

**RESOLUTION R2019-\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING SUBMITTAL OF AN APPLICATION ON BEHALF OF THE CITY OF NAPA TO THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF THE SECOND PHASE OF THE NAPA PIPE PROPERTY INTO THE CITY OF NAPA AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION**

WHEREAS, in June 2013 and December 2014, the County of Napa (the "County") granted Napa Redevelopment Partners, LLC ("NRP"), the owner of property commonly known as the Napa Pipe Property, which is approximately 154 acres in size, located at 1025 Kaiser Road (the "Property"), multiple land use approvals (collectively the "Project Approvals") for a mixed-use project known as Napa Pipe (the "Project"); and

WHEREAS, in October 2013, the City of Napa (the "City") and the County executed a Memorandum of Understanding and Agreement Relating to the Development of the Napa Pipe Property (City of Napa Agreement No. C2013 422) ("MOU") to establish a process by which the City and County would work together to implement the Project; and

WHEREAS, in January 2015, as contemplated by the MOU, the County entered into a Development Agreement with NRP (Napa County Agreement No. 8264) (the "DA"), which was subsequently amended in September 2015, to guide and regulate the development of the Project; and

WHEREAS, in August 2015, as required by the DA and MOU, multiple agreements to implement the MOU and facilitate the development of the Project (the "Project Agreements") were entered between the City and County, and the City and NRP; and

WHEREAS, one of the Project Agreements, Annexation Consent, Protest Waiver, and Water Service Agreement by and between the City of Napa and Napa Redevelopment Partners (City Agreement No. C2015 224) (the "Agreement"), established: (a) a two-step annexation of the Property (the "Phased Annexation") that included the annexation of a majority of the Property immediately after the execution of the Agreement, with the second step (the "Second Phase Annexation") annexing into the City by December 2022; (b) authorized the City Manager to approve the submittal of an application for reorganization to the Local Agency Formation Commission of Napa County ("LAFCO") on behalf of the City by NRP; and (c) the waiver of NRP's rights to protest the Phased Annexation; and

WHEREAS, in September 2016, the first step of the Phased Annexation was completed with the annexation of approximately 111 acres into the City; and

## ATTACHMENT 1

WHEREAS, NRP has requested that the City consider the Second Phase Annexation ahead of the December 2022 deadline established by the Agreement (the "Proposal"); and

WHEREAS, the reasons for the Proposal include the development of land in accordance with the City's General Plan and providing for logical boundaries and service provision in the area; and

WHEREAS, factors established in Government Code Section 56668 have been identified and shall be considered by the LAFCO in review of the Proposal; and

WHEREAS, the City desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act"), commencing with California Government Code Section 56000, for the annexation of the Site (defined below); and

WHEREAS, the Agreement authorized NRP as the chief petitioner to file the Proposal with LAFCO; and

WHEREAS, a description of the Second Phase Annexation site ("Site") is set forth in Exhibit A attached hereto and incorporated herein; and

WHEREAS, the Site is uninhabited pursuant to the Act; and

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

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

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

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

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

2. The City Council hereby determines that pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2), the Proposal is within the scope of (a) the Environmental Impact Report for the Napa Pipe Project ("Napa Pipe EIR"), adopted January 14, 2013 by the County of Napa; and (b) the Initial Study / Addendum to the Napa Pipe EIR, adopted

## ATTACHMENT 1

July 22, 2014 by the City of Napa, because no environmental effects could occur as a result of the Proposal that were not previously analyzed in the EIR and no new mitigation measures would be required. The City Council hereby additionally finds, as required by California Public Resources Code Section 21082.1(c)(3) and California Code of Regulations Section 15074(b) that this determination reflects the City Council's independent judgement and analysis.

3. The City Council hereby finds that the Site has been pre-zoned and will be within the Master Plan: Napa Pipe - Mixed-Use Residential-Waterfront (MP-NP-MUR-W) Zoning District and the Airport Compatibility (AC) Overlay District upon annexation.

4. The City Council hereby consents to annexation of the Site.

5. The City Council hereby requests LAFCO to initiate proceedings for the annexation of the Site as shown in Exhibit A according to the terms and conditions stated herein and in the manner provided by the Act.

6. This Resolution shall become effective on the day following the Council's approval of this Resolution.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 6<sup>th</sup> day of August, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

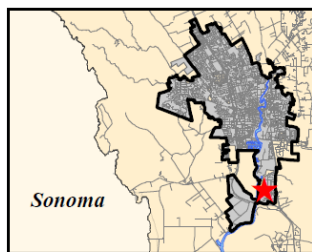
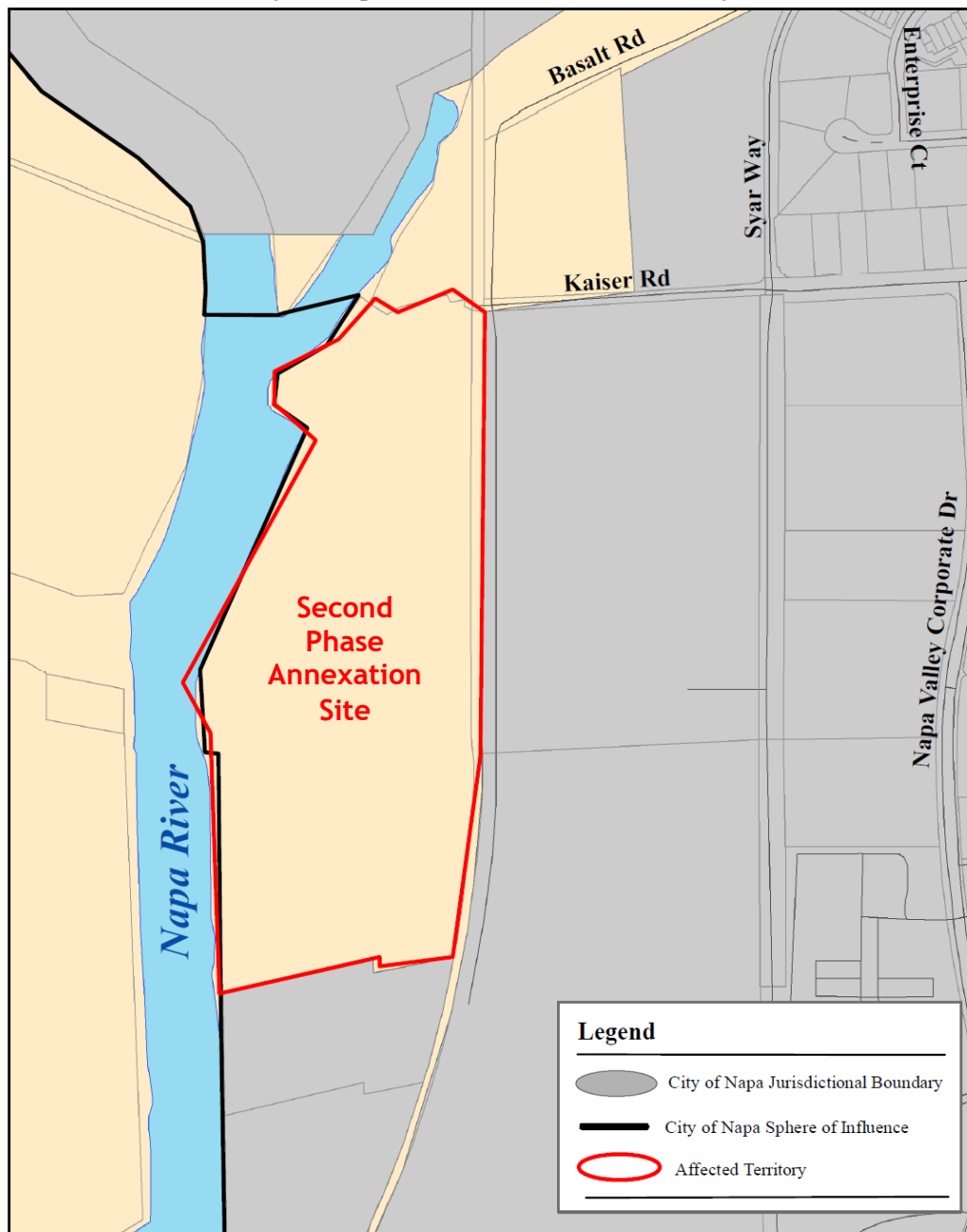
ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to form:


\_\_\_\_\_  
Michael W. Barrett  
City Attorney

EXHIBIT "A"

Napa Pipe No. 2 Reorganization:  
Annexation to the City of Napa and Detachment from County Service Area No. 4



*Not to Scale*  
*Prepared by LAFCO Staff*



**LAFCO of Napa County**  
1030 Seminary Street, Suite B  
Napa, California 94559  
<http://www.napa.lafco.ca.gov>