

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

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

**July 17, 2018**

**FOR THE CITY COUNCIL OF THE CITY OF NAPA:**

**EVENING SESSION:**

**15. PUBLIC COMMENT:**

- Handout from William J. Harris dated July 17, 2018, regarding "Questions to Napa City Council VERIZON Small Cell Project".

**17. PUBLIC HEARINGS/APPEALS:**

**Item 17.A. Trinitas Mixed Use Project, Proposed Development of a Dual Branded Hotel, Winery and Office Building on a 11.55 Acre Site Located at 2650 Napa Valley Corporate Drive.**

- Memo from Rick Tooker, Community Development Director dated July 17, 2018, regarding Trinitas Mixed Use Project Affordable Housing Alternative Equivalent Proposal.
- Letter from Anthony K. Zand, The Busch Firm, on behalf of applicant Pacific Hospitality Group, dated July 17, 2018, regarding "Revised Trinitas Mixed-Use Project Affordable Housing Alternative Proposal.

# Questions to Napa City Council VERIZON Small Cell Project

William J. Harris

A solid black rectangular box used to redact the signature of William J. Harris.

7-17-2018

# Health Risks From non-Ionizing Radiation of Small Cell Systems

- Disclose Permissible Human RF Exposure Level Standard Applied to VERIZON Systems
- Provide Radiation Pattern of VERIZON Cell Antenna In This Installation
- Provide “Near-Field” Radiation Distances (Measured in Feet From Emitter)
- Provide Measured (No Estimates) Radiated Power Levels of Existing VERIZON Small Cell Systems @ Distances From Emitter

# PROGRAMMATIC ISSUES

- Presumption: Compliance-Driven By Ray Baum's Act (MOBILE NOW Act Incorporated) [?]
- Presumption: First Phase of Napa Small Cell Infrastructure [?]
- Estimate Costs to Taxpayers Now; Future Estimates for P&E, Engineering, Integration w/Existing Services/Systems
- Describe Source Selection Process of New Business Opportunities

# Homeowner Issues

- Duty to Disclose Proximity to Small Cell System – Home Sales [?]
- City Workshop
- Promulgation of Plan, Schedule, Disruptions
- Ground Equipment Required [?]
- RFI Issues [From/To SCS ?]



## Community Development

# MEMO

**TO:** Mayor Techel and Members of the City Council  
**FROM:** Rick Tooker, Community Development Director  
**DATE:** July 17, 2018  
**SUBJECT:** Trinitas Mixed Use Project Affordable Housing Alternative Equivalent Proposal

---

On July 17, 2018, the Applicant submitted an alternative equivalent proposal for City Council's consideration in accordance with Napa Municipal Code Section 15.94.070. Should the Council wish to accept the Applicant's proposal, Staff recommends that the proposed Resolution approving the Use Permit and Design Review Permit for the Trinitas Project be revised as follows:

1. A new section should be added to the Resolution with the following language:

"The City Council hereby approves the alternative equivalent proposal attached hereto and incorporated herein as Exhibit A ("Alternative Equivalent Proposal") pursuant to NMC Section 15.94.070 and finds that the proposal will further affordable housing opportunities in the city to an equal or greater extent than payment of the affordable housing impact fees authorized by Chapter 15.94 and implementing resolutions."

2. Condition of Approval 35(d) in Section 5 of the Resolution should be revised to read as follows:

"The Applicant shall fulfill all obligations and comply with all requirements regarding the Alternative Equivalent Proposal approved by this Resolution. Prior to issuance of any building permit for the Project, the Applicant shall provide the City with an executed affordable housing agreement consistent with the Alternative Equivalent Proposal and acceptable to the Community Development Director and approvable as to form by the City Attorney. The affordable housing agreement shall comply with the requirements in NMC Section 15.94.080 and shall contain the following terms:

- a. The Applicant shall construct no less than 12 units of affordable housing on an off-site property to be acquired by the Applicant.
- b. The units shall be rented at an "affordable rent" to "very low-income households" and "low-income households," as such terms are defined in NMC Chapter 15.94; provided however, up to 25% of the units may be rented at an affordable rent to "moderate-income households."
- c. The affordable housing agreement shall be for a term of 55 years and shall be recorded against the off-site property on which the units will be constructed.



GREGORY A. BUSCH ▲  
TIMOTHY R. BUSCH \*\*□  
SIMON JOHNSON ■■○○♦♦  
GEORGE P. MULCAIRE  
SHEILA M. MULDOON  
JOHN C. PEIFFER II  
JERRY SCHNAUS  
ANTHONY K. ZAND  
  
**OF COUNSEL:**  
PATTERSON BUCHANAN  
FOBES & LEITCH, INC., P.S. ++▲▲

**LAW OFFICES**  
2532 DUPONT DRIVE  
IRVINE, CA 92612  
949.474.7368  
  
860 NAPA VALLEY CORPORATE WAY  
SUITE O  
NAPA, CA 94558  
707.400.6894  
  
WWW.THEBUSCHFIRM.COM

**ALSO LICENSED IN:**  
\* MICHIGAN  
■ NEVADA  
○○ NEW JERSEY  
♦♦ NEW YORK  
+ TEXAS  
□ WASHINGTON, D.C.  
++ WASHINGTON  
  
▲ CPA NOT LICENSED TO PRACTICE LAW  
▲▲ NOT LICENSED TO PRACTICE  
LAW IN CALIFORNIA

July 17, 2018

**Via Email:** [rtooker@cityofnapa.org](mailto:rtooker@cityofnapa.org)

Mr. Rick Tooker  
City of Napa, Community Development Director  
1600 First Street  
Napa, CA 94559

Subject: Revised Trinitas Mixed-Use Project Affordable Housing Alternative Proposal  
Our File No. 4899.1600.000/756519

Dear Mr. Tooker:

Pacific Hospitality Group Ventures, Inc. ("Applicant") proposes the following Affordable Housing Equivalent Alternative in lieu of payment of the affordable housing impact fee as part of the Trinitas Mixed-Use Project ("Project").

Municipal code section 15.94.070 allows for alternative equivalent proposals where an applicant can further affordable housing opportunities within the City to an equal or greater extent than payment of the fees. In this case, the affordable housing fee would be approximately \$1,130,000. With new affordable housing construction averaging more than \$500,000 per unit, the fee would effectively allow for two affordable units.

To provide affordable housing to a greater extent than the fee payment, we propose the following:

- Prior to the issuance of building permits for the Trinitas Mixed-Use Project, Applicant shall place an affordable housing covenant or deed restriction on a residential site within the City limits, of not less than 12 units, thereby ensuring the provision of affordable housing.
- Housing units are intended to be a mix of very low and low income units. Up to 25% of the units may be moderate income units.

Mr. Rick Tooker  
July 17, 2018  
Page 2

We believe this proposal will deliver greater housing opportunities compared to the fee payment specified by the ordinance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Anthony K. Zand', is written over the typed name.

Anthony K. Zand  
Attorney at Law  
Office: (707) 400-6141  
Email: [azand@buschfirm.com](mailto:azand@buschfirm.com)