

RESOLUTION R2019-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH NAPA COUNTY REGARDING ANNUAL REPORTING OF AFFORDABLE HOUSING PRODUCTION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR AFFORDABLE HOUSING UNITS CONSTRUCTED IN THE CITY'S JURISDICTION ON THE NAPA PIPE PROPERTY, PURSUANT TO SB 235 (CALIFORNIA GOVERNMENT CODE SECTION 65584.08); AND DETERMINING THAT THE POTENTIAL ENVIRONMENTAL EFFECTS WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, on October 13, 2019, California Senate Bill 235 (SB 235; Chapter 844) was approved by the Governor which allows the City and Napa County ("County") to enter into a mutually acceptable agreement (the "SB 235 Agreement") to allow the County to include in its annual report on housing production to the Department of Housing and Community Development data regarding affordable housing production (including entitlements, building permits, and certificates of occupancy) that occurs within the Napa Pipe Development project (the "Project") after the Project site has been annexed to the City of Napa, and;

WHEREAS, SB 235 adds a new Section 65584.08 to the Government Code, which requires that certain conditions be satisfied by the City and County before they are authorized to enter into an SB 235 Agreement, and;

WHEREAS, the City and County have satisfied the conditions required by Government Code section 65584.08(b), and;

WHEREAS, Government Code section 65584.08(b)(5) requires that any SB 235 Agreement contain certain information regarding the housing development and the production of affordable housing that are the subject of the proposed SB 235 Agreement, and;

WHEREAS, the City and County have negotiated the terms of a proposed SB 235 Agreement that satisfies the requirements of Government Code section 65584.08(b)(5), and the SB 235 Agreement is attached hereto as Exhibit "A," and incorporated herein by reference, and;

WHEREAS, the City Council held a public hearing on November 5, 2019 to solicit public comment on the proposed agreement, as required by SB 235. The County of Napa is anticipated to hold a public hearing on November 12, 2019 on the proposed agreement; and

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WHEREAS, pursuant to Government Code Section 65584.08(b)(6), the City Council must make certain findings prior to approving the agreement, which are addressed in Section 3 of this resolution; and

WHEREAS, the Project site is located within the City's Rural Urban Limit and within the City's Sphere of Influence; and

WHEREAS, the Project site is located within the Master Plan: Napa Pipe - Mixed-Use Residential-Waterfront Zoning District and within the Airport Compatibility Overlay District; and

WHEREAS, the City Council has considered all information related to this matter, 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:

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 City Council's adoption of this Resolution.

2. The City Council hereby determines that pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2), the SB 235 Agreement (attached as Exhibit "A") is within the scope of (a) the Environmental Impact Report for the Napa Pipe Project ("Napa Pipe EIR"), adopted January 14, 2013 by the County of Napa; and (b) the Initial Study / Addendum to the Napa Pipe EIR, adopted July 22, 2014 by the City of Napa, because no environmental effects could occur as a result of the SB 235 Agreement that were not previously analyzed in the EIR and no new mitigation measures would be required. The City Council hereby additionally finds, as required by California Public Resources Code Section 21082.1(c)(3) and California Code of Regulations Section 15074(b) that this determination reflects the City Council's independent judgement and analysis.

3. The City Council hereby makes the following findings in accordance with Government Code Section 65584.08(b)(6):

(A) The proposed SB 235 Agreement (attached hereto as Exhibit "A") complies with, and documents facts and findings to support compliance with, the requirements of Government Code Section 65584.08(b)(6).

(B) The proposed SB 235 Agreement will not cause or exacerbate racial, ethnic, or economic segregation.

(C) The proposed SB 235 Agreement provides and requires that the housing developments that are to be reported by each jurisdiction under the Agreement do not

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include any housing development that is located in a census tract where more than 50 percent of the population are very low income households, as defined in Health and Safety Code Section 50105, unless the housing development is within one-half mile of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155.

(D) The proposed SB 235 Agreement provides and requires that the housing developments that are to be reported by each jurisdiction under the Agreement do not include any housing development the completion of which would result in a reduction in the number of housing units, or a reduction in the affordability of housing units, on the site where the housing development is proposed to be built.

4. The City Manager is hereby authorized to execute an SB 235 Agreement in substantial conformance with the Agreement attached hereto as Exhibit "A."

5. This Resolution shall take effect immediately upon its adoption.

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 5th day of November, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney