



Staff Reports

File #: 368-2020, **Version:** 1

To: Honorable Mayor and Members of City Council

From: Julie Lucido, Public Works Director

Prepared By: Jeff Freitas, Property Manager

TITLE:

Abandonment of Portions of Water Street for the First and Oxbow Hotel Project

RECOMMENDED ACTION:

Adopt a resolution authorizing the conditional abandonment of portions of Water Street in support of the First and Oxbow Hotel Project (PL16-0124) located on the parcels bound by Soscol Avenue, First Street, McKinstry Street, and Water Street, and determining that the actions authorized by this resolution were adequately analyzed by a previous CEQA action.

DISCUSSION:

PT-Five Investments, LP, owns the entire block bound by Soscol Avenue, First Street, the Napa Valley Wine Train ("NVWT") tracks, and Water Street (APNs 003-235-003, 003-235-004, 003-235-005, and 003-235-006) except for a sliver of property owned by the City of Napa along Soscol Avenue (APN 003-235-002), and Foxbow Development, LLC, owns two of the four parcels in the block further east bound by the NVWT tracks, First Street, McKinstry Street, and Water Street (APNs 003-241-003 and 003-241-006). The adjacency of the two blocks are split by the north-south alignment of the NVWT tracks. PT-Five Investments, LP, and Foxbow Development, LLC, (collectively, the "Developer") submitted an application for the development of their properties into the First and Oxbow Hotel Project, Project No. PL16-0124, (the "Project").

The Developer has requested that the City abandon and vacate the portion of Water Street located between Soscol Avenue and McKinstry Street (the "Subject Easement"), which extends along the southern boundary of the Project site. The Subject Easement was created with the filing of the map of Cornwell's Addition to Napa City on March 11, 1852. Like the Project site, the Subject Easement is split by the alignment of the NVWT tracks.

The portion of Water Street between Soscol Avenue and the NVWT tracks has never been improved with any public street facilities and is, essentially, a "paper street" that is excess to the City's needs. The portion of Water Street between the NVWT tracks and McKinstry Street is an open public street improved with all standard public street improvements and is adjoined by private property held by different owners. Because the grade of Soscol Avenue and the NVWT tracks are both higher than the Subject Easement, the Subject Easement does not cross the NVWT tracks and does not connect to Soscol Avenue, making the portion that is open to the public a dead-end street. It is the Developer's intent to incorporate the northerly portion of the Subject Easement into the Project along the Project frontage.

While the portion of the Subject Easement that is an open public street is not particularly necessary for general traffic circulation, it does provide access to the private properties that adjoin the Subject Easement, and that access must be maintained. Earlier in the review process for the Project, the Developer provided letters from the other adjoining private property owners showing support for the proposed abandonment and vacation of the Subject Easement. Since access must be maintained to the private properties, the abandonment and vacation of the public street portion of the Subject Easement would convert the street from an open public street to a private street and the Developer will need to make changes to the physical features of the street to indicate a private street rather than a public street.

In addition to the need to retain private access to the adjoining ownerships, the Subject Easement contains public utilities, which will be maintained through the reservation of a Public Utility Easement along the southerly portion of the Subject Easement. There is also interest in reserving a public pedestrian access easement through this portion of the Subject Easement to facilitate continuity of public access to the Napa River and any future trail system that may be built along the river.

As indicated, if the abandonment of the Subject Easement is approved, the Subject Easement would change from a public right of way use to a private development use, including a private right of way. The abandonment, therefore, is conditioned upon the Applicant completing the conveyance of reciprocal access easements amongst the adjoining private property owners to retain access to all adjoining private properties. The abandonment is also conditioned upon the Applicant completing the physical changes to the street area, generally including the removal of public street improvements, the installation of private development improvements, and completion of a revised street frontage improvements, as shown on the Project plans.

Since the Subject Property is currently an open public street, the City Council is required to conduct a public hearing to consider the request for abandonment. If any member of the public wishes to address the Council on this matter, the Council must consider the evidence presented and determine whether or not the proposed conditional abandonment should occur. In the event that the Council approves the proposed conditional abandonment, the Resolution of Abandonment will be recorded once the conditions are satisfied, and it is the recordation of the resolution that finalizes the conditional abandonment.

FINANCIAL IMPACTS:

No direct financial impacts to the General Fund have been identified with this application.

CEQA:

As documented in the Initial Study/Addendum for the First and Oxbow Gateway Project dated June 2020 that was prepared as an addendum to the Downtown Napa Specific Plan Environmental Impact Report (SCH#20100042043) certified by the City Council by Resolution No. R2012-54 ("DNSP EIR"), the potential environmental impacts of the Project, including the abandonment, were adequately analyzed and addressed by the DNSP EIR and no further environmental review is required pursuant to CEQA Guidelines Sections 15162, 15164, and 15168.

Therefore, City staff recommends that the City Council determine that the potential environmental effects of the Recommended Action described in this Agenda Report were adequately examined by the Initial Study/Addendum for the First and Oxbow Gateway Project dated June 2020 that was

prepared as an addendum to the Downtown Napa Specific Plan Environmental Impact Report (SCH#20100042043), pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Sections 15162, 15164, 15168, and 15183.

DOCUMENTS ATTACHED:

ATCH 1 - Resolution

EX A & EX B - Abandonment Description and Plat Map

NOTIFICATION:

Notice of the public hearing was published in the Napa Valley Register on November 6, 2020, and November 13, 2020. In addition, notice of the public hearing was posted along the Subject Property pursuant to Section 8323 of the Streets and Highways Code of the State of California.