



CITY OF NAPA

955 School Street
Napa, CA 94559
www.cityofnapa.org

MEETING MINUTES - Final

CITY COUNCIL OF THE CITY OF NAPA

Mayor Scott Sedgley
Vice Mayor Mary Luross
Councilmember Liz Alessio
Councilmember Bernie Narvaez
Councilmember Beth Painter

Tuesday, October 18, 2022

3:30 PM

City Hall Council Chambers

3:30 PM Afternoon Session
6:30 PM Evening Session

3:30 P.M. AFTERNOON SESSION

1. CALL TO ORDER: 3:30 P.M.

1.A. Roll Call:

Present: 4 - Councilmember Alessio, Councilmember Narvaez, Councilmember Painter, and Mayor Sedgley

Absent: 1 - Vice Mayor Luross

2. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:

City Clerk Carranza announced the following supplemental documents:

Item 6.B. - PowerPoint from City Staff.

Item 6.C. - PowerPoint from City Staff.

Item 6. D. - PowerPoint from City Staff.

(Copies of all supplemental documents are included in Attachment 1)

3. SPECIAL PRESENTATIONS:

3.A. [377-2022](#) Domestic Violence Awareness Month

Mayor Sedgley and City Councilmembers read the proclamation. Danis Kreimeier accepted the proclamation on behalf of NEWS, Domestic Violence and Sexual Assault Victim Services, and provided remarks.

4. PUBLIC COMMENT: None.

5. CONSENT CALENDAR:

Approval of the Consent Agenda

A motion was made by Councilmember Painter, seconded by Councilmember Narvaez, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 4 - Alessio, Narvaez, Painter, and Sedgley

Absent: 1 - Lueros

- 5.A.** [379-2022](#) City Council Meeting Minutes
- Approved the Minutes for the September 15, 2022 Special Meeting and the October 4, 2022 Regular Meeting of the City Council.
- 5.B.** [383-2022](#) Bicycle and Trails Advisory Commission Duties and Name
- Approved the second reading and final passage, and adopted Ordinance O2022-012 amending Napa Municipal Code Sections 2.73.010, 2.73.020 and 2.73.050 to change the duties and name of the Bicycle and Trails Advisory Commission to the Bicycle and Pedestrian Advisory Commission.
- Enactment No: O2022-012
- 5.C.** [382-2022](#) Parks, Recreation and Trees Advisory Commission Membership
- Appointed incumbents Jeffrey M. Richard, Scott Messenger, Brian D. Bordona, and new applicant, Rex A. Stults, to the Parks, Recreation and Trees Advisory Commission for a term effective immediately and ending September 30, 2024; and designated Brian D. Bordona and Scott Messenger as two of the three members who demonstrate experience in one of the following identified fields: urban planning, park planning, park operations, park maintenance, recreation programming, horticulture, or arboriculture.
- 5.D.** [369-2022](#) City of Napa Comments on Napa County Draft Housing Element
- Authorized the City Manager to submit comments on behalf of the City of Napa to Napa County in regards to the County's Draft Housing Element of the General Plan.
- 5.E.** [378-2022](#) Gann Appropriation Limits for Fiscal Year 2022/23
- Approved Resolution R2022-093 establishing the Gann appropriations limit for Fiscal Year 2022/23.
- Enactment No: R2022-093

5.F. [380-2022](#) Selective Traffic Enforcement Program (STEP) Grant

Adopted Resolution R2022-094 accepting a grant from the Office of Traffic Safety, State of California, authorizing the Chief of Police to sign the Grant Agreement, and authorizing revenue and expenditure budget increases of \$120,000 in the Non-Recurring General Fund for the Selective Traffic Enforcement Program Grant for Fiscal Year 2022-2023, as documented in Council Budget Amendment No. 38.

Enactment No: R2022-094

6. ADMINISTRATIVE REPORTS:

6.A. [305-2022](#) Proclamation of Local Emergency to Respond to the Coronavirus (COVID-19)

City Manager Potter provided the staff report.

There were no requests from the public to comment.

A motion was made by Councilmember Alessio, seconded by Councilmember Painter, to Continue the Proclamation of Local Emergency authorizing the City Manager to take actions necessary to respond to the Coronavirus (COVID-19); and ratify actions taken by the City Manager in implementation of the Proclamation of Local Emergency. The motion carried by the following vote:

Aye: 4 - Alessio, Narvaez, Painter, and Sedgley

Absent: 1 - Lueros

6.B. [317-2022](#) Department Spotlight: Community Development Department Economic Development Division

(See supplemental document in Attachment 1)

Community Development Director Vin Smith introduced the item. Economic Development Manager Neal Harrison, joined by Economic Development Coordinators Jennifer Owen and Brendan Hurley, provided the report.

Individual Councilmember comments and questions ensued.

There were no requests from the public to comment.

Receive a report providing an overview of the Community Development Department Economic Development Division's recent activities and future strategy.

- 6.C.** [327-2022](#) Quarterly Recruitment Update
(See supplemental document in Attachment)

Human Resources Director Heather Ruiz provided the report.

Council comments and questions ensued.

There were no requests from the public to comment.

- 6.D.** [170-2022](#) Napa Recycling & Waste Services 2022 Contact Amendment
(See supplemental document in Attachment 1)

Materials Diversion Administrator Kevin Miller provided the report.

Brief Council questions and comments ensued.

There were no requests from the public to comment.

A motion was made by Councilmember Narvaez, seconded by Councilmember Alessio, to adopt Resolution R2022-095 authorizing the Utilities Director to execute the 2022 Contract Amendment to City Agreement No. 8687 with Napa Recycling & Waste Services, LLC ("NRWS") for a term through December 31, 2031, for the collection and transportation of Municipal Solid Waste, Recyclable Materials, and Compostables, and operation of the Napa Materials Diversion Facility, and determining that the actions authorized by this resolution are exempt from CEQA. The motion carried by the following vote:

Aye: 4 - Alessio, Narvaez, Painter, and Sedgley

Absent: 1 - Luross

Enactment No: R2022-095

7. PUBLIC HEARINGS:

7.A. [358-2022](#) Blue Oak School Middle School Campus Improvement Funding

Mayor Sedgley opened the public hearing.

Economic Development Manager Neal Harrison provided a brief report.

Jonathan Fulk, Head of Blue Oak School, provided an opening statement and further detailed the request.

Mayor Sedgley asked for disclosures; Council provided them.

Mayor Sedgley called for public testimony; there were no requests to speak.

Brief individual comments and questions ensued.

A motion was made by Councilmember Painter, seconded by Councilmember Alessio, to close the public testimony. The motion carried unanimously.

A motion was made by Councilmember Painter, seconded by Councilmember Alessio, to adopt Resolution R2022-096 approving Associate Membership by the City of Napa in the California Enterprise Development Authority and Authorizing the City Manager to Execute the Associate Membership Agreement. The motion carried by the following vote:

Aye: 4 - Alessio, Narvaez, Painter and Sedgley

Absent: 1 - Luros

A motion was made by Councilmember Alessio, seconded by Councilmember Narvaez, to adopt Resolution R2022-097 (A) approving the issuance by the California Enterprise Development Authority (the "Authority") of not to exceed \$20,000,000 aggregate principal amount of the Authority's Revenue Obligations for the purpose of financing, refinancing, and/or reimbursing the cost of acquisition, construction, renovation, improvement and equipping educational facilities for the benefit of Blue Oak School and other matters relating thereto herein specified; and (B) determining the actions authorized by this resolution were adequately analyzed by a previous CEQA action. The motion carried by the following vote:

Aye: 4 - Alessio, Narvaez, Painter and Sedgley

Absent: 1 - Luros

Enactment No: R2022-096 R2022-097

8. COMMENTS BY COUNCIL OR CITY MANAGER:

Mayor Sedgley shared that Jersey Mike's Sub was donating 10% of all proceeds that week to the Queen of the Valley Medical Center's Cancer Care Wellness Program.

Councilmember Alessio encouraged folks to participate in the Downtown Association's Hometown Halloween trick-or-treat event on Saturday October 29, 2022 from 11:00 a.m. to 1:00 p.m. She also shared that the Napa County Historical Society would be holding a Halloween Soiree at the Goodman Library that evening and tickets were available online.

CITY COUNCIL RECESS: 5:32 P.M.

6:30 P.M. EVENING SESSION

9. CALL TO ORDER: 6:30 P.M.

9.A. Roll Call:

Present: 4 - Councilmember Alessio, Councilmember Narvaez, Councilmember Painter, and Mayor Sedgley

Absent: 1 - Vice Mayor Luros

10. PLEDGE OF ALLEGIANCE:

11. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:

City Clerk Carranza announced the following supplemental items:

Item 13.A.:

- PowerPoint Presentation from City Staff.
- 20 submitted written comments.
- Memo from City Staff regarding Appendix A Clarification.

(Copies of all supplemental documents are included in Attachment 2)

12. PUBLIC COMMENT:

Doug Dahme - provided comments regarding a residential storage/tool shed on his property and shared concerns regarding a potential code violation.

Michelle Dahme - provided comments regarding a residential storage/tool shed violation on her property. She would like to be able to work with staff on a solution and suggested updates to municipal code language.

(Copies of the Dahme's comments and submitted material that was provided to Councilmembers are included in Attachment 2)

13. PUBLIC HEARINGS:

13.A. [368-2022](#) General Plan Adoption

(See supplemental documents in Attachment 2)

Mayor Sedgley re-opened the Public Hearing which was continued from the September 20, 2022 regular meeting of the City Council.

Senior Planner Michael Walker provided the staff report.

Mayor Sedgley called for public comment.

Tom Andrews - thanked Council and suggested adoption of the proposed Plan.

Lynne Posner - provided comments supporting the re-designation of Foster Road Mixed Use to Greenbelt.

Cindy Deutsch - provided comments in support of adoption of the proposed Plan.

Margan Halloway - provided comments in support of the adoption of the proposed Plan.

Zaiga Zarins - provided comments regarding integrity, shared concerns regarding the development of the Ghisletta property and suggested that Councilmember Narvaez recuse himself from participation due to previous campaign contributions received from the Ghisletta family.

Linda Brown on behalf of Napa Climate Now! - suggested revised language for CCS 2-1.

Sharon Parham, member of Napa Climate Now! - provided suggest to address gas stations in the Plan.

Liliana Karesh, Napa Schools for Climate Action - provided comments suggesting a ban on new gas stations and stronger language in the Plan.

David Mahaffey - asked Council to agendize a future discussion regarding trees and the forest to address Climate Change.

Bayard Fox, member of Napa Climate Now! - provided comments, and suggested added language, to prohibit drive throughs.

Kara Vernor, Napa County Bicycle Coalition - thanked Council and staff for incorporated changes into the proposed Plan.

Andrew Healy, on behalf of Brown's Valley Action Group - provided thanks to commission members, staff and Council for adopting proposed greenbelt designation into the Plan and endorsed the greenbelt designation language on page 213, the application of the greenbelt designation to all of the parcels around Timberhill in West Browns Valley, and the re-mapping of two city-owned parcels in the area to open space and parks. He also noted some concern that the Plan still allowed West Browns Valley and Timberhill the same development rights as existed in the previous two Plans.

Jeff Prather - provided comments of appreciation for the removal for the Linda Vista Bridge Extension.

Craig Isham - provided comments supporting the re-designation of Foster Road Mixed Use to Greenbelt.

Rob Cherry - provided comments supporting the re-designation of Foster Road Mixed Use to Greenbelt noting specific concerns regarding earthquake zones.

Tony Norris - shared that he appreciated changes to the plan that addressed climate change, and the inclusion of suggested edits by the Napa Working Families Coalition. Supported the re-designation of Foster Road Mixed Use to Greenbelt.

Joe Keebler - provided comments regarding zoning of his property; would like to meet with a representative from the City Attorney's office to discuss his ideas.

Darrell Hutton - provided comments regarding the Linda Vista Bridge extension; supported the Plan as proposed.

Patti - provided comments supporting the re-designation of Foster Road Mixed Use to Greenbelt.

Kevin Teague - provided comments regarding the Foster Road designation.

Sharon Marks - provided comments supporting the re-designation of Foster Road Mixed Use to Greenbelt. Asked if Costco was involved.

Ingrid - provided comments regarding proposed housing development near Grove Avenue.

A motion was made by Councilmember Alessio, seconded by Councilmember Narvaez to close the public testimony. The motion carried unanimously.

Mayor Sedgley called for disclosures; Councilmembers provided them.

The discussion was brought back to Council for deliberation. Individual comments ensued.

Councilmember Painter suggested revised language for CCS 2-1 to replace the first bullet point and separate fossil fuel service stations and drive-through facilities. Discussion ensued. Mayor Sedgley called for a break at 8:20 P.M. to allow the City Clerk to make copies of the proposed language (see supplemental document in Attachment 2) to distribute to members of Council for further review and consideration.

The meeting reconvened at 8:28 P.M. and Council discussion ensued regarding the proposed language.

Following the discussion, Councilmembers agreed to delete the first bullet point in proposed Policy CCS 2-1 and to replace it with the following two bullet points:

- * Establish regulations to limit construction of new fossil fuel stations and limit the addition of new fossil fuel pumps at existing fossil fuel stations. Encourage the accommodation of alternative fuels other than fossil fuels.

- * Establish regulations that encourage alternative approaches to traditional drive through facilities at new and existing businesses. Alternatives shall provide high quality customer service, using current technology and facilities designs, without involving sustained idling of fossil fueled engines.

A motion was made Councilmember Narvaez, seconded by Councilmember Painter to adopt Resolution R2022-098 (a) approving and adopting an Addendum to the certified Environmental Impact Report for the City of Napa General Plan Update, and (b) adopting the City of Napa 2040 General Plan, with the amendment to the language in Policy CCS 2-1 as reflected in the minutes, and determining that the actions authorized by this resolution were adequately analyzed in compliance with CEQA. The motion carried by the following vote:

Aye: 4 - Alessio, Narvaez, Painter, and Sedgley

Absent: 1 - Lueros

Enactment No: R2022-098

14. COMMENTS BY COUNCIL OR CITY MANAGER:

City Manager Potter shared that he spoke with Community Development Director Vin Smith and that staff would be following up with the Dahme's to address their concerns provided in their public comments earlier that evening.

15. ADJOURNMENT: 8:39 P.M.

Submitted by:

Tiffany Carranza, City Clerk

ATTACHMENT 1

**SUPPLEMENTAL REPORTS &
COMMUNICATIONS Office of the City Clerk**

**City Council of the City of Napa
Regular Meeting**

October 18, 2022

FOR THE CITY COUNCIL OF THE CITY OF NAPA

AFTERNOON SESSION:

SUBMITTED PRIOR TO THE CITY COUNCIL MEETING

6. ADMINISTRATIVE REPORTS:

6.B. Department Spotlight: Community Development Department Economic Development Division

- PowerPoint presentation from City Staff.

6.C. Quarterly Recruitment Update

- PowerPoint presentation from City Staff.

6.D. Napa Recycling & Waste Services 2022 Contact Amendment

- PowerPoint presentation from City Staff.



ECONOMIC DEVELOPMENT

Community Development Department
Economic Development Division
Council Spotlight
10.18.2022

Department Spotlight Purpose

Share with the Council some of the Community Development Department Economic Development Division's recent activities and future projects.

Introduce the Team

Vin Smith
(CD Director)



STAFF SPOTLIGHT

CITY OF
NAPA

NAPA'S NEWEST ECONOMIC
DEVELOPMENT COORDINATORS!



JENNIFER OWEN



BRENDAN HURLEY

- Vin Smith, Community Development Director
- Neal Harrison, Economic Development Manager
- Jennifer Owen, Economic Development Coordinator
- Brendan Hurley, Economic Development Coordinator



Assist businesses



Strengthen key industries: manufacturing, agriculture, health and wellness



Spur housing and mixed-use development



Support continued downtown revitalization



Promote placemaking and branding

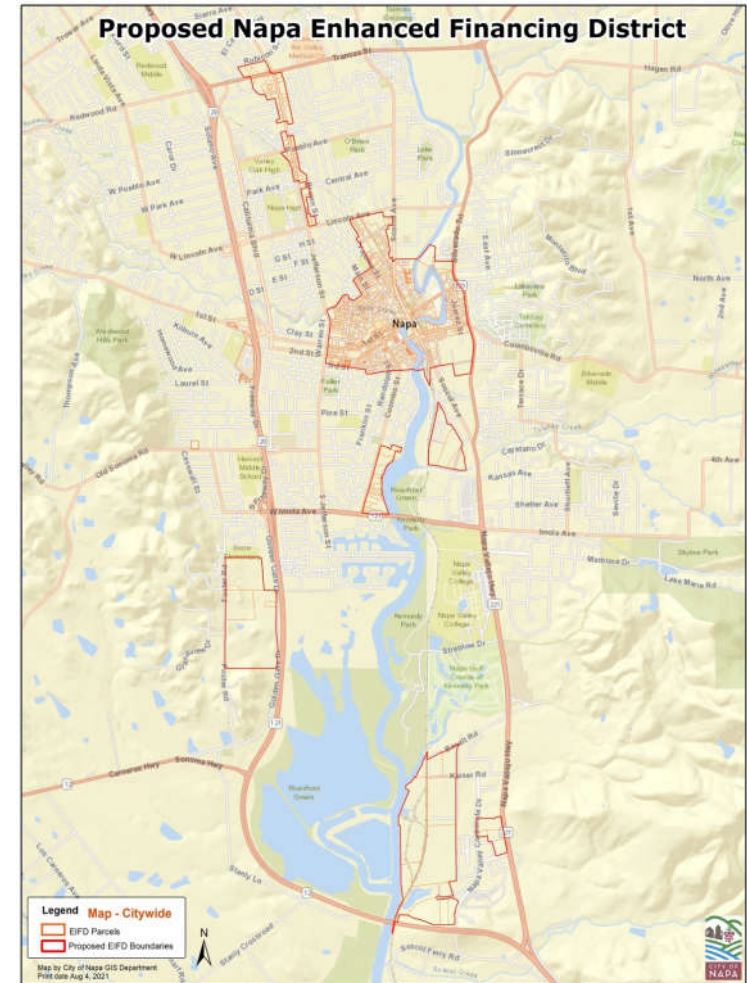
CITY OF
NAPA

ECONOMIC
DEVELOPMENT

Economic
Growth,
Equity, and
Diversification

Accomplishment: New Tools for Infrastructure and Development

- Formed the City of Napa Enhanced Infrastructure Financing District (EIFD) leveraging tax increment financing for infrastructure projects
- Joining the California Enterprise Development Authority (CEDA) for tax exempt financing; Blue Oak School first potential recipient



Accomplishment: Downtown Wayfinding

- Downtown Property Improvement District (PBID) – up to \$450,000
- 2022: Phase 1 – replace existing signs and install gateway signs
- 2023: Phase 2 – new vehicular, pedestrian signage and city buildings



Accomplishment: Business Support & Communication



- Economic Development Monthly Newsletter:
4160 subscribers; 48% open rate
- Small Business Startup Guide
- ED Concierge & Pre-Application Meetings

KEY PROJECT – Napa Makes



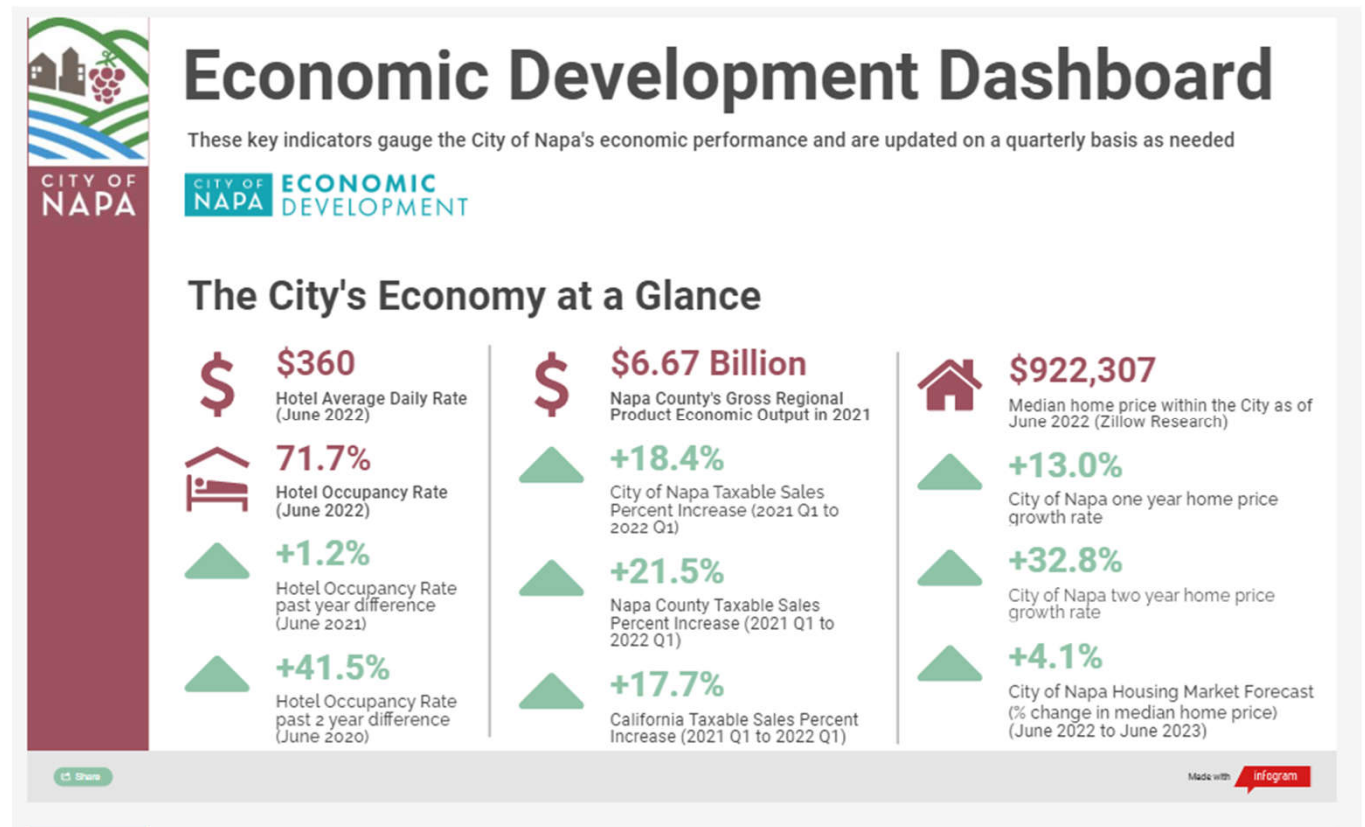
NAPA MAKES

- Raising visibility – branding, media coverage
- Fostering connection – newsletter, Facebook community page
- Manufacturing Week Event



KEY PROJECT – Economic Dashboard

- Public-facing dashboard with key performance indicators
- Internal data collection on key corridors



[Economic Development Dashboard | Napa, CA \(cityofnapa.org\)](https://cityofnapa.org/economic-development-dashboard)

Priorities & Projects Going Forward 22/23

Business Concierge and Workforce
Development Partnerships

Targeted Site Development

District Enhancements such as Downtown,
The Oxbow and Rail Arts District

Downtown Street Banner, DT Vine Trail Access
and committee collaboration (DNA, TID, PBID)

QUESTIONS OR COMMENTS?



ATTACHMENT 1



City Council Regular Meeting
10/18/2022
Item 6.C.
From: City Staff



Quarterly Recruitment Update

Human
Resources

October 18, 2022

Full-Time Recruitment Metrics

(FY21/22 Q4 and FY22/23 Q1)

Metric	Total
Recruitments Completed	43
Positions Filled	45
Total Current Vacancies	51 in Q1 FY22-23 (57 in Q3 FY21-22, 76 in Q2 FY21-22, 92 in Q1 FY21-22)
Current Active Recruitments	18



Part-Time Recruitment Metrics

(FY21/22 Q4 and FY22/23 Q1)

Metric	Total
Recruitments Requested	25
Recruitments Completed	21
Positions Filled	73
Upcoming Recruitments	7



Employee Turnover

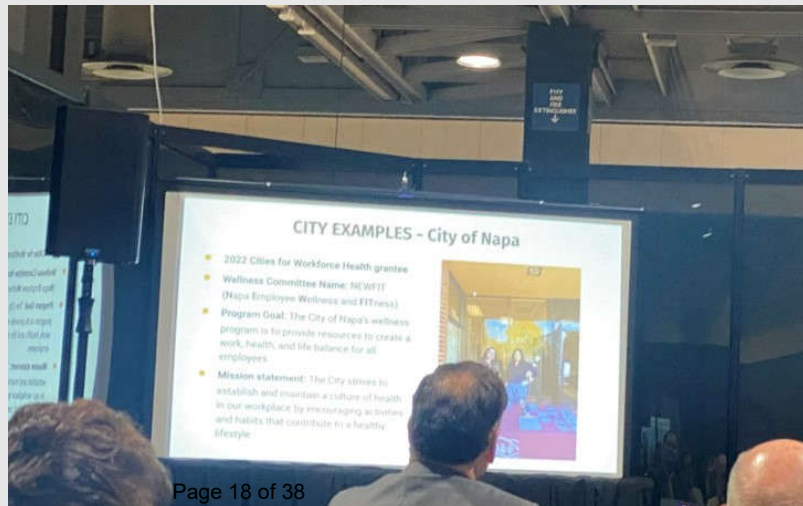


Highlights

- Second Wellness Challenge has launched



- Statewide Recognition at Cal Cities Annual Conference



Highlights

- Buddy Program hosts first Buddy Bowling Event (aka Pin Pals!)



Highlights

- Successfully completed negotiations with two bargaining units (NCEA and NPOA) and reached total tentative agreements
- Open Enrollment Benefits Fair (Virtual and In-Person)



Highlights

- DEI Training Year 2
“Conscious Conversation” is currently underway for all City Employees



THANK YOU!





City Council Regular Meeting
10/18/2022
Supplemental - Item 6.D.
From: City Staff



2022 NRWS Contract Amendment

Prepared by Kevin Miller
Materials Diversion
Administrator

October 18, 2022

PROPOSED 2022 AMENDMENT TO CITY-NRWS AGREEMENT

Presentation Outline:

- A. Contract Background
- B. Highlights of 2018 Contract Amendment
- C. Highlights of Proposed 2022 NRWS-City Contract Amendment
- D. Future Steps – SB 1383 Contract Amendment; Rate Setting in 2023
- E. Recommended Action



PART A: BACKGROUND

- Original (current) City-NRWS contract
 - Base 10 years (CY2005 to CY2015)
 - Extended 3 years (City had 4 one-year options) from CY2016 to CY2018.
 - 2018 Contract Amendment extended City-NRWS agreement 14 years (through end of CY2031)



PART B: HIGHLIGHTS OF 2018 CONTRACT AMENDMENT:

1. Replacement of Heavy NRWS (City) Fleet
 - 100% new clean air Compressed Natural Gas (CNG) – Completed in 2020



2. Control & manage costs for City rate payer (Fixed 3.5% labor & 2.5% non-labor annual increases first 5 years of 14-year extension)

PART B: HIGHLIGHTS OF 2018 CONTRACT AMENDMENT:



3. New Compostable Organic Material to MDF

- NRWS delivers 30,000 “new” tons to MDF for additional revenue (\$1.5M/year)
- NRWS secured these 30,000 tons/year
- In 2021, City MDF received 88,000 tons of compostable organics (inclusive of 30k tons)

PART B: HIGHLIGHTS OF 2018 CONTRACT AMENDMENT:



4. Customer Service Office & 600 Tower Road

- NRWS to provide full service in-town customer service payment center (598 Lincoln Avenue) & storage space @ 600 Tower Road no additional cost to City

PART B: HIGHLIGHTS OF 2018 CONTRACT AMENDMENT:



5. New Processing Equipment

- NRWS to upgrade MDF sorting/processing equipment (increase recovery by 4-5%)
- Added 5,000 tons of recyclables by 2020
- Lower disposal cost of “residue” by \$160,000-\$200,000 per year
- Extend working life from standard 10 years to 14 years (through end of CY2031)

PART B: HIGHLIGHTS OF 2018 CONTRACT AMENDMENT:

6. Preserve incentives for high performance and increased diversion from landfill disposal

7. Address necessary system improvements at City's Materials Diversion Facility (MDF)
 - Covered Aerated Static Pile (CASP) composting system
 - Upgraded stormwater management system

8. Allow for cost savings and innovation wherever possible

PART C: HIGHLIGHTS OF PROPOSED 2022 CONTRACT AMENDMENT

- Fixed Annual Adjustments:
 - Extended fixed 3.5% (labor) through 2031
 - Extended fixed 2.5 (non-labor) to 2031
 - “Safety Value” Provision:

If non-labor increase exceeds 5% in a given year, City and NRWS share equally in increase above 5%.

Example: Non-labor inflation = 8%

City pays 1.5%, NRWS bears 1.5%



PART C: HIGHLIGHTS OF PROPOSED 2022 CONTRACT AMENDMENT

- Increased Operating & Capital Costs:
 - Covered Aerated Static Pile (CASP) composting system (\$12M)
 - Comply with air permit conditions
 - New NRWS lab technician & on-site testing lab equipment
 - Additional compost operator
 - Upgraded MDF stormwater management system (\$3M)
 - New water truck (\$208k)
 - New grinder (\$950k)

**New state-of-the-art
Covered Aerated Static Pile (CASP)
composting system (operational January 2020)**



2021 CRRA Leadership in Organics Composting Facility of the Year!



[A quick and fun look at Napa's composting process](#)

PART C: HIGHLIGHTS OF PROPOSED 2022 CONTRACT AMENDMENT

- Cost Review to Reconciliation Review
 - Develop a fair mechanism to adjust to changes in growth and legislation
 - Shift from once every 3 years (looking forward 3-4 years) to every other year looking back at actual growth & service
 - First new process originally set for CY2020 looking back at CY2019 compared against CY2017 as “baseline” (NRWS agreed to delay until 2021)

PART C: HIGHLIGHTS OF PROPOSED 2022 CONTRACT AMENDMENT

- Cost Review to Reconciliation Review
 - Residential Metric = # of households
 - * Special provision for Napa Pipe
 - Commercial Metric = # of “lifts”
 - * Commercial food scraps & Sunday service taken out of eligible lift calculation to measure growth
 - Roll-Off Metric = # of “services”
 - * Calculated each year vs. actuals; measured over and above 4 trucks & 4 drivers (low \$8k vs. high \$306k)



PART D: FUTURE STEPS

- SB 1383 Contract Amendment:
 - Collection service impacts
 - Processing cost impacts
 - New required route and facility audits
- Rate Setting Process in 2023:
 - Collection Rates in 2019 rates set through CY2022
 - Contamination & non-compliance charges/fees (required by 2024)
 - Consolidation of commercial yard trimmings and food scraps rates

PART E: RECOMMENDED ACTION

- Adopt a resolution authorizing the Utilities Director to execute the 2022 Contract Amendment to City Agreement No. 8687 with NRWS for a term through December 31, 2031, for the collection and transportation of Municipal Solid Waste, Recyclable Materials, and Compostables, and operation of the Napa Materials Diversion Facility, and determining that the actions authorized by this resolution are exempt from CEQA



ATTACHMENT 2

**SUPPLEMENTAL REPORTS &
COMMUNICATIONS Office of the City Clerk**

**City Council of the City of Napa
Regular Meeting**

October 18, 2022

FOR THE CITY COUNCIL OF THE CITY OF NAPA

EVENING SESSION:

SUBMITTED PRIOR TO THE CITY COUNCIL MEETING

13. PUBLIC HEARINGS:

13.A. General Plan Adoption

- PowerPoint presentation from City Staff.
- 1) Email from Gary Woodruff received on September 23, 2022.
- 2) Email from John McDonald received on October 5, 2022.
- 3) Email from Lynne Hildebrant Posner received on October 13, 2022.
- 4) Email from Christiane Robbins received on October 13, 2022.
- 5) Email from Cathy Felder received on October 15, 2022.
- 6) Email from Liliana Karesh received on October 16, 2022.
- 7) Email from Lori Stelling received on October 16, 2022.
- 8) Email from Mike Coughlin received on October 16, 2022.
- 9) Email from Karen Peters received on October 17, 2022.
- 10) Email from Katherine Lambert received on October 17, 2022.
- 11) Email from Katherine Sunjana Supekar received on October 17, 2022.
- 12) Email from Margan Holloway received on October 17, 2022.
- 13) Email from Anna Wingfield received on October 17, 2022.
- 14) Email from Napa Climate Now received on October 17, 2022.
- 15) Email from Barbara J. Dondero received on October 17, 2022.
- 16) Email from Chin-Wu Chen received on October 18, 2022.
- 17) Email from Susan Crosby received on October 18, 2022.
- 18) Email from Tom Andrews received on October 18, 2022.
- 19) Email from Keep Napa's Gateways Green received on October 18, 2022.
- 20) Email from Joseph and Rosemarie Keebler received on October 18, 2022.
- 21) Memo from Michael Walker received on October 18, 2022.

SUBMITTED DURING THE CITY COUNCIL MEETING

12. PUBLIC COMMENT:

- 1) Letters from Douglas Dahme and Michelle Dahme with attachments received on October 18, 2022.

13. PUBLIC HEARINGS:

13A. General Plan Adoption

- 22) Proposed verbiage for CCS 2-1 from Councilmember Beth Painter received on October 18, 2022.



General Plan Adoption

October 18, 2022

Agenda

- Recommended Action
- September 20 Recap
- Linda Vista Bridge Options/Alternatives
- EIR Addendum
- Other Edits to General Plan



Recommended Action

- Review Edits to Draft General Plan
- Receive Public Comment
- Adopt Resolution Approving & Adopting
 - EIR Addendum
 - General Plan

September 20 Recap

- Maintain Foster Road Mixed Use
- Options for Linda Vista Bridge
- Oxbow Commercial
- Transportation Element Edits
- Religious Institutions Icon
- Climate Change & Sustainability Element Edits
- Economic Development Element Edits
- Certified EIR

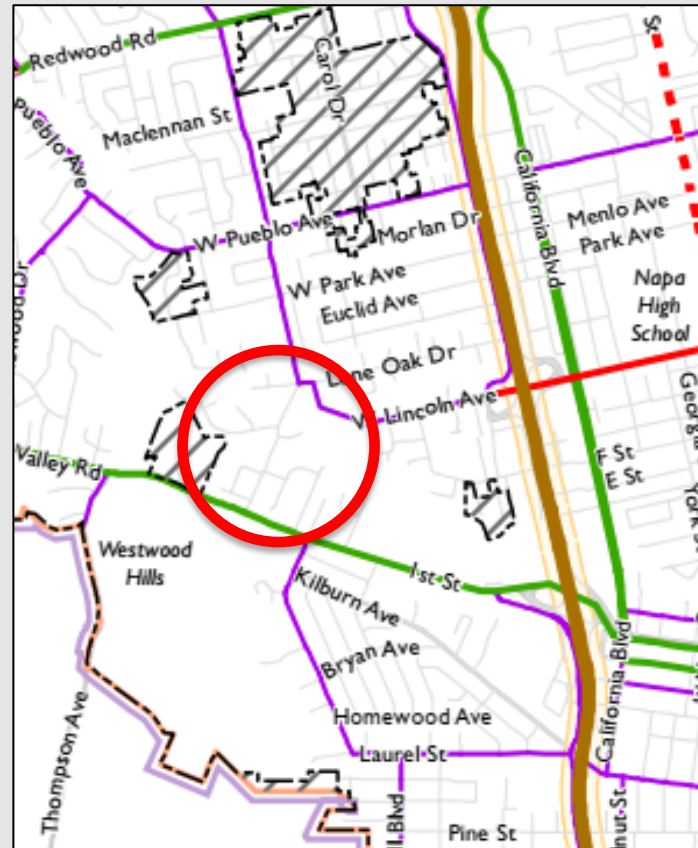


Linda Vista Options

- Scenario A – No Roadway Extension, No Study Corridor
- Scenario B – Emergency/Bike/Ped Only, Continue Study Corridor
- Scenario C – Roadway Extension & Study Corridor (no changes to Draft GP)

Scenario A

- Figures (Maps) 3-1, 3-2, 3-3
- Roadway Improvements Table 3-2
- Transportation Policy TE2-6
- Safety Policy SN5-6



EIR Addendum

- Technical Memorandum
- Removal of Linda Vista Extension Does Not Affect EIR's Findings & Conclusions
- Does Not Require and Major Changes to EIR
- Does Not Affect the Adequacy of EIR or CEQA Compliance



Text Edits to the General Plan

- Redline Edits
- Edits since September 20 City Council Meeting highlighted
 - Bike Coalition
 - Working Families Coalition
 - Council Edits

LUCD 23-7 **Require preservation of open space that will promote** development of an integrated, publicly-accessible trails system in the area that connects to open space assets, adjacent schools, and new commercial uses; and provide to ridgelines and vantage points. Consider incorporating geologic fault and Priolo Zones as part of the trails system.

LUCD 23-8 Require development to be within the overall designated density range area, while encouraging a variety of housing types.

LUCD 23-9 Encourage development of supporting non-residential uses to provide with easy access to goods and services.

Big Ranch Road

GOAL LUCD-24: Promote development of the Big Ranch Road area as a cohesive

LUCD 2-6 **ED 2-6** Support efforts to develop an equitable procurement policy for the City to prioritize certified underrepresented business enterprises, including businesses owned by people of color, women, LGBTQ+ community members, veterans, and individuals with disabilities, and locally-owned businesses.

ED 2-7 Partner with local and regional organizations to research feasibility of Project Labor Agreements for publicly funded construction projects.

ED 2-8 **ED 2-8** Explore potential of incentive programs for new hospitality development to **employ card check neutrality.**

Strategies to support equity are also described in Chapter 9: Public Health and Equity in all Policies.

Agriculture

GOAL ED-3 Strengthen the City as a global viticultural, agricultural, and culinary hub and resource center to foster linkages and innovation along the entire production, distribution, and marketing chain.



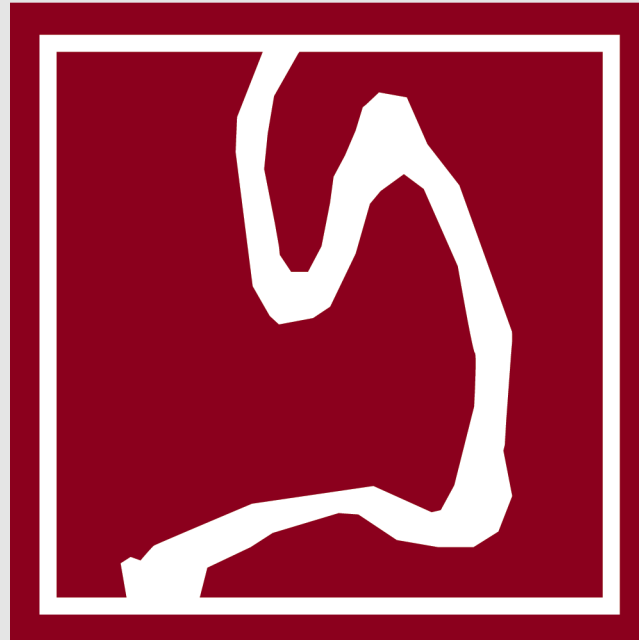
Recommended Action

Final Action by the City Council

Adopt a Resolution:

- a) Approving & Adopting an Addendum to the Certified EIR for the City of Napa General Plan Update; and
- b) Adopting the City of Napa 2040 General Plan, and determining that the actions authorized by this resolution were adequately analyzed in compliance with CEQA.

Questions?



N A P A 2 0 4 0 GENERAL PLAN



From: Gary Woodruff [REDACTED] >
Date: September 23, 2022 at 10:52:44 AM PDT
To: Scott Sedgley <SSedgley@cityofnapa.org>, Liz Alessio <lalessio@cityofnapa.org>, Beth Painter <bpainter@cityofnapa.org>, Mary Luros <mluros@cityofnapa.org>, Bernie Narvaez <bnarvaez@cityofnapa.org>
Subject: two issues, Foster Road development, and Linda Vista Bridge.

[EXTERNAL]

* Foster Road Development: I must say that i was disappointed in the ruling for the zoning for Foster Road and keeping it for housing. Many years ago when there were fights regarding opening up the hillsides in Napa for housing the affect of what our Valley looks like came into discussion. This was many years before the Valley turned into the Wine Paradise that it is today. Luckily the Flood plain project was able to keep much of the entrance into the Valley more open as people drive into Napa. There certainly is a line going accross the Valley floor with the Meadows and the Lyons subdivision stretching to the River from Hi-29.

The thing we must remember is once housing is built it never is removed. The type of housing that is profitable is single occupancy housing where new pricing is in the low millions. Many of the people that purchase these houses are not “middle class families with three kids” which support our schools and local businesses. If you look at the vacancy rates in St Helena with upwards to 40% second home rates, those home even though they pay property taxes do not improve the local schools or businesses.

I was hoping that the council would of approved the rezoning in the hopes of keeping the look of Napa when people are driving into the Valley less cluttered .

* Linda Vista Bridge: I am totally against this proposal for a couple of reasons. The first is there are five (5) schools along Linda Vista from the Creek to Trower Ave. Linda Vista is a narrow residential street with cars parked all along it especially in the Pueblo area which has multiple families living in single family homes. The street width is at the minimum standards and a fire truck which some models are 14' wide really fills the street.

The region which is currently within two fire stations service areas ranges from 7 to 9 blocks depending on which station would be responding to the West Park School Area using that as a land mark. The new fire station on Browns Valley road is 6 blocks from this point and as you move the location either more north or East it is closer to the existing stations than the Browns Valley location. When you compare the coverage to the Browns Valley area or Westwood south, or Foster Road subdivisions they are in exceed those standards and are in the range of 12-14 blocks away.

It makes no sense to make this connection for fire/emergency access due to coverage. What it does do is increase basic street traffic as a north south connector between Browns Valley Road and Redwood

Road. Look at the other residential connectors that are being used between these two East/West routes, Westview Drive which is much wider than Linda Vista with no schools on it (there has been a car accident roll over on this road many years ago which caused more stop signs to be put in place). Also there is Pine Crest Drive which connects between Pueblo Ave and runs toward Browns Valley which ia a very used connector. It too is about the width of Linda Vista on some places but the housing density in 2/3's less due to the house sizes, three car garages with not much on street parking by residents.

The bridge expansion will increase traffic on a narrow road that has 5 schools on it and high density housing along 1/2 of it's length. There is a small region of a few blocks which would be better served by the forestation on Browns Valley road. All of the other regions along Linda Vista corridor are better servers by the existing fire stations.

Sincerely,

Gary Woodruff

████████████████████

From: [Beth Painter](#)
To: [Clerk](#)
Subject: Fwd: Stop the proposed development at Foster Road
Date: Wednesday, October 5, 2022 1:27:12 PM

Begin forwarded message:

From: John McDonald [REDACTED]
Subject: Stop the proposed development at Foster Road
Date: September 20, 2022 at 4:18:20 PM PDT
To: "bpainter@cityofnapa.org" <bpainter@cityofnapa.org>

[EXTERNAL]

Dear Council Member Painter,

Please stop the proposed multi-use development at Foster Rd. Keep the gateway to Napa beautiful.

Thank you.

John McDonald

District 1

Napa

From: [Beth Painter](#)
To: [Clerk](#)
Subject: Fwd: Foster Road
Date: Thursday, October 13, 2022 1:54:31 PM

Begin forwarded message:

From: Lynne Posner [REDACTED]
Subject: Foster Road
Date: October 13, 2022 at 12:49:24 PM PDT
To: ssedgley@cityofnapa.org, lalessio@cityofnapa.org,
bpainter@cityofnapa.org, mluros@cityofnapa.org,
bnarvaez@cityofnapa.org

[EXTERNAL]

Dear council members,

As one who was born and raised in Napa I was saddened -- in fact appalled -- by your action at the last general meeting in which you not only made the decision to reject the planning commission's decision to make Foster Road a Greenbelt area, but also decided to rezone rural Foster Road as a site for the development of 1,000 houses. This decision would destroy the natural setting that welcomes residents and visitors to our very special valley.

Yes, we need more affordable housing, but it is wrong to place it all on Foster Road. If we identify some other additional places, we can provide housing, yet maintain the beauty of Napa for all who live and visit here. The board also did not take into consideration many issues raised in the draft EPR including the fact that an earthquake fault runs through the property, the extensive traffic congestion that will resort, the fact that the property is an important watershed and development will entail extensive flooding and loss of groundwater. What a mistake! Why was this decision made?

It appears that you have not listened to local residents, who at many Council meetings have expressed their opposition to your plan. It seems as if we were talking to people whose minds—for various reasons -- were made up long ago. But we are here and will continue to make our unhappiness with your decision known!

We ask you to keep our valley gateway pristine and beautiful! and follow the recommendation of the planning commission.

Sincerely,
Lynne Hildebrant Posner

From: [Michael Walker](#)
To: [Tiffany Carranza](#)
Subject: Fw: KNGG: v2.0. City Council Meeting + Agenda_10.18.2022
Date: Friday, October 14, 2022 2:51:06 PM

FYI

From: Scott Sedgley <SSedgley@cityofnapa.org>
Sent: Friday, October 14, 2022 9:29 AM
To: Steve Potter <spotter@cityofnapa.org>; Michael Barrett <mbarrett@cityofnapa.org>; Vincent Smith <vsmith@cityofnapa.org>; Michael Walker <mwalker@cityofnapa.org>
Subject: Fwd: KNGG: v2.0. City Council Meeting + Agenda_10.18.2022
FYI

Sent from my iPhone

Begin forwarded message:

From: Scott Sedgley <SSedgley@cityofnapa.org>
Date: October 14, 2022 at 8:35:17 AM PDT
To: Adam Ghisletta [REDACTED]
Subject: Fwd: KNGG: v2.0. City Council Meeting + Agenda_10.18.2022

Adam, FYI

Sent from my iPhone

Begin forwarded message:

From: Christiane Robbins [REDACTED]
Date: October 13, 2022 at 7:11:01 PM PDT
To: Christiane Robbins [REDACTED]
Subject: KNGG: v2.0. City Council Meeting + Agenda_10.18.2022

[EXTERNAL]

Hello All,

Please don't mistake our recent MIA for that of resignation to the City Council's approval of the DEIR and the City Staff's Foster Road Mixed Use proposal. To the contrary - it has just been a period of stupefied silence induced by a stage-crafting of unexpected folly, cognitive dissonance and a flutter of hypocrisy that infused the last

CC's meeting.

Yes, and here we have yet another in the continuum of City Meetings re: the General Plan 2040. And, yes, you are all invited once again - despite the tedium of the bureaucratic processes and wafting of covid, maybe some sparks will fly! The *Save Foster Road* has recently given its all with such heartfelt and incisive arguments to both the Planning Commission and City Council. See the clips below for a sampling.

<https://vimeo.com/758973206continuum>

<https://vimeo.com/759154084>

<https://vimeo.com/759156932>

This upcoming CC meeting is the sequel to one of, if not the most, dramatic episodes of willful blindness to the voices of their constituents in the history of the City of Napa.

We remain locked in suspense to see what will unfold on the eighteenth by this same City Council. Will Mayor Sedgley's comments again exhibit an emotional, personal take on an old-time friend. Uncharacteristically and inexplicably, he clearly had privileged one landowner's property rights over hundreds, if not thousands, of other citizens of Napa. Perhaps Mayor Sedgley could have offered (and perhaps a few others) to have recused himself early on - prior to participating in any deliberation, discussion, and voting on this DEIR? As, sadly, the appearance of impropriety was on display.

Will we witness another episode of the transparent absence of logic by citing a suspect reason of "need" when, in fact, it has been stated by many governmental representatives and agencies that there is no need. Thankfully, the City already has ample housing sites identified and suitable for development to satisfy RHNA numbers/demands.

Will we witness another episode of the Council's seeming willful blindness to possibly placing the City of Napa finances at serious peril by risking liability through their vote to change the designation from AGW (Agricultural Watershed) to that of dense Mixed Use Housing and Commercial Building. And, this proposed largest development in the history of Napa is to be sited directly atop an active Fault line. It's hard to imagine any proposal that is any more irresponsible to current and future residents by those who are entrusted to ensure our public

safety.

Imagine only this one scenario of many possibilities: the Property owner sells their now up-zoned land for, what most say, will be a pretty penny. The developer conglomerate that may purchase these parcels discovers that they are unable to realize the profits they have in mind. They turn around and retroactively sue the City for making a negligent decision in changing the land use designation, annexing and up-zoning the property. Indeed, this is a possible scenario - when in fact everyone knows these parcels comprise a highly compromised property - suitable only for either Greenbelt or a Golf Course! And, as my Grandmother says, who's left holding the bag? Just asking.

Will we witness another episode of the Council placing the City of Napa in the light of justified ridicule - of becoming the laughing stock of the Bay Area - by lacking of any credible basis for their assertion of the "Over-riding Consideration" requirements - which, most likely, will pave the way for a vote-free annexation process. <https://vimeo.com/754159190>

That's right, this process ignored the voices of their citizens, their GPAC and their Planning Commission and, most likely, it will continue to take away the Citizen's right to vote for annexation. It serves no public good ... and habituates a political culture of autocracy.

And, yes, in so doing, the Council and Staff has made a mockery of the Housing Crisis itself - not to mention all of the compassionate and justified legislation that has recently been passed to meet the Housing Crisis. What are all of the State housing bills about anyway? Their intent is to build urban in-fill housing - not to devastate the environment and exacerbate the climate crisis through Council/staff decisions ensuring the disappearance of rare Prime Agricultural Lands. The CC appears to have manufactured a housing need where there is none ... and the salient question is why?

And, of course we can go on and on But, hopefully, the City Council might - they just might - see the folly of their ways - the absurdity of their isolated decision not to accept the expertise and integrity of their own appointed Planning Commission - in favor of the frivolous legal arguments contained in a letter to the City Attorney on 09.09.2022 and other reported strong-armed tactics. By the grace of God, they will re-consider and reverse their earlier decision and ask for the Designation of preserved Greenbelt for these Ghisletta parcels. The same

designation for non-development that governed these Prime AG lands in the RUL from 1978-2005. They were only recently brought into the Sphere of Influence upon the request of the property owners who have wanted to develop these parcels then as they do now. But times have changed and significant detriments have revealed themselves- such as the active West Napa Fault Line running through the entirety of the property. And the citizens of Napa remain in staunch opposition since 2005.

The CC has a myriad of mechanisms available to them to judiciously reconsider these parcels on an "as-needed" basis moving on into the future. But they are choosing to ignore them . Again, the salient question is why?

After all, this is Napa, California - not New Jersey and I say that as knowing the underbelly of New Jersey all too well! :)

Please track this link to access the regular meeting agenda for October 18, 2022:

[City Council of the City of Napa Regular Meeting
https://napacity.legistar.com/MeetingDetail.aspx?
ID=993494&GUID=E3D34D85-141D-4BAC-B3C3-
0F0396A38D96&Options=info%7C&Search=](https://napacity.legistar.com/MeetingDetail.aspx?ID=993494&GUID=E3D34D85-141D-4BAC-B3C3-0F0396A38D96&Options=info%7C&Search=)

The Direct link to all of the pertinent documents re: the General Plan 2040 are at this link:

[https://napacity.legistar.com/LegislationDetail.aspx?
ID=5874086&GUID=B6278A95-7CFE-4088-A43C-
0F0396A38D96&Options=&Search=](https://napacity.legistar.com/LegislationDetail.aspx?ID=5874086&GUID=B6278A95-7CFE-4088-A43C-0F0396A38D96&Options=&Search=)

*There's never been a better time to help support the mission of **KNGG** —to bring more reason and a non-partisan lens to our City, County and Regional scene and to the very real crisis that challenge us today, ranging from housing to the climate.*

As you know, we have not been wall-flowers in speaking up for the rights of the citizens of Napa, our values of democracy and our resistance to unilateral governance by the few.

*We've celebrated the heroes of Napa, flashed light on what some
would call "Bad Actors"
and continue to hold truth to power.
And we're building a community for those who are not Napatetic -
who are energized by good-faith debate and
cross over the lines of difference to arrive at common understanding
and action.*

Christiane Robbins

KEEP NAPA'S GATEWAYS GREEN

(www.savefosterroad.org)

"Stewardship is an inherently communal practice"

From: [Beth Painter](#)
To: [Clerk](#)
Subject: Fwd: Robinson/Linda Vista bridge and the General Plan
Date: Saturday, October 15, 2022 4:28:59 PM

Sent from my iPhone

Begin forwarded message:

From: Cathy Felder [REDACTED]
Date: October 15, 2022 at 7:46:12 AM PDT
Subject: Robinson/Linda Vista bridge and the General Plan

[EXTERNAL]

Dear Mayor Sedgley and Honorable City Council Members,

I am writing with my concerns about the Linda Vista/Robinson bridge potentially being taken out of the General Plan.

My interest in this issue goes back to when I served on the Housing Element and was on the Browns Valley Working Group that was instrumental in getting Fire Station Five on Browns Valley Road.

I value the importance of efficient connectivity with regard to connector and collector streets.

All that being said, I do not see why there is value in the removal of the Linda Vista/Robinson bridge from the General Plan. It's not up for a vote any time soon, and public safety should be our highest priority. We need to keep this option available for future consideration as it is a public safety issue that affects all of West Napa, not just a few neighborhoods.

Also, wouldn't it be great to have bicycle and pedestrian connectivity there?

Connectivity and response times matter. My friends and neighbors who are Napa firefighters and police officers do not want this removed from the General Plan.

Nor do I.

There is no reason to remove it.

Please don't stop future City Council members from making choices that can save lives.

Thank you for your time and consideration.

Cathy Felder

From: [REDACTED]
To: [Clerk](#)
Cc: [REDACTED]
Subject: City of Napa General Plan - Napa Schools for Climate Action Request - Ban All New Gas Stations
Date: Sunday, October 16, 2022 1:11:29 PM

[EXTERNAL]



Hello Napa City Council Members,

My name is Liliana Karesh. I am a sophomore at Napa High and represent Napa Schools for Climate Action. Allison Bencsik, my co-president, spoke to you last month, urging the City of Napa to be serious about our safety, and to make carbon neutrality by 2030 a central goal in its General Plan.

We are nearing the end of 2022, which means we have to act now. Fossil fuels continue to contribute over 75% of all greenhouse gas emissions and nearly 90% of all carbon dioxide emissions, trapping the earth in a blanket of heat. Our global temperature has already been raised by 1.2 degrees Celsius, and if business as usual persists, climate change will bring catastrophic consequences to us all.

So please, on behalf of Napa Schools for Climate Action, and young people everywhere, we urge you to do what American Canyon and Calistoga and many other cities have done this past year. Ban new gas stations, and use the strongest language possible in your new General Plan to ensure it happens. Stop expanding existing gas stations in Napa, and find ways to convert them to clean energy alternatives as soon as possible. If you have further questions for us, we would very much like to meet with you in person or via zoom.

With kindest regards,

Liliana Karesh

-

Liliana Karesh

Class of 2025 / Napa High School

Napa Schools for Climate Action

From: [REDACTED]
To: [Clerk](#)
Subject: Public Comment Agenda Item 13.A
Date: Sunday, October 16, 2022 11:02:31 PM

[EXTERNAL]

Dear Napa City Council Members,

As the parent of a teen committed to doing all I can to help ensure that our children have the chance at a livable future, I strongly support the General Plan change requested by Napa Climate NOW! with regard to CCS 2-: Support programs to reduce auto-dependency and GHG emissions from personal vehicles. Strong language is needed to ensure results.

Thank you for your climate leadership. We must act now.

Sincerely,
Lori Stelling
20+ year Napa Resident

From: [REDACTED]
To: [Clerk](#)
Subject: Public Comment re: Item 13.A
Date: Monday, October 17, 2022 7:54:51 AM

[EXTERNAL]

Dear Napa City Council Members,

As a public school administrator, I strongly support the General Plan change requested by Napa Climate NOW! with regard to CC 2-1 Support program to reduce auto-dependence and GH emissions from personal vehicles.

Sincerely,
Mik Coughlin
Special Education Coordinator NVUSD

From: [REDACTED]
To: [Clerk](#)
Subject: Public Comment Re: Item 13.A
Date: Monday, October 17, 2022 11:28:16 AM

[EXTERNAL]

Subject: Public Comment Re: Item 13.A

Dear Napa City Council Members,

As the parent of two teenage boys, I strongly support the General Plan change requested by Napa Climate NOW! with regard to CCS 2-1: Support programs to reduce auto-dependency and GHG emissions from personal vehicles. I urge you to implement these changes.

Sincerely,
Karen Peters
Napa Resident

From: [Beth Painter](#)
To: [Clerk](#)
Subject: Fwd: City Council Meeting on Oct 18, 2022: General Plan-Foster Rd. Mixed Use
Date: Monday, October 17, 2022 11:28:47 AM
Attachments: [CC Member Painter Oct. 16, 2022.pdf](#)

Begin forwarded message:

From: Katherine Lambert [REDACTED]
Subject: City Council Meeting on Oct 18, 2022: General Plan-Foster Rd. Mixed Use
Date: October 16, 2022 at 2:42:39 PM PDT
To: Bpainter <bpainter@cityofnapa.org>

[EXTERNAL]

Hello Council Member Painter,

Please see my attached letter referencing your position and upcoming vote about the General Plan and the Foster Rd. Mixed Use designation vs. Greenbelt.

Thank you,

Katherine

--

Katherine Lambert, AIA, IIDA
Metropolitan Architectural Practice

Dear Council Member Painter,

I write in regard to the City Council's upcoming vote regarding the proposed draft General Plan Napa 2040 and the DEIR. I thank you for meeting with us and sharing your perspective on why you plan to support the development of the Foster Rd. Mixed Use for the prime agricultural lands at the Gateway to the city. I wish we could convince you to change your mind, but you seem convinced about your decision and recommendations-but I will continue to try. As the City Council member who represents our district, many of us are trying to understand why you have chosen to dismiss the views of so many voters in your own district-it defies reason.

We all recognize the need and desire for housing, especially workforce housing within the city and county of Napa. But to support development of one of the largest mixed-use housing projects in the history of Napa at the Gateway to the city situated directly over the Alquist-Priolo earthquake fault zones is not advisable. Housing sites are available as in-fill throughout the city that remain untapped and this 8 year cycle of RHNA housing numbers do not require the Ghisletta parcels to achieve housing goals- even within 20 years, as the population is in decline. You need not incentivize development of these parcels now by supporting the up-zoning of these lands for the Ghisletta family. Develop them later if they are needed, not now when they are not.



The only question before the City Council this coming week is how to shape the built environment by reasoned efforts to control growth to be where its desired and to design that change to support shared community goals. In this case, unfortunately, the influence of one old-time Napa family looms large against the background of reason itself.

As an Architect and Professor of Architecture I've devoted my career to being engaged with such planning issues both in theory and practice and I can assure you that this will be one of the most consequential votes of your career and one vote that you will be remembered for in years to come.

I do hope that you reconsider your position and I truly hope that you do read through all of the voluminous letters of opposition to development of these prime agricultural lands. Within those documents are so very many reasons for you to walk away from ushering in development of these parcels. But, you could also simply say that you are supporting the advice of your City Planning Commission. You yourself served on the Planning Commission prior to your current role and just consider that it is the design professionals on that Commission who have backed away from support for the Foster Rd. Mixed Use corridor. They changed their minds and so could you.

I hope that you have a change of heart and are open to changing your vote.

All Best,

Katherine Lambert, AIA, IIDA

From: [REDACTED]
To: [Clerk](#); [Scott Sedgley](#); [Liz Alessio](#); [Beth Painter](#); [Mary Lueros](#); [Bernie Narvaez](#)
Cc: [REDACTED]
Subject: Letter to City Council re Agenda Item 13.A - 2040 General Plan
Date: Monday, October 17, 2022 1:39:16 PM
Attachments: [2022-10-17 Letter to City re 2040 General Plan Final.pdf](#)

[EXTERNAL]

Dear Mayor Sedgley, Honorable Councilmembers, and City Clerk,

Please see attached a letter to City Council regarding Item 13.A of the agenda for the 10/18 City Council meeting with an enclosure from Keep Napa's Gateways Green, raising objections to the proposed 2040 General Plan.

Thank you for your consideration.

Sincerely,
Sunjana Supekar

--

Sunjana Supekar (she/her)

CHATTEN-BROWN, CARSTENS & MINTEER

2200 Pacific Coast Highway, Ste. 318

Hermosa Beach, CA 90254

Tel: 310-798-2400 Ext. 7

Fax: 310-798-2402

Email: sss@cbcearthlaw.com

Website: www.cbcearthlaw.com

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Phone: (619) 940-4522


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Amy C. Minter
Email Address:
acm@cbcearthlaw.com
Direct Dial:
310-798-2409

October 17, 2022

Via Email

City Council
City of Napa
955 School Street,
City Hall Chambers
Napa, CA 94559

Re: Objections to Proposed Adoption of 2040 General Plan

Honorable Councilmembers:

On behalf of our client Keep Napa's Gateway Green (KNGG), we provide the enclosed comments regarding the City of Napa's adoption of the proposed 2040 General Plan. There are a number of flaws in the environmental review for this proposed 2040 General Plan and a lack of foundational evidence to support findings needed to approve this update to the City's General Plan that should preclude the City from adopting the 2040 General Plan as proposed.

These flaws are summarized in the attached letter from KNGG and have been identified in detail in previous communications from KNGG and other members of the public. Of overarching concern to KNGG is the City's insistence on designating the Gateway Parcels on the southwest side of town for the dense Foster Road Mixed-Use development, in direct contravention of the recommendation of the Planning Commission to maintain these parcels as GreenBelt at the gateway to the City. The City has failed to identify that several of these parcels are Prime Agricultural land as designated by LAFCO, and thus their development as would be allowed under the proposed 2040 General Plan would have an adverse agricultural impact. This adverse impact cannot be allowed first because the City relied on inaccurate and overstated regional housing needs allocation to support the density of development on these agricultural sites. Moreover, there are feasible alternatives that prevent approval of the plan with a significant adverse impact; the housing that is proposed for these parcels can be addressed through previously identified infill development within the City of Napa. The City has failed to identify these alternatives in the draft General Plan 2040.

We are concerned that the City Council has not listened to the voices of its citizenry who, since 2007, have stood in firm opposition to this change of land use designation from agriculture watershed to Foster Road Mixed-Use designation. We are also concerned about the General Plan's failure to address fair housing policy mandates by attempting to place a highly unbalanced percentage of very low-income, low income, affordable and workforce housing all in the largest development in the history of Napa which will be sited atop an active earthquake fault.

Additionally, we have identified that the draft resolution to adopt the 2040 General Plan claims that the resolution "shall take effect immediately upon its adoption." As I am *sine* you are aware "[a]dopting or amending a general plan is a quintessential legislative act, subject to referendum." (*Molloy v. Vu* (2019) 42 Cal.App.5th 746, 758.) Thus, the resolution adopting the 2040 General Plan does not become effective for at least 30 days in order to allow time for circulation of a referendum petition. We request that you please correct this inaccuracy in the resolution.

Thank you for your time and consideration in this matter.

Sincerely,

A solid black rectangular redaction box covering the signature of Amy Minter.

Amy Minter

Enclosure

Enclosure



October 16, 2022

Mayor Scott Sedgley, Council Members Alessio, Luros, Narvaez and Painter
City Council
City of Napa
Napa, CA 94559

Re: Final Approval of the Draft General Plan 2040 and DEIR

Dear Mayor Sedgley and City Council Members,

On behalf of KNGG a coalition of citizens, businesses and groups throughout the City and County of Napa, we again submit a "letter" responding to the City's proposed Draft General Plan 2040 and DEIR which will be before you for final approval on Tuesday, 10.18.2022.

This Draft GP2040 and attendant DEIR have taken on extraordinary resonance and significance in their sheer magnitude and implications for the future of the City of Napa. In the absence of any meaningful means of public exchange and dialogue regarding the complex and historical issues implicit in the draft GP2040 and DEIR re: the "Foster Road Mixed Use," our submission of the KNGG "tome" becomes necessary to the mutual, transparent understanding of the difficult issues at hand – as this is our rare opportunity to be as inclusive of issues as is possible.

Again, we appreciate many of the laudatory directives underlining the Draft GP2040 & DEIR. Of particularly note is the emphasis on "smart growth" initiatives, environmental sustainability and the new Climate Change Element. However, these directives inexplicably do not extend to the proposed Foster Road Mixed Use (FMRU).

This discrete FRMU section inexplicably lies in stark contrast and critically undermines much of the advancement exemplified by the Draft GP2040. The FRMU basically proposes the largest development in the history of the City of Napa - sited directly atop an active Earthquake Fault line and in an Alquist Priolo Zone, in a Floodplain, in a Landslide area and undermines a major preventative site of the WUI.

**With this in mind, we request that the City Council
reconsider, reverse and vote again
to either retain and preserve
the **AGW** designation for these parcels**

Although these Ghisletta parcels have been included in the RUL from 1978, the City Staff had failed to inform us all is that these properties were part of the **Stewart Dairy Lands. As such, these lands were designated not to be developed.**

4.2 Update in 1976

The Commission initiated an update to Napa's sphere in 1976 to review and address new land use policies codified in the City's new General Plan. The update was unanimously adopted by the Commission and reduced the amount of unincorporated land within the sphere by approximately 2,400 acres or nearly one-fifth and marked by the removal of Silverado and the adjacent Monticello Road areas. The underlying criterion used by the Commission in redesignating the sphere was to generally align — although not uniformly — with Napa's recently established RUL. The establishment of an RUL coincided with the County of Napa establishing a corresponding zoning assignment for all affected lands requiring annexation to Napa as an alternative to processing any new development applications. Notable examples of lands within the RUL excluded from the sphere included Stanly Ranch, Stewart Dairy, and Big Ranch Road.⁷

Central County Municipal Service Review 2013

Land proposed for annexation into a city or town must first be in a designated Sphere of Influence of that city or town (LAFCO of Napa County, 2018b, p. 11), These Ghisletta lands were only brought into the SOI in 2005 upon the passing of the original Property owner. This is indicative of the heir's intent to annex, up-zone and develop these lands upon transfer. This was attempted in 2005-2007 but did not take place.

**The proposed Foster Road Mixed Use
needs to be excluded from the approved DEIR findings**

**KNGG requests that the City Council honor the recent recommendation
of the City of Napa's Planning Commission's
for the preservation of **Greenbelt** designation for these Gateway Parcels
Aka The Ghisletta, NVHA and the Wilcoxson Parcels-the FRMU.**

"Greenbelt" - *This designation is applied to specific sites at edges of the city that are to remain in open space, agricultural or resource conservation use. Resource conservation areas are sensitive lands due to their high scenic value and/or natural resources and habitats, connectivity to larger habitats and other considerations such as geotechnical, seismic, or high fire hazards. One resource area with this designation is the nearby Stanly Ranch South Wetlands Open Space. Other sites with this designation are hillside resource lands and lands currently in agricultural use. A maximum of one housing unit per existing parcel is permitted, provided sensitive resources and habitats, and view-sheds are not impacted. Other low intensity uses such as rural residential up to 1 unit per 20 acres, added low intensity agriculture or recreation trails may be considered at the discretion of the City on a case by case basis to ensure adequate protection of underlying resources, cultural, historic, natural or scenic features.*

As with two similar parcels, Napa Oaks & Timber Hill,, the draft GP2040 granted **Greenbelt** designation, the **Gateway Parcels** possess all of these site characteristics. As such, they, too, qualify for **Greenbelt designation**, in keeping with the insightful and courageous recommendation by the City of Napa's Planning Commission on 09.01.2022. However, the City Council's recent approval of the DEIR-including the FRMU - represents an inconsistency with these other Greenbelt designations and is indicative of a double standard. (GPAC video clip link to be sent)

KNGG realizes that as of October 6, 2022, the City of Napa issued a *Statement of Overriding Considerations* . Many view this as a veiled attempt by the City to circumvent the voices of the electorate of Napa. This Statement will serve to ensure the change in Land Use of the Ghisletta properties from Prime Agriculture Land (as designated by LAFCO) to Mixed Use. The City's flawed assertion of "Overriding Considerations" is based on publicly acknowledged inaccuracies and uncertainties as opposed to the required factual evidence.

As you are also aware, the City's *Statement of Overriding Considerations* ensures that the Ghisletta parcels will then be re-designated, re-zoned, up zoned and annexed – **not only without Voter input but in stark opposition to the decades long voices of wide-spread opposition by the citizens of Napa, the City's own GPAC findings and the recommendation of the City's own Planning Commission for Greenbelt designation.**

We are all aware that the agricultural zoning in Napa County has changed in significantly during the past 30 years.

*In 1990, the voters of Napa County passed Measure J which amended the county's General Plan offering the voters control over any rezoning of land in the agricultural preserve or the agricultural watershed. As the City must realize, as of 2015, county voters had approved only seven of the fifteen rezoning proposals in the countryside. In 1995, the California Supreme Court ruled that Measure J was constitutional. In 2008, the Napa County voters overwhelmingly passed Measure P, which extended Measure J to 2058 and added language to provide for housing opportunities: "Where necessary to comply with applicable state law governing the provision of housing, the board may re-designate land designated as 'agriculture, watershed and open space' or 'agricultural resource' on the land use map . . . **without a vote of the people**" (Napa County, 2013, p. AG/LU-65).*

Again, it is reasonable to assume that the City's approval of FRMU is ensuring that this **strategy of "Over-Riding Consideration" has been put in place to actualize the passage of this annexation – "without a vote of the people"**. By way of example, a majority of the City Council and staff have long referred to this proposal as a **"Done Deal"**. KNGG recognizes that Council members Alessio, Luros, Narvaez, Painter and Mayor Sedgley appear to be unabashed supporters of the proposed annexation/development of these Ghisletta Parcels. As in the case of Mr. Narvaez, he has worked tirelessly toward this approval for the better part of 4-5 years since his role supporting this change of land use when he was a member of GPAC.

The problem facing the City Council is that their *Statement of Over-Riding Consideration* is transparently specious. It is not based on factual evidence. As such, the City Council's decision for approval of FRMU will remain under suspicion, scrutiny and contestation, forcing us all into a state of needless and fractious tension.

It is our sincerest hope (springing eternal) that the City Council will now see the wisdom of their flawed decision and re-consider it in light of recently surfaced critical factors, such as:

There is absolutely no need to re-designate these parcels for annexation and development of housing during this GP2040 time frame.

Even if a highly improbable emergency were to emerge, **there are a host of discretionary measures available to the City** to change this land designation and zoning to accommodate any possible future change in demand, i.e., a General Amendment. The critical implications engulfing such an irrevocable decision by the City Council would devastate one of the last vestiges of Prime AG land in Napa and remain prohibitive.

The revelation of the active **West Napa Fault** and the legal implications of the State's Alquist Priolo Zone are nothing short of astonishing. The subsequent extraordinary **high risk and dangerous factors** likely will prove **economically prohibitive** to any development, let alone affordable and low-income housing.

Realistically speaking, once again, the city holds no power to mandate any such massively scaled project. There is no provisions for a lottery for a meaningful number of substantive local workforce housing units. Once again, the City has undervalued itself, needlessly engineering an irrevocable loss of Prime AG lands, trading away a priceless Gateway – all with no assurance of anything other than what pitiful scraps developers might drop their way. These have never been anything more than a drop in the bucket in fair compensation to the City.

Sadly, in reality, the approval of the FRMU will only serve the privatized interests of the current landowners, their attorney, their investor groups hovering the background, and the developers. At this moment, the media is blaring the involvement of major outside financier groups that are financing the development and the wholesale purchase of entire subdivisions – entire tracts of "open space " converted into over-development and welcomed into long-term rental portfolios"-is today's modus

operandi. As Harvard's Center terms it is will soon be realized in a "rent desertification".

Again, the draft GP2040 offers no real hope for local ownership (as compromised as it may be), no guarantee of affordable/workforce housing. One could easily surmise that there will be a steady stream of long term revenue flowing out of the city with long-term earthquake damage/maintenance costs and environmental degradation willfully accepted by city and foisted onto the residents of Napa. This is a disaster in the making and a costly one at that.

Significantly, the **insidious insertion of racial segregation and lack of socio-economic equity and racial justice** that is baked into this singularly locative FRMU proposal refutes the legal, ethical and moral imperatives of the Fair Housing Act. This is an affront to us all.

It appears to many that members of the City Council have played a pivotal role in laying the groundwork for this Land Use Designation for years now – working directly with the property owners to ensure approval and passage. This is, of course, despite the public statements crying wolf by the property owners that there is no development and also by the City that there is no project. It is public knowledge that the property owners submitted an application to the City in early winter, 2021 - over a year and a half ago – despite the property owner's media protestations that there is no development underway. Concurrently, the property owners have refused to meet with KNGG. KNGG only was granted a recent meeting in late August with the new City Planning Manager.

At the most recent City Council meeting a former member of GPAC addressed the Council describing GPAC's frustration and disappointment with the City's Planning staff's selective interpretation and skewed presentation of GPAC's findings. This reflects a larger issue endemic to the City Planning Staff. They have been selective in this GP2040 process – trafficking in 1/2 truths, deliberate omissions and stonewalling rendering it possible to only move forward with their own singular directives. Please be advised that other GPAC members and citizens are afraid to publicly share support

of such comments as there is a very real fear of retaliation and retribution by the City and others towards individuals and businesses. This reflects a larger problem of ethics and integrity that the city must address and resolve. However, without question, it has taken a significant toll and been costly to the citizenry of Napa. As I'm sure you agree, citizens should need not be afraid of their own public employees.

Again, **KNGG requests that the City Council re-consider and, indeed, reverse, their position on this proposed FRMU over-development in light of information that has been revealed by KNGG and circumstances themselves.**

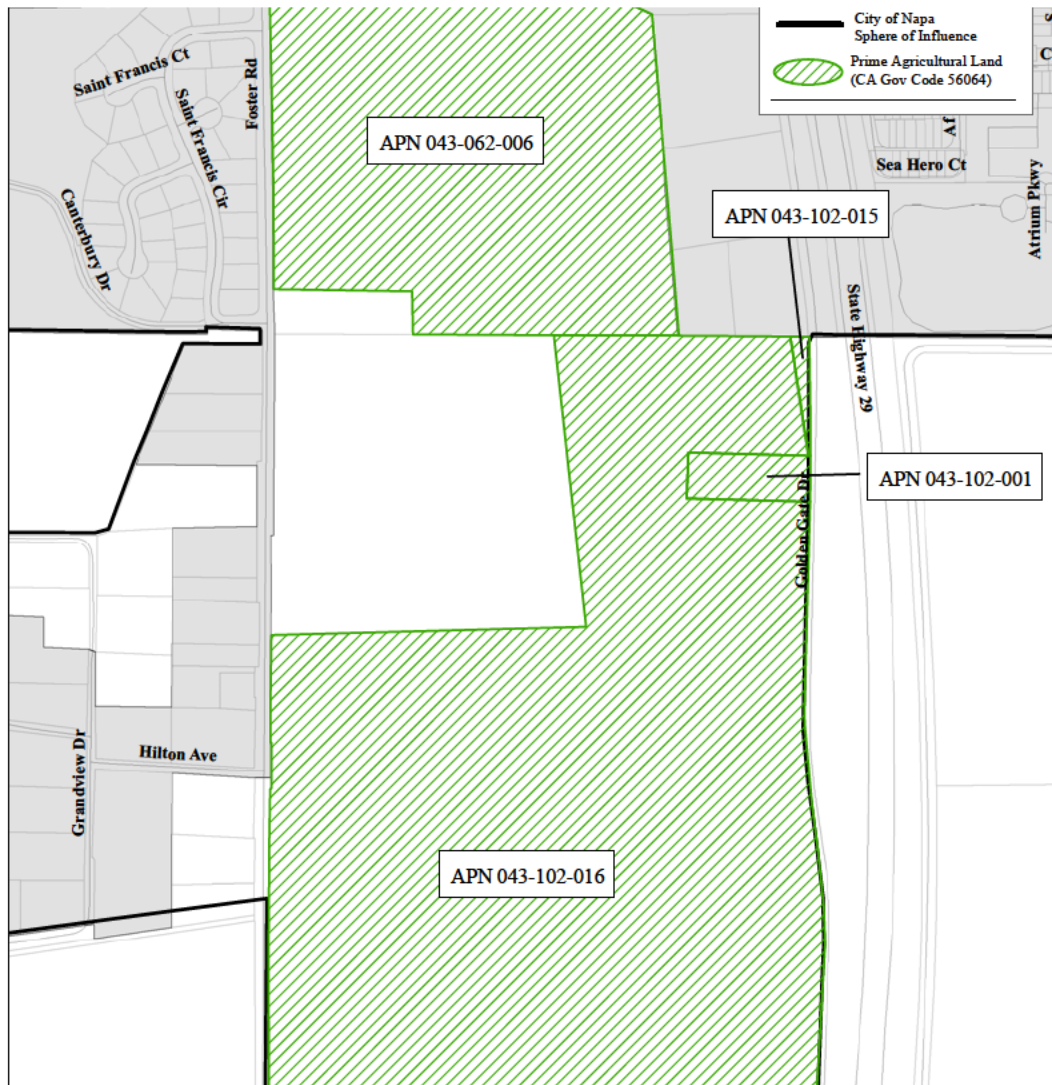
These include:

- **The** publicly acknowledged **lack** of need - **THERE IS NO NEED** - to fulfill the demand of the state's RHNA numbers. Council member Painter (herself an Urban Planner) recently mentioned that there are enough identified sites to meet RHNA demand through Tier 1 and 2 which is, in essence, until 2040, the time frame of this Draft GP2040 as we approach 2023.
- Persistent inaccuracies and over-estimations are found in the Draft GP2040 regarding population forecasting for Napa, the Bay Area and the State. This issue has been verified and brought to the attention of the City staff several times over a period of approximately two years. KNGG's inquiries have only been met with an over-arching dismissal, silence and refusal to respond by the City to these reasonable concerns. These inaccuracies and over-estimation have an historical precedence in Napa's Planning:

2.4 Revised Growth Expectations

Napa's growth management policies aimed at becoming a large metropolitan community proved to be relatively short-lived. A cascading shift towards slower growth materialized and resulted in Napa issuing an advisory ballot requesting residents to identify a preferred population total for 2000. The results of the advisory ballot led Napa to adopt a new General Plan in 1975 reducing the population projection to 75,000 by 2000 as well as establishing an urban growth boundary or rural urban limit line (RUL). Subsequent updates to Napa's General Plan were adopted in 1982, 1986, and 1998 with the latter codifying policies and standards with respect to land use and development over the succeeding two decade period. Pertinently, the 1998 General Plan contemplates a total buildout population for Napa of 90,000 by 2020.

The City is keenly aware of the staunch and decades old opposition of their constituents to developing these Prime Agriculture lands that have long been so



LAFCO Prime Agriculture Designation Map: Ghisletta, NVHA + Wilcoxson Parcels

designated by LAFCO. By way of example, during the City Council meeting on 09.18.2022, the City Staff presented a 1/2 truth. Mr. Walker stated that these parcels were not designated as Prime Ag by the Dept. of CA Conservation. Point in fact, this same CA Conservation Department has designated these parcels as *Grazing Lands* - a use that has been bestowed on these parcels by the property owners themselves.

More importantly, the LAFCO map and chart for annexation criteria on properties in Napa indicates that LAFCO regards the NVHA/Ghisletta properties as "Prime Agricultural". This designation is one which the property owner has always disclaimed. Further, the land is subject to Measure P which would states that any zoning change for development purposes would need to have voter approval-unless exceptions are met.

Moreover, the DEIR relied upon factual inaccuracies in support of its claim that the General Plan Update would have a less than significant impact on existing zoning for agricultural use. (DEIR p. 2-18.) The DEIR states that "existing zoning for

determine consistency for rezoning applications.

**TABLE AG/LU-B:
GENERAL PLAN & ZONING: FOR USE IN CONSIDERING CHANGES IN ZONING**

General Plan Land Use Category	Appropriate Zoning Designations
Urban Residential	RC-Residential Country RS-Residential Single RM-Residential Multiple RD-Residential Double PD-Planned Development CL-Commercial Limited CN-Commercial Neighborhood
Rural Residential	RC-Residential Country
Study Area	Study area properties shall be subject to site-specific planning prior to rezoning.
Industrial	IP-Industrial Park I-Industrial GI-General Industrial
Public-Institutional	AV-Airport PL-Public Lands
Agriculture, Watershed, and Open Space	AW-Agricultural Watershed TP-Timberland Preserve
Agricultural Resource	AP-Agricultural Preserve
Napa Pipe Mixed Use	NP-MUR-W - Napa Pipe Mixed Use Residential Waterfront NP-IBP-W - Napa Pipe Industrial/Business Park Waterfront NP-IBP - Napa Pipe Industrial/Business Park I - Industrial

Agricultural Resource would be maintained as either Agriculture or Greenbelt—or as Very Low Density Residential in some very small cases...

This is inaccurate. A portion of the Ghisletta parcels are currently zoned AR/AGW, even though they have the inconsistent UR combination.

Under the Draft GP2040 the land use designation for this area would become the "Foster Road Mixed Use" designation. This proposed change in land use designation,

annexation, up-zoning and development continues to represent one of, if not the largest, developments in the history of Napa . It is impossible to reconcile the reality of a proposed up-zoning consisting of approximately 1210 residences, + ADUs. 3000 + residents, another 3000 + vehicles all in addition to 44, 000 sq. Ft. + commercial development augmented by a consumer base of additional hundreds/thousands of transient people and vehicles, + a proposed expansion of two way roads to four way traffic and truck corridors encircling this area.

This is in addition to being adjacent to the congested HWY 29th & Hwy. 12-the main corridors (Gateway) to the Napa Valley and Sonoma. Unquestionably, the resultant unacceptable levels of cumulative air, noise, light and water pollution will prove devastating to the exigencies of the climate crises, quality of life and economy of Napa - which the City Staff views as unavoidable. By way of example is water and the lack thereof:

"The mega-drought currently underway has historical parallels, and cannot be attributed to anthropogenic climate change entirely. The paleoclimate record suggests that water managers should plan for a drought which may last decades to centuries, and will be compounded by climate change."

Amber Manfree, Department of Water Resources, California.

Drought is an undeniable and crucial issue. It is generally accepted expert forecasting that it will remain as such for decades – far exceeding the time frame of the draft GP2040.

The DEIR acknowledges that zoning would need to be updated to be consistent with the General Plan land use designation. Thus, the FRMU would not maintain the existing agriculture zoning for these parcels and would instead allow mixed use and an increased residential density.

Significantly, as the DEIR based its conclusion that the FRMU would have a less than significant impact due to conflicts with agricultural use on an inaccurate statement of facts, it remains fatally flawed because it is not based upon the required substantial evidence. (CEQA Guidelines section 15384, subd. [a] [**"evidence which is clearly erroneous or inaccurate...does not constitute substantial evidence"**]).

The DEIR is remarkable as it continues to maintain the vaporous-screen of it's Orwellian "gaslighting" – that this change in Land Use designation, annexation, up-zoning and development holds NO significant impact and only "unavoidable impacts". Reality speaks of a stark contrast to the City's proposed FRMU-DEIR's position. Reality portends devastating, long-term implications for the City of Napa on numerous levels cited above.

If the City Council were to finalize such an irresponsible decision to approve the FRMU, such an act would represent a notable betrayal of public trust and perhaps, an unprecedented act of arbitrary and capricious recklessness by the Council.

This comes into clear focus when there are more than ample opportunities to adhere to "smart growth" directives, climate resiliency and regeneration. The city needs to built out the core-urban in-fill via residential and mixed use housing unit opportunities that have already been publicly identified and documented in the thousands. To populate the urban in-fill would reduce the need to expand the City's boundaries onto rare agricultural land.

The accommodation of any new population growth could then easily be phased in on "as needed" basis. Financial incentives for mixed use projects would be crucial to encourage the active and willing participation of property owners, small businesses, and small developers – as opposed to the large corporate development conglomerates gobbling up land with an unprecedented and voracious appetite.

The City of Napa needs to re-discover its value – to fully acknowledge its worth and preserve its vulnerable attributes. This goes beyond much needed stewardship of the AG preserve and extends into the realm of ensuring our economic aspirations – for us al – many of which are wholly dependent on the AG Preserve.

This unnecessary FRMU proposal by the City would do the opposite. It only ensures the irrevocable development of Prime AG land by using disavowed practices of urban sprawl, reviving segregation, environmental racism and climate devastation – the likes of which the state of California has not seen in decades. All are unrecognizable in the 21st century and have been unacceptable to Californians for decades.

The state of California and, ostensibly, the City and County of Napa, do not support such practices. However, by approving this proposed FRMU, the City of Napa is doing just that. It is perpetuating and inscribing these disavowed practices – against the known will of their own constituents, experts and citizenry. In so doing, it is catering to the benefit of one property owner over those of hundreds, if not thousands, of others.

The agricultural zoning in Napa County has changed in important ways in the last 30 years. In 1990, the voters of Napa County passed Measure J which amended the county's General Plan to give the voters control over any rezoning of land in the agricultural preserve or the agricultural watershed. As of 2015, county voters had approved only seven of the fifteen rezoning proposals in the countryside. In 1995, the California Supreme Court ruled that Measure J was constitutional. In 2008, the Napa County voters overwhelmingly passed Measure P, which extended Measure J to 2058 and added language to provide for housing opportunities: *"Where necessary to comply with applicable state law governing the provision of housing, the board may re-designate land designated as 'agriculture, watershed and open space' or 'agricultural resource' on the land use map . . . **without a vote of the people**"* (Napa County, 2013, p. AG/LU-65).

To enact this scenario within this context of the FRMU is simply wrong – any way one looks at it – and raises legitimate questions about the adherence of the City to guiding principles of democratic governance. Council member Narvaez and Planning staff Smith and Walker have repeatedly displayed a penchant for unilateral governance. It is our sincere hope that other members of the City Council will not habituate such a cynical and inconsonant political culture of autocracy.

These mechanisms of voter suppression are exacerbated by the City's most recent draft GP 2040 which now states that its resolution is effective immediately upon the date of adoption, as opposed to the legally required 30 day period. Our understanding is that legislation does not allow a referendum of a resolution that is immediately effective. Any resolution adopting a legislative approval is not allowed to become effective for 30 days – a grace period, so to speak.

A judicious POV would not consider the FRMU DEIR proposal as viable or transparent. It could only be considered as viable when seen through the lens of satisfying

privatized self-interests and that of a quick, easy fix to a short term problem. The FRMU section remains inconsistent with its own Draft GP 2040, as the current zoning is not that of a corridor – primarily, the parcels are AGW. The DEIR could reasonably be construed as an 11th hour fabrication of Planning manipulations and one submitted in bad faith. This review draft process has been marred for years by 1/2 truth, omissions and stonewalling by the city staff, consultants and officials.

As to usher in such a strategy to avoid the need for citizen voter annexation, up-zoning and development of these parcels speaks to back-handed politicking. The City is keenly aware of decades of wide spread, significant citizen opposition to their past and current proposed annexation, up-zoning and development. It is common knowledge that the City is working in concert to satisfy the demands of one well-positioned, old-time friend, a property owner to reap kingly profits on top of the more than handsome profits associated with the value of increasing rare AGW in the Napa wine country. Make no mistake, KNGG takes no issue with turning a profit – it is the cornerstone of our capitalistic system. However when public policies, citizen voices and the public good is compromised in so doing, the issue cannot be ignored nor accepted as reasonable.

The proposed findings contained in the DEIR is that conversion of AGW/farmland and other indirect adverse impacts on Agriculture allowed by the proposed FRMU cannot be mitigated, and are seen as "unavoidable". The City consultants and staff have repeatedly wilted when faced with the challenge of presenting any possible alternatives-any at all. All of this leaves the Citizens of Napa incredulous, as their statements are notably inaccurate and are found wanting.

That said, **KNGG has envisioned a viable alternative which will benefit all of the "stakeholders" and leave the City of Napa with a very real – and a very necessary – sense of aspiration and pride in moving forward.** This would be accomplished through a private and public partnership, providing a state and national model of affordable and resilient housing while offering a respected quality of life that is so well-deserved by those inhabiting work-force housing. At this moment, **the City of Napa sorely needs to reinvent itself by building upon its rich history of AGW preserve and sustainability, coupled with "smart growth directive/initiatives".**

This is unquestionable in order to maintain its reputation as one of the most iconic and desirable locations in the world.

KNGG would welcome the opportunity to make such a presentation to the City Council - prior to bestowing their approval of the Draft GP2040 and DEIR.

KNGG Positions-Part II - For the record

The DEIR's claim that Housing development pressures will force the conversion of farmland speaks of a willful abdication of the City's land use planning duties and responsibilities. This includes re-inscribing disavowed planning practices of (sub) urban sprawl which require re-designation for this prime **AGW and open space**. To do so speaks to an unacceptable level of revulsion, as these parcels are of high-risk, contain considerable uncertainties, propose disproportionate dense housing and, regrettably, seems to speak of disavowed environmental racism.

This proposed Housing development, is inappropriate to such a singular location and is required to be equitably and fairly disseminated throughout the entire county – not sequestered into a high-risk massing of compromised adjacent parcels
Designating these parcel(s) now for higher intensity mixed use in this Housing Element eliminates a significant tool and deprives the County (along with the City) of the necessary agency and instrumentality that it would otherwise have available to it. A **Greenbelt/AGW** designation would allow the County and the City to exercise an unencumbered vision, determinative control and the ability to effectively guide any proposed development at these sites in the future on a clearly mandated, discretionary "as-needed " basis and not initiate the premature conversion of Prime Agricultural Land.

These "Unavoidable" impacts include: the elimination of important prime agricultural land (so designated by LAFCO), conflicts with existing Housing policies, urban sprawl, high-risk Alquist Priolo Zones, Flood Plains, Landslide Areas, Water Scarcity, dystopic levels of Air quality/pollution, Traffic and Greenhouse Gas Emissions, destruction of Native American Cultural/Archeological Sites, unacceptable levels of noise and light

pollution, unnecessary reduction of the WUI, etc. due to the misguided, proposed density of re-zoning, annexation, up-zoning and development planned for this compromised, high risk site(s).

Unfortunately, the City fails to provide any evidence of unavailability. It could easily accept the Planning Commission's recommendation to designate their sphere of influence remain **AGW** or to be preserved **Greenbelt**. The City has only presented circular and unproductive reasoning to contend that the designation of FRMU could not be changed because then it would not be the same plan.

The repeated and regrettable response to these serious comments is that there is no specific project planned at this time and their is no way to project such impacts. It is difficult not to believe this to be anything but a deflective statement.

This response remains legally invalid, for several reasons, including.

1. *"When a comment raises a significant environmental issue, the lead agency must address the comment "in detail giving reasons why" the comment was "not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice." (The Flanders Foundation v. City of Carmel-by-the-Sea (2012) 202 Cal.App.4th 603, 615, citation to CEQA Guidelines, § 15088, subd. (c).)*

Most unfortunately, **the City has provided only unsupported, conclusory responses that lack the required good faith reasoned analysis.**

Approving this FRMU section of the DEIR slating these properties for large-scale residential/commercial development (the largest in the history of Napa) would seem to demonstrate a pattern of willful disregard of state-mandated restrictions in RZIs. This is especially true of the **recently revealed active West Napa Fault (2015).**

Experts have been warning for decades that unimaginably large earthquakes (once in 300 years) are overdue for the entire West Coast from Seattle to Southern California on a number of active faults with appendages to the West Napa Fault. The fact is that zoning for massive housing development in earthquake zones-without state geologist

Gateway Parcels designated Prime Agricultural Land the USDA (the basis of LAFCO determination - therefore subject to MEASURE J & MEASURE P)

ATCH 2

Unincorporated Areas Within City of Napa's Sphere of Influence

Island Vicinity	Surrounded By City of Napa	Total Acres	Total Parcels	Developed Parcels	Estimated Population	Public Water Service (%)	Public Sewer Service (%)	Prime Agriculture	Subject to Measure P
Vest Pueblo/ Linda Vista	100	87.4	543	538	1399	98	100	No	No
Vest Pueblo/ West Park	100	10.1	19	18	47	68	100	No	No
Wrows Valley/ Kingston	100	14.8	11	10	26	55	22	No	No
Vest F/ Solano	100	6.7	13	13	34	100	100	No	No
errace/ Wyatt	100	1.6	6	6	16	50	100	No	No
errace/ Mallard	100	2.2	3	3	8	0	100	No	No
Vilkins/ Shetler	100	0.6	2	2	5	50	100	No	No
mola/ Parrish	93	32.0	213	208	541	97	100	No	No
ilverado/ Stonecrest	82	23.6	10	10	26	80	49	No	No
mola/ Tejas	71	5.3	16	16	42	81	100	No	No
hurtieff/ Hillside	70	2.5	3	2	5	0	100	No	No
illtop/ Griggs	56	6.0	4	3	8	75	100	No	Yes
evita/ Hilltop *	50	0.2	1	1	3	100	100	No	No
aratoga/ Capitola	100	3.6	4	3	8	0	100	Yes	No
hurtieff/ Cayetano	100	3.5	4	3	8	75	100	Yes	No
ilverado/ Saratoga	100	1.9	1	1	3	0	100	No	No
oster/ Grandview	81	7.6	6	6	16	83	0	No	Yes
edwood/ Lynn	79	7.1	16	14	36	88	0	Yes	Yes
asalt/ Kaiser	94	70.4	3	0	0	0	33	Yes	Yes
edwood/ Montana	76	8.1	4	4	10	100	17	No	Yes
enny/ Madrid	66	2.9	5	5	13	0	100	No	Yes
edwood/ Forest	59	22.7	23	21	55	78	100	Yes	Yes
ig Ranch/ Rosewood	55	66.3	12	9	23	0	100	Yes	No
oster/ Golden Gate	52	146.8	9	6	16	0	100	Yes	Yes
enny/ Imola	50	3.3	2	2	5	0	100	No	Yes
Napa State Hospital/ County Jail	35	348.4	5	4	1100	100	100	No	No
Totals	N/A	885.4	938	908	3450	17 Areas > 0%	24 Areas > 0%	7 Yes / 19 No	9 Yes / 17 No

3 areas meet Napa LAFCO's policy definition of "island" and are eligible for streamlined annexation
 3 areas do not meet the definition of "island" pursuant to Napa LAFCO policy
 Requires confirmation of % of perimeter surrounded by city/town

approval – (which the state geologist himself indicates will not be forthcoming)- teeters on an uncomfortably close assumption of liability. This is needless and, inexplicably, willingly assumed by both the County and City. Obviously, this will pose a significant economic burden to all of the citizens of Napa - not to mention the horrific effects on any possible future residents of FOSTER ROAD and the surrounding neighborhoods. The city's own GPAC's survey and members have indicated overwhelming opposition to developing these parcels.

Obviously, there are powerful development forces pressing on the annexation and development of these Ghisletta properties, but KNGG suggests this is the *Emperor's new clothes* as **there is no there there**. The State itself is providing an eject button for both the County and the City. This Alquist Priolo Zone is a sufficiently large hook to hang its legal hat on – comfortably. –The City would only need to declare that the assumption of liability for developing in these areas is far too great for the City to assume such a risk.

It would no longer fall on the City as previous promises and commitments would now be invalidated by this new information. The City would be able to avoid the inevitable and fractious legal conflicts that rezoning these parcels for massive development will ignite. A further suggestion is to direct the City attorney to rule that this is fiscally and materially irresponsible for the City - to wisely step out of the way. Each Supervisor could lay claim to have fought a good fight. Perhaps this approach would save the City Council from even having to vote such an approval – resulting in a big relief for us all.

Most unfortunately, the City continues to violate CEQA by repeatedly failing to address the impacts associated with this FRMU development in the DEIR. An irrevocable loss of prime agricultural land through premature conversion. Section 15126.2(c) of the CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project. Specifically, Section 15126.2(c)

The County could simplify this situation by simply removing and/or not approving this section of the DEIR and Housing Element. A Master Plan is not required by a designation of **Greenbelt/AGW**.

Further, an approval by the City not to retain **AGW or designate preserved Greenbelt** may also be a cause of internal inconsistencies within the General Plan itself and its aspirational goals to preserve open space and attain climate resiliency and regeneration within this time frame.

KNGG's **suggestions to mitigate** the effects of Greenhouse Gas Emissions, Air Quality, Traffic, Noise and Environmental Justice issues are rather straightforward.

1. **Honor, Accept and Inscribe** the City of Napa's Planning Commission's Recommendation for **Greenbelt and/or retain the current AGW** Designation for these Gateway Parcels by removing this proposal from the County's DEIR and Housing Element;

2. **Require** the City of Napa to:

First, develop and complete in-fill housing within the City of Napa's core and annex the County Islands, re-adapt existing sites on transit corridors and industrial/commercial/corporate parks parcels slated for site reclamation, such as Napa Pipe and governmentally owned properties such as the Napa State Hospital and golf courses... In so doing, this in itself would definitively mitigate environmental factors such as Greenhouse Gas Emissions/AQ and the effects of Global Warming.prior to other development.

As you must realize, and as recommended by Plan Bay Area 2050, it's infinitely preferable to densify an already urbanized area, such as the Soscol transit Corridor, to minimize transportation and infrastructure demands, rendering them concentrated and a deterrence to automobile usage and parking real estate.

To provide the mix of housing needs along these identified in-fill corridors FIRST, thus offering a much needed regenerative incentive for the lively revitalization of these corridors, neighborhoods, strip malls and corporate parks. Many of these single-story shopping centers along the identified corridors truly are fallow and businesses failing or shuttered – falling into blight and reflecting poorly on the County's renown.

Smaller Developers/owners would be viewed as partners and incentivized using the once-in-lifetime state and federal funding to create vibrant mixed use corridors. Such an alternative plan would not be additive of more cars, air, noise, and light pollution to the edges of the city. Rather, it would rightly focus the housing in already urbanized areas, not further creating sprawl and resulting in a segregated and marginalized environment at the rural urban interface of the Gateway to the world famous Napa Valley-one of the world's most impressive tourist and economic drivers – second only to Disneyland.

Overriding Considerations

The issue of Overriding Considerations was raised during the City's Planning Commission meeting on 09.01.2022. To this point, our understanding was that **the City Council may only adopt a statement of overriding considerations if substantial evidence is in hand. It was not and is not.**

Additionally, it would appear that the City may be attempting to preempt LAFCO's mission to encourage "the preservation of agricultural lands and open-space " through this misleading contention of Over-riding considerations

"The Commission declares its intent not to permit the premature conversion of designated agricultural or open-space lands to urban uses..... In evaluating a [development] proposal, the Commission will use the Napa County General Plan to determine designated agricultural and open-space lands.....The Commission shall guide urban development away from designated agricultural or open-space lands until such times as urban development becomes an overriding consideration as determined by the Commission" (2018b, p. 2).

It would behoove the City Council to be made aware of the Planning staff's inaccurate and unsubstantiated claims which are fabricating this contention.

Following two + years of KNGG's persistent questioning and receiving nothing but stonewalling from the City, the City's Planning Staff finally revealed information on the state's RHNA housing requirements quite recently on 09.01.2022. Point in fact, the re-designation, annexation, up-zoning, and development of the Gateway parcels **are not necessary** to fulfill the RHNA numbers housing requirements as has been finally declared by the City Planning staff under persistent questioning from the Planning Commission and citizens.



[City of Napa Planning Commission Meeting, 09.01.2022 -CLIP](#)

KNGG notes that the City of Napa is in agreement with the County to take on the burdensome lion share of housing development. The DEIR does not seem to specify the property tax exchange resolution between the two nor does the City have any documentation indicating how much revenue may be anticipated by the annexation of the FRMU. If so, this should be publicly shared in draft documents or a MOU. The city would be taking on service responsibilities for these annexed parcels. As such, the City is entitled to a portion of the revenues that previously accrued to the County to offset service costs. The property tax exchange should be addressed and specify how much property tax revenue will shift from the county to the city and offset any financial liabilities incurred by the City as a consequence of the FRMU.

A price increase for city services such as water and a tax increase for Napa residents to underwrite the infrastructure demanded by the FRMU will be inevitable. The push for housing without a specific infrastructure plan will impose inordinate pressure upon the city to increase taxes to fund the infrastructure gap. Therefore, the city will be tremendously pressured to raise taxes once the build-out (rather than build-up) of the FRMU occurs over the next few years. The City's mission should protect our communities from increasing taxes, and protect property value by favoring housing on the foundation of an infrastructure plan that keeps the environmental impact, traffic, schools, roads, water, and sewers in careful consideration. An infrastructure tax increase should not fall upon the citizens as an afterthought "surprise, surprise." If we solve the traffic/transit problem, we will solve the housing problem – other cities have approached and met this housing crisis successfully.

With this in mind, the City has already identified more than adequate urban in-fill housing units to satisfy these State requirements – forecast through the next 2-3 RHNA cycles. Simply put there is seemingly no need to change the land use designation, re-zone/up-zone and annex these high risk parcels laden with deep uncertainties, for Housing Development , other than to fulfill the long-standing demand by the Property owner(s) of the Ghisletta Parcels.

RHNA

KNGG understands that RHNA circulates in 8 year cycles. That said, unlike other Bay Area municipalities inexplicably, neither the City nor County of Napa has not appealed these RHNA numbers, as this fundamental concern was considered. Examples of other cities RHNA Appeal Letters are [here](#) :

HCD's RHNA determination has been independently found to be in error and the audit should consider arguments by other regional agencies such as the Southern California Association of Governments. Moreover, there remain significant unanswered questions related to the data analysis in PBA50.

Many agencies have consistently requested jurisdiction-level data to better understand the assumptions, analysis and conclusions that make up PBA50. Cities and counties within the Bay Area are being burdened with excessively high RHNA numbers — even without potential double counting errors from HCD.

The RHNA methodology should address development feasibility for jurisdictions by including an allocation cap, especially under current circumstances where it will take time for developers to prepare housing project plans and funding packages in recession conditions.

The concern is some jurisdictions potentially failing to meet their market rate housing targets, subsequently being subject to the permit streamlining requirements of SB 35, and then these jurisdictions losing control over local land use decisions four years into the RHNA cycle.

Regional Growth Strategies Mapping and Modeling Accuracy.

Mapping, modeling results, and associated assessments of development potential underlie the regional growth pattern in the Plan Bay Area 2050 Final Blueprint. Accuracy in the regional growth strategies mapping and modeling is fundamental if 2050 Households is used as the RHNA methodology baseline.

As indicated in the text above, the State itself has recently issued a relatively scathing report on both the inaccuracy and the inadequacy of reliable evidence for these RHNA numbers and forecasting;

On March 17, Michael S. Tilden, the Acting California State Auditor, [issued a blistering critique of the Department of Housing and Community Development \(HCD\) and its Regional Housing Needs Assessments \(RHNA\)](#).

The Auditor found problems in the HCD methodology that may have inflated RHNA requirements by hundreds of thousands of housing units. The Auditor concludes that “The Department of Housing and Community Development must improve its processes to ensure that communities can adequately plan for housing.”

In his letter to the Governor and legislative leaders, the Auditor also states, “Overall, our audit determined that HCD does not ensure that its needs assessments are accurate and adequately supported. ...This insufficient oversight and lack of support for its considerations risks eroding public confidence that HCD is informing local governments of the appropriate amount of housing they will need.”

The verified decreasing population forecasting of the State; stands in stark contrast to the inaccurate figures used by consultants and Planning Staff preparing the DEIRs. Despite KNGG requests for over two years, these were never addressed and only met with silence.

By way of example, the high level of inaccuracies of historical data forecasting by the City, i.e. population for Napa was forecast to be 250,000 in 2020 by the City years ago.

It is highly improbable that RHNA numbers will be an issue in the interim years until 2040. Again, in the unlikely event a need arises, the City has a number of discretionary measures that could be effectively deployed such as the General Amendment used with the annexation of NapaPipe.

With this in mind, again, we advocate that the City change the language of the DEIR to specify and require priority development. First to develop housing units in the already urbanized corridors within the County (not the SOI) to produce the number of RHNA units anticipated in order to reduce sprawl and advance climate resiliency and regeneration. In so doing, this will reduce the particulate matter, greenhouse gas emissions and advance levels of clean air quality. Without question, developing the existing main corridors with existing infrastructures/systems and focus areas will provide more of the much-needed housing stock options, prove cost-efficient, revitalize neighborhoods and supporting new and existing businesses.

Most unfortunately, this omission speaks to a continued disservice to the residents of Napa and to the future sustainable housing, public good and climate resiliency of our region.

Issues of Social Justice and Equity

Certainly, these are privately held lands and their owners – as any of us – are entitled to realize whatever profit is in keeping with the (high) market valuation of their current zoning, AGW - Prime Agriculture lands. While highly valued for Agriculture, these parcels are deeply compromised, replete with uncertainties, and high-risk for residential and commercial development. That said, the elephant in the room is that these are Prime Agriculture lands, once treasured for their multi-faceted value to the City of Napa, appear to be the sacrificial lamb in a disingenuous ploy to up-zone and develop (affordable/low-income) housing. That ploy itself speaks to an unacceptable degree of environmental racism and ghettoization and may be viewed as an updated form of 21st century red-lining.

Affordable housing needs to be (and can be) integrated throughout the City of Napa - in every corner where each of us lives. Affordable/Workforce housing should not be situated entirely within one area of the City. It needs to be integrated throughout the City with each district absorbing an equitable share of the burden. The draft Napa General Plan 2040 proposal indicates that well over 300% of all new housing is slated for the development of the Ghisletta and Horseman's Association parcels and represents approximately 5% of the City of Napa's population.

But the City of Napa's Planning Commission's recommendation of **Greenbelt/AGW** Designation for these parcels has assured the citizens of all of Napa that affordable and mixed-income housing will be built throughout all of the SAFE and affordable sites already identified by the City as urban infill – and this speaks to 21st century “smart growth directives” and, of course, to principles of social justice and racial equity.

However, the proposed FRMU (perhaps unintentionally) covertly segregates people of lower socio-economic status (often people of color) by proposing a land use change followed by an annexation and up-zoning which an incompatible dense

development that will create an entire new city in Southwest Napa . The City will not offer these residents the same amenities, assimilation and privileges associated with housing spread throughout the City of Napa (as it should be legally), such as in neighborhoods such as Browns Valley and Alta Vista, etc.

It is incumbent upon the City to deliver equitable housing that would offer everyone (no matter race, class or gender) the ability to afford or to even secure a mortgage and enjoy the same financial appreciation on their investment. And to ensure that residents live in relative comfort and safety from the very real anxieties perpetrated by the West Napa Fault Line, the Flood Plains and the Landslide areas – not to mention constant rupture of services of water lines, gas lines, gas emissions and other noise and light pollutions from Hwy. 29 by way of the cumulative effects of an additional anticipated 3000 people + commercial ventures and transient consumers/workers.

Each resident of Napa deserves a quality of life that does not speak to a future compromised and/or a possibly dystopic existence for ourselves and our neighbors throughout all of Napa.

Conversely, the probability that developers may soon discover that it is way too expensive to build on such a high risk site – a site that the property owner seem far too eager to offload onto the county's gracious ability to re/up-zone for their significant benefit only to then find that low income and affordable housing is way too costly to build won't be able to built such housing for an affordable price despite augmented funding sources. Case in point is Napa Pipe whereas the City has an agreement for a minimum of 140 affordable housing units are to be built. Recent reportage indicates that number has now been cut in half.

As the California State Geologist recently mentioned, compromised, high risk sites like the Ghisletta parcels are good for one of two things: **Greenbelt/AGW** or *Golf courses*. We believe there to be existing and beneficial alternatives which the County (nor the City) has yet identified. As mentioned, KNGG would like to submit a proposal to , hopefully, resolve these issues for the City and all stakeholders .

Unlike Napa Pipe (similar in scale) the Ghisletta parcels are considered Prime Agricultural Lands by LAFCO (a state agency). These Ghisletta parcels are not *Superfund* sites or industrial wastelands begging for welcome reclamation like Napa Pipe. These parcels embody the City's of Napa's "Last Glimmer" of AG land. Once they are gone they are gone and Napa will all be the poorer for it.

Make no mistake, the City's DEIR proposes an irrevocable decision to develop prime AGW lands. To approve such a shameless proposal to develop these AGW parcels based on exceptional uncertainties, high-risk factors, exacerbating urban sprawl, further devastating the environment, publicly acknowledged inaccurate data points and forecasting numbers, 21st century redlining practices , etc., is more than unreasonable - it is folly. And it appears to all be based upon the opportunistic and unsubstantiated predicate of Napa's voracious appetite for over development based upon what may be considered questionable planning directives.

This speaks for itself – actually it shouts from the mountain tops-this ***makes no sense and is irresponsible, if not unconscionable, to the citizens of all of Napa.***

Bias and Impartiality

To ensure the public's confidence in the impartiality of the City Council, the Council must avoid even the appearance of bias or prejudice in its decision-making process. In this situation it has been most unfortunate that, several City, County, LAFCO and other government officials/representatives, have long made clear statements publicly and behind closed doors + emails that the Ghisletta parcels would be developed with the significantly increased intensity of the FRMU designation. It was often commonly referred to as a "*done deal*" by many officials during the past decade. This precluded

strong opposition and the introduction of critical information seminal to arriving at a judicious decision today in 2022.

A number of the City's acts and statements were made prior to the City's review and consideration of the DEIR for the Project and prior to public hearings on the proposals, demonstrating pre-commitment, a lack of impartiality in decision-making, and thus the unacceptable probability of bias and strong-arming the system. Mayor Sedgley's uncharacteristic remarks on his old friends, the Ghislettas at the last City Council left an indelible mark on many Napa residents – feeling as if they were of little consequence in his overall consideration of the FRMU proposal.

Summary

Napa is not a bedroom community – as it is so stated in the Mission of the City of American Canyon. But that is not the mission of the City of Napa nor the draft GP2040.

The possible Land Use Designation change, annexation, up-zoning, and development of FRMU telescope the tactical and subterranean maneuvering of a chess game—seemingly in order to covertly get this past the voices and agency of Napa residents. This is not acceptable, honorable nor befitting the office of any public official..

For the better part of 75 years the City of Napa has carried out a mission of melding vision/foresight, sustainability and measured / reasoned responses to resolving the problems before us. This vision has been exceptional and only served to benefit both the City of Napa by greatly enriching and underwriting this renown world-class Agricultural area that we all treasure.

The proposed FRMU does not to speak to these directives. Rather, it speaks to an “easy way out” that privileges privatized interests and a directive which will relinquish the unique advancements and devastate the beauty generated by the wisdom of the last 75 years of Napans treasuring our coveted AgG Preserve.

Moreover, the City does not need to do so.

For the City to needlessly ensure developing high-risk multi-story, multi-family complexes, tract housing and the retro-sprawl of incessant and banal bargain rate retail, food mart/gas stations, corporate parks and the ubiquitous tedium of sound walls on these view corridor properties is nothing more than an undeniable BLIGHT to the County's primary 's entry to the Napa Valley - and reputation.-

It is exactly what citizens and tourists (the foundation of Napa's economy) do not want to see nor to experience upon arrival. Tourism is dropping as is. This FRMU will only serve to drive a nail in the coffin

And the FRMU is not needed. For the City to finalize approval for the FRMU would render an irrevocable decision based on a verified lack of need, factual inaccuracies, critical uncertainties and, perhaps, negligence. If nothing else, common sense and sound management practices dictate never predicating such a consequential decision on such a tenuous basis.

As such, KNGG requests that the City reverse its approval of the DEIR and not to move forward with this misguided segment in the FRMU DEIR.

We request that the County honor and retain its current designation as **AGW** and/or adapt the City's Planning Commission's recommendation for a preserved **Greenbelt Designation.**

These parcels represent one of, if not the, the **"Last Parcels"** of **Greenbelt/AGW land** (as currently zoned by the County of Napa). **Once it is gone – it is gone forever. It has struck many throughout this process that** the Ghisletta and their supporters 'have stated"they are owed" a land use and zoning change by the city. But that sense of entitlement is countered by one KNGG member's view:

"Agricultural or 'Ag Zoning," jurisdictions are intended to protect farmland and farming activities from incompatible non-farm uses. The purpose of the zoning is to conserve and protect open land uses, foster orderly growth sprawl, and prevent urban-agricultural land use conflicts. The AR/AW zoning on these lands for decades was designated to not only protect the ag land use for the owner but to also make clear that they are on property that is near land that has much different usages than city dwellers

have. City Dwellers must accept the smells, noise, activity, dust, etc that AG parcels are allowed and they must tolerate mowers, garage sales and other urban activities that we are allowed on our properties.

If everyone could enjoy a zoning change on their property in order to make it more valuable to sell – what 's the point of land uses and zoning at all if we would all be able to change it to suit the bidder? Most people are very constrained in how they are able to use their land. The Ghisletta's aren't asking for a zoning or land use change because they want to diversify their own use of it. Most likely, they will sell to a developer when the City has annexed them and the land is "ripe" for developing. They may even have developer options contingent upon the City annexing these parcels. Common sense and public sentiment for their "plight" are not on their side.

That being said, I do understand that these parcels have been in the SOI for quite some time and it would be expected that zoning would change if the property was annexed into the city. That doesn't necessarily mean that it should be and each governing body should take all factors into account before allowing such dramatic zoning and land use changes. Once that road is taken, it and come back and the last remaining large parcel of open land in the RUL will be lost forever..

Furthermore, and perhaps most disturbingly, again, such an approval would continue to unilaterally ignore the will of the people, the City's own GPAC findings and members, the City's own Planning Commission, + the broad spectrum of high-risks and untethered development costs associated with these parcels. Further it would inscribe disavowed and disreputable planning and social practices by approving the proposed change in land use and zoning for these parcels in the FRMU.

The City's Planning Commissioners took note as to how integral was the introduction of NEW critical information regarding RHNA numbers, the acknowledgement of Prime AG land designations and the rapid advance of the broad spectrum effects of Climate Change. These factors influenced their decision to reverse their earlier recommendation. They did so with integrity and without compunction.

It is our sincerest hope that you all will honor the implicit trust that we have placed in you to render approvals that serve the whole of the City and its aspirational future well-being and sustainability.

Respectfully submitted,

Christiane Robbins
On behalf of KNGG

" But the rest of the Bay Area sees a huge difference. If the EPA growth scenarios are correct, Napa Valley will be a regional oasis of agriculture 50 years from now.

"We're going to get squeezed," Morrison said. "Solano is going to be fairly developed, Sonoma's going to be fairly developed. Vallejo is like Oakland-level density."

Morrison can envision an alternative future for Napa County. Perhaps land grows far more valuable for home building than grape growing, political re-solve to protect agriculture wains and the agricultural preserve is swallowed by development.

"That's the choice," Morrison said. "We either fight really hard to keep what we have in terms of agriculture or we're absorbed into the Bay Area metropolitan region."

Ag preserve, totalitarian-ism and 'slip-shod semi-city' That's the same choice the county faced at the birth of the agricultural preserve in 1968. At that time, the idea of zoning 23,000 or so acres on the Napa Valley floor as protected agriculture proved controversial....

This was before Napa County's future as a prosperous Wine Country was assured, when some thought Napa Valley might go the way of Santa Clara Valley."

David Morrison, Director of Planning, Napa County, AG Preserve Success Touted, Napa Register, February 4, 2018

From: [REDACTED]
To: [Clerk](#)
Subject: October 18, 2022 City Council Meeting, Item 13A
Date: Monday, October 17, 2022 3:40:34 PM

[EXTERNAL]

Dear Mayor Sedgley and Council Members,

I live off Robinson Lane and have been actively opposing the Linda Vista Bridge for the last 8 years. I attended all the meetings and spoke to all of you in hopes of providing the information that would help guide your decision regarding the Bridge. I was surprised, grateful and so appreciative in reading the Addendum to the General Plan to remove the Linda Vista Bridge. I am not 100% sure what guided your decision, but I am truly thankful and feel that our voices made a difference.

I believe I speak for all of us that live in the Blane Meadows and Kingston area that we are all ecstatic and forever grateful that the City of Napa has put this to rest. We can all breath a sigh of relief.

Thank you,

Margan Holloway

From: [REDACTED]
To: [Clerk](#)
Subject: Public Comment Re: Item 13.A
Date: Monday, October 17, 2022 4:43:39 PM

[EXTERNAL]

Dear Napa City Council Members,

As a Napa parent, I strongly support the General Plan change requested by Napa Climate NOW! with regard to CCS 2-1: Support programs to reduce auto-dependency and GHG emissions from personal vehicles.

Sincerely,

Anna Wingfield Napa Resident for 28 years

From: [REDACTED]
To: [Scott Sedgley](#); [Liz Alessio](#); [Beth Painter](#); [Mary Luros](#); [Bernie Narvaez](#); [Steve Potter](#); [Molly Rattigan](#); [Joy Riesenber](#); [Liz Habkirk](#); [Vincent Smith](#)
Cc: [Tiffany Carranza](#); [Clerk](#); [REDACTED]
Subject: REQUEST from Napa Climate NOW_ Strengthen Policy CCS 2-1 in the General Plan
Date: Monday, October 17, 2022 7:28:43 PM
Attachments: [NCN Letter to Napa City Council General Plan CSS 2-1 221017.pdf](#)

[EXTERNAL]

Thank you for considering our request as part of the October 18 City Council meeting where Napa's 2040 General Plan will be finalized and adopted. Text below and in attached memo.

October 17, 2022

To: Mayor Scott Sedgley
City Council Members: Liz Alessio, Beth Painter, Mary Luros and Bernie Narvaez
City Manager and Staff Members: Steve Potter, Molly Rattigan, Joy Riesenber, Liz Habkirk
Community Development Director: Vince Smith

From: Napa Climate NOW! Steering Committee: Lynne Baker, Chris Benz, Linda Brown, Marilyn Knight-Mendelson, Jim Wilson

Cc: Tiffany Carranza, City Clerk

RE: Request to strengthen Policy CCS 2-1 in the General Plan scheduled for adoption on October 18

We want to express deep appreciation for your dedication to including strong climate actions in the 2040 General Plan that will be adopted at the October 18 City Council meeting.

We are concerned that Policy CCS 2-1 regarding gas stations and drive-through windows was weakened in the Final Admin Draft. As you are aware, cities in our region and county (American Canyon, Calistoga, Petaluma, Rohnert Park, Sebastopol, Cotati, Santa Rosa, and soon Windsor) have banned new gas stations recognizing that the current supply is adequate, and the state is incentivizing a shift to electric vehicles.

At the November 2021 appeal of the proposed Soscol Square drive-through, the Council stated a desire to address limiting drive-throughs to reduce idling emissions in the new General Plan.

To address these issues, we request that Policy CCS 2-1 be strengthened and clarified by separating actions on gas stations and drive-through windows and be revised as follows:

CCS 2-1 Support programs to reduce auto-dependency and GHG emissions from personal vehicles. Efforts for this include:

- Establish regulations to prohibit construction of new gas stations and prohibit the addition of new gasoline pumps at existing gas stations. Encourage the accommodation of alternative fuels other than gasoline, consistent with the City's climate and air quality objectives.
- Establish regulations that prohibit the construction of drive-through windows in new developments and encourage alternative approaches at new and existing businesses that

provide similar customer service, using current technology and facilities designs, without involving sustained idling of gasoline-powered engines, consistent with the City's climate and air quality objectives.

We look forward to working in partnership to make Napa a leader in responding to the climate crisis, creating a safe and healthy community for all.

--



Lynne Baker, RN,MS



October 17, 2022

To: Mayor Scott Sedgley
City Council Members: Liz Alessio, Beth Painter, Mary Luros and Bernie Narvaez
City Manager and Staff Members: Steve Potter, Molly Rattigan, Joy Riesenber, Liz Habkirk
Community Development Director: Vince Smith

From: Napa Climate NOW! Steering Committee: Lynne Baker, Chris Benz, Linda Brown, Marilyn Knight-Mendelson, Jim Wilson

Cc: Tiffany Carrazza, City Clerk

RE: Request to strengthen Policy CCS 2-1 of the General Plan scheduled for adoption on October 18

We want to express deep appreciation for your dedication to including strong climate actions in the 2040 General Plan that will be adopted at the October 18 City Council meeting.

We are concerned that Policy CCS 2-1 regarding gas stations and drive-through windows was weakened in the Final Admin Draft. As you are aware, cities in our region and county (American Canyon, Calistoga, Petaluma, Rohnert Park, Sebastopol, Cotati, Santa Rosa, and soon Windsor) have banned new gas stations recognizing that the current supply is adequate, and the state is incentivizing a shift to electric vehicles.

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- Establish regulations that prohibit the construction of drive-through windows in new developments and encourage alternative approaches at new and existing businesses that provide similar customer service, using current technology and facilities designs, without involving sustained idling of gasoline-powered engines, consistent with the City's climate and air quality objectives.

We look forward to working in partnership to make Napa a leader in responding to the climate crisis, creating a safe and healthy community for all.

From: [REDACTED]
To: [Clerk](#)
Subject: Item 13.A public comment
Date: Monday, October 17, 2022 8:41:27 PM

[EXTERNAL]

Dear Napa City Council Members,

As a retired school nurse and pediatric nurse practitioner who is an advocate for children's health, I strongly support the General Plan change requested by Napa Climate NOW! with regard to CCS 2-1: Support programs to reduce auto-dependency and GHG emissions from personal vehicles.

Thank you for your consideration.

Sincerely,
Barbara J. Dondero, RN, MSN, PNP

From: [REDACTED]
To: [Clerk](#)
Subject: Re: Item 13.A support
Date: Tuesday, October 18, 2022 1:25:43 AM

[EXTERNAL]

Dear City Council,

I am a Napa resident and I am writing re: Item 13.A. I support the change requested by Napa Climate NOW!

Thank you,
Chin-Wu Chen
[REDACTED], Napa, CA 94559

From: [Beth Painter](#)
To: [Clerk](#)
Subject: Fwd: Please support the climate emergency in the strongest and most urgent terms
Date: Tuesday, October 18, 2022 6:48:46 AM

Sent from Beth Painter's iPad

Begin forwarded message:

From: Susan Crosby [REDACTED]
Date: October 18, 2022 at 6:31:45 AM PDT
To: Beth Painter <bpainter@cityofnapa.org>, Liz Alessio <lalessio@cityofnapa.org>, Mary Luros <mluros@cityofnapa.org>, Bernie Narvaez <bnarvaez@cityofnapa.org>, ssedgeley@cityofnapa.org
Subject: **Please support the climate emergency in the strongest and most urgent terms**

[EXTERNAL]

Dear City Council Members,

If I weren't visiting friends in Italy, I would be present in person at the Council meeting, urging you to treat climate change with the utmost seriousness, moral courage, and all the creativity you can muster.

Precisely because I AM here, though, seeing dry rivers in the usually lush north of the country, wearing t-shirts in mid-October when there is usually cool or cold weather, and always rain or even snow, I'm especially concerned that you look with clear eyes at what is unfolding all around us. "Unraveling" may be the better word.

It's global. It's drastically changed. Call it Global Climate Change.

We're in deep trouble as a species and we're taking the rest of the world with us: plants, animals, others of all description who've had little share in the party we've been having at their expense.

You know all the arguments already, what we are asking now is for you to find the courage to face off development to save what can still be saved.

Please support the strongest version possible for the environmental and development sections of the General Plan, and join me in keeping Hope on the respirator.

Thank you,
Susan Crosby

From: [REDACTED]
To: [Clerk](#); [Scott Sedgley](#); [Liz Alessio](#); [Mary Luros](#); [Beth Painter](#); [Vincent Smith](#)
Cc: [REDACTED]
Subject: Napa General Plan Adoption: October 18, 2022
Date: Tuesday, October 18, 2022 10:00:50 AM
Attachments: [October 18, 2022-City Council; Adopt the Revised General Plan.pdf](#)

[EXTERNAL]

To Whom it Concerns,

Please find attached my recommendation to Adopt the General Plan as revised.

Thanks for all of your professional efforts on this major accomplishment, it is very much appreciated!

Tom Andrews

[REDACTED]
Napa, CA 94558

[REDACTED]

October 18, 2022

To: City of Napa, City Council

Via email and Hand Delivery to: The City Clerk clerk@cityofnapa.org

From: Thomas Andrews

Dear Mayor and Council Members,

In Consideration of the City of Napa 2040 General Plan.

A Final Environmental Impact Report (EIR) analyzing environmental impacts that could result from adoption of the 2040 General Plan has been prepared and adopted September 20, 2022. The EIR identifies mitigation measures that would reduce potentially significant impacts to a level that is less than significant. Impacts to Air Quality, Greenhouse Gas Emissions, and Agricultural Resources have been determined to be significant and unavoidable.

Please adopt a resolution accepting the City of Napa 2040 General Plan as presented in “Napa Final Draft 10122”; including all modifications and revisions.

Thank you,

Thomas Andrews



Napa, CA 94558

OCT 18 PM 12:06

October 19, 2022

Joseph and Rosemarie Keebler

[Redacted]

Napa City Council
600 First Street
Napa, California 94558-0660

Re: Request to change GP2040 Land Use Designation for Keeblers' Property, APN 50-170-49,
63-67 acres m/l, from GB to VLDR

Dear Council:

We refer to our August 31 and September 26, 2022 and prior letters, which summarized the reasons for our requested change from GB to VLDR:

A. City and Charles and Pauline Joens ("Joens") executed the 1970 DRCCA ("Browns Valley Plan" or "BVP"), which provided over 110 acres of Scenic Open Space Conservation Easements (SCOEs), a park and other public use areas and PC zoned ordinance with plan with map for hundreds of residential units.

B. Following the BVP approval, Joens deeded part of the subject property to Robert Fumasi, and City took title to the Fumasi and Joens SCOEs. Thereafter, City took title to the 12+ acres Timberhill Park.

C. Keeblers took title to the Fumasi Parcel in 2000, with 47+/- acres SCOE and 18.2+/- acres of HAD-F area with 72 residential units designated.

D. No votes have ever been taken nor have deeds been executed by owners of a majority of the total DRCCA areas ever been recorded through date; therefor, the entire DRCCA fully remains enforceable under DRCCA paragraphs 3 and 6.

E. Keeblers have further offered to execute an amendment of the DRCCA to permanently limit Keebler's area HAD-F and portion of the Fumasi SCOE to total only 11 parcels if their lot line adjustments plans are approved, which would permanently end potential future controversies over the DRCCA.

If the Council determines that the entire Keebler's Property should not be designated VLDR, we suggest an alternative with mixed designations would be preferable with GB for the westerly 20+/- acres and VLDR for the entire remaining easterly remaining area.

A preliminary concept map for our proposed lot line adjustments with four contiguous parcels on the Assessor's Map 50-170 marked "LLA-1 From Keebler SCOE" remain in GB and the areas marked "Keeblers Remaining SCOE Area" and "Keebler's Outside SCOE Area" marked in pink on the attached Assessor's Map page 50-170 be designated VLDR. Our explanation of the proposed LLAs 1 through 4 is attached with the color marked and coded Assessor's Map 50-170.

[Redacted Signature]

Joseph Keebler

[Redacted Signature]

Rosemarie Keebler

COUNTY ASSESSOR'S PARCEL MAP
PTN. NAPA RANCHO

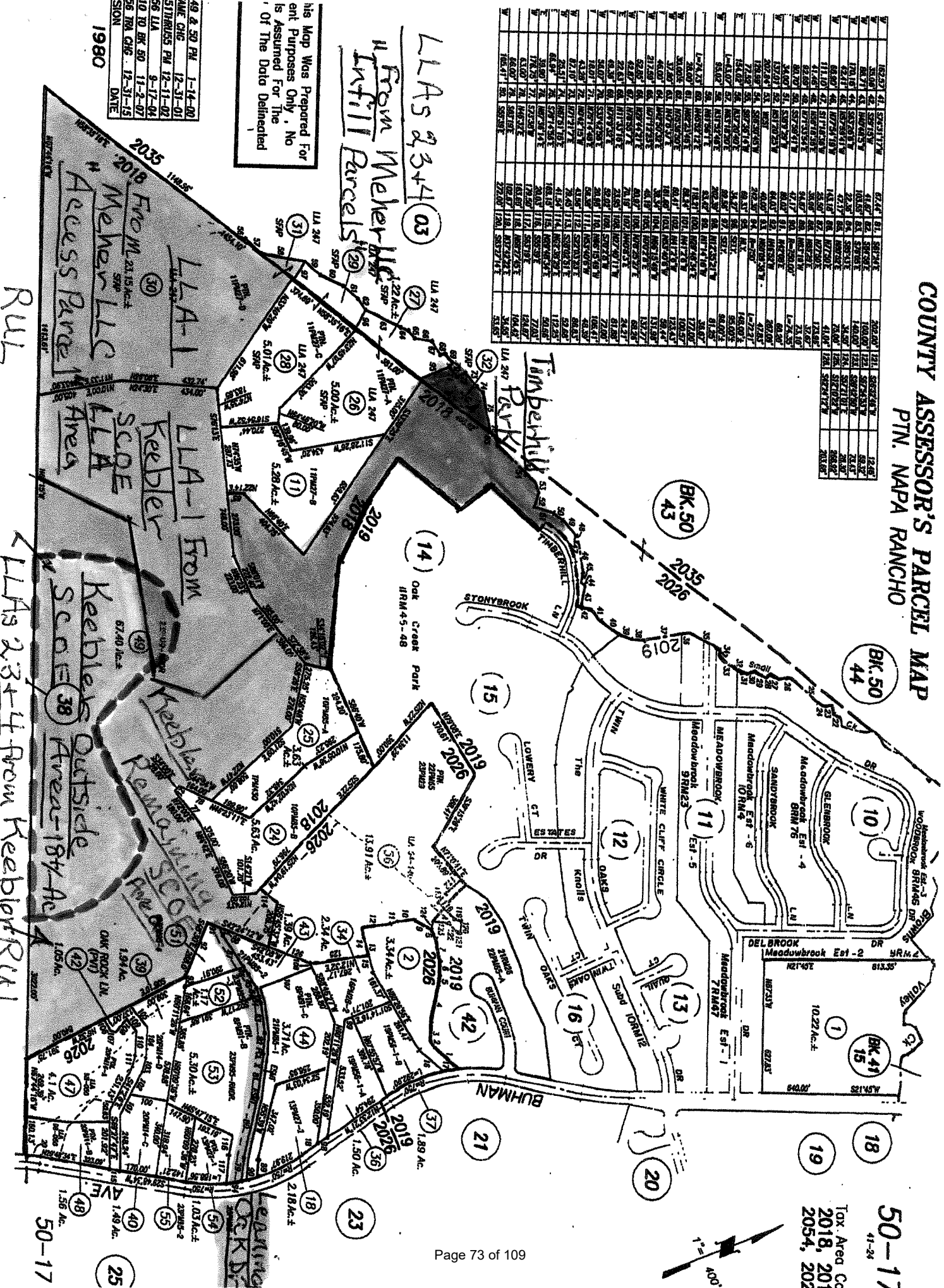
APN	ACRES	AREA	PERMITS	REMARKS
0252	41	596.3172		
0253	42	596.3172		
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0255	44	596.3172		
0256	45	596.3172		
0257	46	596.3172		
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0261	50	596.3172		
0262	51	596.3172		
0263	52	596.3172		
0264	53	596.3172		
0265	54	596.3172		
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0267	56	596.3172		
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0271	60	596.3172		
0272	61	596.3172		
0273	62	596.3172		
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0276	65	596.3172		
0277	66	596.3172		
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0284	73	596.3172		
0285	74	596.3172		
0286	75	596.3172		
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0295	84	596.3172		
0296	85	596.3172		
0297	86	596.3172		
0298	87	596.3172		
0299	88	596.3172		
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RUU

LLAs 2,3+4 From Keebler RUU



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EXPLANATION OF RSA'S PREPARATION OF MAPS AND APPLICATIONS FOR PARCEL MAP DIVISION AND LOT LINE ADJUSTMENTS AND MEHER LLC ("Meher") AND KEEBLERS NEGOTIATIONS FOR JOINT SUBMISSION TO THE CITY OF NAPA AND PERFORMANCE IF CITY APPROVES THE LLAs AND MAPS

1. In September, Keeblers authorized RSA to prepare a preliminary parcel map to file with the City for division of our 63+/- acres APN 50-170-49 into 3 parcels complying with 20 acre minimums under the both the present 2000 General Plan and zoning ordinances and the draft GP2040. We have arranged preparation of the necessary seismic and geologic hazards, trees and other expert reports and RSA's survey of relevant portions of the property. RSA has been consulting with City planning and other departments staff. The parcel map can be revised to comply for subsequent division of the Keebler parcel 18+/- acres outside the SCOE into 8 parcels after GP2040 is adopted by City.
2. The Meher 16-17+/- combined acres of the 3 "infill parcels" nor their 23.5+/- acres "access parcel" have feasible roadway access nor rights to access and use existing electricity, water and sewer connections other than by potential easements Keeblers could grant across their parcel to existing Leaning Oak Drive roadway and utilities facilities and easements. Meher and Keeblers have had preliminary discussions but have reached no specific agreement for Keeblers providing Meher such access and use easements, but we mutually believe reasonable terms can be negotiated.
3. Meher and Keeblers have also discussed the proposed Meher LLAs-1, 2 3 and 4 and gift transfer to the City of the "infill parcels" and remaining portion of the Meher APNs "access parcel" if the LLAs can be approved and completed.
4. The proposed LLAs would add nearly 40 acres to Timberhill Park with no purchase paid by City, but would require City's reasonable cooperation and construction of new trails, fencing and lockable access gates providing Meher and Keeblers' use of the park and the City's emergency services and parks personnel and qualified volunteers necessary access for emergencies, repairs and maintenance and reasonable improvements at City's sole costs.



MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: MICHAEL WALKER, SENIOR PLANNER
DATE: OCTOBER 18, 2022
SUBJECT: APPENDIX A CLARIFICATION

Appendix A – Implementation Program will be prepared and presented to the Planning Commission and City Council following adoption of the General Plan. The placeholder language included in the Final Draft of the General Plan will be deleted and replaced with the following: “Pursuant to Government Code Section 65400, the Implementation Plan will be prepared and presented to Council at a later date following adoption of the General Plan”.

Item 12

DOUG DAHME
2965 Pinewood Drive
Napa, CA 94558

10/18/2022
CC Mtg.

October 18, 2022

Honorable Mayor and City Council Members
City of Napa
P.O. Box 660
Napa, CA 94559-0660

Re: October 18, 2022 Public Comment - Residential Storage/Tool Shed

Hello Mayor and City Council members. We are coming to you today out of confusion, frustration and looking for assistance. A little over 6 months ago my wife and I decided to improve our home by replacing a garden/tool shed on our property. The existing shed was in poor condition and no longer able to protect our gardening equipment from the elements. It was our basic understanding at the time that property owners are allowed to have such "Accessory structures" and they were **exempt from permit** as long as they were 120 Square feet or less.

We proceeded to remove the old structure and build a new one in its place. Shortly after starting on construction our neighbor informed us that it could not be within 3 ft. of the property line. We were surprised at this information. Our old structure was on the property line and we were building this in the same location. We have also observed dozens of accessory structures throughout the city located in the same manner.

The next week our neighbor said she was upset and was going to call the city. In an effort to keep good community relations we halted construction and went down to City Building and Planning to determine what could be done. Upon this visit we were informed by the Planning Division that the 3 foot setback was indeed required. When we asked what could be done we were informed it had to be moved back 3 ft. We checked with the building division to see if that was acceptable and they concurred. At that point we move the entire structure 3 feet from the property line and completed the project.

Approximately two months later we received notification from City Code Enforcement stating that we were in violation of the City Municipal Code for being a city Nuisance, failing to obtain a permit and requiring these types of structures be 6 feet from the primary dwelling. This was the first time hearing this. Needless to say we were shocked especially considering we were doing all we could to meet our neighbors concerns and we meet with the city.

I am here today to request the councils assistance with this matter. We submitted an appeal per the City Municipal code 17.70.30 on October 6, 2022 and to date have not been granted a hearing nor given direction on how this issue will proceed. Thank you for your time.

Respectfully,



Douglas A. Dahme

Please see Attachments

MICHELLE DAHME
2965 Pinewood Drive
Napa, CA 94558

October 18, 2022

Honorable Mayor and City Council Members
City of Napa
P.O. Box 660
Napa, CA 94559-0660

Re: October 18, 2022 Public Comment - Residential Storage/Tool Shed

Dear Mayor and City Council Members:

We are here tonight to request the City Council ask the Planning Director to work with us to come up with a solution that works for everyone regarding our Residential Storage/Tool Shed. We also request Council consider modernization of the City's Municipal Code section 17.52.020 Accessory structures (residential districts). More specifically we request modernization of section 6. *which states "Each accessory structure must be placed at least six feet from the nearest wall of the principal dwelling unit for structure separation, maintenance and to ensure accessible access."*

We went down to the City of Napa Building Department on or about April 1, 2022 with a drawing and measurements of our side yard and spoke with the Building Official. We asked the Building Official what we could do regarding the location of our shed following a neighbor complaint. **The Building Official instructed us to move the shed 3' from the fence towards the house, but do not attach it to the house.**

It is important to note that we moved the shed as instructed by the Building Official. Several months later a Code Enforcement Officer sent us a letter dated September 20, 2022 (received September 29, 2022) telling us we were in violation of the City of Napa Municipal Code and to demolish the shed by October 27, 2022. However, CA Building Code section 105.1 does not pertain to Sheds 120 square feet or less. Those types of buildings are specifically exempt from permit under CA Building Code section 105.2; therefore, no permit was requested or required.

Listed below are two sections of the CA State Building Code:

The first section is [A] 105.2 Work Exempt From Permit - 1. One-story detached accessory structures used as tool and storages sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).

The second section is R302 Fire-Resistant Construction - R302.1 Exterior Walls - Exception 3. Detached tool sheds and storage sheds, playhouses and similar structures

Michelle Dahme
October 18, 2022
Page 2

exempted from permits are not required to provide wall protection based on location of the lot. Projections beyond the exterior wall shall not extend over the lot line.

We are not doing anything different than thousands of other Napa residents who have sheds either up against their fence or up against their homes simply in an effort to provide extra storage. This fact alone is a good reason to consider modernization of the City's Municipal Code.

We are asking for the Planning Department to work with residents to "get to yes" instead of a hard no. We are in this situation as a result of following the Building Officials instructions and are simply requesting how we can work this out to everyone's satisfaction.

It is not lost on us that thousands of other Napa residents will get to maintain their sheds, but we are being told to demolish ours. In this instance, the City's Municipal Code is not being equitably enforced which is another reason to consider modernization of the Municipal Code to bring most residents into compliance. More residents likely have sheds on their property than do not because they are necessary for everyone to properly store items and keep them protected from the weather.

While the City Council considers our request for modernization of the Municipal Code, we ask for a stay of the enforcement deadline beyond October 27, 2022 while this is under consideration.

Respectfully Submitted,



Michelle Dahme

Attachments:

- Code Enforcement Letter Dated September 20, 2022
- Property Owner Appeal Letter Dated October 6, 2022
- Planning Director Response Email Dated October 7, 2022
- Code Enforcement Officer Response Email Dated October 7, 2022
- Property Owner Response Email Dated October 7, 2022
- Code Enforcement Response To Property Owner Letter (10-6-22) Dated October 7, 2022



Community Development Department

COMPLIANCE ORDER

September 20, 2022

Douglas & Michelle Dahme
2965 Pinewood Drive
Napa, CA. 94558

RE: 2965 Pinewood ^{Drive} Circle, Napa, CA. 94558
Code Enforcement Case # CE1806-0004

APN:041-411-002-000

The City of Napa Code Enforcement Division received a complaint alleging there were violations of the City of Napa Municipal Code on your property.

On July 12, 2022, I conducted an inspection and contacted the property owner who admitted that the shed on the property had been built without permits. The structure was positioned nearly touching the house, but not attached and within three feet of the side fence setback.

The property owner gave consent to photograph the structure. An examination by the Building Official revealed during my investigation of the City of Napa permits system revealed that no permits would be issued or approvals from Planning for this accessory structure. This structure is in violation of Title 17 of the City of Napa Municipal Codes.

Side Setback. Accessory structures may not be placed within a side setback of the principal dwelling unit.

Each accessory structure must be placed at least six feet from the nearest wall of the principal dwelling unit for structure separation, maintenance and to ensure accessible access.

Side/Rear Yards. Each accessory structure **must be set back no less than three feet from the adjacent interior side lot line, and no less than three feet from the rear lot line.** However, upon application from an applicant, the Chief Building Official may grant an exception for a lesser distance from the side or rear lot lines, if the Chief Building Official determines in writing that fire containment, drainage and maintenance issues have been adequately addressed by the applicant.

VIOLATIONS:

1. City of Napa Municipal Code Section 8.16.040 (A2), (C2) Property Related Nuisances

2. City of Napa Municipal Code Section 15.04.010 (B), Codes Adopted California Building Code Section 105.1 Permits Required.

3. City of Napa Municipal Code Section 17.52.020 Accessory Structures (residential districts).

CORRECTIVE ACTION REQUIRED:

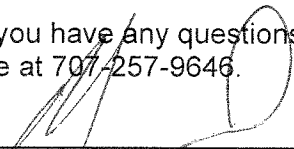
1. Within ten days of the date of this notice, contact the City of Napa Building Division, obtain the required demolition permit, abate/demolish the structure and remove all debris from the property.

All violations shall be corrected by October 27, 2022, or an administrative citation of \$100.00 per violation will be issued.

Please be advised that the continuation or repetition of noted violations is prohibited and a second citation of \$200.00 per violation may be issued. A third citation of \$500.00 per violation may be assessed each and every day the violation continues to exist on the property, in addition to other costs and expenses incurred by the City in attempting to abate the nuisance and or secure your compliance.

A re-inspection of your property will be conducted on or about October 27, 2022, to verify all violations of the City of Napa Municipal Code have been abated.

If you have any questions regarding this letter or how to correct the violations, please contact me at 707-257-9646.



Anthony Howard, Code Enforcement Officer

SEE ATTACHMENTS A and B: Applicable Municipal Code Sections

(a) Penal Code 829.5 “Code Enforcement Officer Defined”

Code enforcement officer” means any person who is not described in Chapter 4.5 (commencing with Section 830) and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements, whose duties include enforcement of any statute, rule, regulation, or standard, and who is authorized to issue citations, or file formal complaints.

(b) “Code enforcement officer” also includes any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code); the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code); the Manufactured Housing Act of 1980 (Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code); the Mobile home Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code); and the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

ATTACHMENT A
APPLICABLE NAPA MUNICIPAL CODE SECTIONS

City of Napa Municipal Code Section 8.16.040 Property Related Nuisances

It is unlawful and declared a public nuisance for a responsible person to maintain real property in a manner that any of the following conditions exist:

- A. Codes. A building, use or condition which violates any provision of this code, including Title 15 and Title 17, and including:
 - 2. Violates the California Building, Mechanical, Electrical, Plumbing, Mechanical, Housing, or other Codes adopted by the city (including those set forth in Title 15).
- C. Buildings. A building or structure which:
 - 2. Is deteriorating or in disrepair so that it represents one or more of the nuisance factors.

City of Napa Municipal Code Section 15.04.010 (B), Codes Adopted California Building Code Section 105.1 Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

City of Napa Municipal Code Section 17.52.020 Accessory structures (residential districts).

A. Each accessory structure in a residential district shall comply with the standards set forth in this section; with the exception that this section does not apply to: (i) any building intended for use as a dwelling unit; and (ii) any fence or sign.

1. Coverage. The floor area of each accessory structure placed in a side yard shall not exceed 50% of the area of the side yard. The floor area of each accessory structure placed in a rear yard shall not exceed 50% of the area of the rear yard.

2. Height. No accessory structure shall exceed 15 feet in height. However: (a) the Community Development Director may grant an exception for an increase in height for an accessory structure up to 18 feet, in accordance with Chapter 17.56 (see Section 17.56.020); and (b) added height up to the limit allowed for the principal dwelling unit within the underlying zoning district may be granted with a use permit approved by the Planning Commission in accordance with the requirements of Chapter 17.60.

3. Front Setback. Accessory structures may not be placed within the front setback of the principal dwelling unit.

4. Side Setback. Accessory structures may not be placed within a side setback of the principal dwelling unit.

5. Side/Rear Yards. Each accessory structure must be set back no less than three feet from the adjacent interior side lot line, and no less than three feet from the rear lot line. However, upon application from an applicant, the Chief Building Official may

grant an exception for a lesser distance from the side or rear lot lines, if the Chief Building Official determines in writing that fire containment, drainage and maintenance issues have been adequately addressed by the applicant.

6. Each accessory structure must be placed at least six feet from the nearest wall of the principal dwelling unit for structure separation, maintenance and to ensure accessible access.

7. Accessory structures may not be used as living quarters or as a dwelling unit.

8. A single-family dwelling must exist as the principal dwelling unit on the lot, or it shall be constructed prior to or concurrently with the accessory structure.

B. Accessory structures with plumbing shall meet the following requirements in addition to those described in subsection A:

1. An administrative permit shall be required for the following construction:

a. Installation of a toilet or a three-inch drain line required for a toilet;

b. The expansion or structural alteration (excluding ordinary maintenance) of an accessory structure that has a toilet or a three-inch drain line.

2. Prior to issuance of a building permit, the property owner shall sign an agreement, approved by the Community Development Director and approved as to form by the City Attorney, that the accessory structure shall not be used for living quarters, cooking or sleeping purposes. (O2016-6, 5/3/16)

ATTACHMENT B
NAPA MUNICIPAL CODE EXCERPT

CITY OF NAPA MUNICIPAL CODE CHAPTER 1.16.050 RECOVERY OF FINES AND ENFORCEMENT COSTS.

A. The city shall be entitled to recover its costs related to enforcing any code violation. It is intended that persons violating the code, and not the taxpayers, bear the financial costs of the city's code enforcement effort. The city is authorized to impose, on each responsible person, a fee to cover enforcement costs, in addition to any applicable fines or penalties. Unless otherwise specified in this code, a responsible person upon whom a fee and/or fine is imposed pursuant to this section shall make payment to the city within 30 days after written notice from the city. (Government Code §§ 36900, 36901, 38773.2, 38773.5(b), 53069.4, and 54988.)

B. A fine or penalty is a sum imposed as a punishment, as authorized by this code, or otherwise authorized by law.

C. The amount of any fees to cover enforcement costs may be established by City Council resolution based on the estimated reasonable costs incurred by the city, or the amount of the fees may be established by documentation of the actual enforcement costs incurred by the city. Enforcement costs shall include the following components:

1. Administrative and Regulatory Costs. Including: (a) any time spent by a city employee or contractor for code enforcement activities related to the code violation, such as inspections and re-inspections, compliance re-inspections, abatement actions, police services, administration, bookkeeping and accounting, legal services, supervision, preparing for and attending hearings; and (b) other costs related to the enforcement such as costs of abatement, notices, and court costs. Costs based on time spent by city employees or contractors shall include salary, benefits, and overhead.

2. Late Payment Charges (Finance Charge). Due at an interest rate approved by City Council. The late payment charges shall continue to accrue on any unpaid amounts from the due date until the date full payment is received by the city.

3. Collection Costs. Costs incurred in securing payment of any delinquent amount owed to the city (including any fee or penalty), including any costs incurred by the city under subsection D.

4. Attorneys' Fees in Administrative and Judicial Proceedings. The city may pursue administrative or judicial proceedings (including legal actions and/or equitable proceedings) to enforce any provision of the code. In any such administrative or judicial proceeding in which the city prevails or succeeds in whole or in part, the city is entitled to recover its attorneys' fees and costs as a part of the enforcement costs. A responsible person is entitled to recover reasonable attorneys' fees from the city only if a judge or administrative hearing officer determines all of the following:

a. There is a statutory basis for the award of attorneys' fees and costs to the responsible person (such as, California Government Code Section 38773.5(b));

b. The responsible party is the prevailing party;

c. The city elected in writing at the initiation of the administrative or judicial proceeding to seek recovery of city's attorneys' fees; and

d. The amount of the attorneys' fees award does not exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.

D. Recovery of Costs.

If a person fails to make payment to the city of any amount owed in accordance with this section, within 60 days after written notice from the city, the city may collect the amount owed in any one or more of the following ways:

1. Referring the matter to a collection agency;
2. A civil action to collect the debt;
3. Making the debt a lien or special assessment against the property in accordance with the process set forth in subsection E, where the violation involved real property;
4. Any other manner provided by law for the collection of debts.

E. Lien or Special Assessment Procedure.

1. If a responsible person is an owner of real property (under Section 1.16.010(B)(3), the amount owed by the responsible person under this section may constitute a lien or special assessment against the real property on which the violation occurred. (Government Code §§ 38773.1(a), 38773.2, 38773.5, 54988.)
2. Before recording any such lien or special assessment, the Enforcement Officer (as defined by Section 1.24.020) shall prepare and file with the Finance Director a report stating the amounts due. The Finance Director shall fix a date, time, and place for a Hearing Officer appointed under Section 1.16.060 to consider the report and any protests or objections to it. The Finance Director shall provide written notice to the property owner not less than 10 days before the hearing. For a lien, the notice shall be served as provided in California Government Code Section 38773.1. For a special assessment, the notice shall be served as provided in California Government Code Section 38773.5.
3. A person whose real property may be subject to a lien or special assessment may file a written protest with the Finance Director and/or may protest orally at the hearing. Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of the protest or objection.
4. After the hearing, the Hearing Officer shall prepare a written order confirming, discharging, or modifying the amount of the lien or special assessment. The order shall be signed by the Hearing Officer and approved as to form by the City Attorney.
5. The Finance Director shall record the written order as a lien or a special assessment in the office of the County Recorder of Napa County, California. Once recorded, the order shall have the force, effect, and priority of a judgment lien or special assessment governed by Code of Civil Procedure Section 697.340 and may be renewed as provided in Code of Civil Procedure Sections 683.010 to 683.220, inclusive.
6. Once payment in full is received by the city for the amount of the lien or special assessment set forth in the written order, the Finance Director shall record a notice of discharge with the office of the County Recorder. The notice of discharge shall cancel the city's lien or special assessment.

(O2006 15; O2011 4, 2/15/11)

From: Michelle Dahme [REDACTED]
Subject: 2965 Pinewood Drive - Response to Code Enforcement Letter
Date: October 6, 2022 at 5:32 PM
To: vsmith@cityofnapa.org, ahoward@cityofnapa.org
Cc: Doug Dahme (Husband) [REDACTED]

Good Evening/Morning

This afternoon the attached letter was hand delivered to the Community Development Department in response to the City of Napa's Code Enforcement Letter.

We are respectfully requesting a meeting to discuss potential options as outlined in the letter to reach a solution that works for everyone. We look forward to an opportunity to meet with you both along with the Building Official to discuss.

Please contact my husband at (707) . . . or me at (707) . . . to schedule a meeting.

Sincerely,

Doug Dahme and Michelle Dahme



Tool Shed.pdf

DOUG AND MICHELLE DAHME
2965 Pinewood Drive
Napa, CA 94558

Oct 6, 2022

Vincent C. Smith, Community Development Director
City of Napa - Community Development Department
P.O. Box 660
Napa, CA 94559-0660

Anthony Howard, Code Enforcement Officer
City of Napa - Community Development Department
P.O. Box 660
Napa, CA 94559-0660

Re: Residential Storage/Tool Shed

Dear Mr. Smith and Mr. Howard:

In response to the City of Napa's Code Enforcement letter dated September 20, 2022 and received by us on September 29, 2022 after 5:00 p.m., we provide the following:

REQUEST

We are requesting to schedule a meeting for consideration of an Administrative Approval or an Exception to our Accessory Structure as it exists (Residential Storage/Tool Shed). We would like to meet with you and the Building Official to see if there is an opportunity to resolve the issue in a way that is mutually satisfactory for all. We provide the following information for your consideration.

RESPONSE AND BACKGROUND

We would like to provide clarification and correction to the Code Enforcement letter. The second paragraph states "the property owner who admitted that the shed on the property had been built without permits.". This statement is inaccurate. The Napa Municipal Code along with the State of CA Building Code Section 150.2 exempts from permit structures 120 square feet or less; therefore, no permit was required. In addition, the shed is located 3' away from the side yard fence as required and is not attached to the primary dwelling.

To provide context related to the shed, earlier this year we were in the process of replacing an existing dilapidated shed in our side yard. It was located on the property line and we removed it and were planning to rebuild in the same location. Our neighbor at 2995 Pinewood Drive contacted us to let us know she thought the shed was not to code. As a result we stopped

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CITY OF NAPA
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building the shed immediately. On three separate occasions we spoke with our neighbor in person to try and find a solution that worked for both of us to no avail.

Subsequently, my husband went to the City of Napa Building Department and spoke with the Building Official (prior to the Code Enforcement Officer being hired by the City) to find out what needed to be done to build the shed to code and was told to move it 3' off the fence towards the house but do not attach it to the house. Based on the conversation with the Building Official, the shed was deconstructed and moved 3' from the fence and was not attached to the house.

Fast forward several months. A Code Enforcement Officer came to our house to address a complaint that had been filed and it was part of a backlog the Department was getting caught up on. During that visit, Michelle provided the background to what led to the shed being built in its current location. The Code Enforcement Officer advised that everything looked good, and I probably wouldn't hear back from him. Later that afternoon my husband received an email from the Code Enforcement Officer stating the shed was not to code and needed to be 3' from the fence and 6' from the house and to let him know within 48 hours what we intended to do with the shed.

Doug went to the Community Development Department within 48 hours to seek clarification from the Building Official and Code Enforcement Officer. An explanation could not be given as to how or why our particular storage shed differed from many others throughout the neighborhood. Nor was there an option/solution short of the complete demolition. We are looking for a solution that works for all of us.

We built the shed in good faith based on existing structures, standards for our neighborhood and conversations we had with Building Officials. Thus our request for Administrative Approval or Exception.

City of Napa Municipal Code section 17.52.020(4.) Side Setback. *Accessory structures may not be placed within a side setback of the principal dwelling unit.*

- The shed in its current location is in compliance with side setback of 3 feet.

Municipal Code section 17.52.020(A.) (5.) Side/Rear Yards. *Each accessory structure must be set back no less than three feet from the adjacent interior side lot line, and no less than three feet from the rear lot line. However, upon application from an applicant, the Chief Building Official may grant an exception for a lesser distance from the side or rear lot lines, if the Chief Building Official determines in writing that fire containment, drainage and maintenance issues have been adequately addressed by the applicant.*

State of CA Building Code section R302.2(3.) (Exterior Walls; Exceptions). *Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line."*

- The shed is accessible, does not contain electrical or plumbing and is detached from primary dwelling (stucco) and has an overhang to prevent landscape material from dropping between the shed and primary dwelling.

Municipal Code section 17.52.020(6.) *Each accessory structure must be placed at least six feet from the nearest wall of the principal dwelling unit for structure separation, maintenance and to ensure accessible access.*

- Upon direction from the Building Official, the relocation of the shed is now 3' feet away from the side yard setback and is not attached to the primary dwelling.
- The shed as it currently exists meets the CA Building Code Exterior Wall Exceptions. We understand the City Municipal Code sets more restrictive standards; however, we are asking for Administrative Approval or Exception.
- Other sections of the Code to consider when making an Administrative Decision/ Exemption include the following:

Municipal Code section 17.52.010 Site ad Use Regulations - Specific purposes and applicability.

Site and use regulations are applicable to sites in all or several districts. They are intended to ensure that new uses and development will contribute to and be harmonious with existing development and consistent with the policies of the General Plan.

- Our home is not a new use or a new development and the shed is harmonious and consistent with the neighborhood.

Municipal Code section 17.52.440(C.)(4.) Setback and yard projections.

4. The Community Development Director finds that the structure design and materials are compatible with the principal dwelling and the character and pattern of the neighborhood; and are not materially injurious to adjacent neighbor privacy, views or sunlight.

- Our home consists of board and baton and stucco and our shed is built out of board and baton and painted the same color of the dwelling and meets the character and pattern of the neighborhood.

Municipal Code section 17.56.010 Administrative Exceptions - Specific purposes.

The purpose of this chapter is to provide flexibility in the application of selected site development regulations where minor adjustments are needed...

- Our intent is to improve our property and provide a clean, organized area for storage which is consistent with the aesthetics in our surrounding neighborhood.

Based on the above information, we are respectfully requesting Administrative Approval or an Exception allowing us to maintain the shed in its current location and would like to schedule a meeting with you and the Chief Building Official to discuss potential options. In addition, we request a delay or stay from the date set as October 27, 2022, in the Code Enforcement letter until we have met to discuss.

Sincerely,


Doug and Michelle Dahme

From: Michelle Dahme [REDACTED]
Subject: Re: 2965 Pinewood Drive - Response to Code Enforcement Letter
Date: Oct 7, 2022 at 11:20:43 AM
To: Vincent Smith vsmith@cityofnapa.org

Mr. Smith

Thank you for your quick response.

We were hoping for more dialogue on the issue as there is an opportunity to modify the current city ordinance regarding side yard setbacks. More specifically, the ordinance requiring the structure be located 6' away from the primary residence is more restrictive than the CA State Building Code, as we interpret it. We understand that the City can implement more strict rules than the state, but see an opportunity here to review this section of the Code along with side yard setbacks and allow us an exception in this case.

There are currently numerous sheds located directly on their side yard fence (not 3' away as required by City Ordinance) which is ultimately not in compliance with the City's Municipal Code.

Will the City allow our shed to be moved back to the fence line?

We moved our shed based on the Building Officials direction at great expense and time.

The City, by proceeding with this Code Enforcement case, is therefore inequitably enforcing the City's Municipal Code. Why would others throughout the City be allowed to maintain an illegal structure?

For this reason alone, I think it is worth a conversation to modify and update the City's Municipal Code and/or allow an exception in this case.

Thank you
Doug and Michelle Dahme

Sent from my iPhone

On Oct 7, 2022, at 8:59 AM, Vincent Smith <vsmith@cityofnapa.org> wrote:

Ms. Dahme,


I understand you and/or your husband discussed your request with Angela and Ricky yesterday and were told that there really are no exceptions to the regulations for accessory structures. I did see your letter and I have discussed this issue with Ricky, Angela and Anthony. I do not believe a meeting is necessary as this regulation is straightforward. I would suggest that once you determine the new location for your accessory structure, before you relocate it you verify with our Planning Division (Angela is great!) that the new location satisfies all applicable codes.

Best,

Vin Smith
Community Development Director

Community Development Department, City of Napa
ADDRESS: PO Box 660 / 1600 First Street, Napa, CA 94559
Phone (707) 257-9530
Email vsmith@cityofnapa.org
Website www.cityofnapa.org

-----Original Message-----

From: Michelle Dahme 
Sent: Thursday, October 6, 2022 5:33 PM
To: Vincent Smith <vsmith@cityofnapa.org>; Anthony Howard
<ahoward@cityofnapa.org>



Community Development Department

PROPERTY OWNER RESPONSE ORDER

October 7, 2022

Douglas & Michelle Dahme
2965 Pinewood Drive
Napa, CA. 94558

RE: 2965 Pinewood Circle. Napa, CA. 94558
Code Enforcement Case # CE2209-0017

APN:041-411-002-000

Mr. & Mrs. Dahme,

The City of Napa Community Director has passed the letter received from you on October 6, 2022, regarding illegal storage shed built without permits. After close review by the Community Director, Planning and the City of Napa Building Official, no permits would be issued or approvals from Planning for this illegal accessory structure. Your request for meeting to discuss an "administrative approval" to legalize this structure has been denied. I am sorry but this structure would not qualify for any exemptions.

It has been determined that any further discussion for exemptions would be unproductive and only delay **the timeframe indicated in your last compliance order (October 27, 2022) to remove/abate the structure from the property.** The existence of the illegal storage shed built without permits has been determined by the City of Napa Code Enforcement Division in your **Compliance Order dated September 20, 2022**, to be a public nuisance and a violation of Title 17, in accordance with the Napa Municipal Codes

This structure is in violation of the following City of Napa Municipal Codes.

1. **City of Napa Municipal Code Section 8.16.040 (A2), (C2) Property Related Nuisances**
2. **City of Napa Municipal Code Section 15.04.010 (B), Codes Adopted California Building Code Section 105.1 Permits Required. ***Permits are denied*****
3. **City of Napa Municipal Code Section 17.52.020 Accessory Structures (residential districts).**

Side Setback. Accessory structures may not be placed within a side setback of the principal dwelling unit. **Each accessory structure must be placed at least six feet from the nearest wall of the principal dwelling unit for structure separation, maintenance and to ensure accessible access.**

Side/Rear Yards. Each accessory structure **must be set back no less than three feet from the adjacent interior side lot line, and no less than three feet from the rear lot line.**

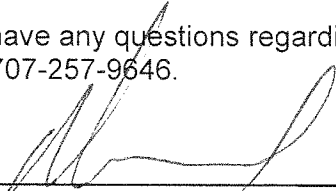
I am sorry but this structure would not qualify for any exemptions.

All violations shall be corrected by October 27, 2022, or an administrative citation of \$100.00 per violation will be issued.

Please be advised that the continuation or repetition of noted violations is prohibited and a second citation of \$200.00 per violation may be issued. A third citation of \$500.00 per violation may be assessed each and every day the violation continues to exist on the property, **in addition to other costs and expenses incurred by the City in attempting to abate the nuisance and or secure your compliance.**

A re-inspection of your property will be conducted on or about October 27, 2022, to verify all violations of the City of Napa Municipal Code have been abated.

If you have any questions regarding this letter or how to correct the violations, please contact me at 707-257-9646.



Anthony Howard, Code Enforcement Officer

ATTACHMENT A
APPLICABLE NAPA MUNICIPAL CODE SECTIONS

City of Napa Municipal Code Section 8.16.040 Property Related Nuisances

It is unlawful and declared a public nuisance for a responsible person to maintain real property in a manner that any of the following conditions exist:

- A. Codes. A building, use or condition which violates any provision of this code, including Title 15 and Title 17, and including:
 - 2. Violates the California Building, Mechanical, Electrical, Plumbing, Mechanical, Housing, or other Codes adopted by the city (including those set forth in Title 15).
- C. Buildings. A building or structure which:
 - 2. Is deteriorating or in disrepair so that it represents one or more of the nuisance factors.

City of Napa Municipal Code Section 15.04.010 (B), Codes Adopted California Building Code Section 105.1 Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

City of Napa Municipal Code Section 17.52.020 Accessory structures (residential districts).

A. Each accessory structure in a residential district shall comply with the standards set forth in this section; with the exception that this section does not apply to: (i) any building intended for use as a dwelling unit; and (ii) any fence or sign.

- 1. Coverage. The floor area of each accessory structure placed in a side yard shall not exceed 50% of the area of the side yard. The floor area of each accessory structure placed in a rear yard shall not exceed 50% of the area of the rear yard.
- 2. Height. No accessory structure shall exceed 15 feet in height. However: (a) the Community Development Director may grant an exception for an increase in height for an accessory structure up to 18 feet, in accordance with Chapter [17.56](#) (see Section [17.56.020](#)); and (b) added height up to the limit allowed for the principal dwelling unit within the underlying zoning district may be granted with a use permit approved by the Planning Commission in accordance with the requirements of Chapter [17.60](#).

(The Community Development Director, Building Official, and Planning Department has denied your request for an exemption).

- 3. Front Setback. Accessory structures may not be placed within the front setback of the principal dwelling unit.
- 4. Side Setback. Accessory structures may not be placed within a side setback of the principal dwelling unit.

5. **Side/Rear Yards.** Each accessory structure must be set back no less than three feet from the adjacent interior side lot line, and no less than three feet from the rear lot line. Chief Building Official will not grant an exception for a lesser distance from the side or rear lot lines for this accessory structure.

6. Each accessory structure must be placed at least six feet from the nearest wall of the principal dwelling unit for structure separation, maintenance and to ensure accessible access.

ATTACHMENT B
NAPA MUNICIPAL CODE EXCERPT

CITY OF NAPA MUNICIPAL CODE CHAPTER 1.16.050 RECOVERY OF FINES AND ENFORCEMENT COSTS.

A. The city shall be entitled to recover its costs related to enforcing any code violation. It is intended that persons violating the code, and not the taxpayers, bear the financial costs of the city's code enforcement effort. The city is authorized to impose, on each responsible person, a fee to cover enforcement costs, in addition to any applicable fines or penalties. Unless otherwise specified in this code, a responsible person upon whom a fee and/or fine is imposed pursuant to this section shall make payment to the city within 30 days after written notice from the city. (Government Code §§ 36900, 36901, 38773.2, 38773.5(b), 53069.4, and 54988.)

B. A fine or penalty is a sum imposed as a punishment, as authorized by this code, or otherwise authorized by law.

C. The amount of any fees to cover enforcement costs may be established by City Council resolution based on the estimated reasonable costs incurred by the city, or the amount of the fees may be established by documentation of the actual enforcement costs incurred by the city. Enforcement costs shall include the following components:

1. Administrative and Regulatory Costs. Including: (a) any time spent by a city employee or contractor for code enforcement activities related to the code violation, such as inspections and re-inspections, compliance re-inspections, abatement actions, police services, administration, bookkeeping and accounting, legal services, supervision, preparing for and attending hearings; and (b) other costs related to the enforcement such as costs of abatement, notices, and court costs. Costs based on time spent by city employees or contractors shall include salary, benefits, and overhead.

2. Late Payment Charges (Finance Charge). Due at an interest rate approved by City Council. The late payment charges shall continue to accrue on any unpaid amounts from the due date until the date full payment is received by the city.

3. Collection Costs. Costs incurred in securing payment of any delinquent amount owed to the city (including any fee or penalty), including any costs incurred by the city under subsection D.

4. Attorneys' Fees in Administrative and Judicial Proceedings. The city may pursue administrative or judicial proceedings (including legal actions and/or equitable proceedings) to enforce any provision of the code. In any such administrative or judicial proceeding in which the city prevails or succeeds in whole or in part, the city is entitled to recover its attorneys' fees and costs as a part of the enforcement costs. A responsible person is entitled to recover reasonable attorneys' fees from the city only if a judge or administrative hearing officer determines all of the following:

- a. There is a statutory basis for the award of attorneys' fees and costs to the responsible person (such as, California Government Code Section 38773.5(b));
- b. The responsible party is the prevailing party;

c. The city elected in writing at the initiation of the administrative or judicial proceeding to seek recovery of city's attorneys' fees; and

d. The amount of the attorneys' fees award does not exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.

D. Recovery of Costs.

If a person fails to make payment to the city of any amount owed in accordance with this section, within 60 days after written notice from the city, the city may collect the amount owed in any one or more of the following ways:

1. Referring the matter to a collection agency;
2. A civil action to collect the debt;
3. Making the debt a lien or special assessment against the property in accordance with the process set forth in subsection E, where the violation involved real property;
4. Any other manner provided by law for the collection of debts.

E. Lien or Special Assessment Procedure.

1. If a responsible person is an owner of real property (under Section 1.16.010(B)(3), the amount owed by the responsible person under this section may constitute a lien or special assessment against the real property on which the violation occurred. (Government Code §§ 38773.1(a), 38773.2, 38773.5, 54988.)

2. Before recording any such lien or special assessment, the Enforcement Officer (as defined by Section 1.24.020) shall prepare and file with the Finance Director a report stating the amounts due. The Finance Director shall fix a date, time, and place for a Hearing Officer appointed under Section 1.16.060 to consider the report and any protests or objections to it. The Finance Director shall provide written notice to the property owner not less than 10 days before the hearing. For a lien, the notice shall be served as provided in California Government Code Section 38773.1. For a special assessment, the notice shall be served as provided in California Government Code Section 38773.5.

3. A person whose real property may be subject to a lien or special assessment may file a written protest with the Finance Director and/or may protest orally at the hearing. Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of the protest or objection.

4. After the hearing, the Hearing Officer shall prepare a written order confirming, discharging, or modifying the amount of the lien or special assessment. The order shall be signed by the Hearing Officer and approved as to form by the City Attorney.

5. The Finance Director shall record the written order as a lien or a special assessment in the office of the County Recorder of Napa County, California. Once recorded, the order shall have the force, effect, and priority of a judgment lien or special assessment governed by Code of Civil Procedure Section 697.340 and may be renewed as provided in Code of Civil Procedure Sections 683.010 to 683.220, inclusive.

6. Once payment in full is received by the city for the amount of the lien or special assessment set forth in the written order, the Finance Director shall record a notice of discharge with the office of the County Recorder. The notice of discharge shall cancel the city's lien or special assessment.

(O2006 15; O2011 4, 2/15/11)

[A] 105.2 Work Exempt From Permit

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

[A] 105.2.1 Emergency Repairs

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

[A] 105.2.2 Repairs

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

[A] 105.2.3 Public Service Agencies

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

an assumed rectangle 42 inches in height by 24 inches in width, or greater, within the plane of the trusses.

The live load need only be applied to those portions of the joists or truss bottom chords where all of the following conditions are met:

1. The attic area is accessed from an opening not less than 20 inches in width by 30 inches in length that is located where the clear height in the attic is not less than 30 inches.
2. The slopes of the joists or truss bottom chords are not greater than 2 inches vertical to 12 units horizontal.
3. Required insulation depth is less than the joist or truss bottom chord member depth.

The remaining portions of the joists or truss bottom chords shall be designed for a uniformly distributed concurrent live load of not less than 10 pounds per square foot.

h. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the infill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

R301.6 Roof load. The roof shall be designed for the live load indicated in Table R301.6 or the snow load indicated in Table R301.2(1), whichever is greater.

**TABLE R301.6
MINIMUM ROOF LIVE LOADS IN POUNDS-FORCE
PER SQUARE FOOT OF HORIZONTAL PROJECTION**

ROOF SLOPE	TRIBUTARY LOADED AREA IN SQUARE FEET FOR ANY STRUCTURAL MEMBER		
	0 to 200	201 to 600	Over 600
Flat or rise less than 4 inches per foot (1:3)	20	16	12
Rise 4 inches per foot (1:3) to less than 12 inches per foot (1:1)	16	14	12
Rise 12 inches per foot (1:1) and greater	12	12	12

For SI: 1 square foot = 0.0929 m², 1 pound per square foot = 0.0479 kPa, 1 inch per foot = 83.3 mm/m.

R301.7 Deflection. The allowable deflection of any structural member under the live load listed in Sections R301.5 and R301.6 or wind loads determined by Section R301.2.1 shall not exceed the values in Table R301.7.

R301.8 Nominal sizes. For the purposes of this code, dimensions of lumber specified shall be deemed to be nominal dimensions unless specifically designated as actual dimensions.

**SECTION R302
FIRE-RESISTANT CONSTRUCTION**

R302.1 Exterior walls. Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1); or dwellings and accessory buildings equipped throughout with an automatic sprinkler system installed in accordance with Section R313 shall comply with Table R302.1(2).

Exceptions:

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the fire separation distance.
2. Walls of individual dwelling units and their accessory structures located on the same lot.

3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.

4. Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm).

5. Foundation vents installed in compliance with this code are permitted.

R302.2 Townhouses. Walls separating townhouse units shall be constructed in accordance with Section R302.2.1 or R302.2.2.

R302.2.1 Double walls. Each townhouse shall be separated by two 1-hour fire-resistance-rated wall assemblies tested in accordance with ASTM E119, UL 263 or Section 703.3 of the *California Building Code*.

R302.2.2 Common walls. Common walls separating townhouses shall be assigned a fire-resistance rating in accordance with Item 1 or 2. The common wall shared by two townhouses shall be constructed without plumbing or

**TABLE R301.7
ALLOWABLE DEFLECTION OF STRUCTURAL MEMBERS^{b, c}**

STRUCTURAL MEMBER	ALLOWABLE DEFLECTION
Rafters having slopes greater than 3:12 with finished ceiling not attached to rafters	L/180
Interior walls and partitions	H/180
Floors	L/360
Ceilings with brittle finishes (including plaster and stucco)	L/360
Ceilings with flexible finishes (including gypsum board)	L/240
All other structural members	L/240
Exterior walls—wind loads ^a with plaster or stucco finish	H/360
Exterior walls—wind loads ^a with other brittle finishes	H/240
Exterior walls—wind loads ^a with flexible finishes	H/120 ^d
Lintels supporting masonry veneer walls ^c	L/600

Note: L = span length, H = span height.

a. For the purpose of the determining deflection limits herein, the wind load shall be permitted to be taken as 0.7 times the component and cladding (ASD) loads obtained from Table R301.2(2).

b. For cantilever members, L shall be taken as twice the length of the cantilever.

c. For aluminum structural members or panels used in roofs or walls of sunroom additions or patio covers, not supporting edge of glass or sandwich panels, the total load deflection shall not exceed L/60. For continuous aluminum structural members supporting edge of glass, the total load deflection shall not exceed L/175 for each glass lite or L/60 for the entire length of the member, whichever is more stringent. For sandwich panels used in roofs or walls of sunroom additions or patio covers, the total load deflection shall not exceed L/120.

d. Deflection for exterior walls with interior gypsum board finish shall be limited to an allowable deflection of H/180.

e. Refer to Section R703.8.2.

Napa, California Municipal Code

CITY OF NAPA MUNICIPAL CODE

Title 17 ZONING

Chapter 17.52 SITE AND USE REGULATIONS

17.52.010 Specific purposes and applicability.

Site and use regulations are applicable to sites in all or several districts. They are intended to ensure that new uses and development will contribute to and be harmonious with existing development and consistent with the policies of the General Plan. These regulations shall be applied as specified in this title. (O2003-12)

Contact:

City Clerk: 707-257-9503

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Napa, California Municipal Code

CITY OF NAPA MUNICIPAL CODE

Title 17 ZONING

Chapter 17.56 ADMINISTRATIVE EXCEPTIONS

17.56.010 Specific purposes.

- ✦ The purpose of this chapter is to provide flexibility in the application of selected site development regulations where minor adjustments are needed. Administrative exceptions shall only be granted for the site development standards cited in Section 17.56.020 (Authority). Administrative exceptions granted shall be compatible with adjoining uses and consistent with the purposes of this title and the specific zoning district in which the subject property is situated. (O2003-12)

Contact:

City Clerk: 707-257-9503

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17.52.020 Accessory structures (residential districts).

A. Each accessory structure in a residential district shall comply with the standards set forth in this section; with the exception that this section does not apply to: (i) any building intended for use as a dwelling unit; and (ii) any fence or sign.

1. Coverage. The floor area of each accessory structure placed in a side yard shall not exceed 50% of the area of the side yard. The floor area of each accessory structure placed in a rear yard shall not exceed 50% of the area of the rear yard.

2. Height. No accessory structure shall exceed 15 feet in height. However: (a) the Community Development Director may grant an exception for an increase in height for an accessory structure up to 18 feet, in accordance with Chapter 17.56 (see Section 17.56.020); and (b) added height up to the limit allowed for the principal dwelling unit within the underlying zoning district may be granted with a use permit approved by the Planning Commission in accordance with the requirements of Chapter 17.60.

3. Front Setback. Accessory structures may not be placed within the front setback of the principal dwelling unit.

4. Side Setback. Accessory structures may not be placed within a side setback of the principal dwelling unit.

* 5. Side/Rear Yards. Each accessory structure must be set back no less than three feet from the adjacent interior side lot line, and no less than three feet from the rear lot line. However, upon application from an applicant, the Chief Building Official may grant an exception for a lesser distance from the side or rear lot lines, if the Chief Building Official determines in writing that fire containment, drainage and maintenance issues have been adequately addressed by the applicant.

* 6. Each accessory structure must be placed at least six feet from the nearest wall of the principal dwelling unit for structure separation, maintenance and to ensure accessible access.

7. Accessory structures may not be used as living quarters or as a dwelling unit.

8. A single-family dwelling must exist as the principal dwelling unit on the lot, or it shall be constructed prior to or concurrently with the accessory structure.

B. Accessory structures with plumbing shall meet the following requirements in addition to those described in subsection A:

1. An administrative permit shall be required for the following construction:

a. Installation of a toilet or a three-inch drain line required for a toilet;

b. The expansion or structural alteration (excluding ordinary maintenance) of an accessory structure that has a toilet or a three-inch drain line.

2. Prior to issuance of a building permit, the property owner shall sign an agreement, approved by the Community Development Director and approved as to form by the City Attorney, that the accessory structure shall not be used for living quarters, cooking or sleeping purposes. (O2016-6, 5/3/16)

Contact:

City Clerk: 707-257-9503

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17.52.440 Setback and yard projections.

- * A. Architectural Features. Bay windows, eaves, fireplaces, chimneys, or similar cantilevered architectural features may extend up to two and one-half feet into any required yard or setback.
- B. Porches. Porches, covered or uncovered, may extend up to six feet into any required setback, provided that intersection vision triangles (see definition and public works standards) are maintained. Such porches shall not be fully enclosed on more than two sides. The other two sides shall remain open except they may have low walls up to 42 inches in height. The porch roof may contain enclosed, non-habitable space.
- C. Carports and Shade Structures in Side Yard. Carports or other unenclosed covered areas may be allowed to encroach into the required side yard of a single-family home, and may extend to the side property line, subject to the approval of an administrative permit, provided that:
 - 1. Drainage and site improvement standards are addressed to the satisfaction of the Public Works Director.
 - 2. Construction is consistent with building and fire codes.
 - 3. Maintenance is provided for: shade structures larger than 120 square feet closer than three feet to a property line shall provide a maintenance plan. If the plan indicates that maintenance would require access to the neighboring property, the owner shall provide a maintenance easement acceptable to the city.
 - * 4. The Community Development Director finds that the structure design and materials are compatible with the principal dwelling and the character and pattern of the neighborhood; and are not materially injurious to adjacent neighbor privacy, views or sunlight.

D. Shade Structures in Rear Yard. Awnings, trellises and similar shade structures attached to the house may extend into a required rear yard for a distance up to one-half the width of the yard required by the zoning district. This distance is measured to the edges of any structure overhang. Such shade structures shall not be enclosed on more than two sides and required open sides shall not be partially enclosed by any means. The shade structure shall be designed as a roof only and not as a floor.

E. Open Floor Space Areas. Open floor space areas (open decks, unenclosed porches, unenclosed balconies, fire escapes, landings, steps) may extend up to six feet into any required front or side setback. Open floor space areas not exceeding 18 inches in height may extend up to one-half the width of any yard required by the zoning district. These limits shall not apply to patios, walks or other similar types of surfaced areas constructed at grade. Ramps, railings, lifts and similar open facilities used for handicapped access shall be exempt from this subsection when approved by the Community Development Director. (O2003-12)

Contact:

City Clerk: 707-257-9503

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17.56.020 Authority.

The Community Development Director shall approve, conditionally approve or deny applications for administrative exceptions. The following types of administrative exceptions to site development standards may be allowed:

- A. Accessory Building Height. In any residential district, the maximum height of a detached accessory structure limited to 15 feet (subsection A) may be increased to a maximum 18 feet where necessary to provide a gable or slope roof to match the roof pitch of the principal dwelling.
- B. Yards. The minimum RT, RI and RS district side and rear yards may be decreased by not more than 10% for additions to existing principal buildings where the proposed yard is in character with the surrounding neighborhood and where such decrease will not unreasonably affect abutting sites.
- C. Attached Rear Yard Garages. Attached garages may be located within five feet of the rear property line, as an alternative to providing a separate detached garage where such location will not unreasonably affect abutting sites. Such space shall be specifically designed for garage space and shall not be used for living space. Within the rear yard, the garage shall not exceed the detached accessory structure height limit.
- D. Tandem Garage. A residential tandem garage may be permitted when the single-family detached home requires five or more parking spaces and the tandem configuration avoids a three-car elevation.
- E. Soscol Overlay District Administrative Exceptions.
 - 1. Building height limits may be increased as described in the Soscol Guidelines Chapter II to provide an appropriate gable or other non-shed sloped roof or subsurface parking, or (north of Clay Street) to take advantage of the river frontage.

2. Building or parking setbacks may be reduced as described in the Soscol Guidelines Chapter II if the reduced setback helps reinforce the street edge and improve the appearance of the streetscape. This exception does not apply (as described in the Guidelines) along the west Silverado Trail frontage where a 24-foot setback is required as a Caltrans reserve for future widening.

3. Piers and columns for fences may be permitted higher than 42 inches as described in the Soscol Guidelines Chapter III if the added wall/fence column or pier height contributes to the architectural design quality of the frontage.

F. Napa River/Napa Creek Flood Protection Project Limitation Exceptions. Certain uses, activities, projects or proposals fully described in Section 17.52.300(C)(2) may receive a written determination of approval by the Community Development Director after consultation with the flood project manager.

G. Expansion or Alteration of Nonconforming Structures. An existing nonconforming building wall in a side or rear yard or side setback may be extended as noted in Section 17.52.320 if the building extension in the yard/setback is minor; there are no reasonable alternatives, and neighbor privacy is not compromised.

H. Minor Adjustments to :PD Ordinance Standards. When adopted, a :PD may describe minor modifications to PD standards that may be handled as exceptions and the findings to be applied. (O2003-12; O2004 9; O2005 11)

Contact:

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Supplemental Document

10/18/22 Council Mtg.

Submitted by: Councilmember Painter
proposed verbiage for CCS 2-1

My language:

- Establish regulations to prohibit construction of new gas stations and prohibit the addition of new gasoline pumps at existing gas stations. Encourage the accommodation of alternative fuels other than gasoline.
- Establish regulations that encourage alternative approaches to traditional drive through facilities at new and existing businesses. Alternatives shall provide high quality customer service, using current technology and facilities designs, without involving sustained idling of gasoline-powered engines.