

ORDINANCE O2018-__

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, ADOPTING A DEVELOPMENT AGREEMENT PURSUANT TO GOVERNMENT CODE SECTION S 65864 ET SEQ., BY AND BETWEEN THE CITY OF NAPA AND JAMES F. KELLER AND 1351 SECOND STEET LLC, DIRECTING ITS EXECUTION AND RECORDATION AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS ORDINANCE WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WEREAS, on November 13, 2018, the City Council of the City of Napa adopted a resolution updating procedures for the consideration and approval of development agreements pursuant to California Government Code Sections 65864 et seq.; and

WHEREAS, James Keller and 1351 Second Street LLC submitted for the consideration and approval of the City of Napa, a Development Agreement by and between the City of Napa and James F. Keller and 1351 Second Street LLC ("Development Agreement") for the development commonly referred to as the "Franklin Station Hotel" ("Project"). The Development Agreement is attached hereto as Exhibit "A" and incorporated herein by reference; 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, on October 18, 2018, the Planning Commission of the City of Napa held a public hearing on the Development Agreement noticed in accordance with the requirements of Government Code Section 65864 and the Napa Municipal Code; and

WHEREAS, at the conclusion of the hearing on October 18, 2018, the Planning Commission of the City of Napa recommended the approval and adoption of the Development Agreement by the City Council of the City of Napa; and

ATTACHMENT 3

WHEREAS, on November 13, 2018, the City Council of the City of Napa held a public hearing on the Development Agreement; and said public hearing being noticed in accordance with the requirements of the Government Code and the Napa Municipal Code; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Napa 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 finds that the provisions of the Development Agreement are consistent with the General Plan of the City of Napa in that:

The Development Agreement will promote orderly growth and quality development in accordance with the goals and policies set forth in the General Plan; is compatible with the uses authorized in, and the regulations prescribed for, the district in which the Property is located; will promote the public convenience, general welfare, and good land use practice; will not be detrimental to the health, safety and general welfare; will not adversely affect the orderly development of property or the preservation of property value; and will promote and encourage the development of the Project by providing a greater degree of requisite certainty.

SECTION 3. The City Council adopts and hereby approves the Development Agreement, and authorizes the City Manager to execute said Agreement upon the adoption of this Ordinance.

SECTION 4. The City Clerk is hereby directed to record, with the Napa County Recorder, the Development Agreement within ten (10) days after the execution of the Development Agreement by the City Manager.

SECTION 5. 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.

ATTACHMENT 3

SECTION 6: 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