“H”

Public Comments

Housing Element Rezones

From: Trent Sanson
To: Hawkes, Trevor
Subject: Public Notice - request for comments
Date: Monday, April 29, 2024 12:52:03 PM
Attachments: image002.png
Public Notice_rec 4.22.2024.pdf
Spanish Flats Rezone (map).pdf
Spanish Flat Zoning District Co.pdf
12.29.22_Spanish Flat Site 1_LOI.pdf
20.04.14_PRELIMINARY SITE PLAN.pdf
Conceptual Phasing Site Plan_2023-08-15.pdf

[External Email - Use Caution]

Good afternoon Trevor, hope all is well with you!

I represent Meadow Creek Group, LLC (owner of the land in question off of Spanish Flat Loop Road for the County's Housing Element Update), please accept this as the formal written comment per the Public Notice we received.

The team at Meadow Creek Group, LLC continues to support the County's ongoing efforts to have our property included in the Housing Element to promote strategic future new housing opportunities for the Lake Berryessa region for Napa County … for quick reference I have attached here our previous Letter of Interest shared in 2022.

I also had a chance to review the latest map/exhibits posted on the County's website … and would like to formally comment/request that the County consider expanding the planned allowed residential uses to the central area of our property to allow for more flexibility in planning future housing opportunities for this property. I do not think it is a mystery that the commercial-retail market is infeasible to develop in this part of the County with the lack of existing residences, and any future marina redevelopment will absorb any current/future commercial demands … so as we have shown/illustrated in our preliminary site plans to date for the central part of our property, there is potential for a handful of SFD styled parcels within our property.

So in addition to the higher density/intensified/clustered multi-family housing opportunities outlined on the edges of the property, and shown on the current Zoning map exhibit with the CN:AH designation, would strongly encourage and appreciate expanding upon the zoning to allow for less dense single-family-detached housing opportunities/lots on the interior/central part of the property (as illustrated on the preliminary site plans provided to-date). Expanding upon this we feel will only help provide flexibility and additional housing opportunities for the region, and do not see how this could be a negative item to incorporate into final documents.

Thank you and all of County Staff for everyone's hard work on this endeavor!

All the best,

TRENT SANSON
Executive Vice President

DeNova Homes, Inc.
1500 Willow Pass Court
Concord, CA 94520
Office: (925) 852-0541
Cell: (925) 382-0245
Fax: (925) 685-0660

DeNova Homes

Building a Better Community

YellowRoof FOUNDATION

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https://www.yellowrooffoundation.org/

Meadow Creek Group, LLC
1500 Willow Pass Court, Concord, CA 94520 · Ph (925) 685-0110 · Fax (925) 685-0660

December 29, 2022

County of Napa ("County")
Attn: Trevor Hawkes, Supervising Planner
1195 Third Street, Room 210
Napa, CA 94559

RE: Letter of Interest for Spanish Flat (Site 1) for Multifamily Residential Uses

Dear Mr. Hawkes,

Thank you and all of County staff for the thoughtful time and consideration in the evaluation of the County's needs during this Housing Element update cycle. We acknowledge it is no small task for the County to undertake in planning for the next several years of current and future needs for the County and would like to commend you and everyone involved for everyone's diligent efforts. As requested, please accept this as the Letter of Interest on behalf of the property owners for Site 1 in the Housing Element update for the property in question in the Spanish Flat area of Lake Berryessa to develop the property for multi-family residential uses.

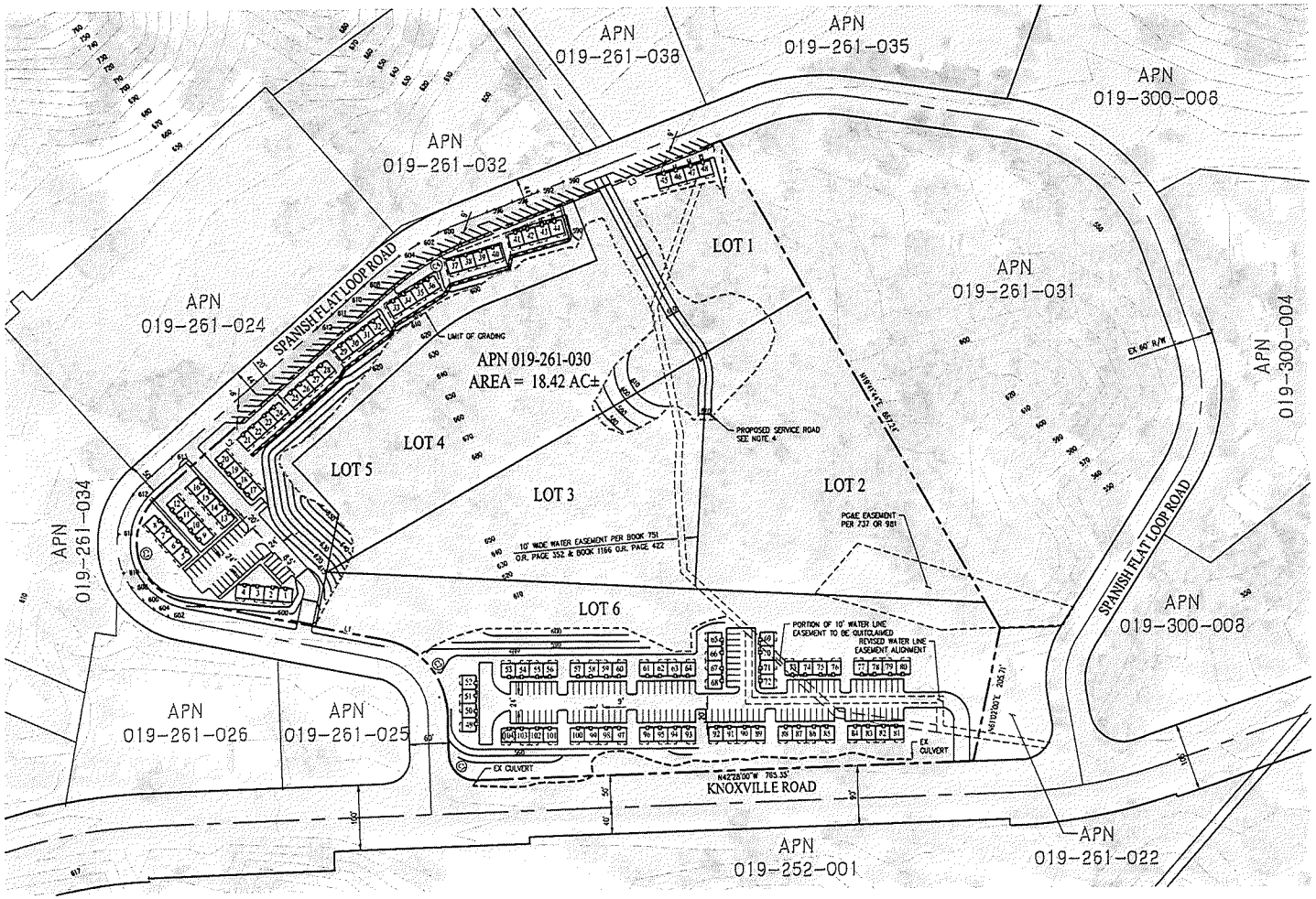
Ever since the Bureau of Reclamation forced the closure of most of the marinas at Lake Berryessa, and as a result the primary source of economic activity for this region, it has proven to be immensely challenging, if not impossible, for any viable commercial uses (e.g., restaurants, general stores, other commercial services, etc.) to remain in existence with the lost economic vitality the former marinas provided. Resultantly, all the previous commercial tenants that once occupied Site 1 have had to close their operations and terminate leases, with there not being any other viable business prospects to backfill the now vacant and fallow commercial center.

Resultantly, the property owners have explored other possible uses for the property, including developing the property to create multi-family housing opportunities. New housing not only to serve immediate needs with a large-scale housing crisis not only in Napa County, and the greater Bay Area at large, but to also create accessible workforce housing that would house future workforce in need of a place to live for any future economic growth in the Lake Berryessa region (e.g.., the marina redevelopment activities the County is engaged in with the Bureau of Reclamation and prospective marina developers through the ongoing RFQ/RFP process). Site 1 is also poised to be redeveloped due to the fact there is already existing roadway infrastructure and the water and sewer infrastructure available to the Spanish Flat region.

Thank you again for everyone's thoughtful time and consideration. Please do not hesitate to contact me with any questions or comments as it relates to Site 1 while the Housing Element continues to progress towards being finalized. We look forward to further discussions and collaborations with County Staff; attached with this letter is a conceptual site plan to illustrate early vision for housing redevelopment on Site 1.

Sincerely,

Trent Sanson
Meadow Creek Group, LLC
Phone: (925) 852-0541
E-mail: trent@denovahomes.com



PARKING SUMMARY			
# UNITS	REQUIRED PARKING STALLS/UNIT	PARKING STALLS REQUIRED	PARKING STALLS PROVIDED
104	1.8	188	198
ELECTRIC VEHICLE CHARGING STATION (EVCS)		7	7
TOTAL		195	205

ADA UNIT COUNT SUMMARY		
# UNITS	REQUIRED ADA UNIT COUNT (10%)	PROVIDED ADA UNIT COUNT
104	11	11

NOTES:

1. NAPA COUNTY CITY ORDINANCE 18.32.070 REQUIRES 1 STALL PER 500 SF OF BUILDING FLOOR AREA.
2. ELECTRIC VEHICLE CHARGING STATION PARKING STALLS MINIMUM DIMENSION 9'X18'. ONE OF THE TWO PROVIDED EVCS SHALL BE VAN ACCESSIBLE.
3. PER CALIFORNIA GREEN BUILDING STANDARD CODE 4.106.4.2 EVCS SHALL BE 3% OF TOTAL PARKING STALLS
4. SERVICE ROAD WITH TURNAROUND TO COMPLY WITH CALIFORNIA FIRE CODE REQUIREMENTS.

LEGEND

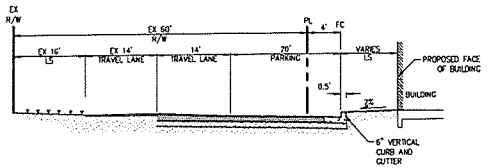
- PROPERTY BOUNDARY
- CENTER LINE
- EXISTING EASEMENT
- RIGHT-OF-WAY
- EX CREEK
- LIMIT OF GRADING
- UNIT NUMBER

ABBREVIATIONS

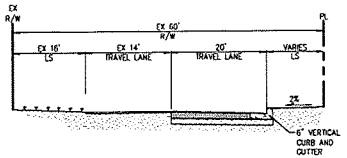
BLDG	BUILDING
EVCS	ELECTRICAL VEHICLE CHARGING STATION
EX	EXISTING
LS	LANDSCAPE
PR	PROPOSED
S/W	SIDEWALK

LINE TABLE		
NO	BEARING	LENGTH
L1	N29°12'05"W	309.30'
L2	N82°16'00"W	466.19'
L3	N61°52'20"W	417.11'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	40.00'	89°56'56"	62.80'
C2	120.00'	76°44'05"	160.71'
C3	95.00'	126°56'05"	210.47'
C4	420.00'	20°23'40"	149.50'



TYPICAL SPANSIH FLAT LOOP ROAD
STREET SECTION (PARKING ONE SIDE)
NOT TO SCALE



TYPICAL SPANSIH FLAT LOOP ROAD
STREET SECTION (NO PARKING)
NOT TO SCALE

PRELIMINARY SITE PLAN

BERRYESSA KNOXVILLE ROAD

NAPA COUNTY CALIFORNIA

SCALE: 1" = 80' DATE: APRIL 14, 2020

0 80 160 240

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WWW.CBANDG.COM

P:\241-03\ACAD\EXHIBITS\CONCEPTUAL SITE PLAN.DWG

From: Quackenbush, Alexandria
To: Hawkes, Trevor
Cc: Parker, Michael
Subject: Fw: Comments on Public Hearing on the Housing Element
Date: Tuesday, April 30, 2024 1:20:13 PM
Attachments: Outlook-0vtvdtwk.png

Please see below.

Alexandria Quackenbush
Administrative Secretary I
Planning, Building, & Environmental Services
County of Napa | 1195 Third Street, Suite 210 | Napa, CA 94559
alexandria.quackenbush@countyofnapa.org

A Tradition of Stewardship
A Commitment to Service

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From: Carol Kunze <cakunze17@gmail.com>
Sent: Tuesday, April 30, 2024 1:01 PM
To: MeetingClerk <MeetingClerk@countyofnapa.org>
Subject: Comments on Public Hearing on the Housing Element

[External Email - Use Caution]
I live in Berryessa Highlands in the hills above the southern end of Lake Berryessa. The Lake Berryessa community once had various businesses and other services, mostly as a result of visitors to the lake, but also serving residents. There were restaurants, cafes, lunch counters, bars, general stores, an antique store, a laundry, motels, even a post office in one of the stores, inns, convenience stores, gas stations, churches operating out of former retail buildings, a hairdresser, a grocery and hardware store and an elementary school. There were likely more businesses that disappeared before I moved to the area in 1996.
The only retail outlet today is Turtle Rock – a bar that also sells some grocery items. I am not certain everything in the Spanish Flat Village Center, is closed but there is certainly no place to buy food, or get gas. There is a boat rental business nearby.
The Berryessa economy failed because the concessions at the lake turned into private trailer parks instead of serving the general public. The recreational opportunities included in the 1959 Public Use Plan - more than 30 swimming areas – campgrounds including primitive campsites in remote areas reached by boat or on foot, along with trails for hikers and equestrians - never materialized.

The last of the five trailer park concessions on the main body of the lake closed in 2009, 25 years ago. The Bureau of Reclamation was unsuccessful in finding new concessionaires, and Napa County, which took over that task a few years ago, has yet to be successful in finding new operators. The expense of installing infrastructure – most likely the cost of a water/sewer plant – may have been why the proposal to develop three concessions was eventually withdrawn last year.

So, the Lake Berryessa area is currently an economic desert. Driving to Napa takes an hour and a half round-trip from the south end of the lake. If you run out of gas, it is a crisis.

Now is not the time to be developing affordable housing in the Lake Berryessa area. There are no services! We cannot even rely on fire fighters to protect our homes. The business structures (many no longer operating) in Spanish Flat Village Center were saved in the 2020 fire, but the residences in Spanish Flat and Berryessa Highlands were left to burn as the fire crews left to protect more urban areas. Add to this the loss of insurance that many local residents are experiencing.

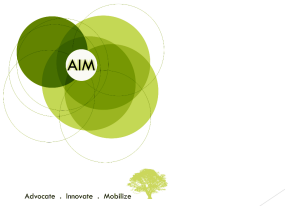
Changing zoning to allow the development of affordable housing in the Lake Berryessa area at this time seems like a sham. It is the equivalent of putting affordable housing in a desert, miles from anywhere, with inadequate residential fire protection, no gas, food, health clinics, schools, public transportation and no jobs.

Even if gas and food were available, it will cost more than it does in an urban area. Has an economic study been done to determine whether the cost of living at Lake Berryessa - which currently has no job opportunities - outweighs the economic benefit that "affordable" housing is supposed to provide?

The future of the Lake Berryessa economy is - at this stage – completely unknown. If a sustainable economy develops at some point in the future, it might be different. It is not possible to say whether it would ever be suitable for affordable housing so far from urban centers. But it is clear that now is not the time.

Carol Kunze
Berryessa Highlands

KEEP NAPA GATEWAYS GREEN



By way of Email

April 30, 2024

Napa Planning Commissioners
Brunzell, Dameron, Mazotti, Phillips, Whitmer,
1195 Third Street, Suite 305
Napa, CA 94558

Dear Commissioners Brunzell, Dameron, Mazotti, Phillips, & Whitmer,,

Thank you for the opportunity to comment on the County Draft Housing Elements/ DEIRs. KNGG is a member driven organization working to preserve and protect Napa's iconic environment while creating resilient, equitable and affordable housing opportunities for all communities within the City and County of Napa. Many of our individual, professional, business and organizational members live, work and are active in diverse communities throughout Napa and the Bay Area.

A. SIXTH CYCLE HOUSING ELEMENT UPDATE REZONINGS AND MODIFICATIONS TO TITLE 18 OF THE NAPA COUNTY CODE / COUNTY OF NAPA

KNGG will focus our comments specific to the re-zoning, up-zoning, impending annexation and development of D. *Foster Road Zoning* aka what is now termed the "Foster Road Mixed Use" aka colloquially as the Ghisletta Lands, the Napa Valley Horseman's Parcels and Wilcoxson Lands. We ask that this letter be placed in the Public Record.

Most unfortunately, many community members are unable to attend the County meeting on Wednesday at 9AM due to work obligations. However, their voices are encapsulated in a previous KNGG letter submitted to the City and County of Napa in January, 2023. Please see attached at the end of this letter.

KNGG is committed to smart growth initiatives advocating for urban in-fill, resilient and affordable housing to be built throughout the single-story City/County of Napa, rather than perpetuating disavowed planning measures such as urban sprawl, spot-zoning and leapfrogging. As you realize, these practices will only result in the

exploitation and devastation of the last vestiges of iconic prime agricultural lands in Napa, ie. the Ghisletta Lands in Southwest Napa)

In September 2022, the City of Napa Planning Commission voted to recommend designation of these parcels as *Greenbelt*.

Subsequently, their recommendation was overturned by a highly unusual vote of the City Council. Reportedly, an ominous letter from Attorney K. Teague (representing the Ghisletta family) indicated that he would file suit against the City of Napa should they accept the Planning Commission's designation of Greenbelt and reject his request for up-zoning of the Ghisletta parcels.

As you may be aware, the Ghisletta parcels traversing both Foster Road and Golden Gate comprise prime agricultural lands, contain protected vistas, as well as the HIGH RISK West Napa Fault running throughout, FEMA flood plains, landslide areas, cultural heritage sites, and ecologically vulnerable areas - all of which would needlessly be subject to the inescapable dangers of relatively high density, multi-level housing units, unfathomable levels of varying pollutants, GHG, traffic congestion and more.

ALL OF WHICH WILL BE CRITICALLY IMPACTFUL

DESPITE T*HE COUNTY' STAFF'S POSITION* THAT THIS FRMU WILL

HAVE *NO SIGNIFICANT IMPACT.*

Given the decades long trajectory of the FRMU it is necessary to draw an analogy to the Napa Pipe Project, as clearly the city and county have not learned from that situation. A summary of stated Napa Pipe objectives included the following provision:

- Provision of a safe and attractive neighborhood with suitable urban services
- Contribution towards the County's Regional Housing Needs Allocation
- Integration of affordable housing
- **Reduction of pressure to develop county agricultural land for residential uses**
- Location of housing in proximity to jobs to reduce traffic
- Provision of multiple housing types in proximity to educational and recreational amenities
- Provision of a financially feasible development program to allow for site remediation
- Implementation of "smart growth" principles
- Provision of fiscal benefits to both the County and the City without diversion of resources.

Most unfortunately, these aspirational goals now ring hollow. With the benefit of the actual development unfolding, how much affordable, low income, rental housing is actually being built at Napa Pipe and when? How are those original accepted developer design guidelines implemented - or not - as the case may be?

What municipal oversight is being exercised? What is the cost to the city and county of Napa? What are the economic dynamics at play - other than the ever-popular new and convenient Costco which was the draw for the acceptance of this development proposal?

Please recall that Napa Pipe was a superfund site - one in absolute need of remediation / rehabilitation and, as such, a natural recipient of external government funding. The FRMU comprises highly valued, increasingly rare Prime Agricultural land - on the opposite end of the spectrum from that of a superfund site. Point in fact, it runs contrary to California State SB-9 (https://focus.senate.ca.gov/sb9)

"It excludes the provisions of the bill being used in very high fire hazard severity zones, prime agriculture land, hazardous waste sites, earthquake zones, floodplains that do not have adequate mitigation, and others"

Additionally, these parcels comprise a high risk site, an Alquist Priolo zone - one suited for either "greenbelt designation or a golf course." as per a State Geologist, 2022. Continuing to justify the inherent deprivations of the FRMU project ostensibly for a hand full of segregated, low-income and affordable housing units at the edge of town and posturing with such goals simply begs credibility and lacks good faith.

In dissecting the convoluted landscape of the Foster Road Mixed Use (FRMU) Project, it becomes evident that one of the most remarkable newly proposed inclusions is this seismic shift from Agricultural Watershed (AW) zoning to Residential Mixed-Use (RM) zoning. This seemingly innocuous reclassification belies its profound implications, ushering in an era of environmental degradation and economic/community/societal upheaval.

One of the most concerning aspects of the proposed policy changes is the alteration of the approval process for multifamily projects in RM zones. Under the new regulations, multifamily developments could now be approved by-right and no longer require a permit, effectively bypassing the previously necessary discretionary process. This significant departure from established procedures not only undermines the regulatory framework but also disregards the potential environmental and community impacts associated with such developments.

Of particular relevance to the proposed rezoning specific to Foster Road is this up zoning from AW to RM. Under previous zoning regulations, a discretionary process would have been required before multifamily construction could proceed. However, with the implementation of the new policy changes, this safeguard is effectively

eliminated, posing serious implications for the surrounding environment, local economies and communities.

Furthermore, the EIR seemingly fails to identify FRMU as a priority area despite the profound impact of the proposed rezoning and policy changes on the local land and environ. By neglecting to recognize the significance of this area, the report overlooks critical environmental factors and community concerns that warrant thorough consideration and analysis.

In light of these discrepancies and oversights, it is imperative that the EIR be revisited and revised to accurately reflect the potential environmental impacts, economic risks, and community implications of the proposed rezoning and policy changes. Additionally, a comprehensive reassessment of the Housing Element Update from the previous year should be undertaken to ensure alignment with current developments and adherence to State policy amendments.

As concerned stakeholders committed to the preservation of our environment and the well-being of our community, we urge the County Planning Commission to address these issues with the utmost urgency and transparency. This includes conducting a thorough, verified and unbiased analysis of the environmental impacts, engaging with stakeholders to solicit meaningful input, and revising the EIR to reflect the true scope of the proposed rezoning and policy changes.

At the epicenter of this up-zoning transformation lies the long-standing, egregious prioritization of RM zoning over the sanctity of prime agricultural lands, once revered as the lifeblood and economic driver of our region. The decision to elevate widely disavowed urban sprawl and expansion over the preservation of agricultural heritage represents a grievous misstep, an affront to the delicate balance of nature and a betrayal of the County's self-professed stewardship responsibilities. By sacrilegiously surrendering agricultural lands to the altar of urban sprawl, we risk irreversibly despoiling the very essence of our identity, heritage and economy. Simply put , housing needs to be built in the urban core - as urban in-fill - not on the last vestiges of prime agricultural land.

The FRMU Project, draped in the thin veil of economic prosperity and urban revitalization, conceals a more sinister reality: the commodification of our collective future and the subjugation of environmental imperatives to the altar of privatized profit and vested interests. As we bear witness to the relentless encroachment of black-top and concrete upon fertile soil, we are compelled to confront the

uncomfortable truth that progress, in its current guise of the FRMU, exacts a devastating toll on the environment and the most vulnerable of our communities.

And all of this is happening concurrently with the expert forecasting that *local food production opportunity zones* will be taking on an incredibly high significance for our respective economies in the face of very real devastations wrought by global climate change, migration, and vanishing supply chains. In other words, Napa needs every inch of prime agricultural land that it has - as, unquestionably, these lands will prove to be our saving grace - even more foundational to our future thriving economy and communities.

Moreover, the transition from AW to RM zoning lays bare the systemic inequities that underpin our urban planning apparatus. By relegating an unimaginable high percentage of low-income, very low income and affordable housing to the periphery of the City/County and their respective development priorities, we perpetuate patterns of exclusion, segregation and marginalization, consigning entire communities to the fringes of society to be located on an extremely high-risk site guaranteeing continued economic disenfranchisement. This is a recipe for disaster. In a world rife with economic disparity and social discord, the FRMU Project stands as a stark reminder of our collective failure to prioritize equitable human dignity, integration, social, economic and environmental justice.

Notably, the County's staff's and consultants sleight-of-hand proposal to up-zone these lands from AW to RM has seemingly been engineered by long standing vested interests, represented by those such as Hillary Gittleman. The fact that Ms. Gittleman's private firm is the consultant to this very County's EIR is an affront to public sensibility. For decades she and others have attempted to wantonly place these Ghisletta lands on a serving platter to privatized vested interests - thereby creating a new city within the city and county of Napa.. A new city which both the city and county is woefully ill-prepared to manage responsibly - if at all. Their limited resources would be better spent concentrating on creating a vibrant and viable urban in-fill in the respective cities throughout the county.

As we navigate the treacherous terrain of this proposed urban development, we must heed the lessons of history and chart a course towards a more sustainable, economically viable and equitable future. This necessitates a paradigm shift in our approach to land use planning, one that is visionary and champions genuine environmental sustainability, economic prosperity for all - social and environmental

equity, and community resilience over short-term gains and privatized corporate interests which increasing seem to deplete Napa's economic and natural resources.

In conclusion, the FRMU Project emerges as a tragic manifestation of our capacity for both creation and destruction, a reflection of our collective aspirations and failings. As we teeter on the brink of environmental calamity and social unrest, we must summon the courage to confront the root causes of our predicament and forge a path towards a more just and sustainable future. Napa is is a unique and formidable position to do just that and could serve as national model..

With this in mind, KNGG again requests that the County Planning Commission reject this up zoning of AG to RM for the FRMU and follow the directive of the City of Napa's Planning Commission's recommendation for Greenbelt designation of these parcels

Please see below the KNGG letter to the City and County of Napa, 01.23.2023 for specific delineation of our concerns.

As always, many thanks for your considered review of our concerns.

Sincerely,

KNGG

Keep Napa's Gateways Green

BY WAY OF EMAIL
January 21, 2023
City Of Napa
County of Napa
Napa, CA 94558

Dear Mayor Sedgley, City Council-Members, Planning Staff, DP+S Consultants, and County Board of Supervisors

Thank you for the opportunity to comment on both the City of Napa's and the County of Napa's concurrent and rather voluminous Draft Housing Elements/DEIRs. As you realize, KNGG is a member driven organization working to preserve and protect Napa's iconic environment while creating resilient, equitable and affordable housing opportunities for all communities within the City and County of Napa. Our mission is to educate, advocate, organize, and build coalitions across the North Bay Counties. Many of our individual, business and organizational members live, work and are active in communities throughout Napa.

KNGG is submitting these comments to both the City and the County due to the improbable coincidence of submittal deadlines, the unanticipated natural disasters, and we are acutely aware of the long-term, close alignment of the City and County in regard to the major focus of KNGG's responses - the re-zoning, annexation and development of what is now termed the "Foster Road Mixed Use" aka as the Ghisletta and the Napa Valley Horseman's Parcels. Both draft HEs have been presented to the public during the requisite compromised 30-day initial review period - presenting a challenge for the best of us to find adequate time and resources to properly review these documents.
Most unfortunately the City of Napa's Draft HE was released on the evening of December 22, 2002 just prior to the Christmas holidays for many of us. Upon receiving the notice of review period on 12.23.2022 KNGG requested a reasonable extension. It was not granted. This already compromised 30 day review period was exasperated by a Major Disaster Declaration issued by President Biden and Governor Newsom. We appreciate that both the City and County are facing pressures of an KNGG Response_Draft HEs of 1 24impending deadline at the end of January to submit their draft HE to the State.

We ask that you be considerate of the circumstances and confusion that has been caused by the aforementioned delays as well as the unfortunate confusion to the general public caused by these concurrent processes, lack of public coherence in the outreach efforts coupled with concurrent deadlines by the City and the County.
As always, we appreciate the work by City/County staff over the past few years to bring the General Plan 2040, the draft Housing Elements and DEIRs/FEIR to this point, including work to further explore avenues for smart growth directives and more affordable housing production. Inexplicably, this does not extend to the proposed "Foster Road Mixed Use" which is inconsistent with the Napa General Plan 2040 and seemingly the draft Housing Elements. Any rezoning proposal embodies the tension

inherent in growth and development. Suffice it to say, that the City's ill-considered FRMU takes these to another, more pointed, level of review.

As you are aware, during recent years KNGG has offered numerous responses and suggestions to Napa's General Plan 2040, the DEIR/FEIR and Draft HEs. We are gratified to see a number incorporated and, hopefully, actualized. We ask that you include all of KNGG's past collective and individual letters/communications delineating concerns, issues and suggestions submitted to the City/County during the past 3+ years as integral part of our responses to the draft HE and DEIR. As these processes have matured, KNGG's concerns have only grown.

With the understanding that the General Plan 2040 and the draft HEs/DEIRs are *"living documents"* we offer additional comments with the hope that the City/County will continue to incorporate them in their respective drafts HE/DEIR.
KNGG was bewildered to find that the "Foster Road Mixed Use" proposal was barely mentioned in the draft HE and not depicted in the attached maps. Given the fact that the "Foster Road Mixed Use" represents the largest housing and mixed use development in the history of the City and County of Napa, the FRMU should have been allotted more real estate (pardon the pun). This cloak of invisibility belies the fact that the Planning Staff and the City Council has approved a rezoning strategy that will usher in the largest housing and mixed use development in the history of the City and County of Napa and is one sited atop one of the most compromised sites in Northern California and is one currently zoned as Prime Agriculture by LAFCO and Grazing lands by the US.

KNGG was dumbfounded at the lack of diligent planning analysis, the lack of a specific DEIR enacted, the utter lack of direct public outreach to the surrounding communities most affected, the consistent and willful disregard by the City and County of the decades long voices of staunch opposition to this proposal, the withholding of crucial information by Planning Staff from the public such as the fact that these lands are zoned as Prime Agriculture, the consistent repetition of inaccurate data populating drafts of the General Plan and the draft HE are some of the significant issues that easily come to mind.

The mantra response from the City is that **"there is no project".** However, the fact that there is no development project (which is in question) does not relieve the City or County of the obligation to CEQA . It is a prerequisite that local governments comply with CEQA in order to re- zone and annex this property in the run up to the city council decision. As you well know, CEQA applies to all state and local government projects, including re-zoning and annexing property. When the City/County receives a

request to re-zone or annex property, it must first conduct a specific environmental review to assess the potential impacts of the proposed project. This review must be done in compliance with CEQA, which includes evaluating the environmental impact of the proposed project, identifying any potential significant adverse effects, and taking steps to mitigate those effects. is a detailed analysis of the potential environmental impacts of the proposed project, including a description of the project, an analysis of the environmental effects, and a discussion of alternatives.

The EIR also includes a section on mitigation measures that will be implemented to reduce or avoid potential environmental impacts. The City and County's responses included in the draft HEs remain insufficient.

As you are aware, during recent years KNGG has offered numerous responses and suggestions to Napa's General Plan 2040, the DEIR/FEIR and Draft HEs. We are gratified to see a number incorporated and, hopefully, will be actualized. We ask that you include all of KNGG's collective and individual letters/communications delineating concerns, issues and suggestions submitted to the City/County during the past 3+ years as integral part of our responses to the draft HE and DEIR.

With the understanding that the General Plan 2040 and the draft HE/DEIR are "living documents" we offer additional comments with the hope that the City/County will continue to incorporate them in this draft HE/DEIR . We trust that this will assist in producing a final document that moves the City/County in the direction of significant progress to achieve sustainable, resilient, innovative and accurate responses to the exigencies facing Napa due to climate change, social, economic and housing justice . We hope this will satisfy all of the City's current and future housing needs, with a focus on integrating its extremely low, very-low and low-income needs throughout the entire City and County of Napa.

It remains unclear as to how much the City/County of Napa has actually built thus far that is reflected in the ratio of above-moderate income housing units for every one unit of affordable housing (very low and low-income) over the past 7 years (2015-23), despite a Regional Housing Needs Allocation (RHNA) goal of one unit of lower income housing for every 1.4 units of above moderate-income housing. KNGG requests written confirmation of this data from the City and County.

KNGG unequivocally states that ***Housing needs are without question.***

"The Bay Area continues to see growth in both population and jobs,"

While this proclamation has been bandied about in the popular press, the accuracy of this statement is widely under scrutiny by experts and the state itself. Point in fact, it is publicly verified that the population of California and Napa itself is decreasing due to numerous seminal factors, not the least of which are the very real threats associated with climate change affecting the state and Napa. In fact, in each of the years 2019, 2020, and 2021, the Census Bureau reported new 100-year lows in population growth.

Further the draft HE A.1 Introduction states: "*The 2023-2031 draft Housing Element Update provides a roadmap for how to meet our growth and housing challenges ….The Housing Element is an integral part of the General Plan, which guides the policies of the City of Napa.*"

As such, we are left to assume that this statement regarding Growth is a fundamental predicate for the draft HE. Therefore, if this deficiency were to continue as the basis for any finalized HE, the HE would prove fundamentally flawed as would the resultant policies informing the General Plan 2040, the HE, CEQA and the FEIR.
Throughout the draft HE necessary funding sources identified appear (and are acknowledged) to be inadequate to fully fund the tasks required by the draft HE. An overwhelming percentage of labor/time is relegated to the category of "staff time". If history serves, the City of Napa staff is woefully overworked, understaffed, underfunded and therefore not equipped to meet the demands of the workload in keeping with professional standards. Although the aspirational rhetoric represented throughout the draft HE is admirable, the realities of persistent funding shortages of the City/County leave them both significantly knee-capped and ill-prepared to realistically meet these goals.

Consequently, once again, the City/County will leave its citizen's interests left to the priorities and whims (financial and otherwise) of privatized interests and developers which likely will pose (needless) conflicts with the HE and Napa General Plan 2040, not to mention the public interests. And, once again, the City and County has left the door open to years of wrenching, demoralizing and expensive litigation, subjecting its citizenry to unnecessary attendant financial burdens and a diminishment of their quality of life. Some have tagged this behavior as a covert hostile takeover of public interests and furthers public mistrust.

With this in mind, KNGG suggests that an immediate funding initiative be launched with an unprecedented and concerted effort focused upon advancement and development - one specific to a resilient and sustainable Housing Initiative that would serve the public interest and take the air out of a growing mistrust of local

governments. A fully accessible Task force representing a true diversity of communities interests will need to be created (without bias) and mobilized. This will prove essential and fruitful during this rich environment of the availability of both federal and state funding to augment such responsible and resilient growth - again one that is responsive to public interests. KNGG further suggest that the City of Napa create a publicly accountable position of a City "Ombudsman" to oversee the City's management of housing, planning, the community manager, and city manager. This position would be held accountable by an unbiased public committee, hold regularly scheduled public meetings and be responsive to advancing and actualizing the public's interests in the face of the overwhelming privatized interests dominating the spectrum of City/County governance and development.

Again, KNGG's concerns are focused primarily on the Planning Staff's and City Council Member Painter's creation of the "Foster Road Mixed Use"which rezones the Ghisletta parcels comprising approx. 144 acres of prime agricultural land to moderate/high density housing + commercial mixed use and office space - a new city within the City of Napa. One could easily imagine that it might look like the recent corporate development around the Napa Airport - another development ushered through by City Council member, LAFCO alternate, urban planner Beth Painter, or similar to other developments by the Ghisletta realty interests in American Canyon irreversibly morphing south Napa into a needless hi-density, suburban megapolis. In reviewing this draft HE it would appear to a reasonable person that the citizens and the future public interests of the City and the County of Napa may be needlessly
harmed in order to surreptitiously advance an agenda fostered by privatized
development and special interests. What some have termed a "land grab" appears to have been initiated in 2005 by privatized interests working closely with various City/County/State officials, staff and appointed committee members. This aggregate appears to have long been strategized, fostered while advancing a politically biased narrative - one entrenched in cronyism - to serve the re-zoning interests of the single property owner of this acreage. Acreage whose recently acknowledged LAFCO zoning as prime agricultural lands was suppressed by the Planning Staff and others until 09/2022. These prime agricultural parcels continue to be used and also be categorized by the USDA as Grazing Lands to this day.

The citizens of Napa have been resolute and vocal in staunchly opposing this change in zoning (a pre-requisite to annexation and development) since 2005. The community's longstanding, committed and deep opposition is well known to city and county officials, staff and allies since that point in time. It is widely acknowledged that the City and County of Napa have been working hand in hand to squelch any and all

opposition to this re-zoning, annexation and development. Most surprisingly, the City Council acted in directly opposition to its own appointed Planning Commission judicious recommendation to remove the Foster Road Mixed Use proposal from the General Plan 2040 and designate its as GreenBelt.

The Planning staff's draft HE and the Napa General Plan 2040 (recently passed by the City Council) represents a well-orchestrated "check the box" public face of a rather byzantine bureaucratic process - one that does not speak to substance nor good faith to the surrounding communities directly affected. The City Council's approval of the Napa General Plan 2040 inclusion of the "Foster Road Mixed Use "was, in part, based on inaccurate/inflated data points, flagrantly biased perspectives and is looked upon by many citizens as a highly politicized and suspect decision.

Subsequently, questions have been posed repeatedly as to why would the City support any re-zoning of these lands for housing when these lands themselves are so seriously compromised for such an intended use. The City's own documents represent high-risk hazards such as the West Napa Earthquake Fault running directly through the entirety of the property. Additionally there are wetlands/environmental and endangered species issues, FEMA designated flood plains, FEMA designated partial landslide area/ liquefaction, a hazardous waste-site, + WUI.

The "safe" / "low risk" value of the land is found in an retention of increasingly rare prime agricultural zoning or a designation as "greenbelt." The recent legislation SB-9, itself, does not even allow development on such land, especially as these parcels are not designated as such. A recent consideration of the Carneros school conversion to farmworker housing was rejected due to safety concerns the fact that it, too, was sited directly atop an earthquake fault. To re-zone and convert this prime agricultural land of 144 acres into what is now being termed moderate to high density housing -aka the largest and most development in the history of the City and County of Napa - would prove shockingly detrimental - if not devastating - to not only the City of Napa but to the entirety of the Napa Valley, its diverse communities and neighborhoods.

For decades City/County staff and officials have known that the citizens of Napa do not wish to have the last vestiges of their open space nor prime agricultural land located on the periphery of the City developed. They wish to develop the urban core. This was upheld in the City's own recent GP 2040 surveys indicating that an overwhelming majority of Napans support the retention of open space on the periphery of the City.

The public interest is seriously undermined when public officials appear to be working as politicized agents of privatized interests to advance the development and unbridled development of lands. September, 2002 witnessed the shocking revelation by the City's senior planner, Michael Walker, while under questioning by the Planning Commission. After 3 years of stonewalling, he finally admitted that there was no need for these Ghisletta lands to be re-zoned, annexed, nor developed. He acknowledged that there are more than enough ample housing sites identified throughout the the urban core to more than satisfy the housing demands (RHNA) of the state during this time-frame.

The development of the urban core and 4 main transit corridors (Soscal, Trancas, Jefferson & Lincoln) are also supported and encouraged by the recent passage of California's SB-9.

Strategies to ensure the inclusion of the Foster Road Mixed Use in the draft HE and General Plan 2040 range from public and private ghosting of any opposition, misrepresentation, to reports of threats of personal retaliation, retribution, defamation and slander. This is unacceptable on any level of moral, ethical or legal standing. In a normalized situation it would be unquestionable that the Mayor and City Council/County Board of Supervisors refute such strategies and hold those responsible fully accountable.

Most unfortunately, apparently, they based their
decision to include the Foster Rod Mixed Use" re-zoning on such a specious basis. *"The City will develop a system and or database of affordable housing to document the number of units available annually. The system will track projects approved, including ADUs, the number of affordable units by income level, and the various funding sources."*

Again the implementation of such a system is admirable. Heretofore, the City has had ample opportunities to develop such a system and does not appear to have done so. KNGG understands that the state mandate has required a diligent and accountable approach but yet the City has not provided the specifics of such a system, its implementation and mechanisms of accountability. The City's system outlined above also does not provide publicly accessible data tracking for location and assurances as to where these affordable housing units will be actually equitably be sited throughout the prioritized areas throughout the City, the transit corridors and urban core.

- The draft HE provides little evidence that these identified sites are realistically

likely to be developed in sufficient numbers to satisfy the RHNA requirements or the state's housing mandate;

- The draft HE appears not to provide any requirement that the smart growth directives of mandating that the urban core and 4 major transit corridors be fully developed prior to any development of open space and/or prime agricultural lands. KNGG and others have repeatedly requested this provision to be included in the General Plan 2040 and the Draft HE.
- The draft HE appears to rely on permanently removing land from public property rolls or affinity group ownership (schools/churches) that serve a large cross-section of the city in under-resourced areas. Again, while repurposing schools such as Harvest Middle School are wonderful considerations, there are no specific stipulations nor assurances as to the number of housing units and/or mixed use units that The City expects to realize through such adaptive re-use and how and when these developments will be implemented.
- The draft HE does not appear to achieve the goal to affirmatively further fair housing (AFFH) due to bias against housing development in high-resource areas. This needs to be rectified. As per the draft HE: ***EWG Key Findings***

• The current approach to housing policies throughout the region is ad hoc and piecemeal and what is needed is a holistic approach to housing and homelessness issues:
o Affordable homeownership is missing from the conversation
o Transitionalandsupportivehousingasamoreintegratedpartofthewholeconversation is missing
o The traditional paradigm of designing affordable housing should be changed; design professionals should
be educated to think holistically about designing communities and integrating affordable housing patterns
into community design.

- The draft HE does not appear to inscribe/mandate design guidelines assuring quality of life standards as well as design standards to ensure consistent quality design throughout the City and County. Without such guidelines the City is, once again, abdicating its responsibility to ensure public interests are consistently served by allowing design guidelines to be developed in an arbitrary and capricious manner materialized by privatized interests - in other words it continues the disavowed hodge-podge development of the City and County. Clearly, this does not serve the public interests.

- Many sites listed seem not likely to be developed in sufficient quantity for the City of Napa to meet its state housing mandate, and the City appears not to provide any evidence that the property owners intend to develop them for the purpose stipulated and to meet the RHNA requirements.
- The site inventory is widely populated by Iconic, long-time businesses that are deeply woven into the city's civic and cultural fabric. Many sites slated are home to businesses that are neighborhood fixtures; are locally- family, minority or women-owned; and support commercial activity, I.e. restaurants and retail that enrich the urban and civic fabric.

- Have the owners, businesses, and service providers associated with these properties informed/confirmed to the City of Napa of their willingness to sell, lease or otherwise their parking lots, retail/wholesale/service showrooms, offices, clinics, restaurants, or retail outlets and replace them and/ or augment them with housing and/or mixed-use? Given past history of identified sites not being developed within the 8 year time frame of the Housing Element, one is left questioning whether the City has these confirmations in hand. And the city offers no evidence of any such agreements. Until it does, the City and HCD should question, if not reject, this insufficient response.
Granted, taken one at a time, a case could be made for these and other businesses on the list to be eliminated down the line, but it strains credibility that this is what the owners intend for all of these on the list, over the next few years. And that is what must happen for the city to comply with the law and to prioritize the creation of smart growth and not take the easy path of engendering more and more sprawl as the unquestionable and disavowed strategies of leapfrogging and spot zoning have done thus far throughout the City and County.

These factors alone should cause the City Council and HCD to deny the HE update.

- In short, Napa is in need of a good faith effort to generate sorely needed "missing middle" housing for both the lower-and middle-income workers that keep the city running as well as its agri-tourist economy. A mainstay of the agri-tourist economy are hotels. A pivotal change in public policy would be for newly constructed hotels and resorts to build offer local housing to their workers and to raise the developer fees to the point where they become meaningful to provide for housing needs.

Case in point, is the newly constructed Stanly Ranch Resort. The City worked for decades to assure the creation of the Stanly Ranch. This resort comprises approximately 700 acres and the resort occupies approximately 96 acres of relatively dense multi-family and SFR residences selling in the range of $3/4M to $10 M - leaving approximately 86.4 % of its land available for possible worker housing which might occupy less than 5-10 acres. The City could have ensured that sufficient appropriate worker housing be built somewhere on the remaining 604 acres. But that did not take place. The Corporate owners paid the requisite developer fee to the city - a fee deemed woefully insufficient by any measure. Reportedly, this proportionate fee is estimated to underwrite 1.5 affordable homes for workers.

This policy is simply not sustainable as it unfairly places the lion's share of the financial and resource burden for housing and services of the citizens of Napa while exploiting those very resources and beauty.

- Without question, the City and County of Napa needs to affirm moving more housing growth into better-resourced neighborhoods throughout the entirety of the City and County - not sequestering it to the South Napa areas. Undoubtably, the HCD will call on Napa to update its current draft housing elements with programs that promote "affordability in higher resource or higher income areas." And none of wish to further inscribe gated and segregated communities within the City and County.
- Again, the rhetoric is laudable, however the specifics as to how these aspirational goals are to be accomplished is left wanting. One suggestion for a concrete step would be the introduction of the Tenant Opportunity to Purchase Act (TOPA) into the HE to address concerns from the Department of Housing and Community Development (HCD) related to the City's obligation to affirmatively further fair housing (AFFH). In addition to being required by state law,1 the City's obligation to AFFH through its housing element ensures that The City of Napa addresses historical patterns of segregation, does not further inscribe segregation through this planning directives of this HE which do not provide equitable distribution of affordable housing in high resource areas such as Browns Vally, Linda Vista, Alta Heights, Siverado Trail, etc.

Such inclusion will provide for a more inclusive and welcoming community over the coming planning cycle as opposed to re-enforcing gated, racially and economically insular communities. TOPA is an essential tool for achieving these goals.

H5. Protect Community from Displacement
H5-1.4 Preserving Existing Supply
H5-1.5 Affordable Housing Monitoring

- Displaced households in Napa have been systematically denied opportunities to accumulate wealth for decades. These disparities are, in part ,a result of inequitable access to home ownership due to redlining, housing and employment discrimination and predatory practices in real estate and banking. The consequences of those disparities can be seen across the lives and experiences of families that have been systemically displaced from the City and County of Napa since the 1960's.

- TOPA would offer these households the chance, with help from a supportive

nonprofit if needed, to make the first offer or match any offer to buy the property. The policy was inspired by a similar policy that has preserved thousands of affordable homes in Washington, DC and would be tailored to fit the City of Napa through years of public engagement lead by the Mayor's office and a broad coalition of community-based organizations. It could be included as program in the City's Public Review Draft Housing Element.

• The draft HE would benefit from an update with programs specific to the promotion of "housing mobility and new housing choices…" TOPA would do just that by providing tenants with voice and choice in what happens when the property they are living in goes up for sale. Tenants could become homeowners by exercising their right to purchase under the policy directly, or organize with their neighbors to form a cooperative to own and manage the property, 1 Gov. Code §§ 65583(c)(5), 8899.50(a)(1), perhaps collectively.

• Alternatively, the tenants could work with a pre-approved nonprofit housing provider to purchase the property so that the tenants could continue living in their homes at an affordable rate permanently. These opportunities would
represent a sea change for low-income tenants, who currently are left with little choice but to move out when their homes go up for sale due to the fact that Napa homes and multifamily housing sell rapidly and often see high offers from investors, often corporate investors. The high cost and competitiveness for housing in Napa also means that housing mobility is limited for low-income neighborhoods and neighborhoods remain stratified based on income, wealth, and race.

Again, KNGG also understands that the HCD will call on Napa to update its current draft housing element with programs that promote "affordability in higher resource or higher income areas." TOPA is also essential for this purpose as it presents a unique opportunity for the City of Napa to target funding for affordable housing preservation to specific properties in high-resource areas when these properties go up for sale. Properties acquired through TOPA using public funds will be kept permanently affordable. This makes it an invaluable tool for preventing displacement and addressing the concerns HCD has described.

The fact that these parcels are not accurately identified as Prime Agricultural and/or USDA Grazing Lands in the draft HEs is inexcusable. This lack of accurate identification speaks to a seeming calculated dismissal - one that belies the needless exploitation and devastation of increasingly rare prime agricultural land. It is this very

land that typifies the world-wide branding and admirable success that underpins the AG/wine economy of Napa for the past 75 years.

If the Draft Environmental Impact Report (DEIR) fails to acknowledge the zoning of land as prime agricultural/grazing, it will have tremendously negative ramifications on, and implications for, the community and the environment. These include but are not limited to:

• Loss of increasingly rare Prime Agricultural Land: The City Council's decision has ushered in the needless re-zoning of these parcels for out-of-character, dense moderate to high housing and mixed use sprawling development of a small suburban city within the City of Napa. This will permanently remove all of this acreage from Agricultural production. In turn this will prove to be a primary causal factor for a broad spectrum of significant losses to the City and County of Napa in both the short and long term.

• Loss of the world renown iconic rural character to Napa's Gateway: Unquestionably, the development of this prime agricultural land will destroy the rural character of the area, which is a source of tremendous pride for the local communities, a
formidable basis of Napa's economy and a foundational source of income for the wine industry, tourist economy and workers alike. Tourist aren't prone to flock to suburbia - the very banal built environment from which many are trying to get some relief.
• Environmental impact: Clearing natural habitats for dense development will harm wetlands, wildlife and biodiversity, and will contribute to the loss of important and increasingly endangered ecosystem services to the communities such as much needed carbon sequestration, pollination, air and water purification, not to mention the horrific traffic congestion that will result from this new city.

• Lack of proper assessment: If the EIR does not acknowledge the zoning of the land as prime agricultural, it may not have properly nor accurately assessed the potential impacts of development on the environment, the communities and the economy.
Legal issues: An EIR is a requirement of the California Environmental Quality Act (CEQA) . The California Environmental Quality Act (CEQA) is a state law that requires state and local agencies to identify and evaluate the potential environmental impacts of a proposed project before it is approved.

If a draft Environmental Impact Report (EIR) does not acknowledge the zoning of land as prime agricultural, it may not have properly assessed the potential impacts of development of those lands/parcels on the environment, the communities, and the

economy - which is a requirement of CEQA. If prime agricultural land is not acknowledged in the EIR, it will lead to legal challenges as the EIR does not comply with CEQA. This may lead to delays , cancellations and will require the disclosure and preparation of a new, specific and accurate EIR. Additionally, as the EIR does not acknowledge these prime agricultural /grazing parcels, it may not have properly identified and evaluated viable alternatives to the proposed project, such as preserving the land for agricultural use or protecting and preserving prime agricultural land, which is also a requirement of CEQA.

One such viable and reasonable alternative is simply not to rezone this land, as the RHNA demand/need for housing is already satisfied, as per the City's planning staff, 09.2022. Please note that under questioning from the Planning Commissioners, the City Planning Staff recently revealed that there are more than ample available housing sites located throughout the city, transit corridors and urban core to meet and surpass the RHNA housing requirements.

To be clear, there is NO NEED to build new housing on this prime agricultural / grazing land.

Not re-zoning the land for moderate and high-density housing can also be an effective response to the California Environmental Quality Act (CEQA), which requires state and local agencies to identify and evaluate the potential environmental impacts of a proposed project before it is approved. By not re-zoning/up-zoning the land, the environmental impacts of urban development on prime agricultural land would be avoided.

This alternative should be considered and studied as a part of the Environmental Impact Report (EIR) process, and it should be evaluated in relation to other alternatives, such as Greenbelt designation (very low- density housing) or preserving (through conservation measures) the land for other uses like trails, bike paths, easily accessible public parks, community food farming, agri-tourism, horses, grazing and/ or open space. NOT re-zoning prime agricultural land for moderate and high-density housing and designating these lands as Greenbelt provides the most viable alternative to re- zoning the land for needless housing at this moment. This alternative would preserve and protect the land for a host of welcome and innovative agricultural uses, which may contribute to supporting Agri-tourism, farm to table initiatives, local vintners/small neighborhood farmer communities/families, all the while advancing and maintaining the welcoming rural character and branding of Napa whose vast contributions to the local economy cannot be underestimated.

• Break-even financial figures from the Farmland Action Guide suggest that there are sufficient incentives for the City/County to create farm security zones. The Ghisletta Properties would be a prime candidate for the transference of agriculture preserves into a farm security zone. Given the standing of the Farm Bureau here in Napa, KNGG assumes that the City and County are familiar with this alternative. Additionally, it would help protect the environment by preserving natural habitats, and preventing soil erosion, etc.

Mayor Sedgley publicly scoffed at the idea of preserving these prime agriculture lands as they are proximate to a highway. He dismisses the notion of leapfrog development over the past 20 years or so. He also acknowledged his own "kissing of the ring" to old time Napa families. Such statements cannot be taken seriously and with that disinformation in mind, As such, KNGG welcomes a series of public forums and debate with the Mayor on these very issues.

It is important to note that not re-zoning the land does not mean that the land is protected in perpetuity. Should the unequivocal need arise, these lands may be re-zoned for other uses in the future.

However, excluding the FRMU from the General Plan 2040 and the draft HE does ensure that the land is protected from urban development for the time frame of the draft HE 2023-31and, hopefully, the Napa General Plan 2040.

• The failure to identify these parcels as Prime Agricultural and Grazing Lands lends itself to allegations of improper assessment by the City and County. If the HEs and DEIRs do not properly identify and assess these parcels as Prime Agricultural/ Grazing Lands, they are subject to legal challenges.

As we recognize, the EIR is a crucial tool that assists decision-makers, and the public, understand the potential environmental effects of a proposed project, and to identify ways to minimize or avoid those effects. Therefore, it is critical for the EIR to correctly identify and assess the land-use and zoning of the land that is being proposed for development. The fact that the Planning Staff and City Council failed to mention this fact in the draft General Plan 2040, the FEIR, the HE's as well as the their decision making process was/is alarming.

The California Environmental Quality Act (CEQA) is a state law requiring state and local agencies to identify and evaluate the potential environmental impacts of a proposed project before it is approved. If a draft Environmental Impact Report (EIR) does not acknowledge the zoning of land as prime agricultural, it may not have

properly assessed the potential impacts of development on the environment, the community, and the economy, which is a requirement of CEQA.

If the prime agricultural land is not acknowledged in the EIR, it may lead to legal challenges by citizens or environmental organizations, stating that the EIR does not comply with CEQA. This may lead to a delay or cancellation of the project, and may require the preparation of a new EIR. Additionally, if the EIR does not acknowledge the prime agricultural land, it may not have properly identified and evaluated alternatives to the proposed project, such as preserving the land for agricultural use or protecting and preserving prime agricultural land, which is also a requirement of CEQA.

Court rulings support the position that prime agricultural land should not be converted to housing use if it is not required. The specific court rulings will depend on the jurisdiction and the specific circumstances of the case. In California, the California Supreme Court has issued several rulings that support the protection of prime agricultural land, including a case close to home, **the case of Sierra Club v. County of Napa (1975).** The Court ruled that the County of Napa's General Plan must include a policy to protect prime agricultural land from urban development. The Sierra Club, a non-profit environmental organization, challenged the County of Napa's general plan for urban development on prime agricultural land. The General Plan, which was adopted by the County of Napa in 1974, did not include any policies to protect prime agricultural land from urban development.

The Sierra Club argued that the General Plan was in violation of the California Environmental Quality Act (CEQA) because it did not properly assess the potential impacts of urban development on prime agricultural land. The Sierra Club argued that the General Plan should include a policy to protect prime agricultural land from urban development, and that the county should consider alternative sites for urban development that would not impact prime agricultural land. The court agreed with the Sierra Club, and ruled that the county's general plan must include a policy to protect prime agricultural land from urban development.

The court held that the General Plan did not comply with CEQA, and that it did not properly assess the potential impacts of urban development on prime agricultural land. The court ordered the county to amend its general plan to include a policy to protect prime agricultural land from urban development, and to consider alternative sites for urban development that would not impact prime agricultural land.

This ruling established the principle that local government's General Plan must include a policy to protect prime agricultural land from urban development, and that local government must consider alternative sites for urban development that would not impact prime agricultural land in order to comply with the California Environmental Quality Act (CEQA). This case helped set a legal precedent for the protection of prime agricultural land in California, and it has been cited in other cases involving the protection of prime agricultural land from urban development.

It should be noted that the newly approved rezoning is often referred to as a "*land grab"* by many Napans who see this as the City's/County's abdication of their responsibility to serve the public interests. Rather it is viewed as little more than local government official's subservience to one property owner/realtor/developer, their attorney/developer and his frivolous threats of litigation.

It's worth noting that in order to approve any re-zoning proposal such as the "Foster Road Mixed Use", the local government must comply with CEQA, including a accurate and an thorough environmental impact report (EIR) if the project is deemed significant and that the project is in compliance with the California Environmental Quality Act. If the city would have denied his re-zoning request and Mr. Teague would then file a lawsuit against the the city, it would behoove Mr. Teague (and be in his client's best interests) to have confidence that the City/ County have strictly followed proper CEQA procedures in making their decision and that their decision was not arbitrary nor capricious.

It is now publicly acknowledged that attorney/developer Kevin Teague wrote a letter to the City Attorney on behalf of his clients, the Ghisletta family Trust led by Adam Ghisletta. Mr Teague stated that if the City would not agree to approving the "Foster Road Mixed Use" proposal and re-zoning that he may well initiate litigation against the City upon the basis of the City violated his clients of their constitutional rights. Our understanding is that he is stating that a denial of re-zoning effectively amounts to a taking of the Ghisletta property without just compensation, which would be a violation of the 5th and 14th Amendments of the U.S. Constitution. Commonly known as a "regulatory taking". Mr Teague seems to suggest that the zoning restriction significantly diminishes the value of the Ghisletta property, and the government would need to compensate the Ghisletta family for any harm inflicted on the family by their perceived reduction in sale value from the currently zoned Prime Agricultural land and the subsequent up-valued land resulting from rezoning these lands for housing and mixed use. Mr. Teague failed to make a valid argument providing evidence to support his claim that his client's constitutional

rights would have been violated. Further to the issue, when a property owner who is also a realtor/developer, or acting through an attorney who is also a developer, threatens to sue a city for denying a re-zoning request for high-density housing, it would certainly raise concerns about the attorney's /property owner's potential conflict of interest.

As we all know, an attorney has a professional responsibility to act in the best interests of their client. That said, they also have a professional responsibility to avoid conflicts of interest. If an attorney is also a developer, they may have a financial interest in the outcome of the re-zoning decision, which could lead them to prioritize their own financial gain over their client's best interests or that of the public's best interests. This could also put the attorney in a position where they are not able to provide independent legal advice. Moreover, if the attorney is threatening to sue the city for excluding the "Foster Road Mixed Use" proposal in the General Plan 2040, he needs to present compelling and solid evidence that any possible exclusion from the General Plan 2040 violates the property owner's constitutional rights. If not, the attorney may be overstating the case, which is a violation of the rules of professional conduct.

Within this consideration it is important to note that a property owner does not have an absolute right to have their property re-zoned, that local governments have the responsibility to balance the property rights of the landowner with the rights of the surrounding communities and the public interest. In short, while property owners have the right to use and develop their property, these rights are not absolute and may be limited to ensure that they do not negatively impact the rights of others. The City and County government do have the power to make zoning decisions that may not allow for the rezoning of the parcels in the interest of the public.

It is also worth noting that it is a prerequisite that local governments comply with CEQA in order to re- zone and annex property in the run up to the city. When a local government receives a request to re-zone or annex property, it must first conduct a specific environmental review to assess the potential impacts of the proposed project. This review must be done in compliance with CEQA, which includes evaluating the environmental impact of the proposed density, identifying any potential significant adverse effects, and taking steps to mitigate those effects.

The City and County has not provided draft EIRs with specific, sufficient analysis, diligence and accuracy to ensure full compliance with CEQA requirements..
If re-zoning were to take place in accordance with the recent City Council decision

and these prime agricultural land were replaced with moderate to high-density housing + commercial and office space, it would severely impact and harm the surrounding communities and hundreds of property owners on a myriad of levels.

Some of these impacts would include:

• The proposed FRMU would needlessly increase population density representing the the largest increase in the history of Napa and would prove unsustainable. KNGG is not against Change as alleged by Council Member Alessio. Ironically, KNGG stands for intelligently reasoned, smart growth and well-considered change - not cronyism dressed up as "change".

• Unless the public has been held in the dark, contrary to the public statement by Mayor Sedgley on 10.2022, the necessary infrastructure is not in place for these parcels - nor is it for much of the surrounding existing communities. What little is in place is in constant need of repair due to earthquake movement, constantly broken water pipes, sewers, roads, disruptions in electrical, etc. The resulting costs of all of this is prohibitive and places the City and County's finances at risk.

• This proposed housing density, and dramatically increased human population + vehicular population would place an unsustainable strain on local infrastructure and financial abilities to not only create but maintain services and infrastructure. As Council Member Alessio stated in 10.2022, that while she described Napa as a "no-growth" community, concurrently she has witnessed nothing but growth during her lifetime here in Napa, using the SFR development of Brown's Valley as an example.

• To be certain, the embarrassment of riches bestowed upon Napa by virtue of the successful wine industry, farm-to-table food movement and agri-toursim naturally gives way to growth and its attendant issues. But this current situation should not lead us further into the unsustainable stage of such growth and not represent the "dragon eating its tail". Growth needs to tempered by "smart growth directives "before it falls into the throes of over-development - squandering our dwindling natural resources and throwing the City and County into financial disarray. The "Foster Road Mixed Use" proposal is representative of such flawed planning and is unacceptable on any level.

• Additionally, the FRMU will result in ill-afforded and wildly increased traffic congestion, air, light, noise pollution, pollution which only serves to further endanger health and well-being - needlessly undermining the quality of life and economic certainty of the citizens of Napa at a time when the cumulative effects of

“disaster traumas” are at the tipping point. This point cannot be underestimated and it is not “unavoidable.” Loss of Prime Agricultural land: The conversion of prime agricultural land to the Foster Road Mixed Use would result in the loss of invaluable farmland.

This may well have a negative impact on the local Agri-tourist and agricultural economy and would also result in the loss of open space and natural habitats for wildlife and communities at large.

• A dramatic change in community character: This conversion of prime agricultural land to high-density housing would result in a detrimental change in the community character of the area. This will have a dramatically negative impact on the quality of life for residents, health and well-being and will also significantly decrease property values for hundreds of residents, while bestowing kingly profits upon the current property owner of the prime agricultural parcels. The City’s imbalance and unabashed favoritism is breathtaking.

• Impact on local businesses:The conversion of prime agricultural land to mixed use and high- density housing could result in the loss of local businesses that depend on the agricultural industry, such as farm stands, wineries, and agri- tourism. Dystopian Impacts on water and air quality: Such high-density mixed use housing developments (small cities) dramatically increase the impervious surfaces like roads and buildings, which can lead to increased runoff and changes in the hydrological cycle, dramatically increased air/water pollution and significantly contribute to cancer rates that are already amongst the highest in the State.

The title of the book, Napa at Last Light, says it all.

• It's worth noting that these are just some examples of the potential impacts of re-zoning prime agricultural land for the “Foster Road Mixed Use”. Obviously the specific impacts would depend on the proposed project development plans. And, of course, there may be some positive impacts such as possibly increasing the tax base which could easily be realized by urban in-fill, as well. It's necessary to balance these potential positive impacts with the myriad of negative impacts of siting any housing/ mixed use development project on such highly compromised land thereby inflicting further harm and damage to the existing surrounding communities and taxpayers.

Any increased tax base would be quickly swallowed up by the inordinate and notable costs associated with the high risk and maintenance of this new small city sited directly atop a newly certified AP hazardous earthquake fault (the West Napa Fault).

The unbelievably bad planning of siting an elementary school near the earthquake fault should not be foolishly compounded further by needlessly creating a small city directly atop an earthquake, flood plans, a hazardous waste site, a landslide area and an absolutely necessary WUI. This places the entire City and much of the County of Napa at risk.

Lest we forget, any re-zoning/annexation decisions made are based on our City's and County's general plan (including the HE's) . This is the very reason that the supporters of the "Foster Road Mixed Use" strong-armed the inclusion of the FRMU in the General Plan 2040. This is despite the fact that the FRMU does not adhere to the GP2040's own smart growth directives and the City has consistently ignored wide spread public requests for the development of the urban core and the retention of open space on the periphery of the City.

The City/County must take into account the consequential impacts of the proposed development on the surrounding communities, including the monumental impacts on the environment, economy, infrastructure, and the immediate and larger community's diminished quality of life. All the while requiring these very people to pay more and more in taxes to finance and underwrite the dangerous folly of the City's and County's unbridled and blind penchant for over-development.

Of course, the City/County may require developers to implement mitigation measures to minimize the negative impacts of the development but the cost of doing would prove prohibitive. Given the gravity of issues plaguing these compromised parcels, such measures would prove short-lived as the constant need for repair, maintenance and re-building - costs that the perennially cash strapped City simply cannot afford - nor should Napa taxpayers be burdened with the long term financing for the needless conversion and upselling of these privately owned parcels.

KNGG again requests that the City Council reverse its decision of October 18th to include the Planning Staff's Foster Road Mixed Use. Wee request that the City Council follow the Planning Commission's recommendation for Greenbelt designation for these parcels.

We understand that the County will follow the City's,lead on this matter. To the public's knowledge there are no over-riding considerations. Further our understanding is that a statement of overriding considerations is a rare occurrence and requires a high level of evidence to be provided to support the City Council's decision. The City Council's decision of overriding consideration indicates that the City Council has determined that the benefits of re-zoning the Ghisletta and NVHA

parcels outweigh the **significant and multiple adverse and wide spread impacts. Further there are no feasible alternatives or mitigation measures that would substantially lessen or eliminate those impacts.**

KNGG feels that the City Council's position and 10/2022 decision to include the FRMU in the General Plan 2040 are fallacious and folly.

In order to support their decision, the City Council must publicly provide the citizenry of Napa with substantial evidence. The highly impactful part of the re-zoning, annexation and development would need to possess significant benefits to support the CC decision and the CC must provide substantial evidence to demonstrate that the project would provide significant benefits to the city and communities. There are no mitigation measures or alternatives iterated in the GP2040 nor draft HE nor offered anywhere else that would substantially lessen or eliminate the significant adverse impacts. These significant impacts are anything but "unavoidable". Again, the CC must provide substantial evidence to demonstrate that all reasonable alternatives and mitigation measures have been considered and that none of them would substantially lessen or eliminate the significant adverse impacts of the project.

This includes an analysis of **actually not re-zoning these parcels.** The potential environmental impacts of the re-zoning and an evaluation of the feasibility and effectiveness of mitigation measures, such as **reducing the size/density of the projections or relocating it to less environmentally sensitive sites** such as the thousands (approx. 3000) of identified sites throughout the City, urban core and
transit corridors. It is incumbent upon the City Council to provide independent, thorough, accurate, verifiable data, research, and expert analysis that support their claims for their decision to re-zone these parcels based upon over-riding consideration.

We trust that this will assist in producing a final document that moves the City/County in the direction of significant progress to achieve "smart", sustainable, resilient, innovative and accurate responses to the exigencies facing Napa due to climate change, social, economic and housing justice . We believe and continue to hope this will satisfy all of the City's current and future housing needs while retaining its iconic character and resilience, with a focus on integrating its extremely low, very-low and low-income needs throughout the entire City and County of Napa.
With this in mind, KNGG hopes that the City/County would find interest in pursuing an affordable housing overlay as well as an affordable housing and infrastructure bond(s) to actualize these aspirational goals.

Public Participation

The City and County of Napa have been selective and guarded in their outreach to the citizenry of Napa and the surrounding communities regarding the proposed "Foster Road Mixed Use" for the GP240 and the respective draft HEs. The charged history of these parcels dates back to 2005 when the property owners first requested that the City bring these properties into the SOI. Despite public outcry (a petition containing approximately 6000 signatures opposing the annexation) the City approved and then moved forward with annexation - only to then withdraw it due to public outcry and administrative conflicts with the county. The last three years or so mirror the contestations of this charged history. KNGG hopes that the City/County will adjust their approach and engage in meaningful outreach and reciprocal, respectful dialogue.

Following the upcoming submittal to the HCD we hope that the City and County will now take the following actions to maximize public engagement and participation in the development of the final Housing Element.

1. The City should immediately schedule and thoroughly publicize any community workshops, Planning Commission, and City Council work sessions to review the Revised Drafts prior to the adoption of the Final Draft.

2. KNGG anticipates that another Revised Draft will need to be developed. Given the heft of the drafts, we request that the drafts be published in both a clean version and redlined against the Submission Drafts. There should also be a overview summation narrative that delineates key changes, the reason for those changes, and how such changes will better comply with State law and meet City policies and goals.

3. We request that the City and County publish a summary of public comments received for Revised Drafts, as the City has done in the past for the sake of continued transparency in this process.

4. KNGG requests that the City/County send out the Revised Draft Housing Element for public review with another 30-day public review period prior to submitting another revised version to the State. We ask that the City and County revised drafts are not timed concurrently. We anticipate and stress that the requisite 7-day review period will prove to be an inadequate amount of time for public review and input. This is due to the very compressed amount of time to review

two voluminous 400+ page documents, let alone in advance of spring breaks. We trust that the City /County will further consider the impact of such compromised public review periods and the subsequent effect on receiving robust and diverse community review and input on the Revised Draft.

5. We want to acknowledge the City on what has been a public outreach process to inform the public and solicit public input throughout the draft Housing Element Updates and website. However, a full public engagement process requires an ongoing dialogue with full transparency about how the City is responding to public feedback and input. This should include summarizing written (emailed) comments received, what changes were made in response to those comments, why particular comments were not incorporated, and highlighting any other changes made by City planning staff, City/Community managers, Planning Commission, City Council and County Board of Supervisors.

6. In anticipation of a positive response KNGG wishes to thank both the City/County for this and publishing redlined copies of the drafts so far,. Further, we urge the City/County to continue doing so, so that community members can see that their feedback and suggestions are impacting the documents and that their feedback is valued, respected and appreciated.

As always, thank you for your kind consideration of our concerns and continued assistance.

Sincerely,

Christiane Robbins
On behalf of KNGG

https://en.wikipedia.org/wiki/Ombudsman
https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/18/president-joseph-r-biden-jr-amends-california-disaster-declaration/

By way of Email - for inclusion in Public Record

April 30, 2024

Napa Planning Commissioners
Brunzell, Dameron, Mazotti, Phillips, Whitmer,
1195 Third Street, Suite 305
Napa, CA 94558

Re:A. SIXTH CYCLE HOUSING ELEMENT UPDATE REZONINGS AND MODIFICATIONS TO TITLE 18 OF THE NAPA COUNTY CODE / COUNTY OF NAPA

Dear Napa Planning Commissioners Brunzell, Dameron, Mazotti, Phillips, & Whitmer,,

In addressing the proposed Foster Road / Foster Road Mixed Use Project and the broader context of the City/County of Napa's re-zoning/up-zoning, EIRs and HEs, it becomes increasingly evident that the development trajectory stands at a critical juncture, fraught with both promise and peril. As a design professional and former Research I Professor, I am deeply committed to the principles of responsible urban planning and design guidelines, environmental sustainability, economic and social equity. As such, I am compelled to offer a reflective point of view that touches on the multifaceted implications of this proposal of re-zoning/up-zoning Foster Road (D).

The proposed Foster Road Mixed Use Project, while ostensibly positioned as a catalyst for urban revitalization and economic growth, warrants a closer examination of its underlying assumptions and potential ramifications. At its core, the project represents a fundamental departure from established land use norms, particularly with regards to the treatment of prime agricultural lands. The troubling decision to include the FRMU in the County's re-zoning/up-zoning proposal and the City's General Plan 2040 rather than accepting the City of Napa's Planning Commission 2022 recommendation for Greenbelt designation - all without transparent justification or meaningful public engagement - remains an enigma.

Now that the FRMU has been pushed forward to the County Planning Commission, it continues to raise thorny questions regarding the integrity of the planning process and the prioritization of long-standing community voices, concerns and interests. These specific issues have been repeatedly laid out by others, notably by KNGG, and include the unthinkable siting of highly

dense housing atop the West Napa Fault Line, unimaginable traffic congestion without guaranteed attendant improvements in infrastructures, basing the housing needs on numbers that have deemed inaccurate and inflated by none other than the State itself, the denial of 77% of the voices of citizens who oppose the loss of open space in Napa and favor urban in-fill, the disregard of almost two decades of widespread community opposition to this project and any possible annexation to the city. And lest we forget the covert implications of such a re-zoning from AW to RM:

"Under the new regulations, multifamily developments could now be approved by-right and no longer require a permit, effectively bypassing the previously necessary discretionary process. This significant departure from established procedures not only undermines the regulatory framework but also disregards the potential environmental and community impacts associated with such developments." KNGG

Central to my perspective is the recognition of the intrinsic value of prime agricultural lands as irreplaceable resources essential for sustaining ecological balance, preserving cultural heritage, and safeguarding food security. The proposed rezoning and up-zoning of these lands, under the guise of urban expansion and development, threatens to irrevocably compromise their integrity and undermine the resilience of a broad spectrum of local ecosystems and fraudulently positions untenable high risk land as viable for high-density multi-level construction for low-income and affordable housing. In reality these lands are suited for little more than a greenbelt or golf course.

Moreover, the notable lack of substantive evidence or analysis regarding the environmental impacts of this clearly biased decision to re-zone/up-zone this land underscores a profound disregard for the principles of unbiased, evidence-based decision-making and prudent stewardship of natural resources and principled adherence to smart-growth principles of urban in-fill.

Beyond its economic and ecological implications, the Foster Road re-zoning/up-zoning and Mixed Use Project also raises profound societal concerns regarding housing segregation, housing affordability, social equity, and community resilience. The decision to prioritize commercial development in the absence of any consideration of alternatives or the delineation of any robust mitigation measures or equitable land use policies, exacerbates existing disparities and perpetuates patterns of exclusion and marginalization. Furthermore, the failure to adequately address the pressing and inescapable challenges of climate change, transportation infrastructure, GHG and public health underscores a troubling and irresponsible lack of foresight and strategic planning.

It is reasonable to conclude that this Foster Road (Mixed Use) is “a race to the bottom” in order to meet state mandated deadlines or else the County and privatized interests fear they will not be able to include this re-zoning/up-zoning proposal in this cycle. And to what end - who truly benefits? Certainly not the citizens of Napa County.

In reflecting on past objectives and aspirational goals, such as those articulated in the Napa Pipe Project, it becomes apparent that the rhetoric of progress and prosperity often belies the stark realities of circuitous development capitualizations, the discarding of accepted design guidelines, economic disenfranchisement for many resulting in exasperating levels of inequity and injustice as the expected affordable housing numbers simply have been shrink-wrapped to accommodate the newest developer’s profit margin.

Despite noble intentions and lofty aspirations, the gap between rhetoric and reality widens, leaving marginalized communities and vulnerable ecosystems in its wake. As an advocate for economic, social and environmental justice, I implore the County Planning Commission to heed the lessons of history and chart a more visionary, equitable, economically viable and sustainable path forward.

In conclusion, the Foster Road Mixed Use Project represents a pivotal moment in the City/ County of Napa's development trajectory, one that demands rigorous scrutiny, critical reflection, and meaningful public dialogue. As stewards of the built environment and custodians of future generations, we must approach this endeavor with humility, integrity, and a steadfast commitment to the reasonable principles of environmental stewardship, economic stability and social justice.

In conclusion, I urge the County to uphold the principles of their professed environmental stewardship, economic responsibility and community engagement by taking immediate action to reject the Staff’s proposal for Foster Road and to designate this Foster Road area as Greenbelt, to rectify the stark deficiencies in the EIR and address the irreversible and significant policy changes inherent in this proposal from AW to RM, and, finally to reposition multifamily housing development in RM zones in the various city cores (urban in-fill) and core transit corridors throughout Napa County.

Thank you for your attention to these pressing matters. I look forward to your prompt and decisive action in ensuring the integrity and credibility of the environmental assessment process

and policy implementation by rejecting this ill-considered Staff proposal for re-zoning Foster Road.

Thank you for your sincere consideration of my concerns.

Sincerely,

Christiane Robbins
Napa, CA 94558