

ORDINANCE O2020-__

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT AMENDMENT PURSUANT TO GOVERNMENT CODE SECTIONS 65864 ET SEQ., BY AND BETWEEN THE CITY OF NAPA AND NAPA REDEVELOPMENT PARTNERS LLC, DIRECTING ITS EXECUTION AND RECORDATION AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS ORDINANCE WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, on November 13, 2018, the City Council of the City of Napa adopted Resolution No. 2018-136 establishing updated procedures for the consideration and approval of development agreements pursuant to California Government Code Sections 65864 et seq.; and

WHEREAS, Napa Redevelopment Partners, LLC submitted an application for the consideration and approval of the Second Amendment to and First Restatement of the Development Agreement by and between the City of Napa and Napa Redevelopment Partners LLC ("Development Agreement Amendment") for the development commonly referred to as the "Napa Pipe Project" ("Project"). The Development Agreement Amendment is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, pursuant to CEQA Guidelines Section 15164, the Addendum to the Napa Pipe EIR for the Napa Pipe Project dated November 2019 ("2019 Addendum") was prepared by the City as an addendum to the Napa Pipe Final Environmental Impact Report certified by Napa County Board of Supervisors on January 14, 2013 (State Clearinghouse No. 2008122111) (the "Certified EIR") to analyze the potential environmental impacts of the Project. The 2019 Addendum and the Certified EIR are on file in the Office of the City Clerk and are incorporated herein by reference; and

WHEREAS, the 2019 Addendum concluded that none of the conditions described under CEQA Guidelines Section 15162 requiring further environmental review are present, and accordingly, no subsequent or supplemental environmental impact report or negative declaration is required for the Project; and

WHEREAS, on December 5, 2019, the Planning Commission of the City of Napa considered the Certified EIR, 2019 Addendum, and Development Agreement Amendment and all written and oral testimony submitted to them at a duly noticed public hearing regarding the same in accordance with the requirements of Government Code Section 65868 and the Napa Municipal Code; and

WHEREAS, at the conclusion of the hearing on December 5, 2019, the Planning Commission of the City of Napa recommended that the City Council (a) find, based on

ATTACHMENT 2

the 2019 Addendum and pursuant to Sections 15162, 15164 and 15168 of the CEQA Guidelines, that the Project is within the scope of the project that was evaluated in the Certified EIR and no further environmental review is required to approve the Development Agreement Amendment, and (b) approve the Development Agreement Amendment; and

WHEREAS, on January 21, 2020, the City Council of the City of Napa held a duly noticed public hearing on the Development Agreement Amendment 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 Development Agreement Amendment, as presented at the public meeting of the City Council identified herein, including the Certified EIR, the 2019 Addendum, 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 Certified EIR as documented in the 2019 Addendum, pursuant to CEQA Guidelines Section 15162, were adequately evaluated and addressed in the 2019 Addendum, and would not have any environmental effects that were not addressed in the Certified EIR. Further, the City Council hereby determines that none of the conditions described in CEQA Guidelines Section 15162 requiring further environmental review would occur as a result of the Development Agreement Amendment and that no additional environmental review or document is required.

SECTION 2. The City Council hereby finds that the provisions of the Development Agreement Amendment are consistent with the General Plan of the City of Napa as demonstrated in the record, including but not limited to the analysis contained in the 2019 Addendum to the Certified EIR as well as the previous addendum to the Certified EIR adopted by Resolution R2014-132. In addition, the City Council finds that:

The Development Agreement Amendment 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 hereby approves and authorizes the City Manager to execute the Development Agreement Amendment, in substantially the same form on file with the City Clerk, upon the effective date of this Ordinance.

ATTACHMENT 2

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

SECTION 5. 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.

SECTION 6: 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

ATTACHMENT 2

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Tiffany Carranza, 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 21st day of January, 2020, and had its second reading and was adopted and passed during the regular meeting of the City Council on the 4th day of February, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney