

RESOLUTION NO.

**RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS:
(1) APPROVING GOVERNMENT CODE SECTION 52201 SUMMARY REPORT;
(2) APPROVING THE PURCHASE AND SALE AGREEMENT AND ESCROW
INSTRUCTIONS WITH NAPA COMMUNITY REAL ESTATE FUND, LP, FOR
TRANSFER OF SPECIFIED COUNTY OWNED PROPERTY FOR THE
DEVELOPMENT OF AFFORDABLE HOUSING; AND (3) MAKING SPECIFIED
FINDINGS IN ASSOCIATION WITH THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT UNDER 14 CCR §15312, 14 CCR 15061(B)(3) AND 14 CCR 15268.**

WHEREAS, Napa County (the “County”) owns a 2,911 square foot parcel of real property located at the northwest corner of 212 Walnut Street, Napa, California (the “Property”); and

WHEREAS, under Government Code Section 52200.2 “economic opportunity is defined to include the creation of affordable housing, if a demonstrated affordable housing need exists in the community, as defined in the approved housing element or regional housing needs assessment; and

WHEREAS, under Government Code Section 52201 a County may sell or lease property to create economic opportunity. The County must first secure approval of the proposed sale from the County Board of Supervisors after a public hearing. A copy of the proposed agreement and a summary report that describes and contains specific financing elements of the proposed transaction is required to be available for public inspection prior to the public hearing; and

WHEREAS, if approved, the County and Napa Community Real Estate Fund, LP (the “Developer”) will enter into a Purchase and Sale Agreement and Escrow Instructions (“PSA”), in substantially the form attached hereto, to allow for the County to convey the Property to the Developer for the construction of seven (7) affordable for-sale housing units on the Property (the “Improvements”); and

WHEREAS, the County previously transferred approximately 8.6 acres located at 2344 Old Sonoma Road, Napa, APN 004-291-015-000, on which the Developer is planning to construct 155 residential for-sale housing units, including 24 affordable housing units (the “Adjacent Housing Development”); and

WHEREAS, as further outlined in the Staff Report accompanying this Resolution and incorporated into this Resolution by this reference (the “Staff Report”), the transfer contemplated under the PSA will further the public purpose of economic development creating jobs, and securing a site for future development of affordable housing, which is for the common benefit of residents of Napa County; and

WHEREAS, the County-adopted 2023-2031 Housing Element includes a housing needs assessment to adequately plan for the existing and projected future housing needs of residents. To meet projected housing needs to address the Regional Housing Needs Allocation (RHNA),

the County's Housing Element identifies that 16 units of low income housing and 14 units of moderate income housing are needed; and

WHEREAS, the County has placed on file a copy of the summary report called for under Government Code Section 52201 (the "Section 52201 Summary Report"), and has made the Section 52201 Summary Report available for public inspection and copying in compliance with Government Code Section 52201; and

WHEREAS, as further outlined in the Staff Report, the County has determined that the sale of the Property pursuant to the PSA will create economic opportunity and: (1) result in the development of seven (7) units of for-sale affordable housing on the Property; (2) the construction of the Improvements and the Adjacent Housing Development will result in job creation as a result of the anticipated construction, including approximately 55 full-time equivalent (FTE) temporary construction jobs, and an estimated 2.3 FTE permanent jobs with no financial investment from the County; and (3) result in the public purpose of economic development by creating jobs and housing; and

WHEREAS, as further outlined in the Staff Report and the Section 52201 Summary Report, the County is providing no direct or indirect financial assistance to the Developer and is transferring the property for \$58,220, the fair market value of the property to be conveyed at its highest and best use; and

WHEREAS, the County Board of Supervisors conducted a duly noticed public hearing on the PSA and the 52201 Summary Report pursuant to Government Code Section 52201, for the purpose of receiving the input and comments of the public on the PSA and the 52201 Summary Report; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) ("CEQA") and its implementing guidelines, for the approval of the PSA, the County has determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act under 14 CCR §15312, and because it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable under 14 CCR 15061(b)(3) and adoption of the Resolution is a ministerial action which is exempt from CEQA (14 CCR 15268; Friends of Sierra Madre v. City of Sierra Madre (2001) 25 Cal.4th 165). This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5, the construction of the Improvements shall be subject to future environmental analysis and approval by the City of Napa; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Napa County as follows:

1. The foregoing recitals are true and correct and incorporated herein and have served, together with the Section 52201 Summary Report and the Staff Report, as the basis for the findings and approvals set forth below.

2. Pursuant to Government Code Section 52200.2 and Government Code Section 52201(b), the Board hereby finds that the sale of the Property pursuant to the PSA will create economic opportunity and result in (1) the development of 7 units of for-sale affordable housing on the Property; (2) result in job creation as a result of the anticipated construction of the new development, including approximately 55 full-time equivalent (FTE) temporary construction jobs, and an estimated 2.3 FTE permanent jobs with limited investment from the County. This finding is based on the facts and analysis set forth in the Staff Report and the Section 52201 Summary accompanying this Resolution.
3. Pursuant to Government Code Section 52201, the Board hereby finds that the consideration to be paid under the PSA of \$58,220 is equal to the fair market value of the property to be conveyed at its highest and best use and is not less than the fair re-use value based on estimated value of the interest to be conveyed in accordance with the uses, conditions and covenants, and development costs required under the proposed PSA. This finding is based on the facts and analysis set forth in the Staff Report and the Section 52201 Summary accompanying this Resolution.
4. Pursuant to Government Code Section 52201, the Board hereby approves the Section 52201 Summary Report, in substantially the form on file with the Clerk of the Board of Supervisors, authorizes the Chair to execute the PSA, and authorizes execution by the Interim County Executive Officer, or a designee, of all ancillary documents in a form to be approved by the County Counsel, and to take any other actions necessary for the purpose of transferring the Property in a manner consistent with the terms and conditions identified in the accompanying PSA.
5. It shall be the sole responsibility of the Buyer of the Property to pay through escrow all amounts necessary to pay any and all real estate brokerage commissions or fees owed to any real estate brokers or agents retained by or representing the Buyer, and any and all escrow, title and recording fees and costs.
6. Board finds and determines that the disposition of the Property pursuant to the PSA is exempt from review under 14 CCR §15312, 14 CCR 15061(b)(3) and 14 CCR 15268. Moreover, CEQA review for the development of the Property will be conducted at such time as the Developer brings forward the development proposal to the City of Napa.
7. Interim County Executive Officer or designee is directed to cause a notice of exemption to be filed with the Napa County clerk, pursuant to the CEQA Guidelines following adoption of this Resolution.

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THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED
 by members of the Board of Supervisors at a regular meeting of the Board of Supervisors of
 Napa County, State of California, held on the 14st day of March, 2023, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of the
 State of California

By: _____

BELIA RAMOS, Chair of the
 Board of Supervisors

APPROVED AS TO FORM Office of County Counsel By: <i>Chris R.Y. Apallas</i> Deputy County Counsel Date: March 2, 2023 Doc. No. 87640	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: Processed By: _____ Deputy Clerk of the Board	ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors By: _____
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