



Staff Reports

File #: 426-2021, **Version:** 1

To: Honorable Mayor and Members of City Council
From: Vincent Smith, Community Development Director
Prepared By: Michael Allen, Acting Planning Manager

TITLE:
Soscol Square Shopping Center Appeal

RECOMMENDED ACTION:

Adopt a resolution approving an appeal of the Planning Commission's approval of a Use Permit for a restaurant with a 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.

DISCUSSION:

The Soscol Square Shopping Center Appeal was reviewed by the City Council during a public hearing held at their October 5, 2021 meeting. At that meeting, the Council continued the Appeal hearing to their November 2, 2021 meeting to give the future restaurant operator the opportunity to explain how they would manage the drive-through. At the November 2, 2021 meeting, after the City Council considered substantial testimony during the public hearing, the Council deliberated and took action on a 3 to 1 vote (Narvaez - no; and Luros - recused) to direct staff to prepare a resolution approving the appeal of the Use Permit for a drive through facility for a restaurant in the Soscol Shopping Center, thereby denying the drive through facility that was previously approved by Planning Commission resolution PC2021-24.

Attached to this staff report is a recommended resolution approving the appeal and denying the Use Permit for the drive through. Exhibit "A" to the recommended resolution identifies the modification of four conditions of approval related to the drive through, as summarized below.

In an e-mail to Staff, the Applicant requested that City Council remove three conditions of approval (COA) that the Planning Commission added to the Project at their August 18, 2019. The conditions were added as a means of mitigating the drive through component of the Project:

COA No. 4, requires five (5) additional electric charging stations,
COA No. 7, requires the core/shell buildings to be constructed to LEED silver qualifications,
COA No. 9 requires the installation of infrastructure necessary for landscape areas to connect to future recycled water service for when it becomes available in the future,

The Applicant also request amending COA #51.b. specific to the Street Improvement Fees to reflect

the omission of the drive through. This modification is necessary since the original fee was calculated to include a drive through.

Staff recommends the City Council approve the deletion and amendment of these four conditions since they were added to address issues particular to the drive through; therefore, these conditions should not be required now that the drive through is no longer part of the project.

FINANCIAL IMPACTS:

No direct financial impacts to the General Fund have been identified with this application.

CEQA:

City Staff recommends that the Council determine that the potential environmental effects of the action described in this Staff report were adequately analyzed by the Soscol Square Project Mitigated Negative Declaration approved by the Planning Commission on August 19, 2021, 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.

DOCUMENTS ATTACHED:

ATCH 1 - Appeal Approval Resolution
EX A - Amended Resolution PC2021-24

NOTIFICATION:

Notice of the scheduled public hearing was provided on September 22, 2021 by US Postal Service to all property owners within a 500-foot radius of the subject property. Notice of the public hearing was also published in the Napa Valley Register on September 24, 2021 and provided to people previously requesting notice on the matter at the same time notice was provided to the newspaper for publication.