

## Application for Appointment to Board, Commission, Committee, Task Force or Position

Applicants appointed by the Board of Supervisors will be required to take an oath of office. All applications will be kept on file for one year from the date of application.

### Public Records Act

Applications are public records that are subject to disclosure under the California Public Records Act. Information provided by the applicant is not regarded as confidential except for the addresses and phone numbers of references and the applicant's personal information including home and work addresses, phone numbers and email address.

### Form 700 Conflict of Interest Code

[California Fair Political Practices Website](#)

Please note that appointees may be required by state law and county conflict of interest code to file financial disclosure statements.

### Which Boards would you like to apply for?

Planning Commission: Submitted

### Category of Membership for Which You Are Applying

Member

## Profile

Alan "chuck"

First Name

Dell'ario

Last Name

Middle Initial

[Redacted] Email Address

[Redacted] Home Address

Suite or Apt

Napa

City

CA

State

94559

Postal Code

### Which supervisorial district do you reside in? \*

District 4

To find your supervisorial district go to <https://www.countyofnapa.org/2051/Find-my-supervisor-and-district> and enter your address.

[Redacted] Primary Phone

Self  
Employer

Attorney  
Job Title

Attorney  
Occupation

## Education/Experience

BA, Economics, Stanford University, 1969; US Army, 1LT Infantry 1969-1971, Includes Vietnam service; JD, UC Hastings College of the Law, 1974; Private legal practice 1974 to present. Certified Specialist, Appellate Law.

## Name and occupation of spouse within the last 12 months, if married. (For conflict of Interest purposes)

None

## Resume

[Resume - combined\\_02-23.pdf](#)

Upload a Resume

[CEQA Article 03-29-19.pdf](#)

Letter of Recommendation or Supplemental Attachments

## Professional or occupational license, date of issue, and expiration including status

State Bar of California, December 18, 1974 - no expiration - Good standing; Certified Specialist, Appellate Law, State Bar of California Board of Legal Specialization, February 1, 1997 - January 31, 2027 (subject to renewal) - Good standing.

## References: Provide names and phone numbers of 3 individuals who are familiar with your background.

Kort VanBronkhorst - [REDACTED]; Mary Rezek - [REDACTED]; Karin Troedsson - [REDACTED].

## Community Participation

### Please explain your reasons for wishing to serve and, in your opinion, how you feel you could contribute.

After I moved here in 2010, I began to gain experience in the Napa community and have, over time, increased my participation, first with the Napa City Board of Permit Appeals, later with the Grand Jury, and most recently, with Leadership Napa Valley. I bring a keen legal mind and have extensive knowledge of land use planning issues, particularly CEQA. I ask questions and like to probe the answers. "We've always done it that way," is usually not a good answer for me.

### Nature of activity and community location

Justin-Siena HS Mock Trial, Attorney Coach, 2012 - 2023; Foreperson, Napa County Grand Jury, 2017-2018; Leadership Napa Valley, Class 34, 2021 - present, current member, Board of Directors.

**Other County Board/Commission/Committee on Which You Serve/Have Served**

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None

**Public Actions that may impact Credit Rating (List all court or other public administration actions impacting your credit rating within the past ten (10) years)**

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None

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**Electronic Signature Agreement**

**I meet the criteria required to serve in this position.**

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Yes  No

**I declare under penalty of perjury that the foregoing is true and correct.**

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Yes  No

**Please Agree with the Following Statement**

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**By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.**

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I Agree

**Electronic Signature (First M. Last)**

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Alan C. Dell'Ario

**Date**

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December 3, 2024

**ALAN CHARLES DELL'ARIO**

Certified Specialist, Appellate Law, State Bar of California Board of Legal Specialization (Since 1997)

Post Office Box 359

NAPA, CALIFORNIA 94559

[REDACTED] - [www.dellario.org](http://www.dellario.org)

**PROFESSIONAL  
EXPERIENCE:**

**Alan Charles “Chuck” Dell’Ario, Attorney at Law**

Napa & Oakland, California (May 1982- Present)

Certified appellate specialist, trial lawyer, expert witness and mediator

**Wendel, Rosen, Black & Dean, LLP**

Oakland, California (September 1974 - May 1982)

**PUBLIC & PROFESSIONAL SERVICE:**

**Leadership Napa Valley**

Class 34, Valedictorian (2021-2022) Board of Directors (2022 - present)

**Constitutional Rights Foundation, High School Mock Trial**

Justin-Siena H.S., Napa, Attorney Coach (2012 - 2023)

**California Court of Appeal, First District Appellate Project**

Court-appointed indigent criminal appeals (1998 - present)

**Temporary Judge**

Contra Costa Superior Court (2020 - 2022)

**Napa County Grand Jury**

Foreperson (2017-2018)

**California Court of Appeal, First Appellate District Mediation**

Court-appointed appellate mediator (2000 - 2012 )

**PROFESSIONAL ASSOCIATIONS:**

**State Bar of California** (1974 - Present)

Discipline Audit Panel, Member (1988 - 1998, Chair 1990 - 1998)

State Bar Court, Review Department Member (1984 - 1987)

**Ninth Circuit Court of Appeals** (1979 - Present)

**Eleventh Circuit Court of Appeals** (2021 - Present)

**United States Supreme Court** (2000 - Present)

**Napa County Bar Association** (2011 - Present)

**Italian American Bar Association**

**of Northern California** (1981 - Present ) (President 1991, 2005-2006)

**Alameda Contra Costa Trial Lawyers' Association** (Sustaining member  
1985 -Present) (Director 2005 - 2011) (President 2011)

**Consumer Attorneys of California** (2014 - Present)

Champion of Justice (2015), Amicus Committee (2014 -Present)

**PUBLICATIONS:**

Primary Assumption of Risk, *Forum*, May/June 2021  
Justice Gorsuch and the Rule of Law, *Daily Journal*, Oct. 9, 2020  
Win Your Appeal at Trial, *Advocate*, September 2017  
State and Federal Expert Witnesses, *The Verdict*, Fall 2011  
Appellate Mediation, *The Verdict*, Spring & Summer, 2006  
Costs & Attorneys Fees, *The Verdict*, Spring & Summer 1996  
School Desegregation, 2 *Hastings Const. L. Quarterly* 113 (1975)  
FTC Act Administration, 25 *Hastings L. Journal* 1142 (1974)

**OTHER ASSOCIATIONS  
AND HONORS:**

*California Lawyer* Attorney of the Year (2019)  
*Daily Journal* Top Five Appellate Reversal (2018)  
Martindale-Hubbell AV Rating (1982 - Present)  
Northern California Super Lawyer - Appellate (2004 - Present)  
Statistician and Official Scorer, Stanford Football (1972 - 1985, 1990 - 2006 )  
Grand Prize, Gilroy Garlic Festival Cooking Contest (1989)  
Grand Prize, *Oakland Tribune* Recipe Contest (1988)

**EDUCATION:**

Legal:

**UC Law San Francisco (Hastings)**, J.D. 1974  
Order of the Coif (top 10%)  
Member, *Hastings Law Journal* (1973-1974)  
Co-Founder and Editor-in-Chief, *Hastings Constitutional  
Law Quarterly* (Volume 1: 1973 - 1974)

Undergraduate:

**Stanford University**  
B.A., Economics, 1969

**MILITARY SERVICE:**

**United States Army**  
First Lieutenant, Infantry (1969-1971)  
Vietnam service (Bronze Star with Cluster, Air Medal)

## Appellate Cases With Published Opinions

### Supreme Court of California:

Brennon B. v. Superior Court (2022) 13 Cal.5th 662 (Unruh Act - schools)  
Berroteran v. Superior Court (2022) 12 Cal.5th 867 (amicus - evidence)  
Sandoval v. Qualcomm, Inc. (2021) 12 Cal.5th 256 (amicus - *Privette* doctrine)  
Quigley v. Garden Valley Fire Protection Dist. (2019) 7 Cal.5th 798 (amicus - jurisdiction)  
Regents of Univ. of California v. Superior Court (2018) 4 Cal.5th 607 (college safety)  
T.H. v. Novartis Pharmaceuticals Corp. (2017) 4 Cal.5th 145 (amicus - drug warnings)  
Patterson v. Domino's Pizza, LLC (2014) 60 Cal.4th 474 (employer tort liability)  
People v. Stevens (2009) 47 Cal.4th 625 (due process and courtroom security)  
Soukup v. Law Offices of Herbert Hafif (2006) 39 Cal.4th 260 (SLAPP-backs)

### California Courts of Appeal:

Degala v. John Stewart Co. (2023) 88 Cal.App.5th 158 (*Privette* doctrine)  
Dept. Alcoholic Bev. Control v. ABC App. Bd. (2022) 82 Cal.App. 5th 337 (tied-house laws)  
People v. Faial (2022) 75 Cal.App.5th 738, rev. pending (AB 1950 retroactivity)  
People v. Flores (2022) 73 Cal.App.5th 1032 (youth offender sentencing)  
Aquino v. Superior Court (2021) 73 Cal.App.5th 104 (service of orders)  
Nunn v. J.P. Morgan Chase Bank (2021) 64 Cal.App.5th 346 (involuntary dismissal)  
Williams v. County of Sonoma (2020) 55 Cal.App.5th 125 (cycling - assumption of risk)  
Regents of Univ. of California v. Superior Court (2018) 29 Cal.App.5th 890 (college safety)  
Cuevas v. Contra Costa County (2017) 11 Cal.App.5th 163 (medical damages)  
AMCO Ins. Co. v. All Solutions Ins. Agency, Inc. (2016) 244 Cal.App.4th 883 (subrogation)  
Roe v. Superior Court (2015) 243 Cal.App.4th 138 (limits on defense mental exams)  
Lee v. Silveira (2015) 236 Cal.App.4th 1208 (litigation costs liability)  
Perez v. Grajales (2008) 169 Cal.App.4th 580 (attorney fee arbitration)  
In re Luis B. (2006) 142 Cal.App.4th 1117 (deferred entry of judgment for minors)  
Gill Petroleum, Inc. v. Hayer (2006) 137 Cal.App.4th 826 (real property lease forfeiture)  
Blumenthal v. Superior Court (2006) 137 Cal.App.4th 672 (family law trial procedure)  
Francies v. Kapla (2005) 127 Cal.App.4th 1381 (privacy and MICRA)  
In re Travis W. (2003) 107 Cal.App.4th 368 (carjacking)  
Espresso Roma Corp. v. Bank of America (2002) 100 Cal.App.4th 525 (bank negligence)  
NORCAL v. Newton (2000) 84 Cal.App.4th 64 (medical malpractice insurance)  
People v. Cisneros (2000) 84 Cal.App.4th 352 (probation eligibility)  
People v. McGavock (1999) 69 Cal.App.4th 332 (search and seizure)  
In re Marriage of Hafferkamp (1998) 61 Cal.App.4th 789 (statements of decision)  
Linton v. Superior Court (1997) 53 Cal.App.4th 1097 (small claims)  
Simon v. Superior Court (1992) 4 Cal.App.4th 63 (foreclosure anti-deficiency)  
Eisenbaum v. Western Energy Resources, Inc. (1990) 218 Cal.App.3d 314 (securities)  
R. M. Sherman Co. v. W. R. Thomason, Inc. (1987) 191 Cal.App.3d 559 (public works)  
Archer v. Sybert (1985) 167 Cal.App.3d 722 (torts-intervening cause)  
Valentine v. City of Oakland (1983) 148 Cal.App.3d 139 (Prop 13)  
Smith v. Walter E. Heller & Co. (1978) 82 Cal.App.3d 259 (injunctions-judicial admissions)

**Ninth Circuit:**

Adams v. Speers (9th Cir. 2007) 473 F.3d 989 (police qualified immunity)

In re Dawson (9th Cir. 2004) 390 F.3d 1139 (bankruptcy stay violation)

Tanforan Park Food Purveyors Council v. N.L.R.B. (9th Cir. 1981) 656 F.2d 1358 (NLRB representation election)

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[https://napavalleyregister.com/opinion/letters/your-turn-understanding---and-misunderstanding---ceqa/article\\_ebdfa609-9fe3-5b64-a36e-ba93fa908947.html](https://napavalleyregister.com/opinion/letters/your-turn-understanding---and-misunderstanding---ceqa/article_ebdfa609-9fe3-5b64-a36e-ba93fa908947.html)

Your Turn

## **Your Turn: Understanding - and misunderstanding - CEQA**

Chuck Dell'Ario  
Mar 29, 2019

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**E**very day we hear about the tug-of-war between vintners and conservationists, developers and environmentalists or a combination of them. And often something called CEQA is the “rope” on which they’re pulling. What is CEQA? Why are courts constantly called upon to decide questions about its interpretation and application? Did the county violate CEQA in approving Walt Ranch? Did St. Helena violate CEQA when it approved the Schramsberg winery expansion?

CEQA is the acronym for the California Environmental Quality Act, adopted by the Legislature in 1970. CEQA’s purpose is to disclose the potential impacts of a project, suggest methods to minimize those impacts, and discuss project alternatives, so that decision-makers will have full information upon which to base their decisions.

Environmental impact reports (EIRs) are a critical component of the information-gathering process and are used to provide full public disclosure of the environmental impacts of a proposed project. An EIR entails a detailed, intensive examination of a project from every environmental “angle,” prepared



by professionals specializing in the type of environmental review CEQA requires. Preparation is time-consuming and expensive. Most agencies require the project proponent to bear the expense.

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The California Supreme Court has explained that the long-term protection of the environment must be the guiding criterion in public decisions regarding project approval. But the courts are not empowered to second-guess local approving authorities in their decision making. Rather, any court review of a project's approval is limited to determining whether the decision-makers followed the CEQA "rules" and whether any evidence worthy of belief supports the approval or rejection of a project.

In other words, a court reviewing an approved project for CEQA compliance must accept the evidence supporting the decision and disregard any contrary evidence.

CEQA provides a three-tier process to ensure that public agencies include environmental considerations in their decision-making process. The first tier requires the agency conduct a preliminary review to determine whether an activity is subject to CEQA at all. An activity that is not a "project" as defined in CEQA is not subject to CEQA. But "project" is defined broadly in the statutes to include any activity which may cause either a direct or indirect physical change in the environment.

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The second tier concerns exemptions from CEQA review. The Legislature has provided that certain projects are exempt. Regulations enumerate exemptions or “classes of projects” that the state has determined to be exempt per se because they do not have a significant effect on the environment. If an approving agency concludes the project is exempt, it only needs say so. An example of an exempt project would be a single-family residence in a residential zone.

On the other hand, if a project does not fall within an exemption, the agency must conduct an “initial study” to determine if the project may have a significant effect on the environment. If the study reveals that the project does not have any significant effect on the environment, the agency prepares a “negative declaration” explaining its reasoning.

CEQA’s third tier applies if the agency determines that the project may cause a significant effect on the environment. In that event, the agency must ensure that a full EIR is prepared on the proposed project.

CEQA provides for agency and court review throughout this process that provide opportunities for applicants and affected persons to challenge the agency determinations as they occur. But any challenges must be raised at each level of agency review (for example, planning commission, city council) before they can be considered in court. Failure to initiate timely agency or court review usually means the project is immune to further challenge on CEQA grounds.

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Opponents of a project often misunderstand the limits on court review of CEQA

decisions. And they often misunderstand or fail to heed CEQA's procedural requirements, particularly those which require specific, evidence-based objections to a project or to CEQA compliance be raised at each level of agency approval. Local decision-makers must have first opportunity to consider the evidence and argument in favor of and in opposition to a project.

CEQA does not dictate an outcome on a particular project. A project for which an EIR has been prepared and which EIR identifies significant environmental impacts may still be approved. A court may not set aside an agency's approval of an EIR on the ground that an opposite conclusion would have been equally or more reasonable. Courts do not weigh conflicting evidence and determine who has the better argument. Courts will not disturb an agency's project approval where the agency has followed the rules and supported its decision with evidence worthy-of-belief.

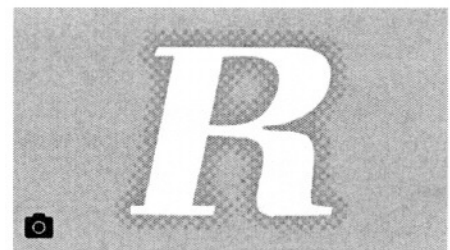
Chuck Dell'Ario has practiced trial and appellate law in Oakland and Napa since 1974. According to the State Bar's website, he is the only appellate specialist with offices in Napa County certified by the State Bar of California's Board of Legal Specialization.

## Related to this story

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### Register logo

Jan 1, 2019



### Your Turn: As an era in Napa wine closes

Nov 15, 2018

George Linton was not a household name in the Napa Valley, but in his way he was as important as Andre Tchelistcheff, Barney Rhodes, Joe Heitz, or the other legends of his day.

