

ORDINANCE O2018-__

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A PLANNED DEVELOPMENT OVERLAY DISTRICT (PD-37) TO ESTABLISH USE PROVISIONS AND DEVELOPMENT STANDARDS FOR THE FRANKLIN STATION HOTEL AND PARKING GARAGE LOCATED AT 1251 & 1351 SECOND STREET AND 819 RANDOLPH STREET (APNs: 003-208-001, 002 & 003-212-001) (PL17-0090) AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS ORDINANCE WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, James Keller and 1352 Second Street LLC (collectively, "Applicant") submitted an application for a Planned Development Overlay District (PD-37) pursuant to Napa Municipal Code ("NMC") Chapter 17.42 in order to establish use provisions and development standards within the Overlay District for the future hotel and parking garage development (the "Project") at 1351 and 1251 Second Street, and 819 Randolph Street (APNs: 003-208-001, 002 and 003-212-001) ("Site"); and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15164, the Franklin Post Office Project Addendum dated October 9, 2018 ("Addendum") to the Downtown Specific Plan Environmental Impact Report ("DNSP EIR") certified by the City Council on May 1, 2012, was prepared to analyze the site-specific impacts of the Project. The Addendum and the DNSP EIR are on file in the Office of the City Clerk and are incorporated herein by reference; and

WHEREAS, the Addendum concluded that while certain changes and clarifications to the scope of the DNSP EIR are warranted, the Project is within the scope of the development program described and evaluated in the DNSP EIR, none of the conditions described under CEQA Guidelines Section 15162 are present, and accordingly, no subsequent or supplemental EIR or negative declaration is required for the Project; and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on October 18, 2018 and has recommended approval of the subject application; 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.

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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 determines that the potential environmental effects of the actions authorized by this Ordinance fall within the scope of the DNSP EIR as documented in the Addendum, pursuant to CEQA Guidelines Section 15168.

Section 2. The City Council hereby approves a Planned Development Overlay District for the Site, and adopts language to read as set forth on 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-37, on Exhibits "A" and "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 Napa Municipal Code Section 17.04.050, consistent with the amendment to PD-37 identified on Exhibit "B."

Section 3. The real property that is the subject of the Planned Development Overlay District are the parcels identified as APN: 003-208-001, 002 and 003-212-001 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 PD-37 Overlay District, is consistent with the City's General Plan, and hereby finds, in accordance with the requirements set forth under Section 17.42.050, that:

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

The Planned Development Overlay District is proposed to establish a list of allowable uses for the Site that is more congruent with the City Council's goal of creating a vibrant and active use of the Site at this downtown location and is respectful of the important landmark status of the Franklin Station Post Office Building. The proposed Planned Development Overlay is consistent with General Plan Goal LU-6 to improve the vitality and character of Downtown. The Planned Development Overlay is consistent with the General Plan goals and policies relating to land use and development in the Downtown Mixed-Use Commercial area which seek to strengthen the vitality and character of Downtown. The Project also implements policies encouraging development to be oriented to the street and riverfront providing a pedestrian-oriented facade and reflecting the historic and visual character of area.

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

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The proposed Planned Development Overlay District serves the public health, safety and general welfare in that it provides for potential land uses which are geared towards the creation of a healthy, vibrant downtown for both residents and visitors.

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 Project is superior overall to a similar project designed to meet the standards of this Zoning Ordinance and of the underlying DMU district in which the Project site is located. The Project complies with the land use, dimensional and procedural requirements of the underlying DMU district, with the exception of minor deviations identified in attached Exhibit "A." These variations are minor when considering the location and scale of this Project. The proposed exceptions allow more flexibility in implementation of the Project and assist the City in meeting its goals of transforming the downtown into a vibrant 24-hour center.

The Project allows for the preservation of a unique, historic building that will contribute to the diversity of hotel facilities in downtown Napa.

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 minor variations from the standards of the DMU district are justified by the high-quality design guidelines prepared for the Project when taken together as a whole. The design guidelines establish the framework for a comprehensive development program that addresses both the historic preservation elements along with commercial building elements that will help revitalize Downtown Napa into a vibrant place for both visitors and residents. The guidelines provide private realm guidelines through text and images that define the desired quality of architecture and character of the future development. The proposed land use exceptions continue to allow the City to apply alternative development standards within the meaning and intent of the Zoning Ordinance, consistent with the City's goals of encouraging new development in the downtown.

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.

It is anticipated that the hotel building and parking structure will be developed as a single phase. As the principal variations authorized by the Planned Development Overlay are "use" related, the Project has the ability to exist as an independent unit capable of creating an environment of sustained desirability and stability.

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

The Project is planned in coordination and compatible with the existing and planned uses in the surrounding area. The proposed design guidelines ensure the architectural relationship of the design within the context of the Site and its surroundings responds well to established land use and design policies for the area and presents massing, fenestration, materials, textures and colors that will complement the existing commercial buildings 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 proposed design guidelines authorized by the Planned Development overlay district is consistent with the General Plan. The Project proposes a mix of retail, lodging and commercial uses that are envisioned in the City's General Plan and will strengthen the Downtown as a center for retail, cultural, and entertainment uses for the residents and visitors alike. The proposed Project is consistent with General Plan Goal LU-6 to improve the vitality and character of Downtown.

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

Conditions intended to address the public interest stipulated as necessary have been addressed in the associated Development Agreement and additional conditions will be imposed as part of the subsequent Design Review and Tentative Map processes.

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

The proposed design guidelines and future authorized land uses will not be detrimental to the public health, safety and welfare of the community because conditions and mitigations will be implemented to ensure the Project reduces potential environmental affects to a less than significant level and to ensure the Project will fit into its surroundings, as envisioned in the General Plan and implementing documents.

Section 3: 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.

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Section 4: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

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, Dorothy Roberts, 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 13th day of November 2018, and had its second reading and was adopted and passed during the regular meeting of the City Council on the 4th day of December, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Dorothy Roberts
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney

EXHIBIT A

**Franklin Station Hotel Planned Development District (PD-37)
(Ordinance O2018-__)**

PD-37 Development Standards

The PD-37 Overlay District authorizes the following variations to the underlying principal district regulations and standards:

1. In addition to those height limit exclusions listed in NMC Section 17.52.220, with the approval of a Design Review permit, rooftop patios with food and bar service, including restrooms and food and bar service structures, may exceed the height limits specified in Title 17 provided that such features are accessory to the main use of the site and are setback to minimize visibility from the street.
2. The Project includes specific guidelines titled "Design Guidelines for Franklin Station Hotel" attached hereto as Exhibit "C" and incorporated herein by reference that will be used by the City in reviewing the future hotel building and garage structure. These design guidelines establish the framework for a comprehensive program that addresses both the historic preservation elements along with commercial building elements that will revitalize Downtown Napa into a vibrant place for both visitors and residents.
3. The Project includes specific historic guidelines ("Pages 116 and 117 of Downtown Specific Plan Appendix G) that were revised pursuant to a concurrent Specific Plan Amendment and will be used by the City in reviewing the future hotel building.

The PD-37 Overlay District authorizes the uses (specified as "P," "C," and "PS") in the columns labeled "Franklin Station Hotel PD-38 DMU," as set forth below.

P = Permitted C = Conditional S = Specific Standards Apply Blank = Not Allowed	Existing DMU		Franklin Station Hotel PD-37 DMU		
	ground level	upper levels	ground level	upper levels	Specific Standards Apply
A. Retail Uses					
Appliance, including repair	PS		PS		C if > 5,000 sf
Art galleries	PS	PS	PS	PS	C if > 5,000 sf

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Beer and wine, liquor stores	PS	C	PS	PS	C if > 5,000 sf
Convenience markets	PS		PS		C if > 5,000 sf
Department stores					C if > 5,000 sf
Grocery stores and supermarkets	PS	PS	PS	PS	C if > 5,000 sf
Gun shop	PS	PS	PS	PS	C if > 1,500 sf
Medical equipment and supplies	PS	PS	PS	PS	C if > 5,000 sf
Retail, Downtown (see Glossary)	PS	C	PS	<u>PS</u>	C if more than 10% of the floor area is dedicated to the production of goods on the site or if > 5,000 sf.
Consignment, secondhand, pawn shops and thrift stores	PS	PS	PS	PS	C if > 5,000 sf, or if includes on-site outdoor drop-off area
Sporting goods, including rentals	PS	PS	PS	PS	C if > 5,000 sf
Video sales and rentals	PS	PS	PS	PS	C if > 5,000 sf
B. Services					
ATM, stand alone	C	PS	P	P	
Bail bonds	C	C	C	C	
Banks, savings and loans, credit unions and other financial institutions, with or without ATM	PS	PS	PS	PS	Prohibited within 100 feet of another bank
Business support services, Downtown	P	P	P	P	
Catering	C	C	C	C	
Check cashing					
Fitness centers/health clubs	PS	PS	PS	PS	C if > 5,000 sf
Funeral services					C if > 5,000 sf
Health services including chiropractic, acupuncture, reiki, physical therapy, occupational therapy	PS	P	PS	P	C if > 5,000 sf
Instructional services including performing arts, art, martial arts, sports,	C	C	C	C	

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vocational and business trade schools					
Laundry, dry cleaning	PS		PS	PS	C if > 5,000 sf
Medical services	PS	PS	PS	PS	C if > 5,000 sf
Palm readers and psychics	PS	P	PS	P	C if > 5,000 sf
Parking lots, private					
Multi-level	C	C	P	P	
Surface	CS		P		Underground parking conditionally permitted, including in Downtown Core Commercial
Parking lots, public	P	P	P	P	
Valet parking			P	P	
Personal services, Downtown	PS	P	PS	P	C if > 5,000 sf
Pet grooming	PS	P	PS	P	C if > 5,000 sf
Professional, administrative or business offices	P	P	P	P	Includes city, special district, public utility. County facilities, while also included, are not regulated by the city
Recycling, small collection facility	C		C		
Repair and tailoring, including shoes	PS	P	PS	P	C if > 5,000 sf
Repair of small electronics and appliances	PS	P	PS	P	C if > 5,000 sf
Specialty transportation retail, touring services	PS	PS	PS	PS	C if storage exceeds 50% of the floor area
Vehicle services	CS		CS		Entirely indoors
Wine tasting facility, with or without associated retail sales	PS	PS	PS	PS	C if retail area exceeds 5,000 sf P only when ancillary to primary active use, otherwise C
C. Visitor Accommodations					
Bed and breakfast inns	CS	CS	CS	CS	See Section 17.52.060 Bed and breakfast inns
Conference and convention facilities					Stand-alone facilities

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Hotel					Up to 163 hotel rooms are permitted. Up to 25% of the total hotel rooms are permitted to be operated as a condo-hotel (as defined by NMC Section 17.06.030); provided that, prior to approval of the final subdivision map, the owner has executed all documents (including an agreement and CC&Rs) that: (a) satisfy the requirements of NMC Sections 17.52.095(D)(1) and (2) and 17.52.095(E); and (b) require any transient occupancy of the condo-hotel units to be governed, managed, maintained, and operated by the same operator as the hotel. Up to 25% of the total hotel rooms are permitted to be operated as “whole ownership dwelling units” (as defined by NMC Sections 17.30.020, 17.30.040, and 17.30.060(N)); provided that, prior to approval of the final subdivision map, the owner has executed entered all documents (including an agreement and CC&Rs) that: (i) satisfy the requirements of NMC Sections 17.52.095(D)(1) and (2) and 17.52.095(E)(1) through (7) and (9); and (ii) require any transient occupancy of the whole ownership dwelling units to be governed, managed, maintained, and operated by the same operator as the hotel.
	CS	CS	P	P	
Vacation rentals	CS	CS			
Visitor information centers	P		P	P	
D. Entertainment Uses					
1. Inside Entertainment District					
Primary entertainment use (i.e., performance theater, dance club)					See Entertainment District standards
Entertainment as joint use (i.e., restaurant with live music and dancing)					
Entertainment as incidental use					
Outdoor entertainment					
2. Outside Entertainment District					

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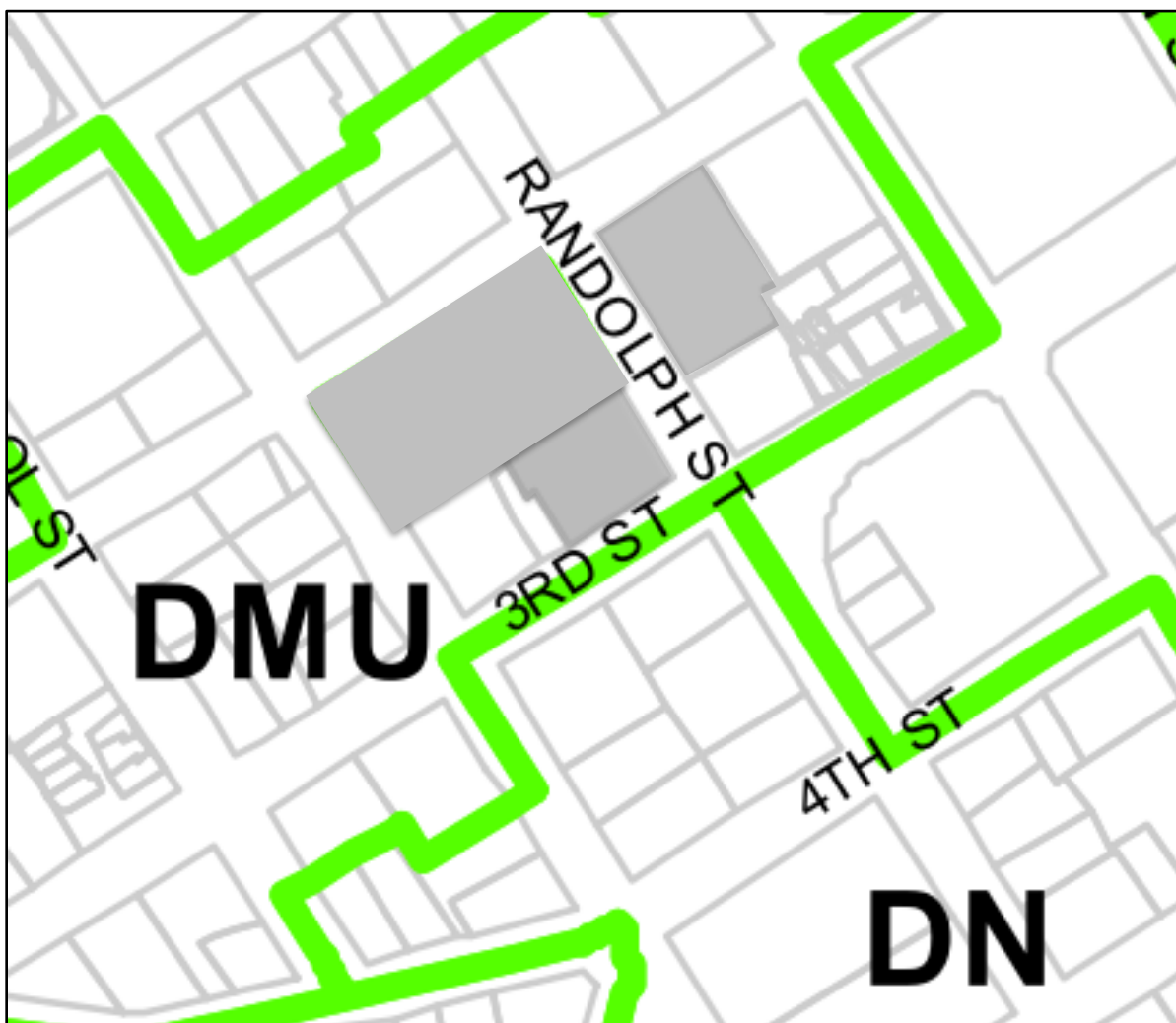
Primary entertainment use (i.e., performance theater, dance club)	CS	CS	CS	CS	See Entertainment District standards
Entertainment as joint use (i.e., restaurant with live music and dancing)	CS	CS	CS	CS	
Entertainment as incidental use	PS	PS	PS	PS	
Outdoor entertainment	CS	CS	CS	CS	See Entertainment District standards
Movie theaters	C	C	C	C	
Miscellaneous entertainment/recreation	CS	CS	P	P	
E. Food Service and Drinking Establishments					
Cocktail lounges, bars, nightclubs	CS	CS	P	P	
Food service	PS	PS	PS	PS	With outdoor dining, if in public right-of-way, site license agreement required per Section 17.52.340 Outdoor dining P with incidental takeout and/or catering C with takeout and no seating With or without beer and wine or alcohol sales
Restaurants with drive-through					
F. Food and Beverage Production					
Bakeries, wholesale (with accessory retail sales)	PS	PS	PS	PS	Retail component must be located in the street frontage. C if 50% or less of the space is retail
Boutique and specialty food and beverage service, with or without production, limited	PS	PS	PS	PS	Retail component must be located in the street frontage. C if 50% or less of the space is retail. C* only within buildings constructed for nonresidential use and existing as of May 1, 2012
G. Public and Quasi-Public Uses					
Assembly halls, clubs and lodges, including for youth	C	C	C	C	

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Parks, open space and recreation facilities, including docks, piers	C		C		Subject to design review
Cultural, educational, religious and related facilities, including schools, libraries, museums	PS	PS	PS	PS	C if schools, churches or other educational facilities
Train depot					
Public utility and safety facilities, including corporation or storage yards, pump stations, telecommunication facilities, utility substations, storm drainage ponds, water tanks, utility distribution facilities, police, fire or paramedic	C	C	C	C	
H. Residential and Related Uses					
Single-family, detached	C		C		
Single-family, attached	CS	CS			See Section 17.52.090 Condominium standards
Multifamily, residential	P	P	P*	<u>P*</u>	*Residential occupancy of a whole ownership dwelling unit pursuant to the "Hotel" specific standards under PD-38 DMU "C" is allowed.
Mixed-use developments, residential and other uses allowed in district	PS	PS			
Group residential, including SROs	CS	CS			
Live/work developments		CS			
Residential care facilities	C	C			
Day care facility, child or adult (up to 14 children or 8 adults)	P	C			
Day care center (15 or more children or 9 or more	C	C			

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adults) or community care facilities					
Accessory structures and uses customarily accessory to a permitted or conditional use and contained on the same site	PS				
I. Accessory Structures and uses					
Cottage food operations	PS	PS			
Outdoor display or sales	PS		PS		See Section 17.52.330 Outdoor display or sale of merchandise, accessory use
J. Other Uses					
Conversions of residential structures from nonresidential uses to residential uses	P	P			
Conversion of grocery stores, supermarkets and convenience stores to other uses	C		C		
Conversion of rental unit to condominium	CS	CS			See standards Chapter 17.52
Fences and hedges	PS	PS	PS	PS	
Nonresidential condos	CS	CS			
Satellite dishes	PS	PS	PS	PS	
Signs	PS	PS	PS	PS	
Temporary uses	PS/CS	PS/CS	PS/CS	PS/CS	



APN: 003-208-001. 002 and 003-212-001