DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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July 31, 2026

Molly Rattigan
Community Resources and Development Director
City of Napa
1600 First Street
Napa, CA 94559

RE: City of Napa – South Oxbow Project – AB 130 Exemption – Letter of Technical Assistance

Dear Molly Rattigan:

The purpose of this letter is for the California Department of Housing and Community Development (HCD) to provide technical assistance to the City of Napa (City) regarding the eligibility of the proposed South Oxbow Project (Project) for a California Environmental Quality Act (CEQA) exemption under Assembly Bill 130 (AB 130).

Background

HCD understands that the Project proposes to construct 131 residential units on property identified by the Federal Emergency Management Agency (FEMA) on Flood Insurance Rate maps located in the 100-year flood plain. The Project seeks to obtain an AB 130 CEQA exemption.

A project is exempt from CEQA under AB 130 if it meets certain conditions, including satisfying the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code.[1] Those requirements include that the development is not located on a site that is within a special flood hazard area subject to inundation by the 100-year flood as determined by FEMA.[2] However, a development may be located on such a site if either of two conditions are met:

(i) The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the local jurisdiction, or
(ii) The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.[3]

[1] Pub. Res. Code, § 21080.66, subd. (a)(6).
[2] Gov. Code, § 65913.4, subd. (a)(6)(G).
[3] *Id.*

Question: To meet condition (ii), must the Project site meet the FEMA requirements *at the time the application is submitted* or must the Project as proposed meet those requirements *after construction has been completed?*

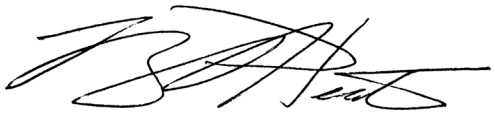
Answer: To meet condition (ii), the Project as proposed must meet the requirements after construction has been completed. The Project meets condition (ii) if the development proponent can demonstrate that they *will be able to meet* the minimum flood plain management criteria of the National Flood Insurance Program[4] (emphasis added).

The flood plain management criteria referenced are linked to the construction of an actual project. Criteria include requirements that new construction be constructed with materials resistant to flood damage and with electrical and other services that are designed and/or located to prevent water from entering during floods, and that the lowest floor must be elevated to a certain height.[5] It is impossible for a vacant site to meet those criteria at the time of application; the criteria are intended to be met through the construction of a project.

Conclusion

HCD appreciates the opportunity to provide technical assistance to the City and hopes this letter has been helpful. If you have questions or need additional information, please contact Stephanie Reyes at Stephanie.Reyes@hcd.ca.gov.

Sincerely,



Brian Heaton
Section Chief, Land Use Policy
Housing Accountability Unit

[4] HCD's Updated Streamlined Ministerial Approval Process Guidelines at p. 19, available at https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf.
[5] CFR Title 44, Chapter I, Subchapter B, Part 60, available at https://www.ecfr.gov/current/title-44/chapter-I/subchapter-B/part-60.