern California. Further, we understand that Jamboree Housing is in contract to purchase a site on Silverado Trail and they have been successful in gaining City approvals for a forty (+/-) unit supportive housing project. That effort is significant and should be applauded.

Unfortunately, in our opinion, none of the developers of First and Oxbow, whether the initial team nor the current team, have adequately addressed employee housing impacts as part of their project. For the original application and now in the new application, there has been very limited analysis, which was provided by the Applicants rather than by an independent group as required by City Hotel Policy:

"8. Hotel applicants should provide a report or study that provides a comprehensive overview regarding hotel employment. The report or study should be prepared by an independent consultant and include, at a minimum, the following information: the number of employees the hotel would employ, full-time vs. part-time, position titles, wage rates by position, and types of benefits; the anticipated breakdown of employees residing inside or outside the County of Napa, and the rationale for breakdown; and any programs or policies the Applicant or operator will implement in the area of employee housing and congestion management. The City Council has requested this employment information to measure any economic, housing and transportation impacts the hotel would create."

The new applicants have provided their own outline of salaries and hourly wages for their various staff members. There is no delineation of how many staff there will be. As can be seen in the City staff report, here are the hourly rates for various categories of employees:

*Executive & Management - Base annual salary range of \$48,000 to \$120,000
 Sales & Marketing - Salary range of \$52,000 to \$82,000
 Engineers - Salary range of \$25 to \$33 per hour
 Front Desk Attendants - Salary range of \$17 to \$21 per hour
 House Keeping & Laundry Staff - Salary range of \$17 to \$21 per hour
 Tipped valet & Bell Staff - Salary range of \$17 to \$21 per hour
 Cooks and Prep Staff - Salary range of \$17 to \$28 per hour
 Tipped Staff - Salary range of \$17 to 21 per hour"*

Based on the above wage rates and using 2,000 hours per year, the majority of employees, especially the line staff, are earning somewhere between \$34,000 and \$42,000 and a few up to \$66,000. Looks to us like a significant percentage of the new employees will qualify for “affordable housing”. That could mean that employees may need to commute, which then triggers the issues of vehicle miles traveled (VMT’s) and Green House Gases (GHG’s), which need greater review and data.

**2023 NAPA COUNTY ANNUAL INCOME LIMITS
 AFFORDABLE RENTAL LIMITS**

INCOME LIMITS ALL RENTAL UNITS

Persons Per Household	15% Median Income	30% Median Income	35% Median Income	50% Median Income	60% Median Income	70% Median Income	80% Median Income	90% Median Income	100% Median Income	120% Median Income
1	13,600	28,050	31,745	46,750	56,100	63,490	74,700	81,630	90,700	108,850
2	15,550	32,050	36,295	53,400	64,080	72,590	85,400	93,330	103,700	124,400
3	17,500	36,050	40,828	60,100	72,120	81,655	96,050	104,985	116,650	139,950
4	19,450	40,050	45,360	66,750	80,100	90,720	106,700	116,640	129,600	155,500
5	21,000	43,300	48,983	72,100	86,520	97,965	115,250	125,955	139,950	167,950
6	22,550	46,500	52,623	77,450	92,940	105,245	123,800	135,315	150,350	180,400
7	24,100	49,700	56,246	82,800	99,360	112,493	132,350	144,634	160,704	192,800
8	25,650	52,900	59,868	88,150	105,780	119,735	140,850	153,945	171,050	205,250

Source: U.S. Department of Housing and Urban Development and State Housing and Community Development Effective: 5/15/2023 Effective: 6/15/2023

We acknowledge, as noted above, the good work done by Mr. Wood in getting Jamboree Housing to Napa. The dilemma is that entitlements are only that. There are no guarantees that the Jamboree Housing will ever be built. We certainly hope that it will be and we hope that it happens soon. As this is a New Application under California law along with it being a larger project, is it reasonable to ask that the First and Oxbow Hotel not obtain occupancy permits until such time as the Jamboree Housing project has obtained all needed building permits and actual construction has started?

The original developers suggested that their housing impacts would generate a contribution of approximately \$3,400,000. In this current case, neither of the development teams has purchased the land, they have not paid for Jamboree’s entitlement costs, and they are not the ones bearing the costs of the affordable deed restrictions. All of these outlined costs will be ultimately borne by fees paid by others into the City or County housing funds along with those of other governmental and foundation entities.

Lastly, although not in the Commission’s purview, it is time to stop the ad hoc basis on which hotels and their attendant housing impacts are being addressed. It is not fair to the community and it is not fair to developers. We believe that the City needs to adopt policies that address the much larger picture of employment-generated need for housing in our community.

Thank you for your kind consideration,

Napa Housing Coalition Steering Committee

Judith Myers Howard Siegel Eve Kahn

Beverly Wiles Shotwell
Planning Commissioner, City of Napa

----- Forwarded message -----

From: cass walker [REDACTED]
Date: Wed, Jan 31, 2024 at 7:44 AM
Subject: First and Soscol Hotel - Napa Housing Coalition Comments
To: Beverly Shotwell [REDACTED] >

Hi Beverly

Thank you for the opportunity to comment on this project and discuss it with you this afternoon. Sorry for these late bullet points but we wanted to double check our facts. I will give you a call at 3:00 PM this afternoon.

Cass

1. We urge you to follow the General Plan.

- General Plan Oxbow Commercial land use designation: "There is a remaining need for the City to specifically address the unique challenges and opportunities within the Oxbow District as part of a focus area plan or a specific plan." The General Plan is calling for a "big picture" analysis of the Oxbow District rather than one project approval at a time.
- LUCD 22-1: Update the Downtown Napa Specific Plan to recognize the Oxbow District as its own unique part of downtown. This should be done before this project is considered.
- LUCD 22-2: Determine and plan for an appropriate number of hotels or hotel rooms in Downtown. Use that information to update or amend the Downtown Napa Specific Plan. This should be done before this project is considered. [This 2022 Statement of General Plan Policy overrides the Hotel Policies adopted in 2008 that are referenced in the Staff report].

2. CEQA requires an updated analysis on GHG impacts and transportation/transit impacts because there is "new information" and "changed circumstances" (the CEQA standards for when new analysis is required).

- New information: The 2024 Addendum recommends the same GHG Reduction Plan as was recommended in 2020 even though this project produces more GHG; and even though the Bay Area Air Quality Management

District adopted a 2022 GHG threshold which replaces the threshold under which the 2020 project was analyzed. GHG impacts are "significant and unavoidable" according to the DNSP EIR. That means they could not be mitigated.

- Changed circumstances: Since the DNSP EIR and the 2020 Addendum were approved, the state law changed to require an analysis of VMT, rather than level of service (LOS) to determine transportation impacts. This change of circumstances requires a full VMT analysis (which has never been done).

GHG impacts and transportation impacts were identified as "significant and unavoidable" in the DNSP EIR. That means they could not be mitigated. Therefore it's particularly important that the new project not make things even worse.

3. The developer's very limited analysis regarding hotel employment does not comply with the City's Hotel Policy which requires a "comprehensive overview" prepared by an "independent consultant."

The analysis suggests that salary levels will fall into very low - low-moderate income range for the majority of employees. Where is the affordable housing in Napa where these employees will live? And if they don't live in Napa, then where will they commute from? [A question that a complete VMT analysis will answer].

4. We have a number of design review concerns and economic concerns as well.

- Reducing the square footage and adding rooms does not make the project better. Stepping the top back for a roof top outdoor plaza space and adding almost 40% more rooms does not make this project better for the community. It creates more impacts.
- The Hotel Policy discussed previously also required a certain square feet of conference space in order to encourage meetings and events. The reduction in conference space does not meet that need given the high number of rooms. Why do I know this, because I was the Community Development Director when the Hotel Policy was implemented. Why wasn't that mentioned in the staff report.
- Does the design of this project meet the quality expectations of Napa. It looks like a wood sided seaside resort hotel on the east coast. Not only has the quality level of the rooms been downgraded so has the quality of the materials and the addition of cutsey window boxes to provide color.
- What was once touted as a five star boutique hotel is now a 3 star hotel. This area deserves a 5 star in terms of quality and architecture. We have many recently developed 3 star hotels such as the Cambria, Hampton Inn, etc.
- Suggesting TOT as a revenue source may be a benefit but since occupancy rate continues to hover at the lowest levels in years, this \$15M project does not seem realistic. Not only do they suggest 85% occupancy, which isn't real, they also assert that more rooms mean more revenue; basically fewer expensive rooms more or less equals the increase in rooms at lower prices. Adding rooms is also adding competition to existing hotels reducing the TOT they generate.

--

Cassandra Walker



Mayra Espinoza

From: Joe Wilcox [REDACTED]
Sent: Wednesday, January 31, 2024 12:48 PM
To: Mayra Espinoza
Subject: Oxbow hotel development

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[EXTERNAL]

We and many of our Alta Heights neighbors strongly urge you to postpone approval of any more hotel rooms in the Oxbow District until a comprehensive plan is devised. We do not want to ruin the natural beauty of the area with tall buildings and excessive traffic. We are also concerned about parking and the health of the Napa River. Adding four big hotels to the area could be killing the goose that lays the golden eggs. Please allow public input and make a sensitive, sensible, comprehensive plan for the Oxbow District. Do not sell out local residents and our environment!

Diana and Joe Wilcox

[REDACTED]
Napa
Sent from my iPhone



MEMO

TO: CHAIR SHOTWELL, MEMBERS OF THE PLANNING COMMISSION
FROM: RYDER DILLEY, ASSOCIATE PLANNER
DATE: FEBRUARY 1, 2024
SUBJECT: FIRST & OXBOW HOTEL (Project No. PL22-0137)

Following the publication of the February 1, 2024, Planning Commission agenda, additional correspondence was received for consideration for the First & Oxbow Hotel project (PL22-0137) identified as Public Hearing Item 7.A.

The correspondence includes letters and correspondence from the following, which are attached to this memorandum.

- Marissa Carlisle (01-31-24)
- Joseph Pramuk (01-31-24)
- Erin Gulbransen (02-01-24)
- Friends of Napa River (02-01-24)
- Napa County Bicycle Coalition (01-31-24)
- David J. Powers (CEQA Consultant Response to Comments) (02-01-24)

Mayra Espinoza

From: marissa carlisle [REDACTED]
Sent: Wednesday, January 31, 2024 6:17 PM
To: Mayra Espinoza
Subject: Oxbow Expansion / PLANNING COMMISSIONERS RE: Hotel approval

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[EXTERNAL]

As concerned longtime fans and residents of Napa Valley, the City of Napa and the County of Napa ... I really cannot believe our elected officials /Planning commissioners are considering this Oxbow high-rise expansion. Who will it benefit? Heads to beds taxes for the City? Parking meters? Who will it harm? Local longtime residents, the peaceful layout of Oxbow Commons, the downtown aesthetic?

Seriously, get a grip. I know yours is a challenging task. Do not we already experience evident traffic congestion throughout the region? Isn't the current existing hotel occupancy low?

I would love to see you all using your clever problem solving abilities in a more balanced manner and for a better harmony of local interests and tourism.

Marissa Carlisle

[REDACTED]
Napa, Ca 94559

Mayra Espinoza

From: joseph pramuk [REDACTED]
Sent: Wednesday, January 31, 2024 4:26 PM
To: Mayra Espinoza
Subject: Oxbow

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[EXTERNAL]

Hey commission

Slow down and get it all together.

As 50 yr residents of Alta heights, we have serious reservations about the scope, character, and overall impact of the project(s) outlined as we understand it.

Please put the aesthetic values of our precious community at the top of your list. There must be a balance between reasonable development and blatant lust for profits at the expense of some perspective and simple common sense.

Please!

Joseph and Julie

Pramuk

Sent from my iPhone

Mayra Espinoza

From: Errr Gee [REDACTED]
Sent: Thursday, February 1, 2024 1:22 PM
To: Clerk; Mayra Espinoza; Planning Department
Subject: Public comment and/or Appeal for Feb 1,2024 Planning Commission meeting: Urge a No vote on First and Oxbow development

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL]

Good Evening Commissioners Kelley,Massaro, Shotwell, Huether, and Meyers,

I am writing today to urge a No vote for the First and Oxbow Gateway development proposed by Stratus Development LLC.

This project was originally submitted and narrowly passed by the council after a lot of pushback. The project was originally posed/proposed as a mixed use space with 74 luxury hotel rooms, along with residential units, and groundfloor retail space. (all of these design proposals are still up on their website) After it passed the council, the original mixed use plan that was approved changed drastically. The community oriented facade that carried the original project through the previous vote has been entirely scrapped in favor of a profit oriented model focussing exclusively on 120+ new hotel rooms, that according to Foxbow and the Napa Register are expected to cost \$400 for a single night.

That same Napa register article written by Riley Palmer on Jan 30 2024 goes on to say,"According to Stratus' application, more hotel rooms are necessary in order "to make this project economically feasible and attract a national franchise firm." Removing retail space allows the developer to add more rooms while keeping the environmental footprint and height of the hotel the same as in the initially approved design."

In addition to having ample hotel room options already available, Napa has an enormous uphill climb when it comes to residential availability and affordability. It is extremely difficult for residents to live healthy, stable, prosperous lives within our city with "market rate" housing and exorbitant rents taking up the majority of the income our communities bring home. In approving this project it will further encourage developers to buy up the very little undeveloped space we have left around town for projects that will get approval for mixed use development and will, subsequently, be drastically altered and pushed through planning without any of the original proposed housing or retail space. We as a community cannot continue to reward such behavior in developers.

In sum, an approval of this project would be a slap to the face to all those struggling to find housing within the city of Napa, all the small business owners who cannot afford rent for their businesses, and everyone looking work AND live within our community.

Again I urge a No vote,
Erin Gulbransen
[REDACTED]



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Karen Bower Turjanis

In Memoria:

Moirra Johnston Block

David Garden

Ginny Simms

*A "living" Napa River
conveys equilibrium
and harmony with all
that it touches and
resonates through*

February 1, 2024

City of Napa Planning Commission,

Friends of the Napa River would like to comment on this new application for the First and Oxbow Hotel Project. As we had commented on the 2020 hotel application and its adjacency to the Napa River, we strongly think that this project as proposed should not be approved at this time.

FONR has been actively involved in the City of Napa's efforts to determine the future of the very important Oxbow District. Through two stakeholders' projects and the ongoing Oxbow District task force, the City has shown its commitment to ensuring a positive future for this district.

The City and the community worked diligently on our new General Plan passed in 2022. FONR finds that this new application has inconsistencies with General Plan and has inappropriate impacts to our River.

We are not convinced that the application adequately addresses Flood Project issues. Several Board members have been involved in the Flood Project's review since its inception. They were surprised that the proposed flood wall has only one foot of freeboard above the Base Flood Elevation; freeboard on Corps' projects is typically three feet or more. This is important as it relates to flood insurance and other related issues. Board members also reviewed the setback of Building One from the river's top of bank. Typically, setbacks are measured from the "Theoretical Top of Bank" and not from the top of a steep river bank. We believe these issues need more review.

The Napa River is recognized as the center of the Oxbow District. The District has its own unique needs to protect its vitality. The new General Plan requests that the Oxbow District have its own Plan and vision, separate from those in the Downtown Specific Plan. Until this has been accomplished, approving projects such as this one in piecemeal fashion is not advisable.

With this Hotel application directly affecting the Napa River without clear and accurate information as to its effects, we strongly encourage this Planning Commission to recommend denial as the Planning Commission did in 2020 or at least postpone review of this application.

Sincerely,

Francie Winnen, President FONR

Friends of the Napa River Board of Directors



January 31, 2024

Re: Agenda Item 7.A.) First & Oxbow Hotel Design Review & Use Permit

Dear Planning Commissioners,

The Napa County Bicycle Coalition (NCBC) represents over 2,000 members and supporters throughout Napa County in advocating to make riding a bicycle in our communities safe, convenient, and accessible for riders of all ages and abilities. For over 15 years, NCBC has worked with local organizations, businesses, elected officials, and the public to align our transportation infrastructure with the needs of cyclists and other active transportation users.

We would like to thank the applicant team and city staff for responding to our team's inquiries about bicycle infrastructure included in this development. We appreciate the open conversation and collaboration to ensure that this project, centrally located in the City's downtown area, maximizes opportunities to improve active transportation safety and accessibility for both locals and visitors.

We strongly support the installation of Class II bike lanes on First Street from Soscol Avenue to McKinstry Street as part of this development, in alignment with the adopted City of Napa Bicycle Plan. Providing bike lanes along this segment of First Street will fill a significant portion of the bike network gap on First Street, facilitating predictable bicyclist movement, increasing bicyclist safety, and improving access from the development to both the Vine Trail shared-use path and downtown Napa. Given the location, many hotel guests will likely plan to use bicycles for transportation or recreation, and implementing clear, dedicated bicycle facilities will help visitors unfamiliar with the area navigate on bicycles. Furthermore, providing bike lanes can help reduce Vehicle Miles Traveled (VMT) impacts from this development by promoting bicycle commuting for future employees of the hotel and ensuring equitable mobility for potential future employees who may rely on bicycle travel.

We also appreciate the inclusion of the 13-foot public path adjacent to the east building as progress towards a future trail network along the Napa River and connecting to Third Street, which, when completed, will greatly serve locals and residents alike.

As the Planning Commission reviews the First and Oxbow hotel design and use permit, NCBC requests that Commissioners, the applicant team, and city staff consider our

recommendations to ensure adequate bicycle access and safety and to mitigate traffic impacts:

1. First Street bike lane details: We request that when roadway striping is determined for First Street in the Improvement Plan stage, that the following recommendations are considered:
 - a. Install Class IIb buffered bike lanes by providing a painted buffer between the bike lane and the vehicle travel lane to improve bicyclist comfort and deter motorists from parking or stopping in the bike lane.
 - b. Include green conflict markings at major driveways, side streets, and other potential conflict areas, such as around the parking valet drop-off area.
 - c. Address the transition at McKinstry Street from the newly installed Class II bike lanes (Soscol to McKinstry) to the block with no bicycle facilities (McKinstry to Vernon) for eastbound bicyclists. This may be accomplished by roadway stencils and/or signage. While the gap in the Class II bike lanes between McKinstry and Vernon should ultimately be filled per the adopted Bicycle Plan, we recognize that this is outside of the scope of this project, and request that the transition be addressed in the interim.
2. Install Soscol Avenue and First Street bicycle conflict markings: In order to alert motorists to the presence of bicyclists, provide clear wayfinding for bicyclists, separate bicyclists and pedestrians, and connect bicycle facilities, add green bicycle conflict markings adjacent to the north, south, and west crosswalks at the Soscol Ave and First St intersection to guide bicycle movement between the Vine Trail and the Class II bicycle lanes on First Street. See included photo for reference. Conflict markings should also be added to the northbound Class II bicycle lane on Soscol Avenue to improve motorist awareness of bicyclists.
3. Short-term bicycle parking: When exact bicycle parking locations are determined during the Improvement Plan stage, we request that at least some of the short term bicycle parking that will be required on-site by the Napa Municipal Code be provided within 50' of the main entrance. The Association of Bicycle and Pedestrian Professionals, whose standards the League of American Bicyclists uses to evaluate Bicycle Friendly Cities, recommends bike parking placement within 50'. This is important to improve awareness of available bike parking and improve sense of security.

4. Install long-term bicycle parking: Provide secure long-term bicycle parking for employee use in order to promote bicycle commuting as a viable transportation alternative. As this hotel is located adjacent to the Napa Valley Vine Trail, the spine of Napa County's active transportation corridor and a significant route for bicycle commuters, secure long-term bicycle parking is essential infrastructure for future employees who may rely on bicycling for transportation, as well as crucial for reducing VMT and congestion impacts of the project by encouraging employees to commute by bicycle.

Improving bicycle access to both this development and the Oxbow area as a whole aligns with City of Napa goals related to:

- traffic safety, which is also a Council priority, by filling a key gap in the bicycle transportation network;
- climate action, by facilitating more people to travel by bicycle instead of private automobile;
- equity, by ensuring that community members who rely on bicycles as their primary mode of transportation are provided safe and convenient access to employment and public spaces; and
- public health, by promoting active transportation.

Should Commissioners, City staff, or applicant team members have any questions about our requests, please do not hesitate to reach out to me at (707) 258-6317 or csainato@napabike.org. We hope to continue conversation and collaboration with both the City and the applicant team around this project. Thank you for your time and consideration,



Carlotta Sainato
Program Manager, Napa County Bicycle Coalition





MEMORANDUM

Date February 1, 2024

To Ryder Dilley, City of Napa

From Natalie Noyes, Senior Project Manager
Will Burns, Principal

Subject First and Oxbow Gateway Project – Responses to Comments on Addendum

The purposes of this memorandum (memo) is to provide responses to comments raised on the Addendum prepared for the First and Oxbow Gateway Project.

I. Background

In November 2020, the City of Napa prepared an Initial Study/Addendum to the Downtown Napa Specific Plan Program (DNSP) Environmental Impact Report (EIR) (SCH# 2010042043) for a proposed hotel development consisting of two, four-story hotel buildings (184,106 square feet) with 74 hotel rooms and 6,294 square feet of ground floor retail (First and Oxbow Gateway Project; File Number 16-0124). On November 17, 2020, the City Council adopted a resolution approving a use permit, design review permit and certificate of appropriateness for the project and determining that the that the potential environmental impacts of the hotel project, including the removal of the Local Landmark structures from 718 Water Street and 731 First Street, were adequately analyzed and addressed in the DNSP EIR and that no further environmental review is required pursuant to CEQA Guidelines Sections 15162, 15164, and 15168.

Following approval of the project in 2020, the Applicant filed a new application proposing changes to the approved project, including increasing the number of hotel rooms from 74 to 123 and eliminating the 6,294 square feet of ground floor retail. An Addendum (herein referred to as the 2024 Addendum) was prepared to document any changes to the approved 2020 project and evaluate whether the changes would result in a new or more significant environmental impact compared to what was previously disclosed in the 2020 Addendum.

II. Responses to Comments

The City of Napa has received several comments on the 2024 Addendum that raised similar concerns and questions; therefore, topic responses have been prepared to respond to those common concerns/questions. The topic responses address the following topics:

- (a) Topic Response 1: Consistency with the Napa 2040 General Plan
- (b) Topic Response 2: New Information and Changed Circumstances
- (c) Topic Response 3: Greenhouse Gas (GHG) Emissions
- (d) Topic Response 4: Vehicle Miles Traveled (VMT)
- (e) Topic Response 5 Flood Wall

Topic Response 1: Consistency with the Napa 20250 General Plan

The First and Oxbow Gateway project (First and Oxbow Gateway Project; File Number 16-0124) was approved by the City Council on November 17, 2020. The City did not adopt the updated General Plan until December 2022. No changes were made to the Downtown Napa Specific Plan as part of the 2040 General Plan adoption that modified the allowed uses on the site.

The proposed hotel is consistent with the General Plan land use designation (*Oxbow Commercial*) and zoning (*Oxbow Commercial*) for the site. While the City may have long-term goals to address challenges and opportunities within the Oxbow District, no such plan exists at this time.

The 2024 Addendum reviewed the modified project description to determine if there were new significant effects or an increase in the severity of previously identified significant effects. The 2024 Addendum determined that no new or substantially greater impacts would result from the modified project description.

Topic Response 2: New Information and Changed Circumstances

Several comments were raised regarding "new information" and "changed circumstances."

The purpose of the 2024 Addendum is to document any changes to the approved 2020 project and evaluate whether the changes would result in a new or more significant environmental impact compared to what was previously disclosed in the 2020 Addendum.

CEQA Guidelines Section 15164 states that the Lead Agency or a Responsible Agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in 15162 calling for preparation of a subsequent EIR have occurred. Such conditions that would warrant preparation of a subsequent EIR include:

- New significant environmental effects or substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance that shows any of the following:
 - The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The 2024 Addendum disclosed that none of the above conditions have occurred, see Responses 3 and 4 below regarding GHG emissions and VMT.

Topic Response 3: Greenhouse Gas (GHG) Emissions

The DNSP EIR concluded that implementation of the Specific Plan would result in significant and unavoidable greenhouse gas impacts related to the Specific Plan's GHG emissions exceeding BAAQMD thresholds for 2020 emissions. A mitigation measure was incorporated into the DNSP EIR which required development projects reduce their GHG emissions by 30 percent in order to achieve statewide targets in 2020.

The 2024 Addendum discloses that BAAQMD has adopted new qualitative thresholds that replace the previous quantitative thresholds. Per CEQA Guidelines Section 15088.5, adoption of new policies and/or regulations is not considered substantial new information requiring recirculation of the EIR because it does not result in a new significant environmental impact, increase the severity of an environmental impact, or alter an existing mitigation measure or alternative.

As part of the 2024 Addendum, Illingworth & Rodkin modeled the GHG emissions of the modified project. A comparison of the approved 2020 and modified project's GHG emissions is provided in Table 3.3-1 of the 2024 Addendum. The modified project would result in higher GHG emissions due to the increase in hotel rooms, thus more project users. Consistent with the 2020 Addendum and DNSP EIR, the modified project would be required to prepare a GHG Reduction Plan that reduces emissions from the project below 660 MT of CO₂e annually.

Section 21081.6 of the California Environmental Quality Act requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation. The modified project would be subject to the previously adopted MMRP for the DNSP. As documented in the 2024 Addendum, no new mitigation measures or modifications to the mitigation measures were identified.

Topic Response 4: Vehicle Miles Traveled (VMT)

Senate Bill 743 established criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

While the 2020 Addendum was circulated prior to July 1, 2020, it acknowledged the switch from level of service (LOS) to VMT (page 124). The 2020 Addendum concluded that given the project's proximity to transit, the project would result in a less than significant VMT impact (page 129).

As part of the 2024 Addendum, W-Trans prepared an updated Transportation Impact Study for the modified project, which included an evaluation of VMT. Specifically, the VMT analysis looked at VMT from both hotel guests and employees. The VMT associated with the hotel employees were obtained from the Solano Napa Activity Based travel demand Model (SNABM). Per the General Plan EIR, the Napa countywide average VMT per employee is 26.90 VMT per employee, and the corresponding significance threshold is 22.87 VMT per employee. The project's VMT per employee is 21.54 miles, which is below the City's threshold of 22.87 VMT per employee.

The 2024 Addendum compared the modified project to both the approved 2020 project and the retail/office equivalent's trip generation. As documented in Table 3.5-1 of the 2024 Addendum, the modified project would generate a higher number of trips per day than that approved 2020 project, both in the AM and PM peak hours. However, when compared to the amount of retail and office uses that would generate an equivalent number of p.m. peak hour trips as the modified project (21,500 square feet of retail and 37,500 square feet of office uses), it was shown that the modified project would generate lower volumes of traffic than other permitted uses analyzed in the DNSP EIR (up to 139,392 square feet of development). Therefore, the modified project would not result in new or greater impacts than disclosed in the 2020 Addendum.

Topic Response 5 Flood Wall

The proposed flood wall is summarized on page 5 of the 2024 Addendum and shown on Figure 2.2-8. As stated in the 2024 Addendum, the applicant has entered into an agreement with the Napa County Flood Control District to implement this planned improvement. Contrary to the comment, this improvement has long been planned by the Flood Control District. Previously the applicant would have provided funding for the improvement; however in lieu of funding, the applicant now proposes to implement the improvement adjacent to the site.



PLANNING COMMISSION REGULAR MEETING MINUTES

FEBRUARY 2, 2024

MEETING CAN BE VIEWED BY CLICKING [HERE](#)

1. CALL TO ORDER: 5:30 P.M.

A. ROLL CALL: Commissioners – SHOTWELL, KELLEY, HUETHER, MASSARO, MYERS

ABSENT:

STAFF: Community Development – Ricky Caperton, Ryder Dilley, Michael Walker,
Mayra Espinoza

City Attorney's Office – Sabrina Wolfson

2. PLEDGE OF ALLEGIANCE

3. AGENDA REVIEW AND SUPPLEMENTAL REPORTS

Planning manager Ricky Caperton would like to request item 8A, The Quarterly Development Report, to be moved before the public hearing item 7A, First & Oxbow Hotel Design Review & Use Permit.

4. PUBLIC COMMENT

None

5. CONSENT CALENDAR

A. PLANNING COMMISSION MINUTES

RECOMMENDATION: Approve the January 18, 2024, Planning Commission Regular Meeting Minutes

Commissioners Huether and Massaro moved and seconded to approve the January 18, 2024, Planning Commission Regular Meeting Minutes as submitted.

Motion Carried:

AYES: HUETHER, KELLEY, SHOTWELL, MASSARO, MYERS

NOES:

ABSENT:

ABSTAIN:

RECUSED:

6. CONSENT HEARINGS

None.

7. ADMINISTRATIVE REPORTS**A. QUARTERLY DEVELOPMENT REPORT**

RECOMMENDATION: Receive a report summarizing the development applications submitted and approved by the city during the fourth quarter of 2023. As an administrative report, no formal action is required. (Walker)

Senior Planner Michael Walker presented the memorandum to the Commission with the 2023 fourth quarter data.

This item was moved ahead of the Public Hearing during the Agenda Review.

8. PUBLIC HEARINGS/APPEALS

A. FIRST & OXBOW HOTEL DESIGN REVIEW & USE PERMIT - 718 & 730 WATER STREET, 711, 731, 743, 803, 819, 823, 825, & 835 FIRST STREET, & 990 SOSCOL AVENUE (PL22-0137) An application for a Design Review Permit and Use Permit to authorize construction of a 123-room hotel consisting of two four-story buildings, which includes ancillary guest and public-serving uses, and below-grade parking at 730 Water Street. The City Council previously approved a Use Permit, Design Review Permit and related entitlements in November 2020 for a 74-room hotel with 6,294 square feet of ground floor retail on the site. The revised project would increase the number of hotel rooms to 123, eliminate the ground floor retail, decrease the meeting/conference space from 5,754 square feet to 3,375 square feet, and increase the parking spaces from 121 to 154. The property is located within the Oxbow Commercial General Plan Designation, and the OBC, Oxbow Commercial, FP, Floodplain Management Overlay, SC, Soscol Corridor Overlay, and TI, Traffic Impact Overlay Zoning Districts. (APNs 003-235-002, -003, -004, -005, -006, -007 and 003-241-003, -005, -006) (Dilley)

CEQA DETERMINATION: The Project falls within the scope of the Downtown Napa Specific Plan Program (DNSP) Final Environmental Impact Report (DNSP FEIR) certified by the City Council on May 1, 2012 (SCH #2010042043), as documented in the 2020 Addendum prepared for the original project and the January 2024 Addendum prepared for the revised project and on file with the City Clerk, and no further environmental review is required under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15162, 15164 and 15168 as documented in the CEQA Memorandum prepared for the project.

RECOMMENDED ACTION: Staff recommends that the Planning Commission forward a recommendation to the City Council to adopt a resolution approving a Design Review Permit and Use Permit to authorize construction of a 123-room hotel between two four-story buildings with below-grade parking on-site at 730 Water Street and determining that the actions authorized by the resolution were adequately analyzed by a previous California Environmental Quality Act (CEQA) action.

Commissioner Gordon Huether has recused himself from item 8A. First & Oxbow Hotel Design Review and Use Permit as he is the artist for this project and has a financial interest of more than \$500.00.

Commissioners provided disclosures.

Associate Planner Ryder Dilley presented the staff report, provided background information related to the application, and provided recommendations. He referenced eight late communications.

The Commission had the following questions and comments from Staff:

- Clarification was requested regarding:
 - Why the Commissioners cannot consider the Priority and timing of an amendment to the Downtown Napa Specific Plan.
 - A statement from the general plan: Oxbow district should have more focus, a component to the general plan; could it not be construed that because the council has approved the general plan, it may allow a priority of an amendment to the downtown-specific plan.
 - Clarification/reasons on why the downtown-specific plan was not included in the general plan.
 - Comparing this project to the one that was approved. Increasing 66% of rooms going from 74 to 123 - eliminating retail and decreasing conference space and more trips per day by traffic – this project is being looked at as a modification but could also be looked at as a new project.
 - If the commission decides not to recommend the new modifications to the council and decides not to approve this, does it default back to the original approval?
 - Is this considered a stand-alone project or an amended project? In the staff report, the previously approved entitlements, the certificate of appropriateness, and the mergers are part of a previous entitlement. Yet, they are not being asked to be reviewed in this application.

Mr. Dilley clarified the following:

- The council establishes priorities and an amendment to that planning document. The council must identify that as a priority, and then staff would act as an extended process. Absent of any policies that the council has adopted, Planning cannot limit the applications received from not being processed. What is not being considered is the downtown-specific plan amendment, as this has not yet been adopted as a priority by the council.
- By code, amending the project requires new forms of that specific entitlement. Council resolutions are separate resolutions per the design review and use permit. These permits would supersede the design review and use permit resolution if approved. What is not being amended the request to relocate these structures to a different site. What would be reconsidered is council would consider the additional abandonment.

Planning Manager Ricky Caperton clarified the following:

- As it is not the topic at hand, further research must be done on why something was included in the general plan.

- There is an existing entitlement, whether this project gets approved or denied – there is still an existing entitlement for a hotel.
- If council decides to move forward, it will default back to the original approval.
- It is a new application, it is new design review and use permit.
- Staff has reviewed this application against the 2040 general plan for policies.

Chair Shotwell invited the applicant to speak.

The applicants, David and Andrew Wood, Architect Lorraine Francis, and Scott Hunter who is part of the Stratus Development team provided information related to the application and offered to answer any questions.

The Commission had the following questions and comments for Staff and the Applicant:

- The Jamboree project and the First & Oxbow project, seeing them as two standalone projects, what is the nexus between the hotel being built and the affordable housing project, is there a connection between the two? How can the community be assured that when this hotel is approved, these 40 units will be there when the hotel opens or immediately thereafter? Is the \$900k fee earmarked for the project on Silverado or into the trust funds?
- What is the connection between the 32 employees the hotel will employ and where they will live, if the project gets delayed 5-10 years down the road, and there is no connection between the Jamborees project and the hotel? How does the community ensure that the affordable project is built close to the hotel?
- Will the public visiting the restaurant/bar be able to utilize the valet parking?
- In the event of power outages, what is the plan?
- What is the plan for the shading of the south and the west elevations?
- Are we going beyond Cal-Green with his project?
- Is there a specific standard/requirement for hotels regarding parking?
- Was one-foot of freeboard required/provided? Does that fill and flood wall change the base elevations as filling in the edge of the river?

Associate Planner, Ryder Dilley, clarified:

- Hotel parking is not set up as a ratio requirement like most parking, it is set to identify to specific items.

The applicants, David Wood, and Andrew Wood, clarified:

- Jamboree only works on projects that score perfectly. The state of California has Fast-tracked the entitlement now, and Napa adhered to that. David Wood would have nexus as he would fund that project. The \$900k fee is going into the trust funds because the city attorney won't allow us to earmark it because it must show up with a deed restriction.
- Jamboree partners with repetitive cities for business. If the allocations happen and nothing happens with the contract, they can move forward with the project.

- Residents and the public visiting the restaurant and bar will be able to utilize the valet parking. Residents and the public visiting the restaurant and bar will be able to utilize the valet parking if they use the amenities at the hotel (restaurant, bar, pool, conferences)
- Hand cranking for the mechanical lift is available in case of power outages, as for elevators, batteries will be utilized in the need of a power outage

Molly Ratigan, Deputy City Manager of Housing and Homeless Services, clarifies:

- As the applicants stated, the by-rights weren't necessary in place. This started as two projects connected to each other at one point. The by-rights changed, and the Jamboree project became a by-right option. As explained, Jamboree started pulling their funding together and moved it at a quicker pace than what was happening with the hotel. There is no relationship currently.

Architect Lorraine Francis clarified the following:

- Awnings or wood trellis will be used for shading in the south and west elevations.

The Civil Engineer for the project, Hugh Linn, clarifies the following:

- A flood wall was envisioned in this section; an agreement with the flood control district allowed a wall. A proposal was presented to have a fill to elevate the walkway on the edge of Water St. It does not change the base elevations as studied by FEMA.

Chair Shotwell opened the meeting for public comment:

Dan Wilkowsky, resident of Napa, spoke about the traffic and parking issues.

Celeste Mirassou, resident of Napa, brings comments from Napa Climate Now, opposing the modifications.

Francie Winnen, resident of Napa, brought comments from Friends of the Napa River opposing the project modifications.

Tom Timar, a resident of Napa and former Planning Commissioner, opposes the project modifications.

Chuck Shinnamon, a member of Napans who love the oxbow, opposes the project modifications.

Cass Walker, consultant for the Gasser Foundation, member of the Napa housing coalition, and City of Napa's Community Development Director in 2008 when the hotel policy was developed and the 2012 specific downtown plan, asks for clarification regarding the staff report.

David Graves, a resident of Napa, spoke about climate concerns and opposed the project modifications.

Richard Tippitt, a resident of Napa, does not oppose or is for the project modifications, but addresses his concerns.

Jeremy Silt, resident of Napa, property owner of 515 Silverado Trail (Jamborees Project) supports this project and addresses his frustration regarding the possible disapproval of the project.

JB Leamer, resident of Napa, supports the project modifications.

Mary Beth Herman, co-developer, supports the project modifications.

Hugh Linn, resident of Napa, and civil engineer for the project, supports the project modifications.

The applicant responds to questions and concerns from the public.

After receiving no other requests to speak, public comment was closed.

Commissioners Massaro and Kelley moved and seconded to close the public hearing.

Motion Carried:

AYES: KELLEY, SHOTWELL, MASSARO, MYERS

NOES:

ABSENT

ABSTAIN:

RECUSED: HUETHER

Commission discussion and deliberation ensued. They made the following final questions and comments:

- The Jamboree project cannot be lost. Recommending denial of the hotel project would be difficult.
- Perhaps this project wasn't completely analyzed; staff has done a great job analyzing it, but there are too many missing pieces at this point. Additionally, perhaps it does not meet the criteria of the 2040 general plan. Emphasizing the affordable project to go through.
- It is such a dramatic change to the prior design. The future of the oxbow as a district is critical, the commission are not here to make laws. The commission can't condition these applications to bring low-income housing.
- Hopefully, this project will be the catalyst for updating the downtown-specific plan and moving much quicker.

Commissioners Myers and Kelley moved and seconded to forward a recommendation to the City Council to adopt a resolution approving a Design Review Permit and Use Permit to authorize the construction of a 123-room hotel between two four-story buildings with below-grade parking on-site at 730 Water Street and determining that the actions authorized by the resolution were adequately analyzed by a previous California Environmental Quality Act (CEQA) action.

Motion Carried:

AYES: KELLEY, SHOTWELL, MYERS
NOES: MASSARO
ABSENT:
ABSTAIN:
RECUSED: HUETHER

9. COMMENTS BY COMMISSIONERS AND STAFF

Planning Manager Ricky Caperton reminded the commissioners about a Planning Commission academy opportunity in March 2024.

Commissioner Myers appreciates the public sentiment.

Commissioner Kelley states balancing tourism and housing can be practiced.

Commissioner Massaro had a question regarding whether we could not have added a condition that says the hotel doesn't get a certificate of occupancy until the affordable housing is built.

10. ADJOURNMENT

The meeting was adjourned at 9:09 p.m. The next regular meeting of the Planning Commission is scheduled for February 15, 2024, at 5:30 p.m.

Ricky Caperton, Secretary
COMMUNITY DEVELOPMENT DEPARTMENT