

ORDINANCE NO. 02016____

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 THE NAPA VISTA TULOCAY LLC, AND DIRECTING ITS EXECUTION AND RECORDATION

WEREAS, on August 16, 1983, the City Council of the City of Napa adopted Resolution No. 83-176 establishing procedures for the consideration and approval of Development Agreements pursuant to California Government Code Sections 65864 et seq.; and

WHEREAS, The Napa Vista Tulocay LLC submitted for the consideration and approval of the City of Napa, a Development Agreement for the development commonly referred to as "Vista Tulocay Apartments"; and

WHEREAS, on July 21, 2016 the Planning Commission of the City of Napa held a public hearing on the application for a Development Agreement submitted by Vista Tulocay Apartments LLC; and

WHEREAS, said public hearing was 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 July 21, 2016, 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

WHEREAS, on August x, 2016, the City Council of the City of Napa held a public hearing on the application submitted by Vista Tulocay Apartments for a Development Agreement; and said public hearing being noticed in accordance with the requirements of 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; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Napa as follows:

Section 1. In accordance with the requirements of Guidelines Sections 15164 and 15168 of the California Environmental Quality Act (CEQA), the City Council has considered the Tulocay Vista Apartments Project Addendum ("Addendum") to the Final

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Environmental Impact Report for the Gasser Master Plan, adopted December 12, 2006. The Final Environmental Impact Report for the Gasser Master Plan EIR was certified by the City Council on November 21, 2006. The Gasser Master Plan EIR and the Addendum are on file in the Office of the City Clerk, and are incorporated herein by reference. The Addendum analyzed the site-specific impacts of the proposed Vista Tulocay Apartments project. The Addendum confirms that while certain changes and clarifications to the scope of the Gasser Master Plan EIR are warranted, the Vista Tulocay Apartments project is within the scope of the development program described and evaluated in the Gasser Master Plan EIR and none of the conditions described under CEQA Guidelines Section 15162 are present, and accordingly, no subsequent or supplemental EIR is required. After due consideration, the City Council hereby determines that the Addendum concludes that the Vista Tulocay Apartments Project will not result in any new or significant environmental effects or a substantial increase in the severity of previously identified significant effects and complies with the applicable CEQA requirements and is adequate and appropriate to support the approval of the Vista Tulocay Apartments project by the Commission and the City Council. The City Council hereby incorporates by reference the Statement of Overriding Considerations adopted in the certification of the Gasser Master Plan as Exhibit "A" to City of Napa Resolution R2006 212.

SECTION 2. The City Council hereby finds that the provisions of this Development Agreement are consistent with the General Plan of the City of Napa in that:

The 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 this Development Agreement to be entered into by and between the City of Napa and Napa Vista Tulocay LLC, and authorizes the Mayor 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, this Agreement within ten (10) days after the execution of the Development Agreement by the Mayor.

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

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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: 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 ___ day of ____, 20__, and had its second reading and was adopted and passed during the regular meeting of the City Council on the ___ day of ____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

Dorothy Roberts
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney