

RESOLUTION R2021-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A USE PERMIT FOR A RESTAURANT WITH DRIVE-THROUGH FOR THE SOSCOL SQUARE SHOPPING CENTER AT 333 & 407 SOSCOL AVENUE (APN: 046-190-024 & 046-190-054), RESULTING IN A DENIAL OF THE USE PERMIT PREVIOUSLY APPROVED BY PLANNING COMMISSION RESOLUTION PC2021-24, AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, on October 20, 2020, Ronmor Real Estate Fund Napa LP ("Applicant") submitted an application (File No. PL20-0162) for a Design Review Permit pursuant to Napa Municipal Code ("NMC") Chapter 17.62 ("Design Review Permit"), a Use Permit pursuant to NMC Chapter 17.60 ("Use Permit") for a restaurant with a drive through facility, a Tentative Parcel Map pursuant to NMC Chapter 16.20 ("Tentative Parcel Map") to subdivide the 7.02 acre property into 3 parcels, and a Uniform Sign Program and Creative Sign Program pursuant to NMC Chapter 17.55 ("Sign Programs") to construct the Soscol Square Shopping Center, which includes a 55,000 square anchor store, a 9,800 square foot retail building with spaces for up to 7 tenants, and a 4,970 square foot restaurant with drive through facility (the "Project") at 333 and 407 Soscol Avenue (APN: 046-190-024 and 046-190-054) ("Site"); and

WHEREAS, on August 19, 2021, the Planning Commission adopted Resolution No. PC2021-23 adopting a Mitigated Negative Declaration for the Project and Resolution No. PC2021-24 approving the Tentative Parcel Map, Design Review Permit, Creative Sign Program, Uniform Sign Program and Use Permit for a drive through facility for the Project by a vote of 4 - 1; and

WHEREAS, on August 30, 2021, David Kearney-Brown (the "Appellant") submitted a letter of appeal of the Planning Commission's approval of Resolution No. PC2021-24, particularly approval of the Use Permit for the drive through facility; and

WHEREAS, the City Council of the City of Napa, State of California, held a noticed public hearing on the subject appeal which was opened on October 5, 2021, and continued to and closed on November 2, 2021; and

WHEREAS, after considering evidence in the administrative record, including the record from the August 19, 2021 Planning Commission meeting, and presentations made during the public hearing on October 5, 2021, and November 2, 2021, the City Council closed the public testimony portion of the public hearing, and Council deliberated on the

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appeal and directed City staff to prepare a resolution to approve the appeal of the Use Permit previously approved by Planning Commission resolution PC2021-24; and

WHEREAS, the City Council has considered all information related to the appeal of a Use Permit for a restaurant with drive-through for the Project, 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 Council's adoption of this Resolution.

Section 2. The City Council hereby determines that the potential environmental effects of the actions authorized by this Resolution were adequately analyzed by the Soscol Square Project Mitigated Negative Declaration approved by the Planning Commission on August 19, 2021 (PC2021-23), pursuant to CEQA Guidelines Section 15162. Additionally, CEQA does not apply to projects which a public agency rejects or disapproves, pursuant to CEQA Guidelines Section 15270.

Section 3. The City Council hereby approves the appeal of the Planning Commission's approval of a Use Permit for a Drive Through Facility for the Soscol Square Shopping Center Project thereby denying the Use Permit for a Drive Through Facility based on the following findings:

a. The proposed use is not in accord with the General Plan Policy T-3.11.b.ii, which seeks to generally prohibit drive-up windows.

b. The proposed use of a drive through facility for the Project will 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 dual lane drive-through which has been designed with a capacity of up to 24 vehicles, requires motorized vehicles to idle for extended periods of time. Excessive vehicle emissions are known to contribute to greenhouse gas emissions. Therefore, the drive-through is expected to negatively contribute to greenhouse gas emissions which could result in impacts that could be detrimental to the public health, safety, or welfare.

Section 4. The City Council hereby directs staff to implement the land use entitlements for the Project identified in Planning Commission resolution PC2021-24, following the granting of the appeal and resulting denial of the Use Permit for a drive-through facility as set forth in this resolution, by deleting Conditions of Approval numbers 4, 7, and 9 and amending Condition of Approval number 51 (as set forth on Exhibit "A," attached hereto and incorporated herein by reference).

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I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 7th day of December 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney