

RESOLUTION R2020-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING THE CONDITIONAL ABANDONMENT AND QUIT CLAIM OF A PORTION OF VALLE VERDE DRIVE TO THE PETER A. AND VERNICE H. GASSER FOUNDATION IN SUPPORT OF THE HERITAGE HOUSE AND THE VALLE VERDE APARTMENTS PROJECTS (PL17-0114) LOCATED AT 3700, 3710 AND 3720 VALLE VERDE DRIVE, AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, the City of Napa (City) acquired approximately 0.39 acres (17,330 square feet) of property comprising the northerly 296 linear feet of Valle Verde Drive, consisting of Parcel "X" and Parcel "Y" as shown on Map No. 3959, entitled "Parcel Map, a Division of the Lands of Helen F. Zerba," recorded October 23, 1986 in Book 15 of Parcel Maps at Page 13, in the Office of the Napa County Recorder and a portion of Parcel "C" as shown on said Map No. 3959 recorded April 22, 1988 in Book 1577 of Official Records at Page 241 in the Office of the Napa County Recorder and as more particularly described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein by reference (the "Subject Property"); and

WHEREAS, the adjoining property owner, The Peter A. and Vernice H. Gasser Foundation (Gasser), owner of APNs 038-170-042, 038-170-043, and 038-170-046, has partnered with Burbank Housing Development Corporation (Burbank) and filed an application with the City for a use permit, design review permit, and three development concessions to develop the Heritage House, a residential 66 unit Single Room Occupancy (SRO) project consisting of permanent supportive housing and affordable housing, and Valle Verde, a three-story multi-family apartment building with 24 affordable units (collectively, the "Project"); and

WHEREAS, Gasser and Burbank (collectively, the "Developer") have requested that the City abandon the Subject Property and convey it to the Developer at no cost in order to incorporate the Subject Property into the Project; and

WHEREAS, the Subject Property is not necessary for public right-of-way purposes and is excess to the City's needs, provided that an area of public right of way is reserved to accommodate the construction of new public street frontage improvements and public service easements are reserved for existing public utilities, pedestrian access, and access for public agency maintenance vehicles, as proposed; and

ATTACHMENT 1

WHEREAS, the City prepared the Environmental Impact Report/Environmental Assessment (EIR/EA) for the Valle Verde and Heritage House Continuum of Housing Project (State Clearinghouse No. 2018082019); and

WHEREAS, on December 5, 2019 the Planning Commission considered the EIR/EA and the Project application for the Use Permit, Design Review Permits and three Density Bonus Concessions, all written and oral testimony submitted to them at a noticed public hearing, at which time the Planning Commission heard a presentation by staff and took public testimony, and thereafter closed the public hearing and subsequently recommended that the City Council certify the EIR/EA and approve the application for the Use Permit, Design Review Permits, and three requested Density Bonus Concessions; and

WHEREAS, on February 4, 2020, the City Council adopted a resolution certifying the EIR ("Certified EIR"); and

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

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

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the City Council's adoption of this Resolution.

2. The City Council hereby determines that the potential environmental effects of the actions authorized by this Resolution were adequately examined by the Certified EIR pursuant to CEQA Guidelines Section 15162.

3. The City Council hereby finds, based on the evidence summarized in this Resolution, and pursuant to California Streets and Highways Code Section 8324, that the Subject Property, as described on Exhibit A and shown on Exhibit B attached hereto and incorporated herein by reference, is unnecessary for present or prospective public use, subject to the reservation of a public right of way easement, public utility easement, public storm drain easement, public agency maintenance vehicle access easement and public pedestrian easement described in Exhibit A and shown on Exhibits C through G attached hereto and incorporated herein by reference (collectively, the "Public Service Easements").

4. The City Council hereby vacates and abandons the Subject Property as more particularly described on Exhibit A and shown on Exhibit B, reserving therefrom the Public Service Easements more particularly described on Exhibit A and shown on Exhibits C through G, all attached hereto and made a part hereof, subject to the following conditions:

ATTACHMENT 1

A. Developer shall grant an access easement between Developer's southerly parcel in favor of Developer's northerly parcel so that no Developer-owned parcel is landlocked by the herein described abandonment and vacation, and access to all parcels fronting the Subject Property is assured.

B. Developer shall grant any additional easement rights to Napa Sanitation District and the Napa County Flood Control and Water Conservation District as may be required by those public agencies in order to protect or access any utilities or facilities affected by the abandonment and vacation of the Subject Property.

C. Developer shall construct street frontage improvements consisting of curb, gutter, sidewalk, and a driveway approach at the southerly limit of the Subject Property necessary to complete an "L" Intersection Knuckle at the new northerly limit of the remaining public street as defined and described in the conditions of approval for the Project entitlements.

D. Developer shall complete construction of all improvements associated with the first phase of Developer's Project as defined and described in the conditions of approval for the Project entitlements.

E. Developer shall disconnect and properly cap or reconnect all public utilities located within the Subject Property but outside of any reserved utility easements including, but not limited to, distribution mains, service lines, meters, light poles, and hydrants, and developer shall deliver all above ground utility facilities to the utility owner.

5. The City Council hereby authorizes conveyance of the underlying fee simple interest in and to the Subject Property to The Peter A. and Vernice H. Gasser Foundation by Quit Claim Deed at no cost to Developer.

6. Upon satisfaction of the conditions set forth in Section 4 of this Resolution, the City Property Manager is hereby authorized to record this Resolution in the Office of the County Recorder of the County of Napa and, upon said recordation, the Subject Property described on Exhibit A and shown on Exhibit B shall no longer constitute a public street or highway, but will remain subject to the reservation of the Public Service Easements described on Exhibit A and shown on Exhibits C through G.

7. The City Council hereby authorizes the City Manager, or authorized designee (including the City's Property Manager), to execute the Quit Claim Deed and all related documents, and take all actions necessary to implement the abandonment and vacation and conveyance of the herein described Subject Property, and to implement the actions authorized by this resolution.

8. This Resolution shall take effect immediately upon its adoption.

ATTACHMENT 1

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 18th day of February, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney