

RESOLUTION PC2014-13

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NAPA, STATE OF CALIFORNIA,
APPROVING THE WARREN STREET PARCEL MAP FOR
THE CREATION OF THREE CONDOMINIUM LOTS (APN:
002-133-026) (PL13-0135)

WHEREAS, Fine Acres, LLC (Chris Indelicato) submitted a Parcel Map to subdivide a 0.32 acre parcel containing three existing homes into three condominium lots, one for each of the homes (the "Project") at 1170 Warren Street, 1180 Warren Street and 1190 Warren Street (APN: 002-133-026); and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on June 19, 2014 on the subject application.

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

Section 1. The Planning Commission hereby determines that the Project described in the Staff Report presented to the Planning Commission at their June 19, 2014 meeting is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 which exempts minor land divisions of four or fewer parcels.

Section 2. The Planning Commission hereby approves a Parcel Map and Design Review permit for the creation of three condominium lots, one for each of the existing homes at 1170 Warren Street, 1180 Warren Street and 1190 Warren Street, and makes the following findings in support of the approval:

DESIGN REVIEW

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

The parcel map improvements and residential use of the property are consistent with the Multi-Family Residential General Plan designation. The design of the proposed Parcel Map is a reasonable development solution, given the setting and configuration of the property and relation to surrounding properties. The parcel map provides more affordable housing opportunities by permitting the individual sale of the three existing residential units.

2. *The project design is consistent with applicable Design Review Guidelines adopted by the City Council.*

The parcel map design is consistent with the guidelines for "evolving infill areas" contained in the Residential Design Guidelines. It creates an innovative solution to

subdividing an unusually configured property which contains unusually configured housing units.

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 Title 17 of the Municipal Code (Zoning Ordinance), and the subdivision of the parcel which has contained the three residential units for more than 50 years will not have an adverse effect on public health, safety or welfare. The project does not facilitate any physical change to the existing development. The only change will be to allow individual ownership potential for each unit.

PARCEL\CONDOMINIUM MAP

1. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan.*

The proposed parcel map improvements and the multi-family use of the property are consistent with the Multi-Family Residential General Plan designation and Housing Element policies regarding infill development, in that they are compatible with the existing neighborhood. The number of condominium lots created by the subdivision is consistent with the General Plan's density provisions for this infill site.

2. *The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the Council.*

Passive heating and cooling opportunities have been provided to the maximum extent practical by configuration of the residential units to allow for the orientation of structures in an east-west alignment for southern exposure.

Section 3. The Planning Commission hereby approves a Parcel Map and Design Review permit for the creation of three condominium lots, one for each of the existing homes at 1170 Warren Street, 1180 Warren Street and 1190 Warren Street, as described in Exhibit A attached to the staff report of June 19, 2014 which is on file in the Community Development Department - Planning Division, subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION:

1. The parcel map that is submitted for improvement plan review shall conform substantially to the Parcel Map prepared by Ryan Gregory/Riechers-Spence & Associates (date stamped received March 17, 2014), which was reviewed and

approved by the Planning Commission, marked as Exhibit A. The parcel map indicates the creation of three condominium lots with a common area (shared access, utility and drainage easement) over the driveway and guest parking areas.

2. The Planning Manager is authorized to determine whether the applicant is in compliance with the requirements of the design review permit.

Public Works Department:

3. Submit a civil plan outlining certain water infrastructure improvements more specifically described as follows:
 - a. Consolidation of all water meters, services and their appurtenances into one 2" master meter installed in Warren Street in approved traffic rated box(es) and lid(s).
 - b. Size, type and location of backflow device.
 - c. Abandonment of the existing 1" water meters located on site. Ownership of said water service lines shall take place the moment after the master meter has been installed and the backflow device connected, tested and certified by the City. Maintenance responsibilities thereafter, as defined by City standards, shall be in full force and effect.
4. All water meter and service installations, offsets, relocations, additional plumbing reconnections, backflow device installations, et al. shall be conducted at the sole expense of the Applicant.
5. Applicant shall establish an incorporated homeowner's association with recorded Codes, Covenants, & Restrictions (CC&Rs) that are satisfactory to the City Engineer to provide long-term maintenance of the common area/shared access, utility and drainage easement over the driveway which will serve the three future lots. Alternatively, the Applicant may establish an incorporated maintenance association and their attendant satisfactory CC&R's to provide said long term maintenance of the common area/shared access, utility and drainage easement in lieu of a homeowner's association.

Napa Sanitation District:

6. Each parcel shall be served by a separate sanitary sewer lateral, or the owner(s) shall enter into an agreement with the District that outlines the maintenance responsibilities of the owner(s) in regards to the private sanitary sewer main. The minimum diameter of a private sanitary sewer main is 6 inches. The appropriate language shall be included in the CC&R's regarding maintenance of the sanitary sewer lateral serving the buildings. A draft set shall be submitted to the District for review.

7. Recorded private sanitary sewer easements are required for private laterals crossing property boundaries.
8. A plan showing the required sanitary sewer improvements shall be prepared and submitted to the District for approval.

CITY GENERAL CONDITIONS:

9. The plans submitted for improvement plan review and building permit review shall include a written analysis specifying how each of the conditions of approval have been addressed or incorporated into either the improvement plan set or building plan set.
10. Unless otherwise specifically provided, each condition of this approval shall be satisfied prior to issuance of a building permit, or if a building permit is not required, prior to the commencement of use; however, in the event the subject approval is for a tentative subdivision map or parcel map, each condition shall be satisfied prior to final map approval. Applicant's (and land owner, if different) execution of the City's improvement agreement with required security may be accepted in lieu of condition completion.
11. No use authorized by this permit may commence until after the Applicant executes any required permit agreement.
12. Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements).
13. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, or other documents submitted for permit approval, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, any applicable Specific Plan, the Napa Municipal Code (NMC), City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved tentative map, site plan or other documents submitted for permit approval and with the plans and specifications submitted to and approved by City.
14. The time limit within which to commence any lawsuit or legal challenge to any quasi-judicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-judicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

15. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.
16. If the Applicant is not the owner of the subject property, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Applicant.
17. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions have begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.
18. Violation of any term, condition, mitigation measure or project description relating to this approval is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
19. Project approval would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of law, this project approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.
20. All conditions shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
21. This Parcel Map and Design Review approval shall expire 2 years from the date of approval unless Improvement Plans has been submitted and construction of improvements has been diligently pursued or an extension is secured by the Planning Manager prior to the expiration date.

22. Approval of this permit will become effective, provided no appeals are received within 10 calendar days of the Planning Commission meeting date of June 19, 2014 and that the property owner and applicants' signatures are obtained affirming that they have read, understand, and agree to comply with the Conditions of Approval for the Warren Street Parcel Map Resolution No. PC2014-13.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Planning Commission of the City of Napa at a special meeting of said Planning Commission held on the 19th day of June, 2014 by the following roll call vote:

AYES: Roosa, Huether, Kelley, Murray, Trzesniewski

NOES:

ABSENT:

ABSTAIN:

ATTEST:



SECRETARY OF THE PLANNING COMMISSION