

Received

MAR 17 2009

County of Napa
Executive OfficeCIDPC
MEETING

MAR 18 2009

AGENDA ITEM
NO. 10BRon Walker
1814 Silverado Trail
Napa, California 94559

March 17, 2009

Mark Luce, Chairman
Board of Supervisors
County of Napa
1195 Third Street, room 310
Napa, California 94559**Re: Agenda Item #10B--Comments on Draft Housing Element and EIR**

Dear Chairman Luce:

We are the owners of a 3.99-acre +/- parcel located at 1055 Monticello Road in the Silverado urban area. Our parcel is currently designated Rural Residential (RR) and zoned RS-B: 2. Under the current zoning classification, our parcel has reached its development potential.

We have been working with county staff, the board and commission to facilitate a redesignation of our parcel from its current Rural Residential (RR) to an Urban Residential (UR) designation. This designation will allow us to create new parcels comparable to those of our surrounding neighbors. Under the present RR designation we are unable to construct any additional residential improvements.

After two long years of effort, beginning with the General Plan update and now the housing element process, we were pleased to learn that the January 2009 Housing Element includes policy H-2k which provides:

Program H_2k: The County will remove the Affordable Housing (:AH) overlay or combination district from the three Monticello Road/Atlas Peak sites illustrated in Figure h-1 below and will re-designate another area closer to the City boundary from "Rural Residential" to "Urban Residential," permitting property owners to request rezoning for dwelling unit densities up to four units per acre provided that municipal water and sewer are extended to the area.

During a recent public hearing on the draft EIR, the Planning Commission was approached by several of our neighbors questioning the modest increase in neighborhood density that would result from implementation of the above policy. No evidence of any substantial impacts on the environment was presented; rather the issue of potential change to our undeveloped infill parcel was raised. We fully appreciate that development of our long held family property with up to 16 residences at densities equivalent to that of

RECEIVED

MAR 17 2009

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

our neighbor will have some impact on our immediate neighbors. We are fully prepared to work with all of our neighbors to design a project that meets both county and neighborhood goals. However developing such plans for the property is well beyond the scope of a Housing Element that is an expression of long range planning goals for the entire county. In that context, we continue to believe that adoption of program H-2k for all or portions of the map shown on Figure H-1 furthers Smart Growth and climate change initiatives embedded in the County General Plan in that:

1. A UR designation would protect the county's agricultural lands by concentrating growth in urban areas where urban services are or will be available;
2. A UR designation would bring the general plan in line with the existing land use pattern and parcel sizes in the neighborhood;
3. A UR designation would provide the county with additional housing opportunities within an existing urban area that is proximate to major roads and employment center (i.e. Silverado Country Club);
4. A UR designation will facilitate implementation of the recent general plan goal of protecting both ground and surface water quality that adversely affect Sarco Creek by extending sanitary sewer to the area (policy Ag/LU-92); and
5. The proposed re designation would not impact the county's agricultural land or resources as none of the parcels within the area are or have been in agricultural use in the immediate past. The consequence of retaining the status quo is to put additional pressures to develop agricultural and other areas of the county that may be less suitable for greater densities.

To protect its agricultural heritage, it is incumbent on the county to maximize housing in those existing urban areas of the county where growth has historically occurred. A modest increase in density envisioned by program H-2k would allow us to apply for a permit to develop a combination of market rate, work force and affordable housing units close to Silverado Country Club equivalent in quality to those of our neighbors. Approval of the program does not guarantee that are property will be developed at the density range specified. We know that a successful project on this site will also require the involvement of our neighbors. We are committed to such a process. We simply want the opportunity to do so.

As far as the DEIR is concerned, we recognize it to be a program EIR addressing countywide impacts and mitigation measures not a project-specific EIR. Nonetheless, we would like it to better emphasize the following points with regard to the change in land use designation from RR to UR in the Monticello Road area:

1. Many of the septic tanks on parcels surrounding ours are substandard having been installed over 40 years ago. Under current standards, the minimum parcel size for septic systems is one (1) acre; and each parcel must include sufficient reserve area. The parcels that surround us average 1/3 acre and do not meet current county standards. The Napa Sanitation District

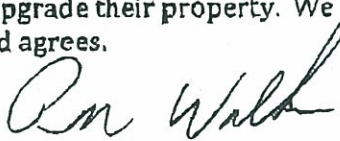
- (NSD) advised us that it would consider extending the sewer line to our neighborhood only if it was designated UR designation. The extension would be cost effective for the as future development on our property would help to underwrite the costs of the extension. The future sewer line must also cross our property. To the contrary, retaining the parcel in its current RR designation would likely put off beyond 2014 the extension of future sewer lines by NSD. The consequence is the continued area-wide use of substandard septic systems to the detriment of local ground water quality on which many of our neighbors rely. In addition, the continued use of substandard systems will adversely affect the water quality of Sarco Creek, a fish-bearing stream in our neighborhood. We think the Final EIR for the housing element should reflect the positive environmental aspects that will accrue to our neighborhood as a result of a adoption of program H-2k that will facilitate the extension of sanitary sewer to our neighborhood;
2. The redesignation envisioned by program H-2k would not impact local traffic conditions on Monticello Road or within the surrounding neighborhood. As noted on page 3-23 of the DEIR, "given current development patterns and parcel sizes, only one parcel in the Monticello Road Rural Residential [the Walker property] could develop at a higher density than one house per parcel under this [H-2k] program. The owner of this parcel has proposed a development of 13 units on approximately 4.3 acres. With its direct access to Monticello Road no future project traffic would utilize neighborhood streets. Nor would a future project have a measurable impact on peak hour traffic on Monticello Road. According to the County's traffic engineer the current traffic volume on Monticello Road east of the 3 way intersection is approximately 11900 trips daily or 1190 peak hour trips. A 13 unit subdivision referenced in the DEIR would generate approximately 13 peak hour trips or contribute to less than a 1% increase during the peak hour. This impact is far less than envisioned in the recently certified FEIR for the General Plan update. This impact as noted in the DEIR will be mitigated by the signalization at the 3-way intersection west of the project site. WE believe that the Final EIR for the housing element update should note and diminish traffic impacts associated with the adoption and implementation of policy H-2k.

In summary, we believe that the Final EIR prepared for the housing element should clearly state the positive environmental impacts of program H-2k in terms of improving both surface and groundwater quality and insignificant on either an individual or cumulative basis on either Monticello Road or streets in our neighborhood.

We strongly urge you to adopt program H-2k as written. It was included in the Housing Element after two years of work with the staff, board and commission. Since 1983 (at least) the area shown in the Housing Element has been classified as an urban area of the county. Retaining our 4-acre parcel in its current designation is patently unfair to our family who simply want the right to apply for the

development of their property in a manner consentient with the surrounding neighborhood. Further precluding this modest development on this infill parcel is contrary to Smart Growth principles and climate initiatives that urge higher densities in urban areas along major roads, close to employment centers and commercial centers. In addition to advancing Smart Growth principles of the general plan, adoption of program H-2k would facilitate the extension of public sewer to our neighborhood that will protect our local water quality and allow our neighbors to upgrade their property. We think this is a win-win for everyone. We hope the Board agrees.

Respectfully,

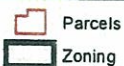


Ron Walker

✓

CC: Conservation, Development and Planning Commissioners

Enclosures

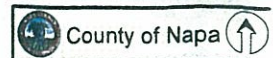


1 inch equals 300 feet

Feet

Horizontal Datum: NAD 83,
CA State Plane Coordinates,
Zone II, feet

Disclaimer: This map was prepared for informational
purposes only. No liability is assumed for the accuracy
of the data delineated herein.



Conservation Development
and Planning

049 100 000 000



- Program H-2b: The County will continue to promote sites designated with the Affordable Housing (:AH) overlay zoning and will work with interested parties to encourage development of the sites under the :AH provisions.
- Program H-2c: If development occurs on parcels with the :AH overlay zone that does not achieve the densities or the level of affordability associated with the overlay zoning provisions, the County will work to identify new sites to accommodate the shortfall in units originally anticipated when the AH: overlay was applied to the parcel(s).
- Program H-2d: The County will encourage greater provision of affordable housing units in conjunction with market rate projects by modifying the Affordable Housing Ordinance to increase the inclusionary percentage from 10 percent to 20 percent and by allowing the payment of in-lieu fees only for housing projects of four or fewer units.
- Program H-2e: The County will update the Affordable Housing Ordinance to adjust the commercial housing impact fee not less frequently than every time the Housing Element is updated.
- Program H-2f: The County will notify the public of available special assistance programs in coordination with the cities and other public and private agencies, by the use of brochures and news releases.
- Program H-2g: The County will continue its program of exempting all secondary residential units from the Growth Management System and will amend the zoning ordinance to allow second units in the AP zoning district if the units are reserved for use by family members or households qualifying as low or moderate income.
- Program H-2h: The County will facilitate new affordable housing unit production by completing an inventory of surplus County-owned land and, when appropriate, offering surplus land that is suitable for housing production to be used for affordable housing projects.
- Program H-2i: The County will require projects receiving Affordable Housing Fund or any other type of County assistance, as well as those units built as part of the County's inclusionary housing requirement, to apply deed restrictions that will require affordability of assisted units for a minimum of 40 years.
- Program H-2j: The County will continue to use the Affordable Housing (:AH) overlay or combination districts as a tool to provide specific and reasonable development standards and stimulate affordable housing production in designated locations, as described in Appendix H-1, and will adjust the :AH controls as needed to comply with State requirements for density bonuses.
- Program H-2k: The County will remove the Affordable Housing (:AH) overlay or combination district from the three Monticello Road/Atlas Peak sites illustrated in Figure H-1 below and will re-designate another area closer to the City boundary from "Rural Residential" to "Urban Residential," permitting property owners to request rezoning for dwelling unit densities up to four units per acre provided that municipal water and sewer services are extended to the area.

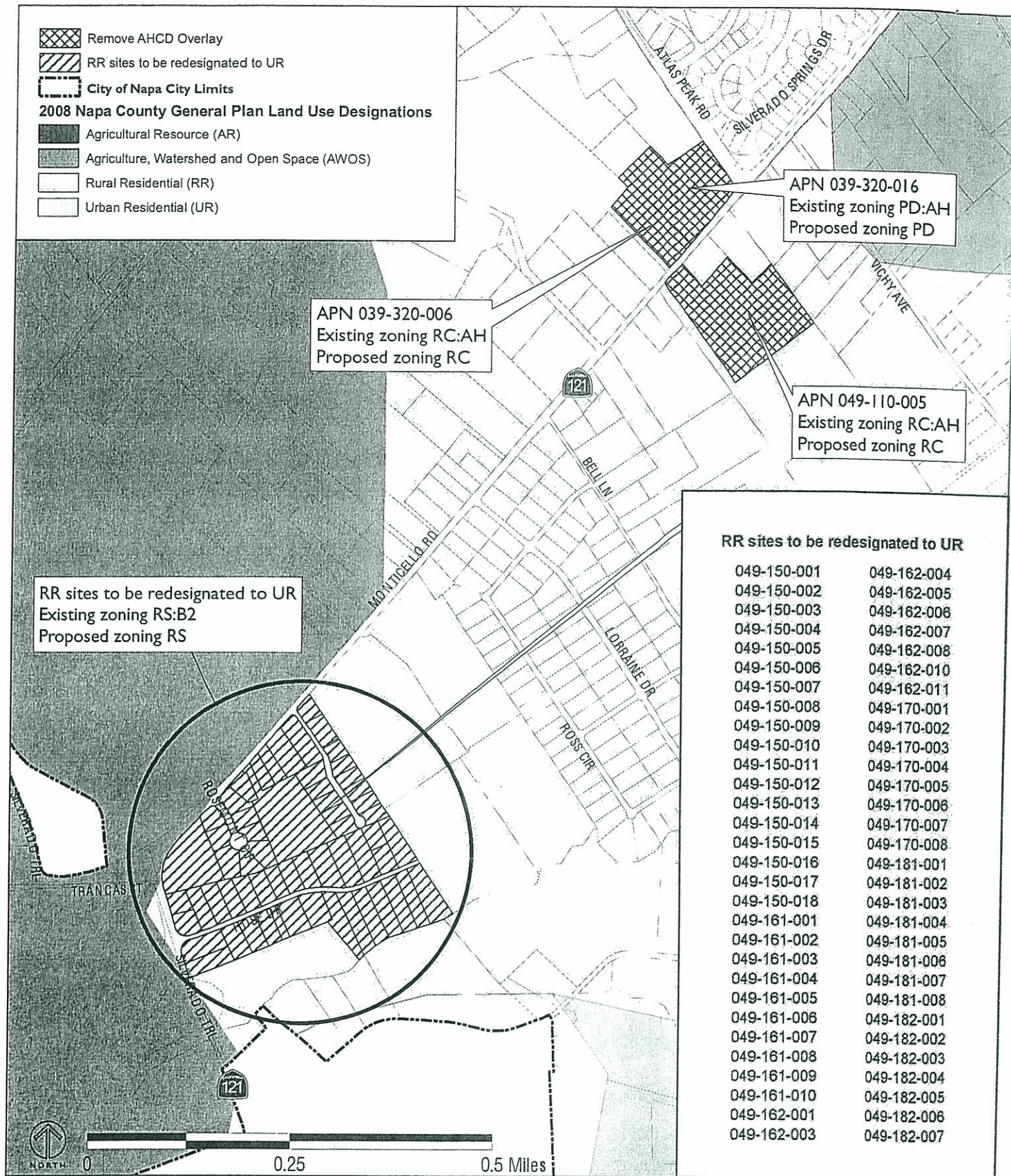


FIGURE H-1

SITES PROPOSED FOR REDESIGNATION AND EXISTING GENERAL PLAN LAND USE DESIGNATIONS

and new, accessory units are most likely to be added when commercial sites are developed or re-developed.

f. Redesignations in the Monticello Road Rural Residential Area

Concurrent with adoption of the Draft Housing Element Update, the County would amend the General Plan Land Use Map to redesignate 60 parcels near the City of Napa from Rural Residential to Urban Residential. These parcels are shown in Figure 3-7. These parcels are located immediately adjacent to the City of Napa and are currently zoned Residential Single: Building Site Combination District with a minimum lot size of 2 acres (RS:B-2). Redesignation to Urban Residential would allow landowners to apply to rezone their property and construct additional housing. In order to qualify for the re-zoning, the applicant would be required to demonstrate that municipal water and sewer service would be available to serve the new housing units. This program would complement the policy in the recently-adopted General Plan to alleviate water quality problems caused by aging septic systems in this area by allowing for the extension of Napa Sanitation District sewer service along Monticello Road.⁷

Given current development patterns and parcel sizes, only one parcel in the Monticello Road Rural Residential Area (APN 049-161-009) could develop at a higher density than one house per parcel under this program. The owner of this parcel has proposed development of 13 units on approximately 4.3 acres.

3. Additional Policy Changes

The proposed Housing Element Update contains a number of policy and program changes in addition to those described above. These policies are expected to facilitate construction of affordable housing units, but it is not possible to quantify specific numbers of units that these policies may generate. However, they are analyzed in this Draft EIR since they may have direct and measurable physical impacts.

⁷ Policy AG/LU-92 of the 2008 Napa County General Plan.

March 23, 2009

Hillary Gittelman
Napa County Planning Department
1195 Third Street
Napa, CA 94559

RE: Conforming Amendments

Hillary:

Here are my comments, ideas, and suggestions for consideration.

Page 2, C Agricultural Preservation & Land Use Element

As we discussed at the Farm Bureau meeting a few weeks back, is it possible to leave the Napa Pipe parcels as Study Area vs changing to Transitional? What value does this add if the Napa Pipe site is the only one designated as Study Area?

Bullet #1: this bullet in the GP should remain as is.

Bullet #2: heading should also remain as is.

Bullet #3: OK as recommended, except for Maximum Building Density. As only a small portion (20%) is defined as affordable – why restrict the whole site to a minimum of 20 dwelling units/acre? The average size of units, square feet of commercial, and Floor Area Ratio more appropriate belongs in the Development Agreement – not in the General Plan.

Page 3, #12, 13, & 14: Recommend no revisions – leave Study Area as-is (see comments above).

Page 5-15, Policy AG/LU-119, Growth Management System:

As we discussed, it is important historically, and to reinforce Napa County's desire to support it's fair share of housing, that reference to the nine Bay Area Counties remain in paragraph 2 on Page 5. Similarly, the 2nd paragraph on Page 6 should be retained.

Paragraph 3 on page 6 should be retained both for historical perspective and as this paragraph defines the adjustments for annexations and incorporations.

Page 7, section 3: The almost last sentence is problematic "The calculation may be adjusted to reflect the vacancy rate of year round housing units, and in no instance shall the new annual limit be less than the prior limit." If the paragraphs noted above in this policy are retained, then the calculation should be the driving force, not an absolute statement that it can never be less than prior limit. Recommend the underlined part be removed.

Thanks and regards,

Eve Kahn
3485 Twin Oaks Court Napa, CA 94558