

JAN 20 2010

AGENDA ITEM
NO. 9A

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Attorney for DONNA FALK

11 PLANNING COMMISSSION OF THE
13 COUNTY OF NAPA
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17 *In Re the Application of*) Napa County Planning Commission
18 ST. HELENA HOSPITAL FOR USE) Applications: P07-00855-UP; P07-00856-
19 PERMIT, TENTATIVE MAP &) TM; P07-00857-RZG
20 REZONING)
21)
22) OBJECTIONS OF DONNA J. FALK,
23) APN 021-181-008, COMMONLY
24) KNOWN AS 15 UPLAND ROAD,
25) ST. HELENA, CALIFORNIA
26)
27)
28)
29)

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33 DONNA J. FALK hereby submits the within Objections to the Proposal of
35 the St. Helena Hospital for Approval of a Tentative Map, Adoption of an Ordinance Re-
37 Zoning Certain Properties and a Use Permit as follows:

39 1. It is Ms. FALK's understanding that any of the arrangements
41 requested by the St. Helena Hospital as to any aspect of their proposal inure only to
43 property owned by the St. Helena Hospital at this point in time. This understanding should
45 be clarified and confirmed and any of the documentary and other evidence conformed
47 accordingly.
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51 2. Ms. FALK objects to the re-designation of all parcels surrounding
53 her property as and to Planned Development properties and argues that the uncertainty
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1 caused by this re-designation will be certain to cause a diminution of the value of the
3 property already owner by her.

5 3. Ms. FALK objects to the re-designation of all parcels surrounding
7 her property as Planned development properties and argues that the uncertainty caused by
9 this re-designation will be certain to cause a diminution of the value of the property already
11 owned by her to the extent that such re-designation is certain to result in a taking of her
13 property.
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17 4. Ms. FALK purchased her property as a residential property and in
19 reliance on the fact that the neighborhood and surrounding properties were and would
21 remain residential. Ms. FALK objects to the re-designation of the properties surrounding
23 her as Planned Development properties, the use of which could prove to be other than
25 residential and could, in fact, prove to be, commercial.
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29 5. Ms. FALK proposes that, if the subdivision proposed by St. Helena
31 Hospital is, in fact, a residential subdivision, the zoning for that subdivision should be
33 consistent with its use. Accordingly, alternate designations should and must be considered
35 by the Planning Commission so that the community and its members are put on proper
37 notice of the uses to which the property is properly to be used.
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41 6. Ms. FALK objects to statements made throughout all the application
43 materials to the effect that “no new development is planned,” seeks clarification of the
45 definition of the word and the concept “development,” especially in conjunction with the
47 continued reliance on the St. Hospital and the Planning Commission of the meanings of
49 “re-modeling and expansion” and requests more and more detailed information regarding
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1 the intentions of the St. Helena Hospital and the Planning Commission as to the true
3 intention of the St. Helena Hospital.

5 7. Ms. FALK objects to the transfer of certain parcels owned by the St.
7 Helena Hospital designated as Residential to Planned Development in the event that no
9 development is intended for these parcels.
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13 8. Ms. FALK objects to the provisions proposed by the St. Helena
15 Hospital and the Planning Commission regarding the scope, duration, subject and nature of
17 their proposed Use Permit as vague, inconsistent and contradictory and seeks clarification
19 of all information pertaining to this element of the application of the St. Helena Hospital.
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23 9. Ms. FALK objects to the exception proposed by the St. Helena
25 Hospital and the Planning Commission regarding the provisions of the Napa County Code
27 as these provisions pertain to the issuance of Permits for Use in areas designated as
29 Planned Development and requests information explaining why the subdivision proposed
31 by the St. Helena Hospital and the Planning Commission should merit such exception
33 while others should not be so excepted.
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37 10. Ms. FALK objects to the increased parcelization of her community
39 and requests that this proposal by the St. Helena Hospital and Planning Commission be
41 reviewed for consistency with Napa County Policy AG/LU-35 regarding the proper use of
43 lands designated Rural Residential and any exceptions to that policy. Ms. FALK,
45 accordingly, objects to the veracity of the Analysis under item number 7 on page 1 of
47 Exhibit A, Findings.
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51 11. Ms. FALK objects to the use of any tentative map to dedicate the
53 subdivision proposed by the St. Helena Hospital and the Panning Commission until such
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1 time as a legal finding can be established regarding the applicability of the Subdivision
3 Map Act and Related Laws to a subdivision in which the land itself is not to be sold and is
5 only to be used as security for loans for the expansion and improvement of any structure
7 on a property and leases as to residency.
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11 12. Ms. FALK objects to the use of any tentative map to dedicate the
13 subdivision proposed by the St. Helena Hospital and the Planning Commission until such
15 time as legal finding can be established regarding both the legality of selling improvements
17 to structures affixed to land owned by the seller, the lease of residences and the
19 applicability of the Subdivision Map Act under these circumstances.
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23 13. Ms. FALK objects to the Analysis under Finding Number 8 on page
25 2 of Exhibit A and states that there is no evidence submitted in support of the proposal that
27 “No increase in the total population of the area is anticipated with this proposal.” Instead,
29 Ms. FALK proposes that the un-permitted expansion of structures on numerous of the
31 parcels to be included in the Planned Development is certain to increase the population of
33 Deer Park.
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37 14. Ms. FALK objects to the Analysis under Finding Number 9 on page
39 2 of Exhibit A and states that the analysis proposed does not answer the question posed
41 and requests that attention be paid to the numerous exceptions, variances and waived
43 conditions that must be put in place by Napa County in order to accommodate what
45 appears to be a project that is disharmonious with itself and with the community in which
47 it is located.
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51 15. Ms. FALK objects emphatically to the Analysis under Finding
53 Number 10 on page 2 of Exhibit A. The proposed Analysis is non-responsive. Ms. FALK
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1 posits that, just because no new development has been proposed at this time, does not lead
3 to the conclusion that the proposed development will exist in concert with its surrounding
5 areas and that these areas will be protected from these adverse effects. Neither the St.
7 Helena Hospital nor the Planning Commission have considered or even specified any
9 adverse effects to be examined whatever.
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13 16. Ms. FALK objects and posits further that the application materials
15 and the materials provided to the public for this hearing are so internally inconsistent,
17 vague and self-serving as to make the possibility of determining what adverse effects are
19 potential a near impossibility.
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23 17. Ms. FALK objects to the Analysis under Finding Number 11 on
25 page 2 of Exhibit A. Neither the St. Helena Hospital or the Planning Commission present
27 any evidence whatever that describes the adequacy of the existing streets, their compliance
29 with Napa County Codes and California State Codes and the proposition that, because no
31 new development is anticipated, the existing streets and roads are adequate and will remain
33 adequate given the proposed expansions proposed by the St. Helena Hospital.
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37 18. Ms. FALK recommends that the Planning Commission should adopt
39 Findings Number 13, 14, 17, 18. She notes that inconsistencies with Napa County's land
41 use policies have been described above and posits here that there are no safeguards in place
43 regarding an increase in population and in density of the community and, accordingly, that
45 danger to the public and damage to the environment should be considered.
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49 19. Ms. FALK objects to Finding Number 20 on page 4 of Exhibit A as
51 a misstatement of General Plan Policy AG/LU-35.
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1 20. Ms. FALK objects to the conditions as to issuance of the Use Permit
3 as described on page 1 of the Conditions of Approval and seeks a full explanation of why,
5 if all these conditions are intended to be consistent with zoning for a residential district, the
7 district cannot be zoned for residential purposes.
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11 21. Ms. FALK objects to the terms and contents of the ordinance
13 proposed to be adopted by the Board of Supervisors as being not only arbitrary and
15 capricious but also excessive in its interpretation of current law and policy and accordingly
17 void and unenforceable.
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21 22. Ms. FALK objects to the act of re-zoning proposed by the St.
23 Helena Hospital and by the Planning Commission as impermissibly and unfairly advancing
25 a favored private commercial purpose without reasonable relationship to the general
27 welfare of the community and, therefore failing to constitute a legitimate exercise of the
29 police power of Napa County.
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33 23. Finally, Ms. FALK objects to the proposal of the St. Helena
35 Hospital and of the Planning Commission as devoid of any reasonable relationship to the
37 general welfare of the public and of the community they are intended to serve.
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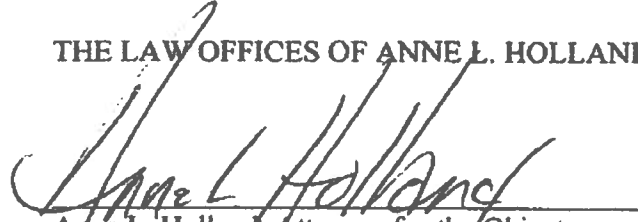
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24. In submitting her objections, Ms. FALK has made every effort to address all of the issues to which she does not agree especially so as to preserve her right to a thorough and complete examination by the court. Should Ms. FALK have failed to address any issue either orally at the hearing of Wednesday, January 20, 2010 or in writing here, she reserves the right to amend and supplement these objections as necessary in any pleading to be filed with the court.

Dated: January 20, 2010

Respectfully submitted by:

THE LAW OFFICES OF ANNE L. HOLLAND



Anne L. Holland, Attorney for the Objector,
DONNA J. FALK