



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

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

April 1, 2013

Agenda Item No. 6b (Public Hearing)

March 26, 2013

TO: Local Agency Formation Commission

FROM: Keene Simonds, Executive Officer
Brendon Freeman, Analyst

SUBJECT: Proposed Annexation of 2012 Imola Avenue to the City of Napa

The Commission will consider a proposal filed by the City of Napa to annex an approximate 1.9 acre unincorporated lot located at 2012 Imola Avenue. Staff recommends approval of the proposal with two discretionary amendments. The first amendment would expand the annexation boundary to include 0.4 acres of additional unincorporated land covering two adjacent lots at 2008 and 2010 Imola Avenue with all of the adjacent public right-of-way. The second amendment would concurrently detach the affected territory from County Service Area No. 4. Approval of the proposal with the recommended amendments would be subject to separate protest proceedings absent landowner consent.

Local Agency Formation Commissions (LAFCOs) are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to regulate the formation and development of local governmental agencies and their municipal service areas. This includes approving or disapproving proposed changes of organization, such as boundary changes, consistent with adopted policies and procedures. Two or more of these actions tied to a single proposal are referred to as reorganizations. LAFCOs are authorized with broad discretion in amending and conditioning change of organizations or reorganizations as long as the latter does not directly regulate land uses or subdivision requirements.

A. Background

LAFCO of Napa County (“Commission”) has received a proposal from the City of Napa (“City”) on behalf of the affected landowner to annex an approximate 1.9 acre unincorporated lot located at 2012 Imola Avenue. The subject lot lies entirely within the adopted sphere of influence for the City and is identified by the County of Napa Assessor’s Office as 046-311-013. The subject lot is partially developed with an approximate 1,300 square foot unoccupied single-family residence. The remainder of the subject lot is undeveloped with no improvements with the exception of a paved driveway.

Lewis Chilton, Commissioner
Councilmember, Town of Yountville

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County of Napa Supervisor, 1st District

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Representative of the General Public

Joan Bennett, Commissioner
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Gregory Rodeno, Alternate Commissioner
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Juliana Inman, Alternate Commissioner
Councilmember, City of Napa

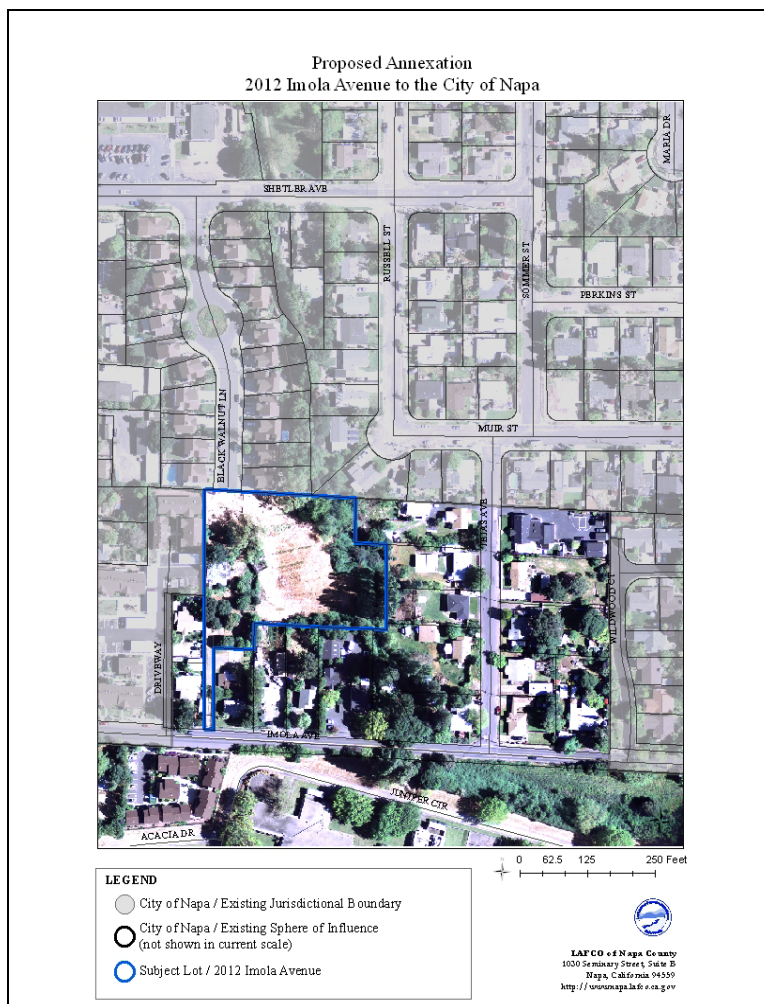
Mark Luce, Alternate Commissioner
County of Napa Supervisor, 2nd District

Keene Simonds
Executive Officer

B. Discussion

Proposal Purpose

The subject lot was purchased by the current landowner – Gary Garaventa – in 2011 as part of a legal settlement with the prior landowner.¹ The existing single-family residence has been reportedly left unoccupied since the late 2000s due to disrepair. The stated purpose of the proposal is to enable Mr. Garaventa to file a future development application with the City, which by practice does not accept project filings for lands lying outside its jurisdictional boundary. The City's existing land use policies would allow the subject lot to be divided into a maximum of 13 single-family residential lots less any dedications.² Mr. Garaventa would presumably market an approved development plan as part of a future property sale. Towards this end, Mr. Garaventa has retained Randy Gularte with Heritage Realty to represent the proposal before the Commission.



¹ The legal ownership title for the subject lot is Garaventa Florists and Gifts.

² LAFCO law prohibits annexed territory to be rezoned by a city for 24 months following recordation unless special findings are made by the council at a public hearing.

Commission Focus

The Commission included the subject lot in the establishment of the City's sphere of influence in 1972. The existing inclusion of the subject lot in the sphere of influence, importantly, reflects a standing Commission expectation the lands be annexed into the City to facilitate orderly urban development when the *timing* is deemed appropriate (emphasis). The underlying consideration of the Commission, consequently, is whether the members collectively believe the timing of the proposed boundary change is justified relative to its review of the factors prescribed by local policies and the Legislature.

C. Analysis

The analysis of the proposal is organized into three sections. The first section considers the proposal relative to the factors prescribed for consideration under local policy with specific focus on whether amendments are merited to comply with the established preferences in implementing LAFCO law in Napa County. The second section considers the proposal relative to the factors mandated for review by the Legislature anytime LAFCOs review boundary changes. The third section considers issues required by other applicable State statutes in processing boundary changes and highlighted by making a determination on environmental impacts.

Local Policies / Discretionary Amendments

A review of the submitted application materials relative to the Commission's adopted policies merits the membership considering two distinct amendments. These amendments – both of which are discretionary on the part of the Commission – involve (a) expanding the annexation boundary and (b) detaching the affected territory from County Service Area (CSA) No. 4. An evaluation of these amendments follows.

Expansion of Annexation Boundary

The subject lot is part of a 19-lot (8.5 acres) unincorporated island substantially surrounded by the City as defined by Commission policy; an island already receiving water from the City through grandfathered outside service extensions and sewer from Napa Sanitation District (NSD) byway of earlier annexations.³ Accordingly, and consistent with policy and practice, written surveys were circulated to the remaining landowners to gauge interest in expanding the annexation to either eliminate or further reduce the island. Over half of these landowners responded to the survey with nearly all opposing the expansion of the annexation to include their respective lots with one notable exception involving 2008 Imola Avenue; one of two island properties located immediately to the west of the subject lot. To this latter end, the landowner at 2008 Imola Avenue – Julio Ramirez – has provided his written consent for the Commission to expand the annexation boundary to include his lot with the underlying applicant agreeing to remain responsible for all annexation costs.

³ Commission policy defines a substantially surrounded island as unincorporated territory with 66.6% of its perimeter immediately adjacent to a city and within the agency's sphere of influence.



As illustrated in the above vicinity map, the volunteer consent of the landowner at 2008 Imola Avenue to add his lot to the annexation is advantageous in further reducing the existing island and providing a more orderly boundary for the City. The consent of 2008 Imola Avenue also positions the Commission – importantly – to consider a further expansion of the annexation to include 2010 Imola Avenue and the adjacent public right-of-way without triggering *successful* protest proceedings (emphasis).⁴ Markedly, the addition of 2008 and 2010 Imola Avenue to the proposal would provide a cleaner City/County line on Imola Avenue and avoid the creation of a new substantially surrounded island; an outcome that is not explicitly prohibited as it is for entirely surrounded areas, but implicitly discouraged under LAFCO law.⁵

⁴ Adding 2010 Imola Avenue to the annexation boundary without the written consent of the landowner would necessitate the Commission conditioning approval on the completion of protest proceedings. Protest proceedings would require a separate hearing conducted by the Executive Officer in which each affected landowner would be given the opportunity to file a written objection to the proceedings. Protests would be counted based on each landowner having one vote for each dollar his or her property is assessed. Annexation approval would be terminated if protests were received from one or more landowners holding 50% or more of the total assessed value for the affected territory.

⁵ It is pertinent to note the creation of a substantially surrounded island would occur under either of the following two approval scenarios: (a) annexation of only 2012 Imola Avenue or (b) annexation of 2012 and 2008 Imola Avenue.

With assistance from Mr. Gularte, staff made contact with the landowner at 2010 Imola Avenue – Lloyd Penrod – to determine interest in joining the annexation. Mr. Penrod communicated to staff on the telephone he is “open” to joining the annexation, but has remained non-committal as of the date of this report due to outside circumstances. Notably, in his comments to staff, Mr. Penrod stated he recently purchased the lot and has applied with the County for a non-conforming permit for a third dwelling unit on the property given it lies within a required setback to the property line. Mr. Penrod added he would be agreeable to annexation so long as it did not adversely impact his pending permit application. A subsequent follow up with the County identified Mr. Penrod’s application remains on hold until additional information is submitted showing the third dwelling unit has been in continual use since 1955; the date in which the underlying setback ordinance was established. The City has confirmed it would accept a legal non-conforming permit from the County if it is issued prior to the annexation being recorded. The City also confirmed its own process for issuing a non-conforming permit effectively parallels the County.⁶

Given the preceding considerations, staff believes it would be appropriate to expand the annexation boundary to include both 2008 and 2010 Imola Avenue along with the adjacent public right-of-way; an addition of approximately 0.4 acres. Three related factors provide specific justification for the recommended expansion. First, the recommended expansion would provide a more logical City boundary by avoiding the creation of a new substantially surrounded island. Second, the recommended expansion would survive protest proceedings based on current assessed values of the three affected lots.⁷ Third, as detailed, it does not appear the annexation of 2010 Imola Avenue would substantively affect Mr. Penrod’s interest in seeking a non-conforming permit for the lot given the underlying application processes effectively match between the City and County.

Recommendation: Amend the proposal to expand the annexation boundary by an additional 0.4 acres to include 2008 (046-311-007) and 2010 (046-311-008) Imola Avenue along with all of the adjacent public right-of-way.

⁶ This information was forwarded to Mr. Penrod by e-mail on March 11, 2013.

⁷ The County of Napa Assessor’s Office reports the following assessed values: 2012 Imola Avenue is \$357,000; 2010 Imola Avenue is \$109,874; and 2008 Imola Avenue is \$137,500. LAFCO law does not define “landowner” to include public agencies when the subject territory is a public right-of-way.

Concurrent Detachment from CSA No. 4

Commission policy requires all annexations to cities be amended and reorganized to include concurrent detachment from CSA No. 4 unless waived given special circumstances.^{8 9} The prescribed waiver involves a determination the affected territory has been, or is reasonably expected to be, developed to include planted vineyards totaling one acre or more in size. All three lots comprising the recommended annexation boundary have single-family residences and are without any vineyard uses. Further, only one of the three affected lots – 2012 Imola Avenue – meets the one acre minimum size requirement for eligibility within CSA No. 4’s special assessment in the unlikely and unplanned event vineyards are planted in the future. There are also no vineyards within reasonable distance to the lots. These collective factors substantiate there is no existing or expected tie between the recommended annexation boundary and CSA No. 4’s role in providing public farmworker housing services in Napa County.¹⁰

Recommendation: Amend the proposal to concurrently detach the affected territory from CSA No. 4.

Legislature Policies / Mandated Factors

G.C. Section 56668 requires the Commission to consider 15 specific factors anytime it reviews proposals for change of organization or reorganization involving cities. The majority of the prescribed factors focus on the impacts of the proposed boundary changes on the service and financial capacities of the affected agencies. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering boundary changes in context to locally adopted policies and practices. To this end, consideration of these factors relative to the proposal filed by the City follows. Staff has incorporated into the review the recommended amendments as detailed in the preceding section. Consequently, references to the “affected territory” hereafter include 2012, 2010, and 2008 Imola Avenue along with the adjacent public right-of-way.

⁸ CSA No. 4 was formed in 2002 and includes all unincorporated territory along with certain incorporated territory located within the Cities of Calistoga, Napa, St. Helena, and Yountville. The intent and function of CSA No. 4 is to sponsor a voter-approved assessment on all assessor parcels within its jurisdiction containing one acre or more of planted vineyards to fund farmworker housing services.

⁹ Statement references Commission General Policy Determination VII/D/3(a).

¹⁰ As a supplement to the analysis, it has been the practice of the Commission to include a special approval condition to certain city annexations to require the affected city to file a proposal to reannex land back to CSA No. 4 if a vineyard of one acre or more in size is allowed in the future. This special condition has been applied as a funding safeguard for CSA No. 4 involving lands that have been previously planted with a vineyard and/or lie in an area in which vineyards are prevalent. None of these factors apply to the recommended annexation boundary and, accordingly, a special approval condition is not needed.

(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 lies within a developing area predominately consisting of moderate to high density housing and part of a neighborhood designation under the City General Plan known as “Terrace/Shurtleff.” The area’s median household income is \$71,429 compared to the \$80,783 amount for the City.¹¹ The largest of the three subject lots – 2012 Imola Avenue – is 1.9 acres in size and partially developed within an unoccupied single-family residence with the remaining property unimproved with the exception of a paved driveway. The other two subject lots – 2008 and 2010 Imola Avenue – are both substantively developed to the maximum extent allowed under either the County or City within single-family residences. 2008 Imola Avenue is 0.17 acres in size and is occupied with two residents. 2010 Imola Avenue is 0.17 acres in size and currently unoccupied. (2010 Imola Avenue also has two detached units; one of which is currently subject to a permit application to become a legal non-conforming use.) The current assessment value for the three lots totals \$604,374.¹²



The affected territory is legally uninhabited given there are no registered voters based on the most recent list provided by County Elections. Topography within the affected territory is relatively flat with a peak elevation of 80 feet above sea-level. Cayetano Creek lies along the southwestern perimeter of 2012 Imola Avenue.

¹¹ American Community Survey, 2007-2011.

¹² See Footnote No. 7 for individual lot values. The public right-of-way has no assessed value.

Proposal approval is expected to facilitate the near-term development of 2012 Imola Avenue to include – and based on existing zoning requirements – up to 13 residential lots and produce an estimated buildout population of 34.¹³ The other two lots within the affected territory are already substantively developed to their maximum extent allowed under the County or City. In all, the total buildout population projection for the affected territory is 40.¹⁴

Development opportunities for adjacent areas to the affected territory – again based on existing zoning – are limited to the remaining lots directly to the east that are part of the same unincorporated island.¹⁵ All of the remaining island lots are developed with single-family residences. It is estimated that 11 of the 16 remaining island lots could be further divided upon annexation and development approval by the City based on existing acreage sizes. However, and with the exception of second unit allowances, no further development of these remaining island lots can be achieved without annexation given the restrictions tied to the County Zoning Ordinance.

(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 core municipal services needed within the affected territory based on its planned and anticipated residential land use includes water, sewer, fire protection/emergency medical, and law enforcement. An analysis of the availability and adequacy of these core municipal services relative to projected needs if the proposal – with or without the recommended amendments – is approved follows.

- *Water Service*

All three lots comprising the affected territory are already connected to the City's water system through grandfathered outside service extensions.¹⁶ At occupancy, the estimated daily water demand generated within affected territory would be 1,020 gallons and equivalent to an approximate 1.1 acre feet annual use. The planned and expected development of 2012 Imola Avenue to accommodate a maximum of 13 residential lots upon proposal approval suggests the anticipated water demand generated from the affected territory would increase to 5,100 daily gallons and total 5.7 acre-feet annually. This anticipated demand at buildout would have relatively minimal impacts on the City's existing water system infrastructure as measured by supply, storage, and treatment capacities as detailed in the following subsections.

¹³ The estimated buildout population for the affected territory assumes a per unit factor of 2.65 based on calculations performed by the California Department of Finance specific to the City.

¹⁴ City zoning allows for accessory second units - "granny units" - on residential lots subject to certain restrictions and cannot exceed 640 square feet unless permitted by special allowance.

¹⁵ Incorporated lands to the north and west of the affected territory are already developed to the maximum extent allowed. Unincorporated land to the south of the affected territory is owned by the State of California.

¹⁶ Outside service extensions are now subject to LAFCO approval under G.C. Section 56133.

Water Supply and Demand

Napa’s water supplies are derived from three distinct sources: Lake Hennessey, Milliken Reservoir, and the State Water Project. These three sources collectively provide Napa with 31,340 acre-feet of raw water for treatment during normal year conditions based on historical patterns. These historical patterns also indicate Napa’s annual water supply decreases during multiple and single dry year conditions to 19,896 and 13,533 acre-feet, respectively. Conversely, Napa’s most recently recorded annual water demand totals 13,877 acre-feet; an amount representing an average daily use of 38 acre-feet. These current demands result in an available supply surplus during normal and multiple dry year conditions. Further, the existing shortfall projected during single dry years is relatively minimal and would be likely offset by voluntary and mandatory water conservation measures that could be adopted by the City Council consistent with their Urban Water Management Plan (UWMP).

The annual water demand increase associated with the annexation and buildout of the affected territory – 4,080 gallons or 4.6 acre-feet – would represent only three hundredths of a percent of the current demand commitments for the City.¹⁷ Annexation and buildout of the affected territory, accordingly, would have no measurable impact on existing or future water demands on the City as depicted in the following tables.

Baseline Without Annexation of the Affected Territory (Amounts in Acre-Feet)

Category	Normal Year	Multiple Dry	Single Dry
Annual Supply	31,340	19,896	13,533
Annual Demand	13,879	13,879	13,879
Difference	17,461	6,017	(346)

Adjusted With Annexation/Buildout of the Affected Territory (Amounts in Acre-Feet)

Category	Normal Year	Multiple Dry	Single Dry
Annual Supply	31,340	19,896	13,533
Annual Demand	13,884	13,884	13,884
Difference	17,456	6,012	(351)

¹⁷ The amount provided as the current annual water demand commitments for the City includes the most recent calendar year totals plus projected increases associated the recent annexation approvals of 1101 Grandview Drive and 29 Forest Drive.

Water Treatment and Storage

Napa operates treatment facilities for each of its three water sources. These three facilities provide a combined daily treatment capacity of 135 acre-feet.¹⁸ This combined treatment amount is more than three times greater than the current average day water demand (38 acre-feet) and nearly two times greater than the current estimated peak day water demand (76 acre-feet).¹⁹ Furthermore, Napa’s combined treated water storage capacity overlaying its five pressure zones – including clearwell tanks – is 86 acre-feet. This combined storage amount accommodates current estimated peak day water demands in Napa.

Average day water demands associated with the annexation and buildout of the affected territory – 5,100 gallons or 0.02 acre-feet – would have no measurable impact on the City’s existing water treatment and storage capacities as depicted in the following tables.

City Baseline <u>Without</u> Annexation of the Affected Territory (Amounts in Acre-Feet)			
Treatment Capacity	Average Day Demand	Peak Day Demand	Storage Capacity
135.0	38.0	76.0	86.2

City Adjusted <u>With</u> Annexation/Buildout of the Affected Territory (Amounts in Acre-Feet)			
Treatment Capacity	Average Day Demand	Peak Day Demand	Storage Capacity
135.0	38.0	76.0	86.2

- *Sewer Service*

All three lots comprising the affected territory are already connected to NSD through earlier annexations. At full occupancy, the estimated average day sewer flow generated from the affected territory and its three single-family residences is 816 gallons. The planned and expected development of 2012 Imola Avenue to accommodate a maximum of 13 residential lots upon proposal approval suggests the anticipated daily sewer flow within the affected territory would increase by 3,264 gallons to 4,080 gallons on average and would increase by 8,160 gallons to 10,200 gallons during peak periods. These buildout estimates – under existing conditions – would have relatively negligible impacts on NSD’s sewer system as depicted in the following table.

¹⁸ The combined daily treatment capacity for the City is divided between the Milliken facility at 4.0, Jamieson facility at 20.0, and Hennessey facility at 20.0 million gallons, respectively.

¹⁹ Statement references recent usage records, the estimated peak day demand factor for the City is 2.0.

NSD Baseline Without Annexation of the Affected Territory (Amounts in Gallons)			
System Avg. Day Capacity	Average Day Demand	Peak Day Demand	System Peak Day Capacity
15,400,000	6,702,400	33,706,000	126,200,000

NSD Adjusted With Annexation/Buildout of the Affected Territory (Amounts in Gallons)			
System Avg. Day Capacity	Average Day Demand	Peak Day Demand	System Peak Day Capacity
15,400,000	6,705,664	33,714,160	126,200,000

Capacity during peak-day incorporates 340 acre-feet (110,806,000 gallons) of adjacent pond storage.

- Fire Protection and Emergency Medical Services***
 Annexation of the affected territory would immediately transfer fire protection and emergency medical service responsibilities from the County to the City. Proximity of the affected territory, however, suggests the City is already the probable first-responder for fire protection and emergency medical service calls based on an established mutual aid agreement with the County. Approval of the proposal would eliminate any duplication and related inefficiencies associated with the City providing fire protection and emergency medical services to the affected territory. Further, information generated from the Commission’s earlier municipal service review on countywide fire protection services noted the City has generally developed sufficient capacities and controls to serve existing and anticipated demands. This includes noting the affected territory is located within an adequately served area in which the City is reasonably expected to respond within its adopted five minute standard time. Additional analysis indicates this information remains valid and applicable to this proposal.
- Law Enforcement Services***
 Annexation of the affected territory would immediately transfer law enforcement service responsibilities from the County to the City. However, and similar to fire protection, the affected territory’s proximity suggests the City is already the probable first-responder for emergency law enforcement service calls based on an established mutual aid agreement with the County. Approval of the proposal would eliminate any duplication and related inefficiencies associated with the City already providing law enforcement services to the affected territory. The Commission’s recently completed municipal service review on countywide law enforcement services also notes the City has developed sufficient capacities and controls to serve existing and anticipated demands. The municipal service review also notes no service deficiencies within the area surrounding the affected territory.

(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 have an advantageous effect in memorializing existing social and economic ties between the affected territory and the City. These ties are drawn from the affected territory's standing inclusion into the sphere of influence adopted for the City; inclusion approved by the Commission in 1972 and marking an expectation the site should eventually develop for urban uses under the City's land use and service authority. The recommendation to amend the proposal to concurrently detach the affected territory from CSA No. 4 would also reflect the social and economic ties underlying the District's operations. Detachment would support CSA No. 4's logical development by removing incorporated land designated for urban type use that does not have a substantive and direct tie to the District's role in funding public farmworker housing services by taxing vineyards.

(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 generally conforms with the adopted policies of the Commission and is highlighted by the subject lot lying entirely within the adopted sphere of influence for the City; a demarcation outlining the probable future service area and jurisdictional boundary of the City as determined by the Commission. The recommended amendments to expand the annexation boundary to include 2008 Imola, 2010 Imola, and an adjacent right-of-way portion as well as concurrent detachment from CSA No. 4 further enhance the conformity of the proposal relative to the directives and policies of the Commission as detailed in the preceding sections.

The affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377. Specifically, the affected territory is not substantially unimproved and devoted to an open-space use under the County or City General Plan.

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

The affected territory does not qualify as "agricultural land" under LAFCO law. Specifically, the affected territory is not used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program.

(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 as submitted is parcel-specific and includes all of the property identified by the County of Napa Assessor's Office as 046-311-013. The recommended amendment modifies the affected territory to also include 2008 and 2010 Imola Avenue as well as the public right-of-way portion of Imola Avenue immediately adjacent to these properties and would avoid the creation of a new substantially surrounded island. Commission approval would include a term requiring the applicant submit a map and geographic description of the approved action in conformance with the requirements of the State Board of Equalization. The submitted map and geographic description would be subject to review and possible edits by the Executive Officer before filing.

The affected territory lies within an existing substantially surrounded unincorporated island consisting of a total of 19 lots along with public right-of-ways that collectively total approximately 18.5 acres. Surveys of the adjacent landowners suggest expanding the annexation boundary to further reduce and/or eliminate the unincorporated island would likely trigger successful protest proceedings and is not recommended.

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

The affected territory is similarly planned – albeit at different intensities – for single-family residential uses under both the County and City General Plans. The County General Plan designation is *Rural Residential* and it prescribes a minimum lot size of 10 acres; a threshold that precludes any new intensive development given current acreage totals for all three affected lots. The City General Plan designation is *Single-Family Residential* – 179 and it prescribes a minimum lot size of 0.14 acres; an amount that would allow the largest of the three affected lots at 2012 Imola Avenue to be divided into a total of 13 lots minus any setback requirements.

The Metropolitan Transportation Commission's regional transportation plan (RTP) was updated in April 2009 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2035. No specific 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.

See analysis on page 12.

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

Staff provided notice of the proposal to all subject agencies and other interested parties as required under LAFCO law on February 28, 2013. The review included a summary of potential amendments to the proposal based on the Commission’s adopted policies and established practices. This included the explicit potential for amending the proposal to (a) expand the annexation boundary to include 2008 and 2010 Imola for purposes of avoiding the creation of a new substantially surrounded island and (b) concurrent detachment from CSA No. 4. No comments were 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 last municipal service review on the City concluded Napa had developed adequate financial resources and controls relative to its service commitments. Additional analysis performed subsequent to the filing of the proposal provides reasonable assurances the City’s fiscal resources and controls would enable the agency to provide an appropriate level of services to the affected territory relative to anticipated land uses. A summary of the City’s current financial resources follows.

- ***General Fund***

The City’s total available (undesignated/emergency) balance in its General Fund at the beginning of the current fiscal year totaled \$7.6 million and equals 12% of its adopted operating costs in 2012-2013. At the time of budget adoption, the City anticipated a \$4.0 million shortfall in operating costs for the current fiscal year and would – if realized – further reduce the available fund balance to \$3.6 million. A summary of the General Fund reserves over the last five fiscal years follows.

Category	08-09	09-10	10-11	11-12	12-13
Reserved: Reoccurring	2.127	0.509	0.509	0.509	0.509
Reserved: Non Reoccurring	--	--	0.900	0.900	0.900
Unreserved: Emergency	7.934	7.537	7.485	7.578	7.578
Unreserved: Undesignated	8.262	5.826	4.567	3.335	0.002
Total	\$18.323	\$13.872	\$13.505	\$12.323	\$8.989

Dollars in Millions / Amounts as of July 1st

The recent economic recession and corresponding stagnation of general tax revenues paired with increasing service costs underlie the City’s recent and ongoing structural imbalance. Recent administrative measures taken by the City – including reducing employment levels by 40 fulltime positions and eliminating cost-of-living adjustments over the last four years – have helped to stabilize the imbalance and decrease the demand on reserves to cover annual operating costs. Markedly, and assuming these administrative controls continue to be employed going forward, the relatively minor general service demands (i.e. public safety) anticipated and

associated with the annexation and probable development of the affected territory is not expected to have an adverse fiscal impact on the City.

The recommendation to amend the proposal to also include concurrent detachment from CSA No. 4 will have no financial impact given the affected territory is not on the District's assessment roll.

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

Proposal approval and the probable development of the affected territory to include a maximum total of 15 single-family residences would generate a new water demand for the City. As previously referenced, the City's available water supplies are drawn from three separate sources: 1) Lake Hennessey; 2) Milliken Reservoir; and 3) the State Water Project. The City'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 the City's available water supplies are more than sufficient in accommodating both current annual demands – 13,877 acre-feet – and the projected buildout demands within the affected territory – 5.7 acre-feet – during normal and multiple dry year conditions. The City's available water supplies, however, are deficient under current estimated single dry years; a deficit that would be insignificantly increased with approval of the proposal along with the associated planned development of a single-family residence. The City, accordingly, has established conservation efforts within its UWMP to address the projected deficiency during single dry years. These factors provide reasonable assurances of the City'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 would not impact any local agencies in accommodating their regional housing needs. The affected territory is already located within the City's sphere of influence, and as a result, all potential units tied to the land are assigned to the City by region's council of governments, Association of Bay Area Governments.

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

Two of the three landowners within the affected territory have provided their written consent to annexation as of the date of this report. The consent of the third landowner located at 2010 Imola Avenue – Lloyd Penrod – has not been received as of the date of this report.

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

Expanded discussion on existing land use designations for the affected territory is provided on page 13 of this report. The following table summarizes these designations and related zoning assignments.

Category	County	City
Land Use Designation	Rural Residential	Single-Family Residential - 179
- Minimum Lot Size	10 acres	0.14 acres
Zoning Standard	Residential Single: Urban Reserve Overlay	Residential Single – 5
- Minimum Lot Size	n/a	0.11 acres
- Permitted Uses	single-family residence second unit family care / day facility guest cottage private school farmworker housing	single-family residence detached second unit family care / day facility public/private school

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

Proposal approval as recommended would promote environmental justice given it would provide current and future residents within the affected territory the right to participate in City elections going forward; a right currently absent despite the substantive social ties existing between the affected territory and City.

Other Considerations

- ***Property Tax Agreement***
 Revenue and Taxation Code Section 99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change.²⁰ With this in mind, and upon receipt of the applicant’s proposal, staff provided notice to the City and the County of the proposed jurisdictional change affecting both agencies and the need to apply a property tax exchange to the proceedings.

²⁰ CSA No. 4 was formed after Proposition 13 and therefore not eligible for property tax revenues.

Staff has advised the City and the County of its recommendation to amend the proposal and intent to apply a master property tax exchange agreement adopted by both governing boards in 1980 unless otherwise informed; an agreement specifying Napa shall receive 55% of the County's existing portion of property tax revenues generated from the affected territory. The County Auditor's Office estimates the affected portion of the property tax subject to the negotiated exchange would result in a baseline year transfer to the City of \$580.80. Neither agency objects to the application of the referenced agreement.

- ***Environmental Review***

The City serves as lead agency for the proposal as submitted to annex 2012 Imola Avenue under the California Environmental Quality Act (CEQA). Towards this end, the City has determined the proposal qualifies as a "project" under CEQA and has accordingly prepared an initial study assessing the environmental impacts associated with the proposal given the land could be further divided under the City's adopted land use policies. The initial study concludes the project will not generate any new direct or indirect significant impacts that have not already been adequately addressed and, as needed, mitigated in the Final Environmental Impact Report adopted for the City General Plan (1998). Staff has received the initial study and believes the City has made an appropriate finding.

The recommended amendment to the proposal to annex 2008 and 2010 Imola Avenue along with the adjacent public right-of-way necessitates the Commission serve as lead agency for this component of the boundary change. This recommended expansion of the proposal also qualifies as a project, but is not subject to further review given its qualification for exemption under California Code of Regulations Section 15319; a statute that exempts annexations to cities of areas containing existing structures developed to the maximum density allowance.

- ***Conducting Authority Proceedings***

All change of organizations and reorganizations approved by the Commission are subject to conducting authority proceedings unless waived in accordance with criteria outlined under G.C. Section 56663. If conducting authority proceedings are required, the Executive Officer will hold a separate hearing to receive written objections from the affected landowners between 21 and 60 days following Commission approval. The following thresholds would apply to the proposal:

- a) If valid written protest is filed by landowners representing less than 50% of the total assessed value of the affected territory, the boundary change will be completed subject to any other terms approved by the Commission.
- b) If valid written protest is filed by landowners representing 50% or more of the total assessed value of the affected territory, the boundary change will be terminated.

- ***Additional Comments***

Notice of the proposal was mailed to all landowners and registered voters within 300 feet of the affected territory on March 11, 2013. The notice included commenting on the staff recommendation to expand the proposal to also annex 2008 and 2010 Imola Avenue. The notice also commented the Commission reserved discretion for further amendments as it deems appropriate. One response was received and was submitted by the adjacent landowner – Napa Valley Community Housing – at 2000 Imola Avenue. Upon clarification of potential land uses, the adjacent landowner provided their support for the proposal and recommended amendments (attached).

D. Recommendation

The timing of the proposed annexation of 2012 Imola Avenue relative to the factors required by statute and policy for consideration appears appropriate. As outlined in this report, staff believes the proposal would be measurably enhanced through amendment to also include the annexation of 2008 and 2010 Imola Avenue along with the adjacent public right-of-way in order to provide a more orderly boundary for the City and its municipal services going forward. An additional amendment to detach the affected territory from CSA No. 4 also would enhance the proposal consistent with local circumstances.

It is also recommended the following conditions of approval be applied with delegation to the Executive Officer to determine when the requested actions have been sufficiently satisfied before proceeding with a recordation.

- Completion of conducting authority proceedings unless 100% of all affected landowners have consented to the boundary change prior to the close of the hearing.
- Submittal of a map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.
- Payment of any outstanding fees owed to other agencies involved in the processing of this proposal as identified in the Commission’s adopted fee schedule.
- An indemnification agreement signed by the City and the underlying applicant – Gary Garaventa – in a form provided by the Commission Counsel.

E. Alternatives for Commission Action

Staff has identified three options for Commission consideration with respect to the proposal. These options are summarized below.

Alternative Action One (Recommended):

Adopt the draft resolution identified as Attachment One approving the proposal with the recommended amendments and conditions identified in the preceding section along with any desired changes as requested by members.

Alternative Action Two:

Continue consideration of the item to the next regular meeting and provide direction to staff for additional information as needed.

Alternative Action Three:

Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless a request for reconsideration is filed and approved within 30 days of Commission action.

F. Procedures for Consideration

This item has been agenzied for consideration as part of a noticed public hearing. The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from staff;
- 2) Open the public hearing and invite testimony (mandatory); and
- 3) Discuss item and – if appropriate – close the hearing and consider action on recommendation.

Respectfully submitted,

Keene Simonds
Executive Officer

Brendon Freeman
Analyst

Attachments:

- 1) Draft Resolution of Approval (As Recommended)
- 2) Application Materials
- 3) Correspondence from Adjacent Landowner at 2000 Imola Avenue
- 4) Commission General Policy Determinations

RESOLUTION NO. ____**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS****PROPOSED ANNEXATION OF 2012 IMOLA AVENUE TO THE CITY OF NAPA**

WHEREAS, the City of Napa, by resolution of application, has filed a proposal with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposal seeks Commission approval to annex approximately 1.9 acres of unincorporated land to the City of Napa and represents an entire lot located at 2012 Imola Avenue and identified by the County of Napa Assessor’s Office as 046-311-013; and

WHEREAS, the Commission’s Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Executive Officer’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on the proposal on April 1, 2013;

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures.

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 makes the following two findings pursuant to the California Environmental Quality Act (CEQA):
 - (a) The Commission – as responsible agency – has considered the initial study and corresponding determination by the City of Napa the proposed annexation of 2012 Imola Avenue will not generate any new significant effects that have not already been adequately addressed as part of the Environment Impact Report (EIR) prepared for the City General Plan, certified December 1, 1998. The Commission has considered the EIR and finds that it makes land use assignments for the territory and adequately discusses the environmental impacts of development of the territory to the assigned densities. The Commission concurs with the determination and finds the annexation will not introduce any new considerations with respect to this EIR, and probable future projects are adequately addressed. The Commission further finds projects, as they become known, will be subject to additional environmental review.

- (b) The Commission – as lead agency – has considered the environmental impacts associated with the Executive Officer’s recommendation to expand the annexation to include 2008 Imola Avenue (046-311-007) and 2010 Imola Avenue (046-311-008) along with the adjacent public right-of-way. The Commission finds the recommended expansion qualifies as a categorical exemption under California Code of Regulations Section 15319; a statute that exempts annexations to cities of areas containing existing structures developed to the maximum density allowance.
3. The proposal is APPROVED with the following amendments:
- a) The affected territory is expanded to include the two adjacent lots located at 2008 Imola Avenue and 2010 Imola Avenue along with all of the adjacent public right-of-way on Imola Avenue.
- b) The affected territory is concurrently detached from County Service Area No. 4.
4. The proposal is assigned the following distinctive short-term designation:
- IMOLA AVENUE NO. 1 REORGANIZATION**
5. The affected territory is depicted in the vicinity map provided in Exhibit “A”.
6. The affected territory is uninhabited as defined in Government Code Section 56046.
7. The City of Napa utilizes the regular assessment roll of the County of Napa.
8. Upon effective date of the proposal, the affected territory will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the City of Napa. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City of Napa.
9. The Commission directs the Executive Officer to order, hold, and report on conducting authority proceedings pursuant to Government Code Section 57000.
10. Approval is contingent upon the satisfaction of conducting authority proceedings as well as the following conditions as determined by the Executive Officer:
- (a) A map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization for annexation of the affected territory to the City of Napa.
- (b) Payment of any outstanding fees owed to other agencies involved in the processing of this proposal.
- (c) An indemnification agreement signed by the City of Napa and Mr. Gary Garaventa as the real party of interest in a form provided by the Commission Counsel.
11. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be filed within one calendar year from the date of approval unless a time extension is approved by the Commission.

The foregoing resolution was duly and regularly adopted by the Commission at a public hearing held on April 1, 2013, by the following vote:

Yes: _____

No: _____

Abstain: _____

Absent: _____

Attest: Keene Simonds
Executive Officer

Recorded by: _____
Kathy Mabry
Commission Secretary

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EXHIBIT A

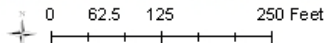
Proposed Annexation 2012 Imola Avenue to the City of Napa



- 2008 Imola Avenue
- 2010 Imola Avenue
- Public Right-of-Way

LEGEND

- City of Napa / Existing Jurisdiction Boundary
- City of Napa / Existing Sphere of Influence (not shown in current scale)
- Subject Lot / 2012 Imola Avenue



LAFCO of Napa County
 1030 Seminary Street, Suite B
 Napa, California 94559
<http://www.napa.lafco.ca.gov>

RESOLUTION R2012 163

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NAPA, STATE OF CALIFORNIA, REQUESTING THAT THE
LOCAL AGENCY FORMATION COMMISSION (LAFCO)
INITIATE PROCEEDINGS FOR THE ANNEXATION OF
THE GARAVENTA PROPERTY AT 2012 IMOLA AVENUE

WHEREAS, the City Council determined that the potential environmental effects of the annexation were adequately examined by the Environmental Impact Report (EIR) for Envision Napa 2020, the City's General Plan, certified on December 1, 1998, pursuant to CEQA Guidelines Sections 15063 and 15162. As documented in a subsequent Initial Study prepared for the Garaventa Annexation dated November 16, 2012, the EIR adequately identifies the density ranges for the subject parcel and adequately analyzes at a program level the environmental and mitigating policies and programs for future development at assigned density ranges; and

WHEREAS, factors identified in Government Code Section 56668 have been identified and shall be considered by the Napa County Local Agency Formation Commission (LAFCO) in review of the proposal; and

WHEREAS, the City of Napa desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for the annexation of the Garaventa Property, and;

WHEREAS, the parcel proposed to be annexed is within the City's Rural Urban Limit (RUL) and the coterminous City Sphere of Influence, the territory is inhabited (per LAFCO law), and a description of the boundaries of the territory is set forth in the location map attached hereto as Exhibit C and incorporated herein by reference; and

WHEREAS, the territory proposed to be annexed has been pre-zoned in accordance with the City of Napa General Plan, which land use map (portion) and Zoning Map (portion) are set forth in Exhibits A and B, attached hereto and incorporated herein by reference; and

WHEREAS, the chief petitioner for the Garaventa Annexation, Randy Gularte, has signed the petition for annexation; and

WHEREAS, the reasons for annexation include the future development of land in accordance with the City's General Plan and providing for logical boundaries and service provision in the area; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

2. This Resolution is hereby adopted and LAFCO is hereby requested to initiate proceedings for the annexation of territory as shown in Exhibit "C" including parcel Assessor's Parcel 046-311-013, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

3. The City Council finds that the parcel has been rezoned and will have the RS-5 District (Single Family Residential District) designation upon annexation.

4. Pursuant to Government Code Section 56663, the City Council hereby consents to annexation of the subject territory as submitted.

5. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 18th day of December, 2012, by the following roll call vote:

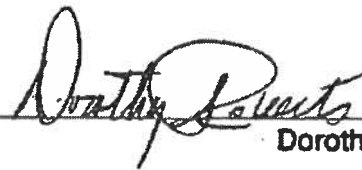
AYES: Mott, Inman, Pedroza, Sedgley, Techel

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:



Dorothy Roberts
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney

EXHIBIT "A"
GARAVENTA ANNEXATION 12-0104
GENERAL PLAN MAP

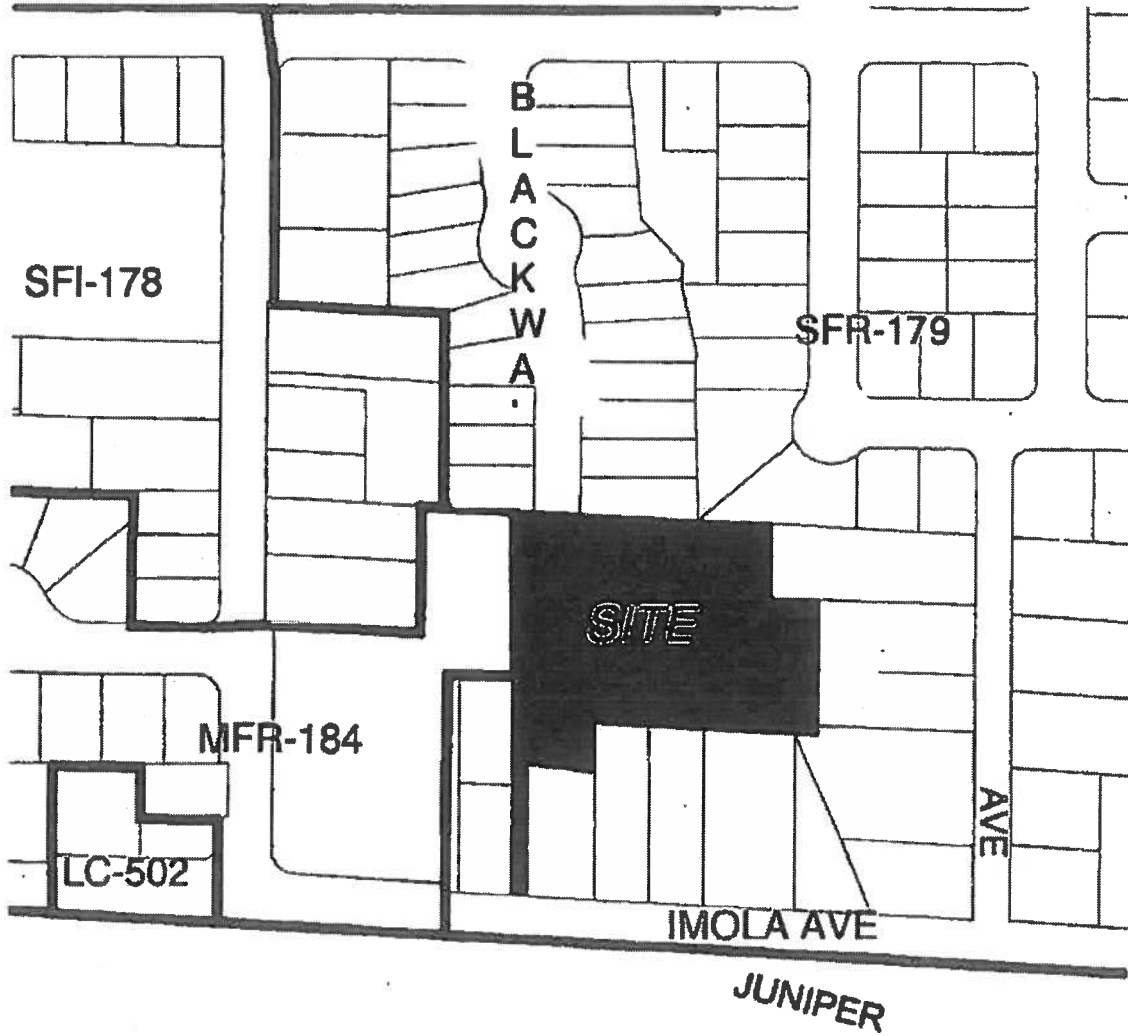


EXHIBIT "B"
GARAVENTA ANNEXATION 12-0104
ZONING MAP

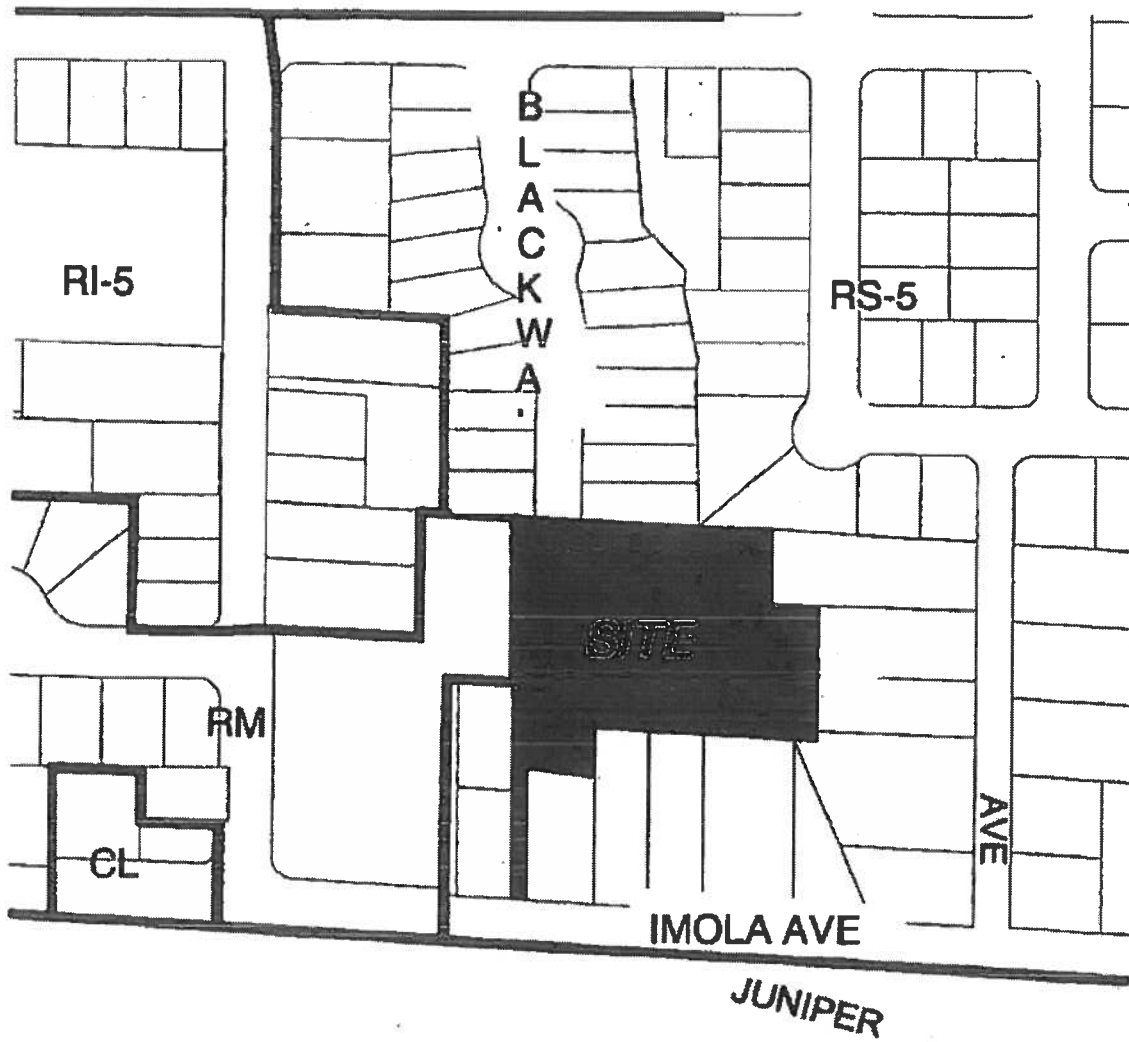


EXHIBIT "C"
GARAVENTA ANNEXATION 12-0104
LOCATION MAP



FORM D

Date Filed: _____

Received By: _____

**JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization**

I. APPLICANT INFORMATION

A. Name: Kevin Eberle City of Napa
Contact Person Agency/Business (If Applicable)

Address: P.O. Box 660 Napa, CA 94559
Street Number Street Name City Zip Code

Contact: (707) 257-9357 (707) 257-9522 keberle@cityofnapa.org
Phone Number Facsimile Number E-Mail Address

B. Applicant Type: (Check One) Local Agency Registered Voter Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies: City of Napa
Name Address

County of Napa
Name Address

Name Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)

<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Detachment	<input type="checkbox"/> City Incorporation	<input type="checkbox"/> District Formation
<input type="checkbox"/> City/District Dissolution	<input type="checkbox"/> City/District Merger	<input type="checkbox"/> Service Activation (District Only)	<input type="checkbox"/> Service Divestiture (District Only)

C. Purpose Statement: (Specific) Annexation of the 1.87-acre
property at 2012 Imala Avenue
into the City of Napa

III. GENERAL INFORMATION

A. Location: 2012 Imola Avenue 046-311-013 1.87
Street Address Assessor Parcel Number Acres

Street Address Assessor Parcel Number Acres

Street Address Assessor Parcel Number Acres

Street Address Assessor Parcel Number Acres

Total Location Size
(Including Right-of-Ways) _____

B. Landowners:

(1) Assessor Parcel Number : 046-311-013 Name: Gary Garaventa

Mailing Address: _____

Phone Number: _____ E-mail: _____

(2) Assessor Parcel Number : _____ Name: _____

Mailing Address: _____

Phone Number: _____ E-mail: _____

(3) Assessor Parcel Number : _____ Name: _____

Mailing Address: _____

Phone Number: _____ E-mail: _____

(4) Assessor Parcel Number : _____ Name: _____

Mailing Address: _____

Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

C. Population:

(1) Total Number of Residents: 0

(2) Total Number of Registered Voters: 0

D. Land Use Factors:

- (1a) County General Plan Designation: Rural Residential
- (1b) County Zoning Standard: RS=UR (Residential Single = Urban Reserve)
- (2a) Applicable City General Plan Designation: SFR-179 (Single Family Residential)
- (2b) Applicable City Rezoning Standard: RS-5 (Single Family Residential)

E. Existing Land Uses:
(Specific)

Abandoned single family dwelling and shed

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No
- (1b) If Yes, Describe Project: _____
- (1c) If No, When Is Development Anticipated? _____

G. Physical Characteristics:

- (1) Describe Topography: Flat
- (2) Describe Any Natural Boundaries: Unnamed creek runs along east boundary
- (3) Describe Soil Composition and Any Drainage Basins: Unknown
- (4) Describe Vegetation: Some oaks along east side near creek and ornamental landscaping on west side

H. Williamson Act Contracts
(Check One)

Yes

No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

(1) Enumerate and Describe Services to Be Provided to the Affected Territory:

Property already receives all services from City including water, police and fire. Property is with Napa Sanitation District boundary, but is not connected to the District's sanitary sewer

(2) Level and Range of Services to Be Provided to the Affected Territory:

Existing services (water, police and fire) will continue to be provided

(3) Indication of When Services Can Feasibly Be Extended to the Affected Territory:

Connection to NSD not required as a condition of annexation, but will be required for further development of property

(4) Indication of Any Infrastructure Improvements Necessary to Extend Services to the Affected Territory:

NA

(5) Information On How Services to the Affected Territory Will Be Financed:

NA

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

(1) **Lead Agency for Proposal:** City of Napa
Name

(2) **Type of Environmental Document Previously Prepared for Proposal:**

- Environmental Impact Report
- Negative Declaration/Mitigated Negative Declaration
- Categorical/Statutory Exemption: _____
Type
- None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

None

Use Additional Sheets As Needed

B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:

(1) Recipient Name: Kevin Eberle

Mailing Address: P.O. Box 660, Napa, CA 94559

E-Mail: keberle@cityofnapa.org

(2) Recipient Name: Randy Gularte

Mailing Address: 1601 Lincoln Ave., Napa, CA 94558

E-Mail: RAGularte@aol.com

(3) Recipient Name: Gary Garaventa

Mailing Address: 1019 Bell Lane, Napa, CA

E-Mail: unknown

VII. CERTIFICATION

I certify the information contained in this application is correct. I acknowledge and agree the Local Agency Formation Commission of Napa County is relying on the accuracy of the information provided in my representations in order to process this application proposal.

Signature: Kevin Eberle

Printed Name: Kevin Eberle

Title: Senior Planner

Date: 2/21/13