

RESOLUTION R2017-139

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING AMENDMENTS TO THE REDWOOD DUETS USE PERMIT, DESIGN REVIEW PERMIT AND TENTATIVE SUBDIVISION MAP, INCLUDING THE GRANT OF A PARKING CONCESSION UNDER THE DENSITY BONUS STATUTE AND ORDINANCE AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, a Use Permit, Design Review Permit, and Tentative Subdivision Map was approved on June 3, 2008 for the 34-unit Redwood Duets duplex townhouse project (R2008-108) located at 2033 Redwood Road (APN 042-050-005); and

WHEREAS, the expiration of the Tentative Subdivision Map for that project has been extended until 2019; and

WHEREAS, the Burbank Housing Development Corporation (the "Applicant") is in contract to purchase that project with the intent to construct an affordable housing project for low and moderate-income households; and

WHEREAS, in order to make that project economically feasible as an affordable housing development, the Applicant submitted an application for certain amendments to the previously approved Use Permit, Design Review Permit and Tentative Subdivision Map and requested the grant of a parking concession under the Density Bonus statute and ordinance (the "Project"); and

WHEREAS, the Project involves reduction in building height; separation of four-plex buildings into duplex buildings; conversion of the street serving the development from a private to public street; removal of a pocket park; reduction of private open space serving the units; modification of a tree replacement condition to provide for different replacement trees and an in-lieu payment; conversion of two-bedroom plus den units to three-bedroom units; and grant of a density bonus concession to allow reduced parking requirements; and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on September 7, 2017 and has recommended approval of the Project; 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:

Section 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.

Section 2. The City Council hereby determines that the actions authorized by this Resolution are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 which exempts in-fill development projects that are consistent with the General Plan and Zoning Ordinance; that occur within City limits and are on sites no more than 5 acres in size; that are on sites with no value as habitat for endangered, rare or threatened species; that would not result in any significant effects relating to traffic, noise, air quality, or water quality; and that can be adequately served by existing utilities.

Section 3. The City Council hereby approves amendments to the Redwood Duets Use Permit (Resolution R2008-108) which includes minor reconfiguration of lot lines, as defined on the plans submitted as a part of the Project application and makes the following findings in support of the approval:

- A. The proposed use is 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 proposed amendments to the 34 unit attached residential development are in conformance with the General Plan and the objectives of the Zoning Ordinance, in that they provide for the residential development to be converted into affordable housing for the citizens of Napa. The affordable housing development aligns with Housing Element Policy H1.5 which seeks to create new lower cost homeownership opportunities and Policy H1.7 which recognizes that density bonuses help achieve housing goals to promote opportunities for lower and moderate income housing development.

- B. 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 proposed Project with inclusion of the conditions of approval does not create any significant impacts to the public, health, safety and welfare of the community. All proposed improvements have been conditioned to comply with the City's construction and development standards which ensure appropriately designed streets and proper building construction, thereby creating a safe and healthy residential environment.

- C. The proposed use complies with each of the applicable provisions of the Zoning Ordinance.

The proposed development meets or exceeds all applicable provisions of the Zoning Ordinance by complying with setbacks, height limitations, open space and landscaping requirements. While the proposed development does not meet the City's parking requirements, State law governing density bonuses requires the City to grant a reduction in parking ratios to density bonus applicants meeting the applicable State requirements. Therefore, with the grant of a parking concession under the Density Bonus statute and ordinance in accordance with State law, the Project would be in compliance with State Density Bonus regulations for parking ratios.

Section 4. The City Council hereby approves amendments to the Redwood Duets Design Review Permit (Resolution R2008-108) which includes reduction of all buildings from three-stories to two-stories and removal of all private balconies as defined on the plans submitted as a part of the Project application and makes the following findings in support of the approval:

- A. The Project design is in accord with the General Plan and any applicable Specific Plan design policies.

The proposed development is consistent with the goals and policies of the General Plan in that it provides housing for the city, and all new construction is designed to be consistent with the neighborhood through transition standards and other mitigations included in the Project. There are no applicable Specific Plan design policies.

- B. The Project design is consistent with applicable Design Review Guidelines adopted by the City Council.

The proposed site layout and architecture are consistent with the goals, policies, and recommendations outlined within the Residential Design Guidelines which encourage multi-family developments to be designed to be respectful of the scale and rhythm of Napa's traditional neighborhoods. A mix of coherent forms, details, and materials are proposed to create a contemporary development of homes that complement the neighborhood. Parking is located in garages, on driveways and in the street similar to a typical single-family neighborhood, albeit the development provides multi-family duplex units. Landscaping includes a mixture of plantings and hardscape that defines public, semi-private, and private spaces and creates opportunities for social interaction. The hierarchy of fenestration treatment, detailing, and exterior wall materials provide visual interest and reduce the overall perceived bulk and height. The proposed elevations include three-dimensional elements that break up the wall surfaces.

- C. The Design Review Permit is in accord with provisions of Title 17 of the City of Napa Municipal Code (the Zoning Ordinance) 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.

Residential multi-family developments may be established with Design Review Permit approval. The development was determined to have been designed consistent with the provisions of the Zoning Ordinance when it was previously approved and with approval of the requested amendments including the grant of a parking concession under the Density Bonus statute and ordinance, the proposed Project will be in compliance with the provisions of the Zoning Ordinance. The proposed amendments to the previously approved duplex townhome development on the underdeveloped multi-family designated area is not likely to result in any impacts that would be detrimental to the public health, safety or welfare. Staff has circulated the application to other affected departments and agencies; their comments and special conditions have been incorporated to ensure the proposed development will not pose a nuisance to the community. The proposed residential development will not cause any health, safety, and/or general welfare hardship to the community.

Section 5. The City Council hereby approves amendments to the Redwood Duets Tentative Map (Resolution R2008-108) which include minor reconfiguration of the lot lines and removal of a 1,296 square foot pocket park as defined on the plans submitted as part of the Project application and makes the following findings in support of the approval:

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

The proposed subdivision, improvements, layout, design and multi-family use of the property are consistent with the Multi-Family Residential General Plan designation.

- B. 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.

The proposed lot sizes and duplex configurations allow for passive heating and cooling opportunities with building orientation and landscaping.

Section 6. The City Council hereby approves the grant of a parking concession under the Density Bonus statute and ordinance as defined in the plans submitted as a part of the Project application and makes the following findings in support of the approval:

The property is located within the MFR-61, Multi-Family Residential General Plan Designation, which allows for multi-family residential development at density of 15

to 20 units per acre. The 2-acre Project site would allow for the development of between 30 and 40 units. The previously approved 34-unit townhouse development provides a density of 17 units per acre which falls within the General Plan density range. As approved and in accordance with the City's Inclusionary Ordinance in effect at the time of approval in 2008, the project was required to provide three (3) affordable for sale units, two of the three to be sold at prices affordable at 100% of the median income and the third at 120% of the median income. Now that the project is being developed by Burbank Housing, which is receiving project funding from the City of Napa's Affordable Housing Trust Fund as well as funding from the County of Napa's Affordable Housing Trust Fund, the development will be providing 100% of the units to low and moderate income households. Pursuant to the requirements of those agencies, at least 14 of the units will be restricted to households earning 80% or less of the Area Median Income (AMI) and 20 units to households earning 120% or less of the AMI, pursuant to enforceable agreements by those agencies. Although not actually seeking an increase in density beyond the General Plan maximum, the Applicant has requested a density bonus pursuant to the State Density Bonus Law (California Government Code Title 7, Division 1, Chapter 4.3, Sections 65915, et seq.), locally implemented by Napa Municipal Code (NMC) Section 17.52.130 in order to receive one concession for reduced parking requirements.

According to California Government Code Section 65915(p)(1)(B), a city cannot require a vehicular parking ratio that exceeds 2 onsite parking spaces for a three bedroom unit as long as the project seeking the concession meets the requirements of any of the categories of projects listed in subsections (A) through (E) of Section 65915(b)(1). The Project as currently proposed will meet Section 65915(b)(1)(A) in that at least 10% of the total units of the project will be restricted to lower income households (as defined in Section 50079.5 of the Health and Safety Code) which is essentially households earning 80% AMI or lower. Burbank Housing plans to set aside and restrict at least 40% of the 34 units for households earning 80% AMI or lower, which is well above the 10% required under Section 65915(b)(1)(A). Since the Project will meet the criteria under the state density bonus law, Burbank Housing's request for a concession for the reduced parking ratio of 2 onsite parking spaces for each of the 34 units the Density Bonus complies with the requirements of NMC Section 17.52.130 and the State Density Bonus Law.

The affordable housing impact fee authorized by NMC Chapter 15.94 and adopted by the City Council (Resolution R2016-69) would normally require the Applicant to pay an estimated fee of \$205,861 for the 34 multi-family residential units. However, the Applicant is not subject to the affordable housing impact fee because the Project is an affordable housing project and therefore does not qualify as a "residential development project" under NMC Section 15.94.020.

As proposed, the grant of the parking concession under the Density Bonus statute and ordinance complies with the requirements of NMC Section 17.52.130(C) for

large projects. The Applicant is obtaining relief from requirements of NMC Section 17.54.040 as described in the Planning Commission Staff Report of September 7, 2017 for Redwood Duets Amendment (File No. PL17-0105). The Applicant is thus obtaining one of the forms of assistance of a parking reduction specified under California Government Code Section 65915, and accordingly, the Project is exempt from the requirements of the California Costa-Howkins Act under California Civil Code 1954.52(b).

Section 7. The City Council approval of the amendment to the Redwood Duets' Use Permit, Design Review Permit, Tentative Subdivision Map and Density Bonus is subject to the following conditions:

Community Development Department – Planning Division:

1. This resolution authorizes amendments to the Use Permit, Design Review Permit and Tentative Map for the Redwood Duets Subdivision (PL07-0068) to include a reduction from three-story buildings to two-stories, separation of the four-plex unit into two, duplex units, conversion of the private street to a public street, removal of the pocket park, modification of the tree replacement condition to allow for in-lieu payment, conversion of all units from 2-bedroom and 1-den, to 3-bedrooms and no den and approval of a density bonus with a concession for reduce parking requirements consistent with State requirements.
2. All conditions contained in Redwood Duets Tentative Subdivision Map Resolution R2008-108 shall remain in full force and effect except as amended by this resolution.
3. The Planning Manager is authorized to determine, at any time, whether the Applicant is in compliance with the requirements and conditions of the Project including, but not limited to, section 17.152.130(C) of the Napa Municipal Code...
4. Prior to issuance of the first Certificate of Occupancy for the development, the Developer shall pay an in-lieu fee of \$300 dollars per protected redwood tree that will be removed. The 38 trees to be removed results in payment of \$11,400 which shall be paid to the Parks and Recreation Department. This condition supersedes condition #1 of Resolution R2008-108.
5. The Developer shall prepare CC&R's for the multi-family attached affordable housing development, the substance of which shall be approved by the Community Development Director, and the form of which shall be approved by the City Attorney. The CC&R's shall include provisions such as but not limited to; requiring garages to be reserved exclusively for vehicle parking and not for storage, parking only in designated spaces, requiring trash bins to be stored within garages or in rear yards behind a fence, proper maintenance of landscape areas by individual property owners and notification of the annual review required by Burbank Housing. The CC&R's shall

also contain language providing Burbank Housing the right, without obligation to enforce the garage use restriction.

6. The plans submitted for Building Permit for the future building within the development shall include building elevations that provide the same level of architectural detail found on the front elevation for all elevations. The exterior treatment of each building elevation shall be consistent in form and materials, and provide an overall coherent design for the entire building.

7. The plans submitted for Building Permit shall include final landscape plans for the proposed development that shall be reviewed and approved by the Parks and Recreation Department and Public Works Water Division prior to issuance of a Building Permit. All front yard landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.

8. The plans submitted for Building Permit shall include the fences, walls, trash enclosures and carport details shown on the images for the development and included within the staff report. These features shall be designed in the same architectural style and include the same details and quality materials. An 8-foot tall masonry wall shall be provided along the eastern border of the project site and a 6-foot tall masonry wall shall be provided along the southern and western boundary of the project site.

9. All mechanical and utility equipment, including transformers and backflow devices, shall be screened and/or integrated in to a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of this approval. Because transformers and backflow prevention devices are regularly maintained and tested, screening is required to meet certain criteria for the accessibility and visibility. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy on the project.

Fire Prevention:

10. More than one fire apparatus road is not required for this project as current Fire Code only requires more than one fire apparatus road for residential developments that exceed 50 units. This condition supersedes condition #22 of Resolution R2008-108.

Napa Sanitation:

11. The proposed sanitary sewer main shall have a minimum slope of 0.5% and shall be installed a minimum of 8 feet from the face of curb, a minimum of 5 feet from all storm drain facilities, and a minimum of 10 feet from the proposed water main. This condition supersedes condition #36 of Resolution R2008-108.

Public Works:

12. Condition #8.d. of Resolution R2008-108 is no longer applicable to this project as the street serving the development shall no longer be private.

13. Domestic water shall be provided by a public water main in the new road serving the project with individual water meters placed in the public right of way extending to the point of use. The Developer will be required to pay the meter installation and capacity charge that is current at the time of water service application. This condition supersedes condition #13.e. of Resolution R2008-108.

14. The Final Map shall show easements for the public street, drainage facilities and utilities as required by the Public Works Director, and in a form approved by the City Attorney. This condition supersedes condition #16.b. of Resolution R2008-108.

15. Condition numbers 8.d., 13.f., 13.g., 16.c., and 16.f. of Resolution R2008-108 are no longer applicable to this amended project and are hereby superseded by this resolution.

Community Development Department – Housing Division:

16. Prior to recordation of a Final Map for the Project, the Applicant shall demonstrate to the satisfaction of the Community Development Director that they have executed the appropriate regulatory agreements with the City and/or County of Napa's Affordable Housing Trust Fund to construct an affordable housing Project. The 34 attached multi-family homes will be restricted to low and moderate-income households as follows: at least 14 units to households earning 80% of the area median income (AMI) or lower, and the remaining units to households earning not more than 120% AMI. Of the 14 units restricted to households earning 80% AMI, at least 4 of those units will be dedicated to households in which the housing payment ratio will be no greater than 30% of such household's gross income. The Developer will provide down payment assistance loans to the homebuyers following acquisition of grants from the City and County affordable housing funds

17. Approval of the Project is expressly conditioned upon the Applicant's execution of appropriate regulatory agreements with the City, in a form approved by the City Attorney, which shall ensure the continued affordability of at least 15 percent (6 units) of units for a minimum of a 45 years, with sale prices set at an affordable price defined in California Health and Safety Code 50053. Prior to recordation of a Final Map for the Project, the Applicant shall execute regulatory agreements with the City that are approved by the Community Development Director and the City Attorney. In the event the Applicant does not execute such approved regulatory agreements with the City, the amendments to the Use Permit, Design Review Permit, and Tentative Map and the grant of Density Bonus approved as part of this Project shall be void. This condition is required in order to comply with NMC Section 15.94.020, NMC 15.94.080 NMC Section 17.52.130(C) and California Government Code Section 65915. This condition supersedes conditions #45,

#46, #47, #48 and #49 of Resolution R2008-108. Subject to the approval of the Community Development Director and the City Attorney, this condition #17 may be satisfied by the regulatory agreements executed in compliance with Condition #16.

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

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 3rd day of October 2017 by the following roll call vote:

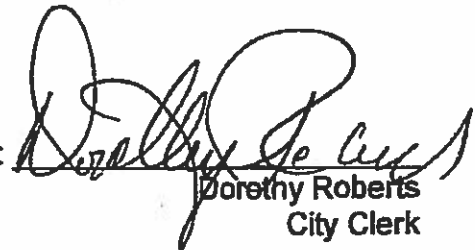
AYES: Inman, Sedgley, Gentry, Mott, Techel

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:


Dorothy Roberts
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney