



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/22/2016

Agenda Placement: 6U

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Leanne Link for Nancy Watt - County Executive Officer
County Executive Office

REPORT BY: Helene Franchi, Principal Management Analyst - 253-4820

SUBJECT: Approval of a temporary construction easement agreement with the Boys & Girls Clubs of St. Helena and Calistoga and an access and utilities easement agreement with the Boys & Girls Clubs and the City of Calistoga, affecting the County Fairgrounds

RECOMMENDATION

County Executive Officer requests approval of and authorization for the Chairman to sign the following agreements effective March 22, 2016, with the Boys & Girls Clubs of St. Helena and Calistoga (BGC) and with the City of Calistoga (as to the second agreement), to facilitate BGC's construction and use of a new clubhouse on an adjacent City of Calistoga parcel and to benefit the County Fairgrounds through BGC's improvement of a driveway for use by all three parties:

1. Temporary Construction Easement Agreement between the County and BGC; and
2. Access and Utilities Easement Agreement among the County, BGC and the City of Calistoga.

EXECUTIVE SUMMARY

The City of Calistoga owns a parcel of property (the City Parcel) adjacent to the County Fairgrounds. The City has approved a development agreement with BGC that will allow BGC to build and operate a new clubhouse on the City Parcel pursuant to a contemplated 55-year ground lease. The City also plans to construct a new parks and recreation building on another portion of the City Parcel.

BGC and the City need to acquire certain rights from the County as to small portions of the Fairgrounds property in the form of a temporary construction easement and an access and utilities easement. In exchange for those easements, BGC will improve and pave an existing driveway on the Fairgrounds property (for use by all three parties) that will run from N. Oak Street to the golf course area of the Fairgrounds property. BGC's driveway work will provide much-improved access for the operators and users of the Fairgrounds in that area.

PROCEDURAL REQUIREMENTS

1. Staff reports.
2. Public comments.
3. Motion, second, discussion and vote on the item.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

General Rule. It can be seen with certainty that there is no possibility that the proposed action – Board approval of the conveyance of certain easement interests – may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

The City of Calistoga is the lead agency for CEQA purposes as to the BGC Project. The County is not considered a responsible agency under CEQA Guidelines section 15381 because the County has no discretionary approval power over the Project. The BGC Project is part of the overall Logvy Community Park Master Plan adopted by the City on or about May 18, 1999, as amended in 2005, 2007 and 2009. The City approved the BGC Clubhouse aspect of the overall Master Plan on or about December 15, 2015 and adopted a resolution approving an addendum to the City's mitigated negative declaration (MND) previously adopted for the Master Plan project. In the resolution, the City Council found that the "reconfiguration of the Master Plan for the boys and girls club and the city modular project results in only a minor technical change to the previously approved Master Plan. In addition . . . none of the conditions in CEQA Guidelines Section 15162 mandating the preparation of a subsequent negative declaration have occurred. . . ." The time for challenging that resolution and the addendum under CEQA has now elapsed without any challenge filed.

Because the requested action here would merely accomplish a transfer of easement interests, the proposed action would not result in any substantial changes in the circumstances under which the Project is being undertaken and, therefore, it does not appear that any further environmental review is required beyond that which was already undertaken by the City in approving the MND, and in approving the addendum relating to the BGC Project in December 2015, which reflected the independent judgment of the City as the lead agency.

BACKGROUND AND DISCUSSION

The County is the owner of the County Fairgrounds property consisting of about 14.81 acres located within the city limits of Calistoga. The Fairgrounds property is managed, operated and maintained on behalf of the County by the Napa County Fair Association, a California Nonprofit Public Benefit Corporation. The City of Calistoga owns the parcel of property located adjacent to the southwesterly corner of the Fairgrounds property. The City Parcel consists of about 1.09 acres. As part of the City's Logvy Community Park Master Plan, the City designated a significant portion of the City Parcel for use as a "Teen/Art Center building." In 2015, the City entered into discussions with BGC regarding the idea of entering into a long-term ground lease with BGC allowing BGC to build and occupy a new clubhouse on the site. The City approved the BGC clubhouse aspect of the overall Master Plan project on or about December 15, 2015. The City has plans to construct a new parks and recreation building at some point on

the City Parcel.

BGC and the City have requested that the County convey two easements affecting small portions of the Fairgrounds property: (1) a temporary construction easement that will give BGC the right to stage and store construction equipment and materials on a small portion of the Fairgrounds property located to the north of the City Parcel during a period of approximately two years during construction of the clubhouse; and (2) an access and utilities easement giving BGC and the City the right to use an existing driveway area located on the Fairgrounds property for access to the City Parcel and BGC clubhouse and to install utility lines under or across the driveway. In exchange, BGC will improve and pave the existing driveway (which is currently in poor, unpaved gravel condition). The improved driveway will significantly benefit the County and the operators and users of the Fairgrounds property by providing a usable, paved driveway extending all the way from North Oak Street to the golf course on the Fairgrounds property.

The Executive Director of the Fair Association together with County staff and representatives from BGC have met over the past few months to develop the documents before the Board today. Staff recommends approval of a Temporary Construction Easement Agreement (with a maximum duration of fourteen months and two weeks from commencement of construction) that will allow BGC to engage in construction of the Clubhouse and improvements to the driveway, and an Access and Utilities Easement Agreement that will allow BGC and the City to use the Fairgrounds driveway for access to the City Parcel. The duration of the Access and Utilities Easement as to BGC would correspond with the life of its ground lease with the City. And as to the City, the easement would last for as long as the City uses the City Parcel for City governmental purposes. Both BGC and the City would also have the right to install and maintain utility lines under and/or across the driveway on the Fairgrounds property, subject to review of their utility plans and specifications by the County Director of Public Works.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi