

### Local Agency Formation Commission of Napa County Subdivision of the State of California

1030 Seminary Street, Suite B Napa, California 94559 Phone: (707) 259-8645 Fax: (707) 251-1053 www.napa.lafco.ca.gov

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 6c

**TO:** Local Agency Formation Commission

**PREPARED BY:** Brendon Freeman, Analyst

**MEETING DATE:** June 1, 2015

**SUBJECT:** Garfield Lane No. 4 Annexation to the Napa Sanitation District

#### RECOMMENDATION

Adopt the resolution (Attachment One) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation. Standard approval conditions are included in the resolution.

#### **SUMMARY**

The Commission has received a proposal from a representative of a landowner requesting the annexation of approximately 1.0 acres of incorporated territory comprising one entire parcel to the Napa Sanitation District (NSD). The subject parcel is partially developed with one single-family residence located at 40 Garfield Lane in the City of Napa and within NSD's sphere of influence. The County Assessor identifies the subject parcel as 038-160-016 (hereinafter referred to as "affected territory"). The purpose of the proposed annexation is to facilitate the development of the affected territory to include up to six total single-family residences as contemplated in the applicant's tentatively approved project.

### **ANALYSIS**

#### BACKGROUND

The landowner of 40 Garfield Lane recently initiated a development project with the City of Napa (Old Vine Way Subdivision) and received tentative approval to develop the affected territory to include up to six total single-family residences. One existing single-family residence is located on the affected territory, which is proposed to remain undisturbed. The landowner's tentative approval from the City includes a condition that the affected territory first be annexed to NSD to ensure the six residences will have access to adequate and appropriate levels of public sewer services from the District. Accordingly, a representative for the landowner (Ryan Gregory) has filed an annexation proposal for purposes of extending NSD's public sewer services to the affected territory.

The affected territory has been assigned a *Single-Family Residential* General Plan land use designation and has been zoned as *Residential Single* – 5 by the City. NSD has provided assurances that the District can provide public sewer services to the affected territory without adversely impacting existing ratepayers in terms of costs or service levels.

Proposed Garfield Lane No. 4 Annexation to the Napa Sanitation District June 1, 2015 Page 2 of 2

### PROTEST PROCEEDINGS

Protest proceedings shall be waived in accordance with G.C. Section 56662(a) given that the affected territory is uninhabited, all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency.

#### **CEOA**

The proposed annexation is categorically exempt from further environmental review under California Code of Regulations, Title 14, Section 15332 ("Class 32"), which provides an exemption for infill development projects on the basis that the project would not result in any significant effect on the environment. A Class 32 exemption consists of projects characterized as infill development meeting the conditions described in the attached CEQA exemption justification for the Old Vine Way Subdivision (Attachment Four).

### **ATTACHMENTS**

- 1) Draft Resolution Approving the Proposal
- 2) Proposal Consistency with Government Code Sections 56668 and 56668.3
- 3) Application Materials
- 4) Old Vine Way Subdivision: CEQA Exemption Justification

### RESOLUTION NO. \_\_\_\_

# RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY MAKING DETERMINATIONS

# GARFIELD LANE NO. 4 ANNEXATION TO THE NAPA SANITATION DISTRICT

**WHEREAS**, the Local Agency Formation Commission of Napa County, hereinafter referred to as the "Commission," is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS,** an application by Ryan Gregory, representative of the landowner, proposing the annexation of territory to the Napa Sanitation District has been filed with the Commission's Executive Officer, hereinafter referred to as "Executive Officer," in a manner provided by law; and

**WHEREAS**, the proposal seeks Commission approval to annex approximately 1.0 acres of incorporated land within the City of Napa to the Napa Sanitation District and represents one entire parcel located at 40 Garfield Lane and identified by the County of Napa Assessor's Office as 038-160-016; and

**WHEREAS**, the Executive Officer reviewed said proposal and prepared a written report, including his recommendations thereon; and

**WHEREAS**, said proposal and the Executive Officer's report have been presented to the Commission in a manner provided by law; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a public meeting held on said proposal on June 1, 2015; and

**WHEREAS**, the Commission considered all the factors required by law under Sections 56668 and 56668.3 of the California Government Code; and

**WHEREAS**, the Commission found the proposal consistent with the sphere of influence established for the Napa Sanitation District; and

**WHEREAS**, the Commission determined to its satisfaction that all owners of land included in said proposal consent to the subject annexation; and

**WHEREAS**, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter "CEQA"), the Commission serves as lead agency for the annexation and has determined the annexation is a "project" subject to CEQA. The annexation is categorically exempt from further environmental review under California Code of Regulations, Title 14, Section 15332. This code section exempts infill development projects; and

# NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

- 1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
- 2. The Commission serves as lead agency for the annexation as it relates to complying with the provisions of CEQA. Staff has determined the annexation is a "project" subject to CEQA and has found the annexation is categorically exempt from further environmental review under California Code of Regulations, Title 14, Section 15332, which provides a categorical exemption for infill development projects. The Commission's findings are based on its independent judgment and analysis. The records upon which these findings are made are located at the Commission office at 1030 Seminary Street, Suite B, Napa, California 94559.
- 3. The proposal is APPROVED subject to completion of item number 11 below.
- 4. This proposal is assigned the following distinctive short-term designation:

# GARFIELD LANE NO. 4 ANNEXATION TO THE NAPA SANITATION DISTRICT

- 5. The affected territory is shown on the attached map and is more precisely described in the attached Exhibit "A".
- 6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
- 7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
- 8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
- 9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
- 10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).
- 11. Recordation is contingent upon receipt by the Executive Officer of the following:

- (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
- (b) Payment of any and all outstanding fees owed to the Commission and/or other agencies involved in the processing of this proposal.
- (c) Written confirmation by Napa Sanitation District that its terms and conditions have been satisfied.
- 12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on the June 1, 2015, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSTAIN: Commissioners

ABSENT: Commissioners

ATTEST: Kathy Mabry

**Commission Secretary** 

# EXHIBIT A LEGAL DESCRIPTION



# GARFIELD LANE DISTRICT ANNEXATION #\_\_\_ NAPA SANITATION DISTRICT

Beginning at the most eastern corner of the Garfield Lane District Annexation to Napa Sanitation District;

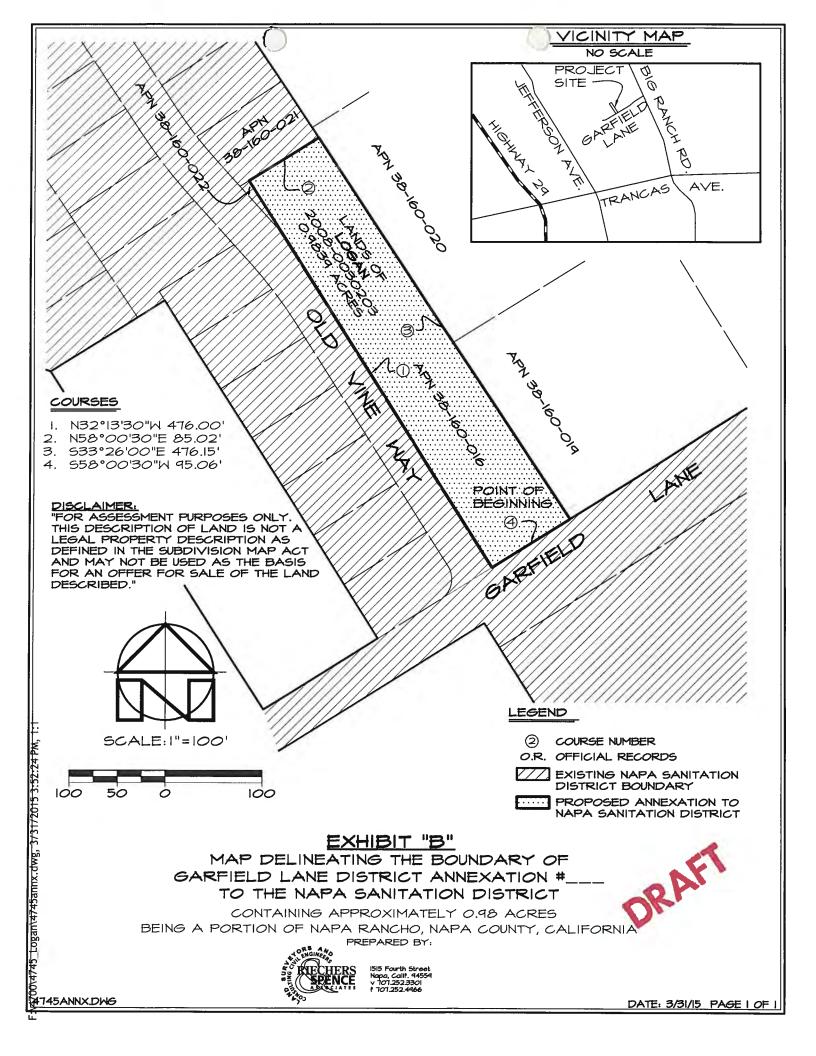
Thence, (1) North 32° 13′ 30″ West 476.00 feet along the existing district boundary;

Thence, (2) North 58° 00' 30" East 85.02 feet along the existing district boundary;

Thence, leaving the existing district boundary (3) South 33° 26′ 00″ East 476.15 feet to the existing district boundary;

Thence, (4) South 58° 00′ 30″ West 95.06 feet along the existing district boundary to the Point of Beginning and containing 0.98 acres of land, more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.





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#### ATTACHMENT TWO

### Proposed Garfield Lane No. 4 Annexation to the Napa Sanitation District: Proposal Consistency with Government Code §56668 and §56668.3

- G.C. Sections 56668 and 56668.3 require the Commission to consider 16 specific factors anytime it reviews proposals for change of organization or reorganization involving special districts. No single factor is determinative and the intent is to provide a baseline for LAFCOs in considering boundary changes in context to locally adopted policies and practices. 40 Garfield Lane will hereinafter be referred to as "the affected territory."
- (1) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.

The affected territory is currently partially developed with one single-family residence and has a population of one. Annexation of the affected territory would help facilitate the construction of up to six new single-family residences and result in a future buildout population of 16. The City of Napa assigns a residential General Plan designation and zoning standard for the affected territory. These land use designations restrict the potential development of the affected territory to a maximum of six single-family residences.

All adjacent areas to the immediate north, west, and south are already built-out as allowed under the City's land use authority. Adjacent lands to the immediate east of the affected territory are undeveloped and could potentially be built-out in the future to include a maximum of 16 total new single-family residences. However, annexation of the affected territory is not expected to induce development of lands to the east or result in significant growth in the area.

(2) The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

The affected territory is partially developed and located within the City of Napa's jurisdictional boundary and is therefore already eligible to receive public water, fire protection/emergency medical, and law enforcement services. Core municipal services that will still be needed within the affected territory based on its anticipated residential land uses are limited to sewer. Upon annexation and development, the affected territory will receive public sewer services from NSD.

(3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.

The proposal would recognize and strengthen existing social and economic ties between NSD and the affected territory that were initially established in 1975 when the Commission included the affected territory in NSD's sphere of influence.

(4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.

The proposal is consistent with the Commission's General Policy Determinations. This includes consistency with the predominantly residential land use designation for the affected territory, avoidance of premature conversion of agricultural uses, and consistency with NSD's adopted sphere of influence. Therefore, the proposal does not conflict with G.C. Section 56377.

(5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.

Proposal will have no effect given that the affected territory does not qualify as "agricultural land" under LAFCO law.

(6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The proposal includes all of the property identified by the County of Napa Assessor's Office as 038-160-016. Annexation would not result in the creation of any islands or corridors of unincorporated territory.

(7) Consistency with the city or county general plans, specific plans, and adopted regional transportation plan.

The proposal and underlying development project are consistent with the City of Napa General Plan designation of *Single-Family Residential* and zoning as *Residential Single*. The Metropolitan Transportation Commission's regional transportation plan (RTP) was updated in 2013 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040. No projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

(8) The sphere of influence of any local agency affected by the proposal.

The affected territory is located entirely within NSD's sphere of influence, which was most recently comprehensively updated by the Commission in August 2006 and is currently under comprehensive review as part of item 7b on today's agenda.

(9) The comments of any affected local agency or other public agency.

No comments received.

(10) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

Information collected and analyzed in the Commission's recent municipal service review on NSD concluded the District has established adequate administrative controls and capacities in maintaining appropriate service levels. This includes regularly reviewing and amending – as needed – NSD's two principal user fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) connection fees and (b) user fees. The connection fee is currently \$8,723 and serves as NSD's buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. The annual user fee for a single-family unit is currently \$470 and is intended to proportionally recover NSD's ongoing maintenance and operation expenses.

# (11) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.

Proposal approval and development of the affected territory would generate new water demand for Napa. Napa's available water supplies are drawn from three separate sources: 1) Lake Hennessey; 2) Milliken Reservoir; and 3) the State Water Project. Napa's most recent Urban Water Management Plan (UWMP) was adopted in 2011 and estimates the total annual water supply generated from these three sources during normal conditions and based on historical patterns is 31,340 acre-feet. These historical patterns also indicate the total annual water supply decreases to 19,896 and 13,533 acre-feet during multiple and single dry year conditions, respectively.

Information provided in the UWMP identifies Napa's available water supplies are more than sufficient in accommodating both current annual demands – 13,889 acre-feet – and the projected new demands within the affected territory – 2.3 acre-feet – during normal and multiple dry year conditions. Napa's available water supplies, however, are deficient under current estimated single dry years; a deficit that would be slightly increased with approval of the proposal along with the development of up to six new residences as contemplated in the applicant's tentatively approved development project. Napa, accordingly, has established conservation efforts within its UWMP to address the projected deficiency during single dry years. These factors provide reasonable assurances of Napa's ability to effectively accommodate water demands with the minimal increases tied to the affected territory in accordance with G.C. Section 65352.5.

(12) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

The proposal could potentially result in a benefit to Napa with respect to achieving the City's fair share of the regional housing need as a result of the eventual development of the affected territory as contemplated in the applicant's tentatively approved residential development project.

(13) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The landowner is the petitioner seeking the annexation. NSD has provided a resolution of approval in support of the annexation.

Proposed Garfield Lane No. 4 Annexation to the Napa Sanitation District June 1, 2015 Page 4 of 4

(14) Any information relating to existing land use designations.

City General Plan: Single-Family Residential City Zoning Ordinance: Residential Single – 5

### (15) The extent to which the proposal will promote environmental justice

There is no documentation or evidence suggesting the proposed annexation will have any implication for environmental justice in Napa County.

(16) For annexations involving special districts, whether the proposed action will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.

Proposal approval would help facilitate an appropriate residential use of the affected territory as contemplated in the landowner's tentatively approved development project.

Napa LAFCO adopted policies on annexations involving special districts.

Consistent.

### FORM B

<u> </u>	
Date Filed:	3/31/15
Received By:	BF
mi	

### PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

A proposal for a change of organization made by a landowner or registered voter shall be initiated by petition. The petition shall state the nature of the proposal and all associated proposed changes of organization. It shall also state the reason for the proposal and enumerate and include supporting information as required under Government Code Section 56700. The petition must be submitted to the Executive Officer for filing within 60 days after the last signature is affixed. Applicants are encouraged to use this form.

Nature of Proposal and All Associated Changes of Organization:

TO CONSTRUCT A 6-LOT RE	ESIDENTIAL SUBDIVISION PROJECT
AND BE SERVED BY NSD	WITH SEWER SERVICE.
Description of Boundaries of Affected	Territory Accompanied by Map:
SEE ATTACHED MAP AN	IN DESCRIPTION.
Reason for Proposal and Any Proposed	d Conditions:
TO ANNEX INTO THE NAMA	SANITATION DISTRICT FOR SENTER
SERVICE, PROJECT APPRO	VED ON PEB. 17, 2015 AND NSD
CONDITIONS OF APPROVAL	ARE MAILABLE IN CITY RESOLUTION PLOIS
Type of Petition:	Landowner Registered Voter
Sphere of Influence Consistency:	Vac No

## If Landowner Petition, Complete the Following:

1)	Name:	GENE CIABATTARI
	Mailing Address:	1775 LINCOLN AVE. NAPA CA 94559
	Assessor Parcel:	038-160-016 638 651-022
	Signature:	Date: 3-24-15
2)	Name:	
	Mailing Address:	
	Assessor Parcel:	
	Signature:	Date:
3)	Name:	
	Mailing Address:	
	Assessor Parcel:	
	Signature:	Date:
If Re	gistered Voter Petiti	ion, Complete the Following:
1)	Name:	
	Mailing Address:	
	Resident Address:	
	Signature:	Date:
2)	Name:	termination of the control of the co
	Mailing Address:	
	Resident Address:	
	Signature:	Date:
3)	Name:	
	Mailing Address:	
	Resident Address:	
	Signature:	Date:

Use additional sheets as necessary

## FORM D

### JUSTIFICATION OF PROPOSAL

Change of Organization/Reorganization

	APPLICANT	INFORMA	TION					_
A.	Name:	CEM	E CIA	SATTARI				
		Contact P	erson		Agency	/Business (If A	pplicable)	
	Address:	1775		LINCOLN AV	E. NAP	A	CA	94
		Street Nu	mber	Street Name	City		Zip Code	2
	Contact:	707-25	19-5272	707-252-95	78 GENE	@MSIN	APA CO	m
		Phone Nu		Facsimile Number	E-Mail	Address		
В.	Applicant T		Local Age	ncy Registe	ered Voter	Landowner	r	
. <u>I</u>	PROPOSAL	DESCRIPT	ION					
A.	Affected Ag	gencies:	***************************************	SANITATION	PISTRICT			******
			Name		Address			
			Name		Address		341	-
			Name	3000-7400-640-740-740-740-740-740-740-740-740-740-7	Address		***************************************	
					Use A	dditional Sheet.	s as Needed	i
В.	Proposal Ty (Check as No		Annexation	Detachment	City Incorpora	tion Distri	ct Formatio	n
			City/District Dissolution	City/District Merger	Service Activa (District Only		e Divestitus	·e
C.	Purpose Sta	tement:	TO CON	ISTRUCT A 6-	LOT RESIDE	NTIBL SI	) A O 1 Y 1 S	100
	(Specific)		PROJE	CT AND BE SE	ERVED BY	NSD WIT	H	3
			SEWER	SERVICE.				

### III. GENERAL INFORMATION

(2) Total Number of Registered Voters:

A.	Locati	on: 4	U GARPIE	LD LANE 038-	160-016	0.98
		S	treet Address	Assessor I	Parcel Number	Acres
			_NONE	638	671 022	0.02
		S	treet Address	Assessor I	Parcel Number	Acres
		S	treet Address	Assessor I	Parcel Number	Acres
		S	treet Address	Assessor I	Parcel Number	Acres
					Location Size Right-of-Ways)	
B.	Lando	wners:	m2 50	-160-016		
	(1)	Assessor Parcel Num	L	MINISTER Name:	GENE UI	4BATTAR I
		Mailing Address:	_1-	175 LINCOLN A	VE NAPAC	A 94559
		Phone Number:	70:	-259-5272 E-mail:	GENE @ M	SINAPA. com
	(2)	Assessor Parcel Num	iber:	Name:	HUMANIA	
		Mailing Address:			MILITAN MANAGEMENT	
		Phone Number:		E-mail:		
	(3)	Assessor Parcel Num	ber :	Name:	anamental and a second	
		Mailing Address:	-	and the state of t	mannanan span	
		Phone Number:	***************************************	E-mail:	A	
	(4)	Assessor Parcel Num	iber:	Name:		Windows
		Mailing Address:				assuper all
		Phone Number:		E-mail:		
					Use Additional She	ets As Needed
C.	Popula	ation:				
	(1)	Total Number of Res	idents:	1		<del></del>

(la	n) County General 1	Plan Designation:	well-referred to the second	
(1b	) County Zoning S	standard:		
(2a	Applicable City (	General Plan Designation:	5FR 33 C	
(2b)	) Applicable City l	Prezoning Standard:	RS 5	
	ting Land Uses: cific)	ACCESSORY STO	UCTURES	AND
		The state of the s	Marin Ma	
Deve	elopment Plans:			
(1a)	) Territory Subject	to a Development Project?	Yes	No
(1b)		•	DINISION: APPROVED OTIAN R2015 22)	9
(1c)	) If No, When Is D	Development Anticipated?		
Phys	sical Characteristics		171 - Transis Andrews	
Phys				-11-
	) Describe Topogr	aphy: FLAT		
(1)	) Describe Topogr	aphy:  FLAT  stural Boundaries:	Basins: NONE	

### IV. GOVERNMENTAL SERVICES AND CONTROLS

A.	Plan For Provi	ding Services:
	(1)	Enumerate and Describe Services to Be Provided to the Affected Territory:
		ONE 4" SEWER LATERM PERIOT (6 TOTAL)
	(2)	Level and Range of Services to Be Provided to the Affected Territory:
	(3)	Indication of When Services Can Feasibly Be Extended to the Affected Territory:
		IMMEDIATELY
	(4)	Indication of Any Infrastructure Improvements Necessary to Extend Services to the Affected Territory:
		None
	(5)	Information On How Services to the Affected Territory Will Be Financed:
		PRIVATE PUNDING

(1)	Lead Agency for Pr	oposal: CITY OF NADA
		Name
(2)	Type of Environme	ntal Document Previously Prepared for Proposal:
		tal Impact Report
	-	claration/Mitigated Negative Declaration
	Categorical/S	Statutory Exemption: IN FILL Type
	None	•
	Provide Copies of As	ssociated Environmental Documents
יימת	TIONAL INFORMAT	TION
DDII	TOTAL INTORNA	TON
Appro	val Terms and Condi	itions Requested For Commission Consideration:
SEC	E CITY REC	1025 ION 122015 22
		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
		Use Additional Sheets As Needed
dentii	ry Up to Three Agenc	
		Use Additional Sheets As Neededies or Persons to Receive Proposal Correspondence: adowners or residents)
		ies or Persons to Receive Proposal Correspondence:
Does	not include affected lar	ies or Persons to Receive Proposal Correspondence: adowners or residents)
Does	not include affected lar Recipient Name:	ies or Persons to Receive Proposal Correspondence:  adowners or residents)  GENE CIABATTARI
Does	not include affected lar Recipient Name: Mailing Address:	ies or Persons to Receive Proposal Correspondence: Idowners or residents)  GENE CIABATTARI  1775 LINCOLN AVE NAPA CA 94559
Does (1)	not include affected lar Recipient Name: Mailing Address: E-Mail:	ies or Persons to Receive Proposal Correspondence: Indowners or residents)  GENE CIABATTARI  1775 LINCOLN AVE NAPA CA 94559  GENE @ MSINAPA. COM  PYAN GREGURY  1515 4th St. NAPA CA 94559
Does (1)	not include affected lar Recipient Name: Mailing Address: E-Mail: Recipient Name:	ies or Persons to Receive Proposal Correspondence: Indowners or residents)  GENE CIABATTARI  1775 LINCOLN AVE NAPA CA 94559  GENE @ MSINAPA. COM  PYAN GREGURY
(1)	not include affected lar Recipient Name: Mailing Address: E-Mail: Recipient Name: Mailing Address:	ies or Persons to Receive Proposal Correspondence: Indowners or residents)  GENE CIABATTARI  1775 LINCOLN AVE NAPA CA 94559  GENE @ MSINAPA. COM  PYAN GREGURY  1515 4th St. NAPA CA 94559
(1) (2)	not include affected lar Recipient Name: Mailing Address: E-Mail: Recipient Name: Mailing Address: E-Mail:	ies or Persons to Receive Proposal Correspondence: Indowners or residents)  GENE CIABATTARI  1775 LINCOLN AVE NAPA CA 014559  GENE @ MSINAPA. COM  PYAN GREGORY  1515 AMST. NAPA CA 94559  rgregory @ rsacivil.com

V. ENVIRONMENTAL INFORMATION

### VII. CERTIFICATION

Formation Commiss	tion contained in this application is correct. I acknowledge and agree the Local Agency is relying on the accuracy of the information provided in my
representations in or	der to process this application proposal.
Signature:	
Printed Name:	CENE CIABATTAS
	0 \ ,
Title:	(resident
Date:	3-24-15
Ditto.	

### **Indemnification Agreement**

### Name of Proposal:

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant \_\_\_\_\_\_\_ and/or \_\_\_\_\_\_ (real party in interest: the landowner) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

- 1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and
- 2. All reasonable expenses and attorney's fees in connection with the defense of Napa LAFCO.

This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as permitted by law.

City Representative	Principal Landowner Signatur
Print Name	GENE CIA BATTARI Print Name
Date	3-24-15 Date
Date	Date

# EXHIBIT A LEGAL DESCRIPTION



# GARFIELD LANE DISTRICT ANNEXATION #\_\_\_ NAPA SANITATION DISTRICT

Beginning at the most eastern corner of the Garfield Lane District Annexation to Napa Sanitation District;

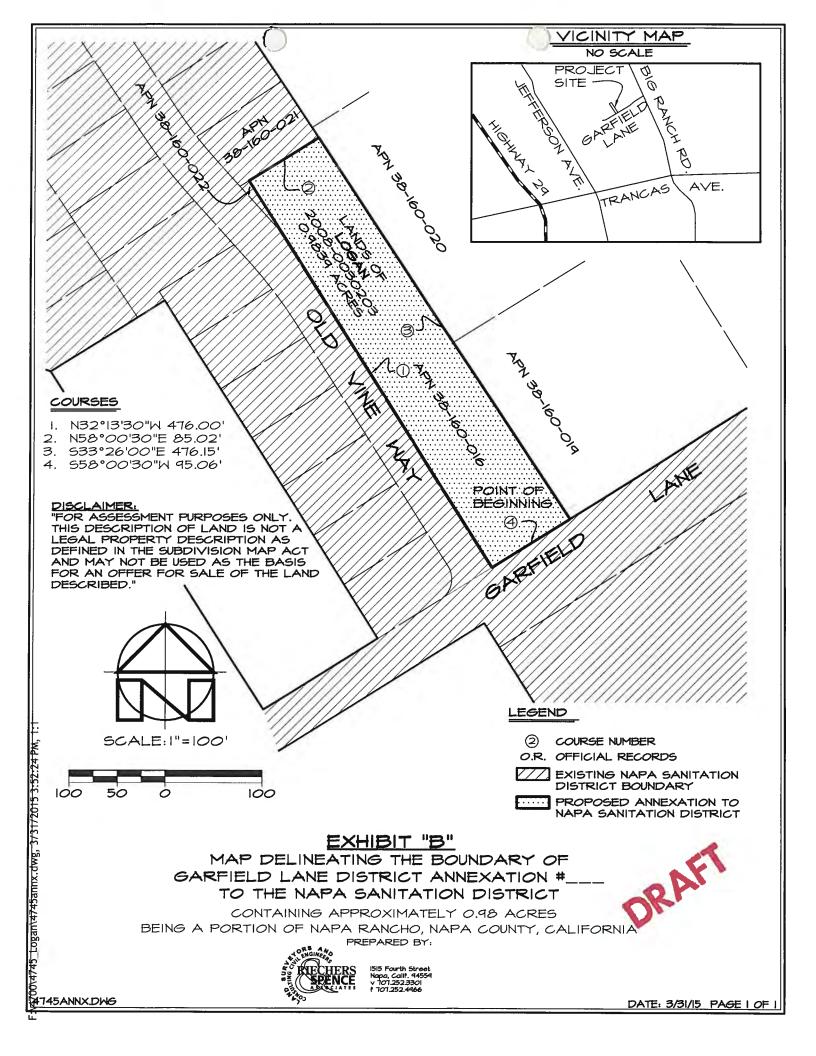
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Thence, (2) North 58° 00' 30" East 85.02 feet along the existing district boundary;

Thence, leaving the existing district boundary (3) South 33° 26′ 00″ East 476.15 feet to the existing district boundary;

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For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.





## INTER-OFFICE MEMOKANDUM

Planning Division
Community Development Department

TO: Brendon Freeman, Analyst - LAFCO of Napa County

**COPY:** Project File

FROM: Karlo Felix, Associate Planner

DATE: Tuesday, 14 April 2015

SUBJECT: PL14-0115 - Old Vine Way Subdivision: CEQA Exemption Justification

On 17 February 2015, the City of Napa adopted Resolution R2015-22 which approved a Design Review Permit and Tentative Map for the Old Vine Way Subdivision (PL14-0115); a subdivision of a 1.01 acre property at 40 Garfield Lane (APNs 038.160.016 & 038.671.002) into six single-family lots. As a part of that approval, the City determined that the project was exempt from California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines (Categorical Exemptions – Class 32). The City understands that LAFCO is interested in utilizing the same exemption for an application to annex the properties into the Napa Sanitation District (NSD) and that LAFCO requires additional information to justify the use of the Exemption.

The City's use of a Class 32 Exemption, which applies to in-fill development projects, is based on the following:

- A. The subject property is located within the Single-Family Infill (SFR-33C) General Plan Designation and the Single-Family Residential (RI-5) Zoning District. The project is consistent with the SFR-33C General Plan Designation and all applicable General Plan policies which includes the following: Housing Element Policies H1.1 and H1.4, and Land Use Element Policy LU-4.5. The project is also consistent with RI-5 Zoning District and all applicable Zoning regulations which include the following: Chapters 17.08 and 17.54, and Section 17.62.050 of the Zoning Ordinance.
- B. The subject properties are located within the city limits of the City of Napa. The subject properties are 1.01 acres in size and are surrounded by urban uses, in this case, residential uses.
- C. There is no reasonable possibility that the site has value as habitat for endangered, rare, or threatened species, as it is currently developed with a residential use. The site has been disturbed and developed with a single-family house, multiple large accessory structures, a swimming pool, fencing, non-native landscaping, and hardscape. Furthermore the site is surrounded by urban uses.
- D. The project will not result in significant effects relating to traffic, noise, air quality, or water quality. The project is consistent with adopted land use and zoning designation for the site and has been designed to meet the City's design standards. Adequate public infrastructure is available to serve the project. Further, standard design measures and conditions of approval (pursuant to Policy Resolution 27) have been applied to the project as is required for other similar development within the City. Development of this area was anticipated as a part of the General Plan and the Big Ranch Road Specific Plan where potential traffic, noise, air quality, and water quality impacts were analyzed. The addition of six single-family homes is within the development intensity anticipated by these plans and is consistent with adopted policies.
- E. The project site can be served by all required utilities and public services which exist within the existing right-of-way on Old Vine Way. These utilities were placed as a part of the development of the subdivision to the north and west of the project site and in anticipation of the development of the subject properties. The project has been appropriate conditioned by utility providers (including NSD), signifying their ability to provide services to the proposed units.

A summary of these findings can also be found in the enclosed Planning Commission staff report (without Attachment 1). The attachment also includes a reduction of the project plans.



### Community Development Department - Planning Division 1600 First Street + P.O. Box 660 Napa, CA 94559-0660

(707) 257-9530

### PLANNING COMMISSION STAFF REPORT **JANUARY 15, 2015**

AGENDA ITEM 8.A. 14-0115-DR, TM OLD VINE WAY SUBDIVISION

#### I. **GENERAL INFORMATION**

PROJECT

Tentative map to subdivide a 1.01 acre site into six single-family

SUMMARY:

lots

LOCATION OF

40 Garfield Lane

PROPERTY:

APNs 038-160-016 and 038-671-002

GENERAL PLAN: SFR-33C, Single-Family Residential

ZONING:

RS-5, Single-Family Residential

APPLICANT/

Ryan Gregory for

PROPERTY

Forty Garfield Inc.

121 Milliken Creek Drive OWNER:

Napa, CA 94558

STAFF

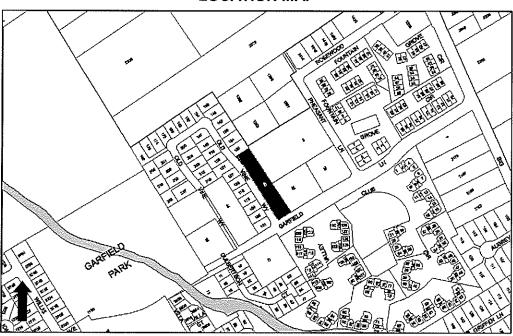
PLANNER:

Karlo Felix, Associate Planner

Phone: (707) 257-9354

Phone: (707) 252-3301

### **LOCATION MAP**



### II. PROJECT DESCRIPTION

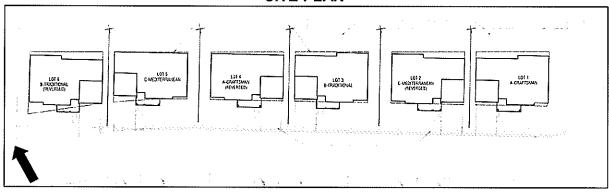
The Applicant is requesting approval to subdivide a 1.01 acre site into six single-family lots. The lots would be accessed from Old Vine Way. Lot sizes range from 6,441 square feet to 7,131 square feet. House plans for the development include a total of three, single-story models ranging in size from 2,032 square feet to 2,113 square feet.

Project approvals include: (1) a Design Review Permit for the subdivision map and house plans; (2) and a Tentative Map to subdivide the 1.01 acre site into six single-family lots.

### III. PROJECT CONTEXT

The project site is located on the northeastern corner of Old Vine Way and Garfield Lane. The property is generally flat and contains a single-family home and several accessory structures that will be demolished as a part of this application. Surrounding uses are exclusively residential.

There is an open Code Enforcement case (CE1206-0083) against the property relating to an un-permitted accessory structure, solid waste accumulation, and overgrown vegetation. The draft resolution includes a proposed condition of approval to resolve these violations.



### SITE PLAN

### IV. ANALYSIS

#### A. General Plan

The property is located within the SFR-33C, Single-Family Residential General Plan Designation, which allows for detached and attached single-family homes at a density of three to six units per acre. The subdivision of the 1.01 acre project site into six lots achieves a density of six units per acre, the maximum number of units permitted, consistent with the density range of this Designation.

Housing Element Policy H1.1 encourages the efficient use of land. Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of

the General Plan density. The proposed six-lot subdivision has been designed to achieve a density that is within this range on an underutilized parcel of land, consistent with Policies H1.1 and H1.4.

Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood. The proposed single-family use and homes are similar in size and architecture with the existing neighborhood and are compatible with existing residences in the area consistent with this policy.

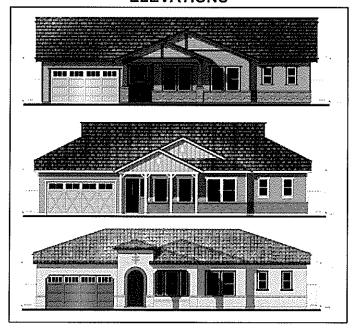
### B. Zoning

The property is located within the RS-5, Single-Family Residential Zoning District, which permits residential development with a minimum lot size of 5,000 square feet. All of the proposed lots satisfy the minimum lot size and the development standards of the RS-5 District as illustrated in Table 1.

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Criteria	Lot Area (square feet)	Height (feet)	Front Setback (feet)	Side Setback (feet)	Side Yards (feet)	Rear Yard (feet)	Lot Coverage (percentage)
Standard	min. 5,000	max. 30	min. 20	min. 15	min. 5 / 10	min. 20	max. 45
Lot 1	7,131	21.5	20.8	15.4	5.0	23.9	29.6
Lot 2	6,544	18.5	20.0	-	5.0/10.5	21.9	32.8
Lot 3	6,580	22.0	20.0	_	5.0/10.5	20.8	32.1
Lot 4	6,450	21.5	20.0	-	5.0/10.5	21.5	31.5
Lot 5	6,441	18.5	20.0	-	5.0/10.5	20.1	31.5
Lot 6	7,103	22.0	20.0	-	5.0/10.6	22.8	29.7

TABLE 1 - PROPERTY DEVELOPMENT STANDARDS





### E. Design Review

Section 17.62.050 of the Zoning Ordinance requires Design Review of subdivision maps and new single-family homes within the proposed subdivision. Consistent with this requirement, the Applicant has submitted three house plans. The houses range in size from 2,032 square feet to 2,113 square feet and are all single-story.

The Residential Design Guidelines address three design principles for single-family developments. The following are the three principles, followed by Staff's analysis of the Applicant's efforts to meet each principle.

1. Site Planning: New single-family housing and subdivisions should result in residential design and site planning that supports overall neighborhood design objectives and context.

All the homes are oriented to the existing street and are accessed off driveways from Old Vine Way. Although the garages are only setback two feet from the front façade, they are limited to less than 30% of the house width and are setback six feet from a front porch that is 18 feet in width to reduce their appearance. Each house has a prominent front entry identified by a roof porch. Six different treatments are proposed so that no identical model with the same treatment occurs on adjacent lots. The proposed corner lot (Lots 1) is single-story and has architectural details that are carried from the front elevation to provide a consistent design when viewed from the public right-of-way. The proposed landscaping includes a mixture of ornamental trees, shrubs, and perennials. Shrubs are proposed along the southern-side of the fence with a side-on-treatment on Lot 1.

 Massing, Transitions, and Architectural Design: New single-family housing should be high quality architecture and provide a variety of styles and design within each block, respecting the neighborhood setting.

The proposed architecture provides a variety of details and exterior materials that do not create any incompatible models. Lots 1 and 4 include earth-toned cement shingles, with wood accents, and wood trim. Lots 2 and 5 include earth-toned stucco as the base material with textured stucco trim. Lots 3 and 6 include earth-toned and warm-grey-toned cement siding, with metal vent accents, and wood trim. Roof styles include both hip and gable with either flat asphalt shingle tiles or concrete "S" tiles varying in color from reddish-brown to dark grey. The roof forms, whether hipped, gabled, or combinations thereof, are consistent in each house design, and all roofs have similar pitch. The stone, brick, and shingle accents are found on all elevations visible from the street. The stucco and wood trim on doors and windows are found on all four elevations. Additionally, architectural details such as gable-end grill, metal vents, and eave brackets are carried through on multiple elevations. The models are consistent in form and materials and provide an overall coherent design for the entire dwelling.

3. Materials and Color: The choice of materials and colors should provide an enduring quality and enhance architectural and massing concepts.

The proposed palette of materials conveys an image of quality and durability. Lots 1 and 4 include earth-toned cement shingles, with wood accents, and wood trim. Lots 2 and 5 include earth-toned stucco as the base material with textured stucco trim. Lots 3 and 6 include earth-toned and warm-grey-toned cement siding, with metal vent accents, and wood trim. Roof styles include both hip and gable with either flat asphalt shingle tiles or concrete "S" tiles varying in color from reddish-brown to dark grey.

### V. REQUIRED FINDINGS

The Planning Commission's decision regarding this project is subject to the required findings established in NMC Section 17.62.080, Design Review; and NMC Section 16.20.070, Tentative Map. These findings are provided in the draft resolution attached to this Staff report.

#### VI. ENVIRONMENTAL REVIEW

Staff has determined that the project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15332 of the CEQA Guidelines (Categorical Exemptions; Class 32), which exempts in-fill development projects. The project is an in-fill development with the following characteristics:

- 1. The site has been previously developed with a house and multiple accessory structures.
- 2. The project is consistent with the Single-Family Infill (SFR-33C) General Plan Designation and all applicable General Plan policies as well as with the Single-Family Residential (RI-5) Zoning District and all applicable Zoning regulations.
- 3. The project is located within the city limits of the City of Napa, will occupy no more than five acres, and is substantially surrounded by urban uses.
- 4. The project site has no value as habitat for endangered, rare, or threatened species.
- 5. As conditioned, approval of the project will not result in significant effects relating to traffic, noise, air quality, or water quality.
- 6. The project site is served by all required utilities and public services.

### VII. PUBLIC NOTICE

Notice of the public hearing was provided by US Postal Service on December 26, 2014 to all property owners within a 500-foot radius of the subject property. Notice of the public hearing was also published in the Napa Valley Register on December 26, 2014

and provided to people previously requesting notice on the matter at the same time notice was provided to the newspaper for publication. Legal notice included a general explanation of the matter to be considered and any related permits, identification of the location of the property involved where site specific, a description of the date, time and place of the public hearing, the identity of the hearing body, and a statement consistent with the Code of Civil Procedure regarding the time limit to commence any legal challenge and matters that may be raised by such challenge.

#### VIII. STAFF RECOMMENDATION

Staff recommends approval of the Design Review Permit and Tentative Map based on a determination that the application is consistent with the City's General Plan, Subdivision Ordinance, and Zoning Ordinance.

### IX. ALTERNATIVES TO RECOMMENDATION

- 1. Continue the application with direction for modifications and allow the Applicant an opportunity to prepare a revised design.
- 2. Recommend that the application be denied by the City Council.

### X. REQUIRED ACTIONS

Final actions by the Planning Commission:

 Forward a recommendation to the City Council to adopt a resolution approving a Design Review Permit for a subdivision map and house plans; and a Tentative Map to subdivide the 1.01 acre site into six single-family lots.

### XI. DOCUMENTS ATTACHED

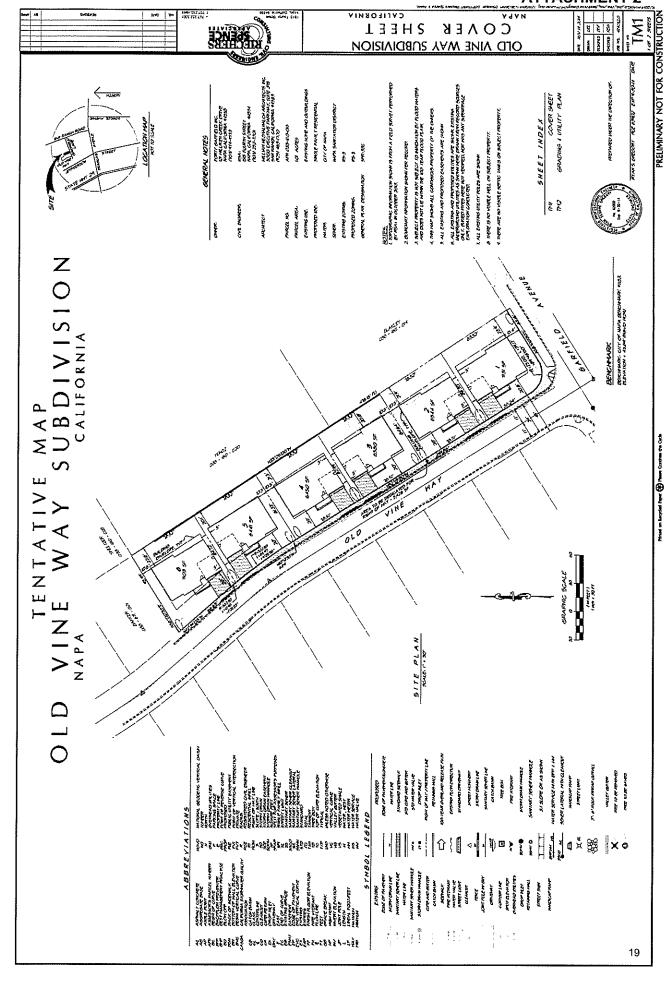
- 1. Draft City Council Resolution
- 2. Tentative Map, Architectural Plans, Preliminary Landscape Plan, and Materials

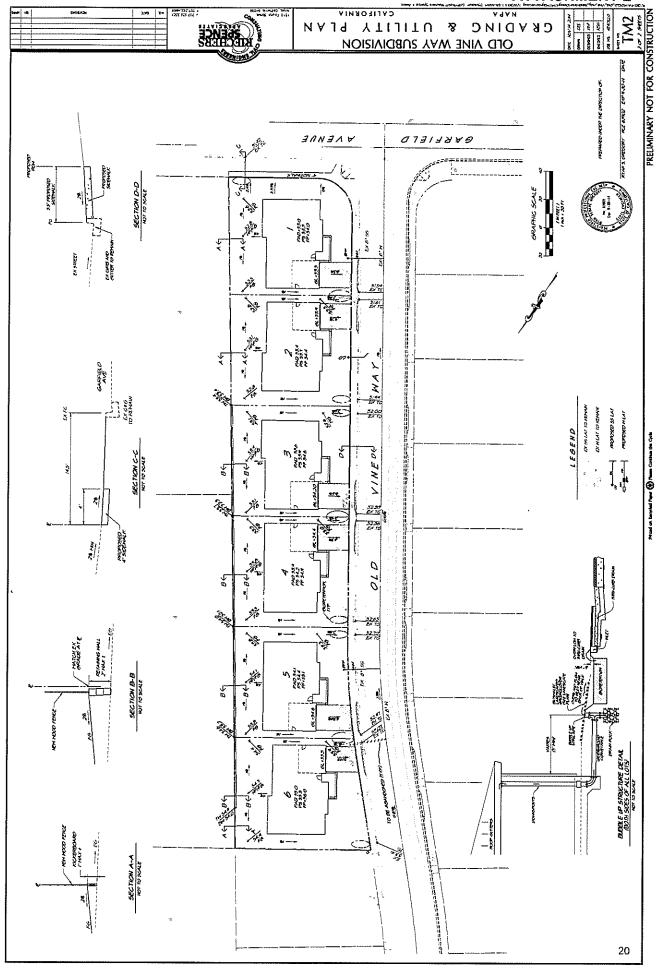
Prepared by:

Karlo Felix

Associate Planner

C: Applicant





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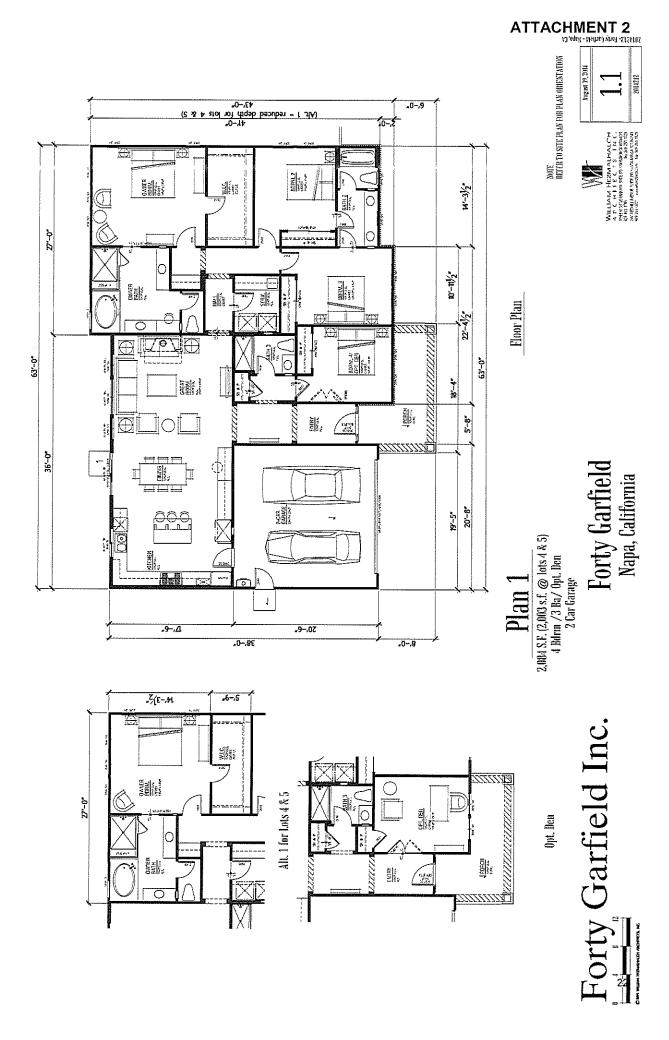
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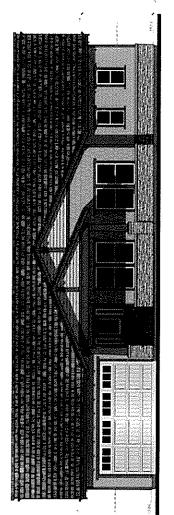
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Site Plan

Forty Garfield Napa, California

Forty Garfield Inc.

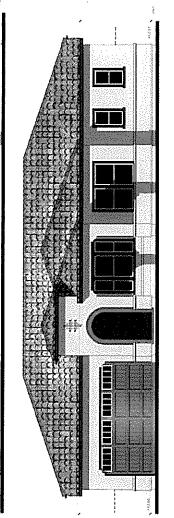




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# Elevation B - Traditional EXTITUOR DULIDING MATERIALS





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Elevation C - Mediterranean

EXTERIOR DUILDING MATERIALS

# Plan 1

Forty Garfield Inc.

Forty Garfield Napa, California

August 19, 2014

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NOTE. REFER TO SITE PLAN FOR PLAN ORIENTATION

Elevation A - Craftsman (Lot 1)

Elevation B - Traditional (Lots 3 & 6)

Plan 1

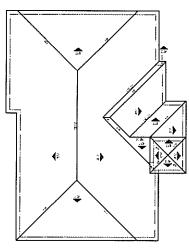
Forty Garfield Napa, California



Elevation C - Mediterranean (Lot 5)

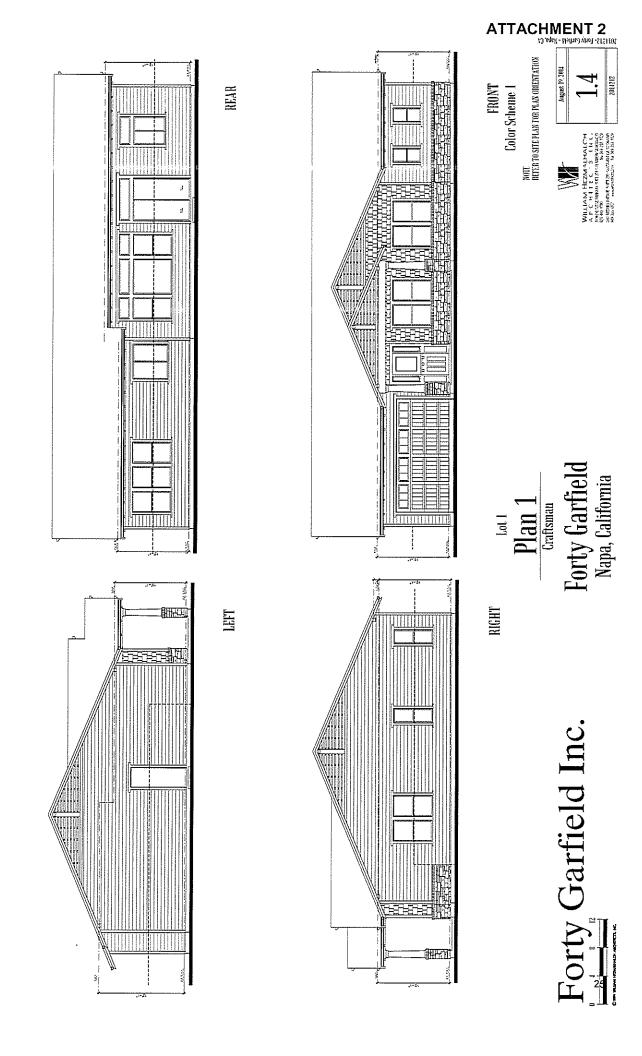
Elevation A - Craftsman (Lot 4)

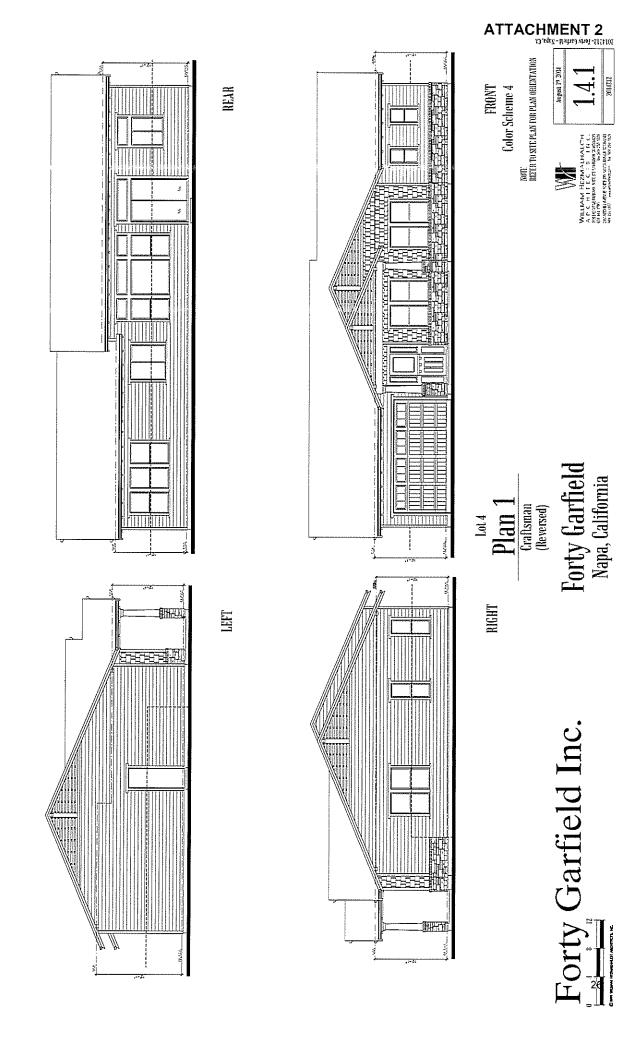
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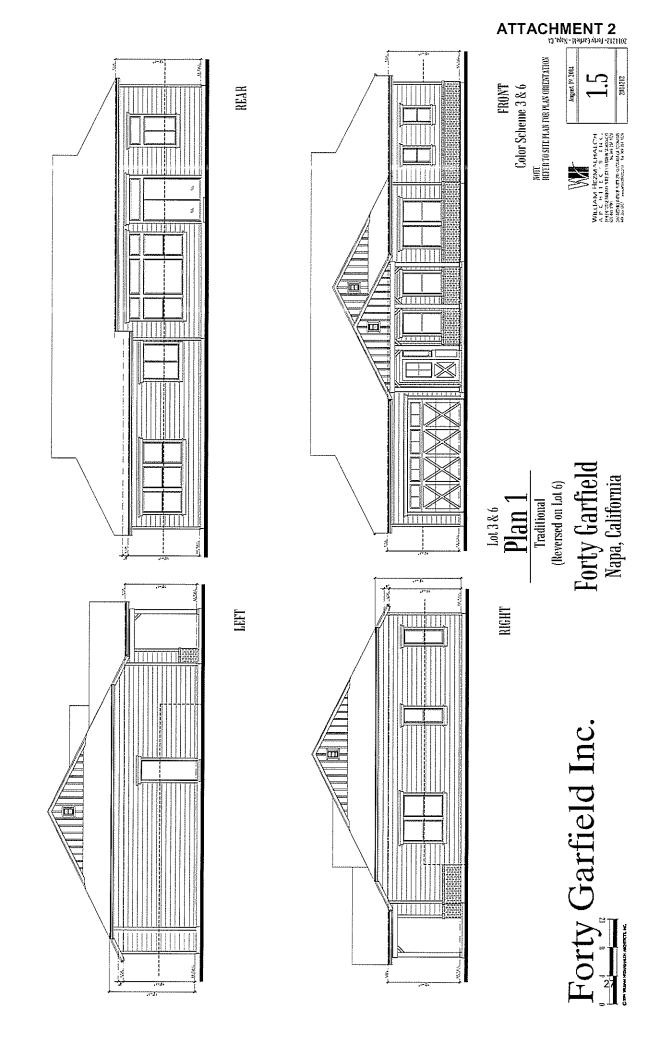


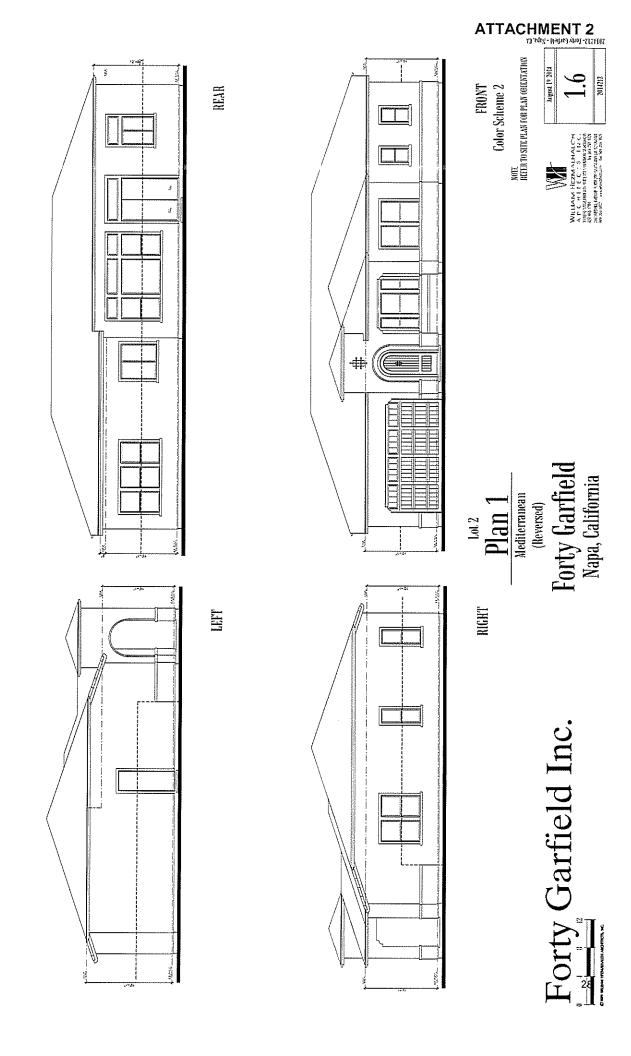
Elevation C - Mediterranean (Lot 2)

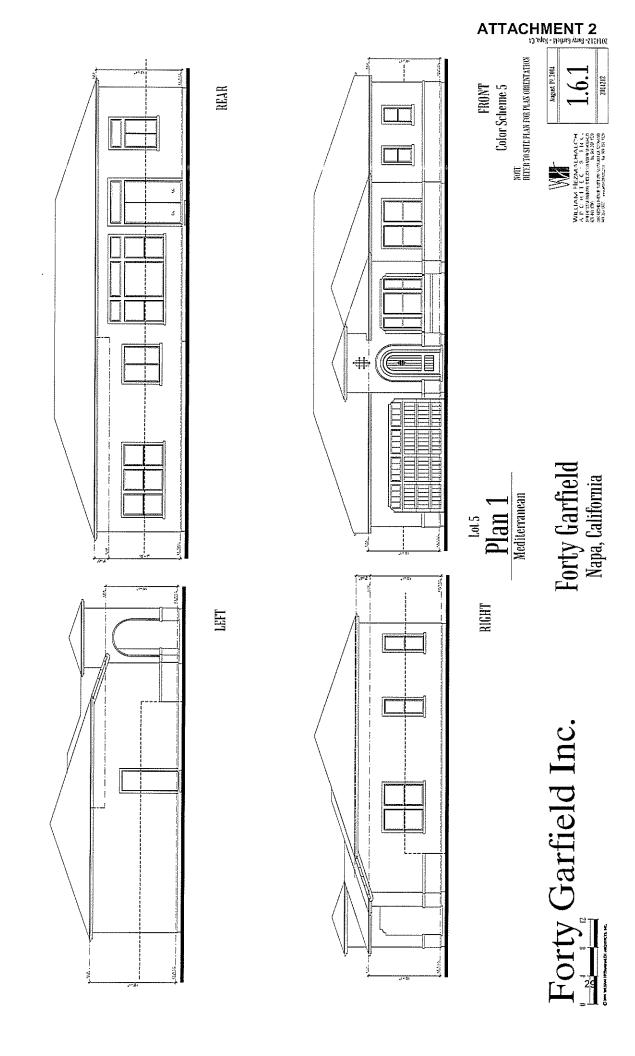
Forty Garfield Inc.

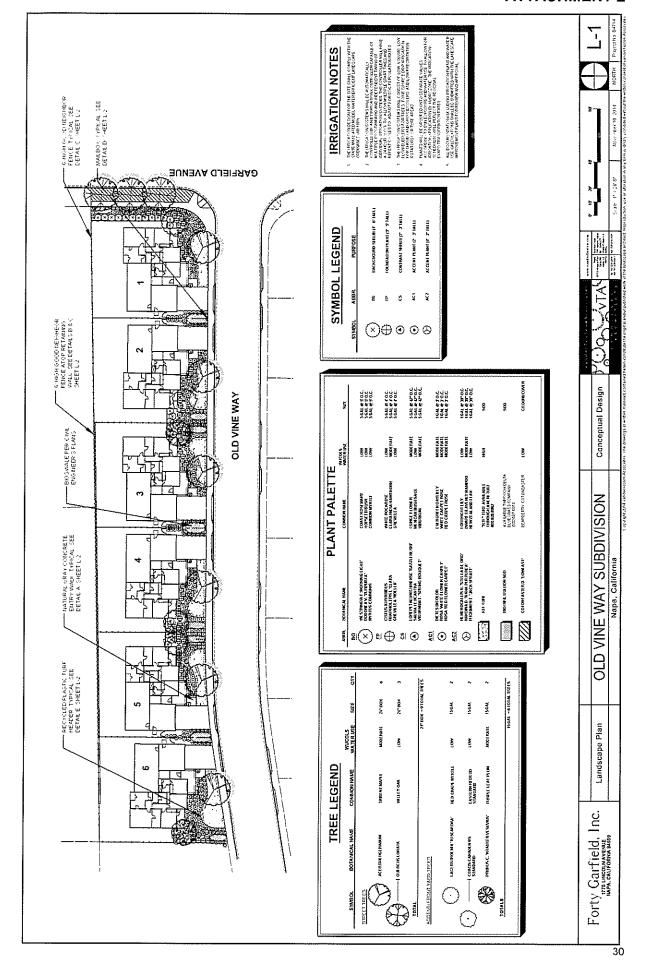


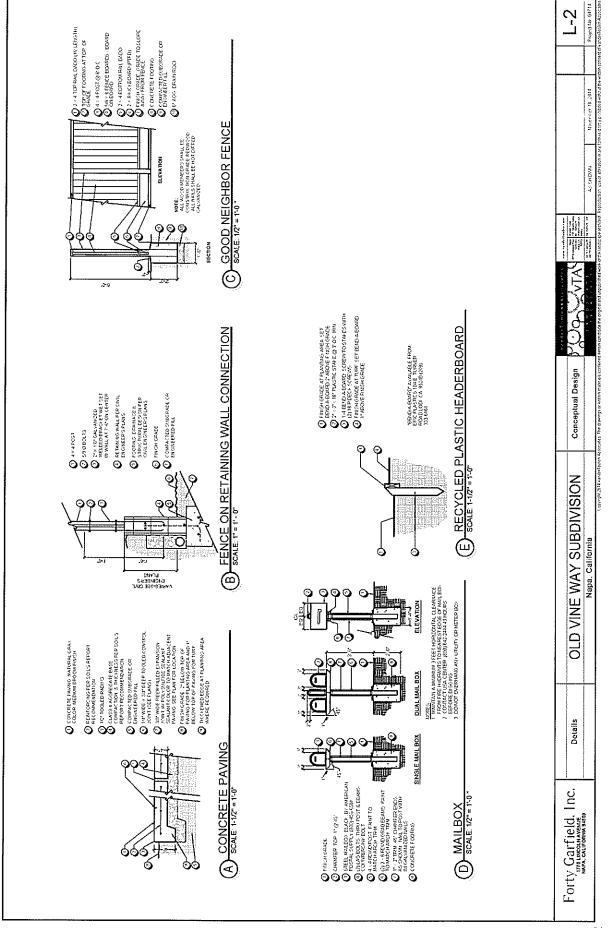


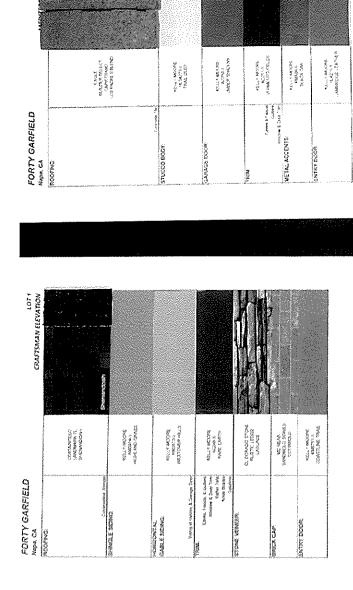












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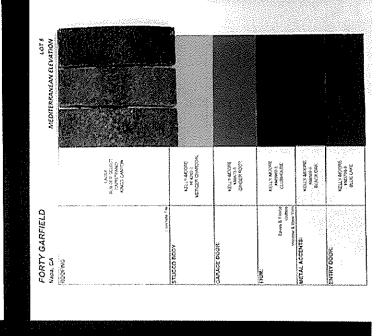
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