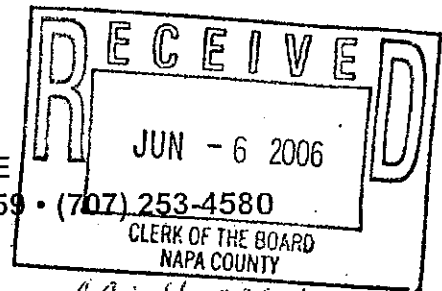


NAPA COUNTY  
 CLERK OF THE BOARD'S OFFICE  
 1195 Third Street, Room 310, Napa, California, 94559 • (707) 253-4580



**APPEALS**

(Chapter 2.88 of Napa County Code)

cc: H. Gitelman

**TO BE COMPLETED BY APPELLANT\***  
 (Please type or print legibly)

Appellant's Name: RANDY MITTM

Telephone #: (707) 466-0711 Fax #: ( ) E-Mail: \_\_\_\_\_

Mailing Address: 5851 Knoxville Rd NAPA CA 94558  
No. Street City State Zip

Status of Appellant's Interest in Property: Applicant, owner  
project applicant, adjacent property owner, other (describe)

Action Being Appealed: Denial of Retain of inclusionary housing fees

Permittee Name: RANDY MITTM

Permittee Address: 5851 Knoxville Rd NAPA CA 94558  
No. Street City State Zip

Permit Number: BO3-01984 Date of Decision: 1-17-06

Nature of Permit or Decision: Inclusionary Housing fee collected AT issuance of Building permit

Reason for Appeal (Be Specific - If the basis of the appeal will be, in whole or in part, that there was a prejudicial abuse of discretion on the part of the approving authority, that there was a lack of a fair and impartial hearing, or that no facts were presented to the approving authority that support the decision, **factual or legal basis for such grounds of appeal must be expressly stated or they are waived.** (attach additional sheet if necessary): There was no hearing fair or otherwise. This will be my first opportunity to address the issue of "whole of the project" which was the basis for denial of eligibility. (see Attachment)

If the basis of the appeal will be, in whole or in part, that the environmental determination under the California Environmental Quality Act is inadequate, please provide: a detailed statement supported by substantial evidence for each insignificant or less than significant impact identified in the initial study that the appellant contends may be significant, a detailed legal and factual statement indicating why the project is not exempt, and a detailed statement supported by substantial evidence describing why the Negative/Mitigated Negative Declaration or EIR is inadequate.) (attach additional sheet if necessary)

Project Site Address/Location: 5851 Knoxville Rd NAPA CA 94558  
Street City State Zip

Assessor's Parcel No.: 19-060-09

S. Lederer  
~~H. Sigler~~  
 L. Anderson  
 K. Chopra

[Signature]      6-6-06      RANDY MITTM  
 Signature of Appellant      Date      PRINT NAME

**TO BE COMPLETED BY CLERK OF THE BOARD**

Total Fee: \$ \_\_\_\_\_ Receipt Nos. \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_

\* The following information, in addition to the information required by this form also needs to be provided as attachments hereto pursuant to County Code Section 2.88.050 (F-I): Title Insurance Report, Assessor's Map Book Pages, and Appeals Fee

6-6-06

County of Napa  
Clerk of the Board of Supervisors  
1195 Third Street, Rm.310  
Napa, CA 94559

I applied for a waiver of the inclusionary housing fee based on the exemption for moderate-income households. I was denied the exemption request because it was not the "whole of the project." My parents live in the existing 1200 sq. ft. second dwelling on the same parcel. The ordinance does not address second dwellings on the same parcel. Seizing on this "whole of a project" as an excuse to not return my fee is a stretch. Both households would qualify for exemption based on income.

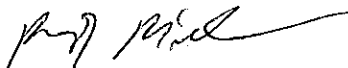
I cannot imagine any project actually qualifying for the exemption with such a narrow interpretation of the "whole of a project." Almost every residential project would include either a garage, or sidewalk, or driveway, or pump house or fire department-water tanks. Does that mean none would qualify for exemption because the "single dwelling unit" is not the whole of the project? (section 15.60.130)

It seems clear to me that such a narrow interpretation is contrary to the stated goal and intent of the ordinance. (section 15.60.040) this "whole of the project was intended to capture subdivision, condominiums and apartments.

Section 15.60.130 says "10% of all new dwelling units in a residential project in the county shall be affordable....." But it will not apply to "construction of a single dwelling unit which is the whole of a residential project...." My project is a single dwelling unit and it is the whole of a residential project. The existing house is not a new dwelling unit. Section 15.60.010 defines a "residential project" as that for which a building permit is issued. The building permit is issued for my house not the existing house and my house.

I am entitled to a refund of my inclusionary housing fees on the basis of fairness and intent of the ordinance and on the narrow interpretation of a "whole of a project" once you look at the definition of a residential project.

Thank you,



Randy Mihm