

ORDINANCE O2020-\_\_

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A PLANNED DEVELOPMENT OVERLAY DISTRICT (PD-39) ESTABLISHING THE DEVELOPMENT STANDARDS FOR THE THOMAS EARL HOUSE LOCATED AT 1221 SEMINARY STREET AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS ORDINANCE ARE EXEMPT FROM CEQA (APN: 003-152-013)

WHEREAS, on December 28, 2018, Marc Porat ("Applicant"), submitted an application (PL18-0212) for a use permit pursuant to Napa Municipal Code ("NMC") Chapter 17.60 ("Use Permits") to establish a Bed & Breakfast and a reduction in the number of required parking spaces; and a planned development overlay pursuant to NMC Chapter 17.42 ("Planned Development Overlay District") (PD-39) in order to provide a variation from the Traditional Residential Infill (RT-5) District's development standards to allow for a reduction in the rear yard and side yard setbacks and to allow parking and a 6-foot fence in the front setback (the "Project") for the property located at 1221 Seminary Street(the "Site"); and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on May 21, 2020 and has recommended approval of the subject application; and

WHEREAS, the City Council has considered all information related to the Planned Development Overlay, 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 ORDAINED by the City Council of the City of Napa, State of California, as follows:

**Section 1.** The City Council hereby approves a Planned Development Overlay for the Project and adopts language to read as set forth in Exhibit "A", attached hereto and incorporated herein by reference. The City Clerk is hereby authorized and instructed to enter the ordinance number of this ordinance for PD-39, on Exhibit "B", attached hereto and incorporated herein by reference. The Community Development Director is hereby authorized and instructed to update the official copy of the zoning map, as defined by NMC Section 17.04.050, consistent with the amendment to PD-39 identified on Exhibit "B".

**Section 2.** The City Council hereby determines that the actions authorized by this Ordinance are exempt from CEQA pursuant to CEQA Guidelines Section 15301 of the CEQA Guidelines (Categorical Exemptions; Class

1) which exempts minor alterations to existing historic residential structures, including additions that do not exceed 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less; Section 15303 (Categorical Exemption: Class 3) which exempts in urbanized areas buildings not exceeding 10,000 square feet in floor area on sites zoned for such use; and Section 15331 (Categorical Exemptions: Class 31), which exempts interior and exterior alterations to existing structures and additions to existing structures, and the rehabilitation of historic resources which are consistent with the Secretary of Interior's Standards for the Treatment of Historic Property.

**Section 3.** The real property that is the subject of the Thomas Earl House Bed and Breakfast PD-39 Overlay District is defined as (APN: 003-152-013) as shown on Exhibit "B", attached hereto and incorporated herein by reference. The City Council hereby finds that the approval of this ordinance, approving the Thomas Earl House Bed and Breakfast PD-39 Overlay District, is consistent with the City's General Plan and the findings contained in NMC Section 17.66.080 and Section 17.42.050. The City Council hereby finds that:

1. *The proposed planned development amendment is consistent with the principles of the General Plan.*

The proposed Planned Development Overlay is consistent with the principles of the General Plan, since it locates an appropriate land use within the boundaries and urban limits of the City of Napa, which land use is complementary to the mix of uses within the city and is appropriate to its surroundings, and, further that the proposed planned development amendment is consistent with the General Plan as the proposed use of the bed and breakfast inn is consistent with the Traditional Residential Infill General Plan Designation.

2. *The public health, safety and general welfare are served by the adoption of the proposed amendment.*

The public health, safety and general welfare is served by the Planned Development Overlay, since conditions and restrictions included within the Planned Development Overlay provide clear and appropriate protections of the public's health and safety.

3. *The development is superior overall to a similar project designed to meet the standards of this Title and of the underlying district in which it is located.*

The establishment of a bed and breakfast inn provides a design that is unique and contains a combination of quality forms and materials. The Site is in a state of disrepair that is not common with many of bed and breakfast inns due to its concrete infrastructure. The cost of repairing the historic structure is far more expensive than a restoration project of a typical Victorian structure. Therefore, the measures that must be taken to preserve the exterior historic features require more elaborate,

## ATTACHMENT 1

and far superior construction techniques than other similar projects. The new construction, including the carriage house, cottage and location of parking, is superior overall by providing a site as the Applicant describes, “as a standout example of a carbon-neutral, sustainable, efficient compound, and a place of wellness.” The repair and alteration of the historic building is necessary to provide for a contemporary use, while not damaging or destroying character defining features of the historic property.

4. *Any variations from the standards of the Zoning Ordinance and the district in which the development is located are justified by the high quality design of the proposed development when taken together as a whole.*

The request for the reduced setbacks would facilitate the construction of new structures, the carriage house and the cottage, that provide a high-quality design when taken together as a whole with the historic residence. The setback variations will provide the necessary space to allow the additional guest rooms that will support the viability of the project. As part of the PD request, the Applicant also wishes to establish parking in the front setback by modifying NMC Section 17.54.120. The location of the parking cannot feasibly fit and accommodate the uses in any other configuration unless new construction were eliminated from the proposal, making the setback reductions necessary for the Site to establish a bed and breakfast inn in order to assist in the preservation and adaptive reuse of the Thomas Earl House. The request for the increased fence height of up to six feet on the north and south side of the front property line of this site is supported in the universally-applicable Napa Abajo/Fuller Park Historic District Design guidelines in that parking areas are encouraged to not be visually obtrusive. The Thomas Earl House is unlike any other Victorian era buildings as it was built using atypical construction techniques which require extremely cumbersome and expensive repair upgrades in order to preserve the historic structure. It was one of the first homes ever to be constructed with a concrete skeleton which is now disintegrating and requires extensive internal framing reconstruction, the cost of which is extremely expensive. Therefore, the preservation of this historic resource is far more complicated than a typical preservation project which justifies the needed variations to the development standards.

5. *Each phase (if any) of the development, as well as the development as a whole, can exist as an independent unit capable of creating an environment of sustained desirability and stability.*

This is not a phased Project. The development can exist as an independent unit capable of creating an environment of sustained desirability and stability.

6. *The proposed development is planned in coordination and compatible with the existing and planned uses in the surrounding area.*

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The planned additions and new buildings have been designed to be compatible with the existing historic residence and the Calistoga Avenue Historic District. The use of the site as a bed and breakfast inn is consistent with the established uses in the area and enables the necessary rehabilitation to ensure the Landmark's continued existence in the neighborhood.

- 7. The proposed structures and/or uses are consistent with the General Plan and any applicable specific plan or other adopted plan.*

The Site is located within the RT-5, Traditional Residential Infill General Plan designation. The Project supports the General Plan Historic Resources Policy HR-5.1 which seeks "[to] preserve the character, livability, and civic pride of Napa's historic neighborhoods through neighborhood conservation efforts." The Project also supports the HR-5.4 which seeks "[to] encourage heritage tourism by encouraging bed and breakfast inns in historic structures".

- 8. Any conditions stipulated as necessary in the public interest have been imposed.*

To ensure compatibility with residential neighborhoods, a standard condition has been included in the draft resolution approving the use permit prohibiting special events including but not limited to weddings, auctions, commercial functions, or other similar events that are inconsistent with the use of the property for transient occupancy in a residential neighborhood.

- 9. The proposed structures and or uses will not be detrimental to the public health, safety and welfare of the community.*

The proposed structures and uses will not be detrimental to the public health, safety and welfare of the community because conditions of approval are in place that will designate quiet hours and limit the number of guest rooms so as not to become a nuisance.

**SECTION 4: Severability.** If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 5: Effective Date.** This Ordinance shall become effective thirty (30) days following adoption.

**ATTACHMENT 1**

City of Napa, a municipal corporation

MAYOR: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }  
COUNTY OF NAPA } SS:  
CITY OF NAPA }

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the regular meeting of the City Council on the 16<sup>th</sup> day of June, 2020, and had its second reading and was adopted and passed during the regular meeting of the City Council on the 23<sup>rd</sup> day of June, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney

**EXHIBIT A**

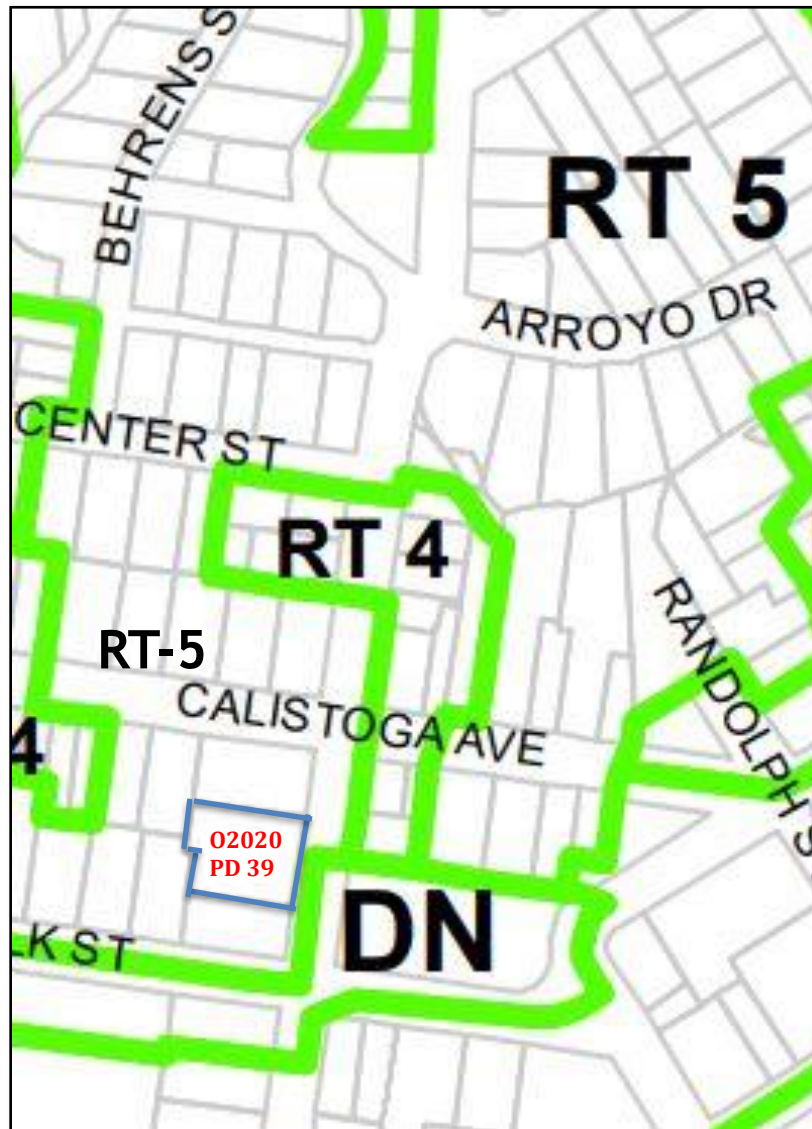
**Thomas Earl House Bed and Breakfast Inn Planned Development District  
(PD-39)  
June 16, 2020**

**PD-39 Development Standards**

The PD-39 Overlay District authorizes the following variations to the underlying principal regulations and standards:

1. This Planned Development Overlay District authorizes a minimum rear and side yard setback of five (5) feet for development to support the addition to the Thomas Earl House, and construction of accessory structures.
2. This Planned Development Overlay District modifies NMC Section 17.54.120 to allow parking to be located in the front setback.
3. This Planned Development Overlay District modifies NMC 17.52.170 to allow a six (6) foot high fence, at the southern and northern portions of the front lot line, while maintaining a three (3) foot fence height at the driveway entrance and within the visibility triangle located at 1221 Seminary Street.

EXHIBIT B



**THOMAS EARL HOUSE BED AND BREAKFAST PLANNED  
DEVELOPMENT OVERLAY (PD-39)**

**FILE # 18-0212; O2020-XXX**

**APN: 003-152-013**