

CITY OF NAPA GENERAL PLAN UPDATE FINAL ENVIRONMENTAL IMPACT REPORT

SCH # 2021010255

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Contents

Chapter 1 Introduction	1-1
The Final Program Environmental Impact Report	1-1
The California Environmental Quality Act	1-1
Purpose of this Document	1-2
General Plan and Zoning	1-3
Level of Detail in this Document	1-3
Future Use of This Document	1-4
FEIR Document Format	1-5
Chapter 2 Comments and Responses to Comments on the Draft EIR and Partial	
Recirculated Draft EIR.....	2-1
Introduction.....	2-1
Comments Received and Responses	2-2
Comment Letter 1, California Department of Fish and Wildlife	2-10
Comment Letter 2, Jeff Dodd (Coblentz Patch Duffy & Bass LLP)	2-17
Comment Letter 3, Steve Abbs (Davidon Homes)	2-22
Comment Letter 4, Kevin Teague (Holman Teague)	2-27
Comment Letter 5, Christiane Robbins (Keep Napa’s Gateways Green Coalition)	2-40
Comment Letter 6, Thomas Andrews	2-49
Comment Letter 7, Katherine Lambert.....	2-54
Comment Letter 8, Melissa Moravec.....	2-64
Comment Letter 9, Kurt Reaume	2-74
Comment Letter 10, Charles W. Shinnamon, P.E.	2-77
Comment Letter 11, Charles W. Shinnamon, P.E.	2-82
Comment Letter 12, Howard Siegel.....	2-87
Chapter 3 Errata	3-1
Introduction.....	3-1
Text Changes	3-1
Section ES.3 Project Impacts and Mitigation Measures	3-1
Table ES-1. Summary of Impacts and Mitigation Measures	3-1
Section 1.1.3 Level of Detail in this Environmental Impact Report	3-2
Section 2.1.1 Background	3-2
Section 2.3.2 Growth Forecasts	3-2
Section 3.1 Aesthetics.....	3-3
Section 3.9 Hydrology and Water Quality	3-3
Section 3.17 Utilities and Service Systems.....	3-4

Chapter 4 Alternatives Analysis3-4

Chapter 5 Other CEQA Considerations3-4

Tables

2-1 Draft Environmental Impact Report Comment Letters Received 2-1

The Final Program Environmental Impact Report

This is the Final Program Environmental Impact Report (FEIR) that has been prepared for the proposed City of Napa General Plan update, which constitutes the Project. As explained in this chapter, the FEIR has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines to disclose to decision-makers and the public the adverse physical changes to the environment that could occur if the Project were approved. The FEIR presents the comments received on the Draft Environmental Impact Report (DEIR), written responses to those comments, and revisions to the DEIR prompted by the comments.

Although this document is called the FEIR for convenience, the formal FEIR for the Project includes both this document and the DEIR. The City of Napa Planning Commission and City Council will consider this FEIR prior to acting on the Project.

The California Environmental Quality Act

CEQA (California Public Resources Code Section 21000 et seq.) requires public agencies to consider the potential adverse environmental impacts of projects under their consideration. Public agencies must consider both direct impacts and reasonably foreseeable indirect impacts. No discretionary project that may have a significant adverse impact on the environment can be approved without the preparation of an Environmental Impact Report (EIR). This includes land use plans that will authorize future development. As such, the City's Project is a discretionary project subject to CEQA.

According to Section 15002 of the CEQA Guidelines, below are the basic purposes of CEQA.

- Inform government decision makers and the public about the potential significant environmental effects of proposed activities.
- Identify ways that environmental damage can be avoided or significantly reduced.
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governing agency finds the changes to be feasible.
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

The process of preparing an EIR involves the following steps.

- Issuing a notice of preparation (NOP) soliciting comments on the proposed EIR. The City of Napa issued an NOP for the project in January of 2021, to solicit comments on the EIR from public agencies and interested organizations and individuals regarding the scope and content of the EIR. A copy of the NOP is in Appendix A of the DEIR.

- Hosting community meetings and a scoping meeting. Several community meetings were held to provide an overview and solicit comments regarding the proposed changes to the City of Napa General Plan (General Plan). A scoping meeting offers additional opportunities for input prior to preparation of a DEIR. A scoping meeting was held for public agencies and members of the public on January 27, 2021.
- Preparing a DEIR and releasing it for public review and comment. The DEIR for the Project was available for a review period of 45 days from March 10, 2022 and extended to May 6, 2022 for public agencies and interested organizations and individuals to review. Copies of the DEIR were available at City offices, and in electronic format on the City's website.
- Preparation of a Partial Recirculated DEIR covering the resource category of Agricultural Resources. The Partial Recirculated DEIR was available for a review period of 45 days from June 17, 2022 through August 1, 2022 for public agencies and interested organizations and individuals to review. Copies of the Partial Recirculated DEIR were available at City offices, and in electronic format on the City's website.
- Presenting comments received on the DEIR. This FEIR presents the comments received on the DEIR, contains the City's written responses to those comments, and changes to the text of the DEIR made in response to the comments. The City Council will certify the adequacy of and consider the entire EIR (consisting of the DEIR and this FEIR) prior to taking final action on the Project.
- Adopting findings and a statement of overriding considerations. The City Council will adopt a set of findings that describe how each potentially significant impact identified in the EIR will be addressed (i.e., whether the impact would be mitigated, would be mitigated by another agency, or would be significant and unavoidable). If the City Council chooses not to approve any of the alternatives analyzed in the EIR, then the findings will also explain why those alternatives are infeasible. Because the Project is expected to result in significant and unavoidable impacts, in accordance with Section 15093(b) of the State CEQA Guidelines the City Council will also adopt a statement of overriding considerations that explains the specific benefits of adopting the proposed General Plan.

CEQA establishes a process for analyzing a project's potential impacts. The EIR is not a permit and CEQA does not mandate that a proposed project be approved or denied. CEQA's essential purposes are to ensure that public agencies make a good faith effort at disclosing the potential impacts of projects to decision-makers, the public, and other agencies, and implement actions that will reduce or avoid potential significant impacts (i.e., mitigation), when feasible. A project may be approved despite having significant and unavoidable impacts.

The City Council will use the EIR to inform themselves of the Project's impacts before taking action. They will also consider other information and testimony that will arise during deliberations on the Project before making their decision.

Purpose of this Document

This EIR (State Clearinghouse No. 2021010255) has been prepared to evaluate and disclose the potential environmental impacts associated with implementation of the Project. This Project would update the City's General Plan to address changes in state and federal law, to reflect new policies and issues of interest to the City, and to address changes in the City since the current General Plan was last updated, including demographic, technological, economic, and transportation conditions;

the completion of flooding infrastructure and open space projects; and new development downtown and city-wide. The Project would apply to those areas under the jurisdiction of the City—that is, lands that are within the city limits and that are not under the jurisdiction of federal or state agencies or tribal lands. Because the Project would have indirect impacts on surrounding areas, some of the FEIR's analyses reach beyond the incorporated areas.

Impacts are disclosed separately by resource area for future implementation of the updated General Plan to the 2040 planning horizon. The potential impacts of the Project are analyzed in comparison to existing conditions, except where noted.

When determining whether the Project would result in a significant environmental impact, the EIR considers the extent to which proposed plan policies would act to reduce its effects. Where the plans' policies would not be sufficient to reduce impacts to a less-than-significant level and there is feasible mitigation that would do so, the EIR identifies that mitigation. For purposes of this EIR, *mitigation* means specific policies that may be adopted or other actions that may be taken by the City that would avoid the impact or reduce the impact to a less-than-significant level.

General Plan and Zoning

California Planning Law requires each county and city to adopt “a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries, which in the planning agency’s judgment bears relation to its planning” (Government Code Section 65300). Under the law, a general plan must address the essential issues of land use, traffic circulation, housing, resource conservation, open space, noise, and safety. Because it is to “consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals,” the general plan establishes the framework for the City’s future development pattern (Government Code Section 65302). The general plan’s land use diagram illustrates the adopted development pattern. When applied to individual properties throughout the City, in some cases the general plan reflects current land use, and in others it describes the prospective use of the land.

The General Plan’s goals and policies are implemented through specific plans, zoning, and other ordinances. Specific plans, zoning, and subdivision actions must be consistent with the policies of the General Plan. The State General Plan Guidelines describe *consistency* as follows: “An action, program or project is consistent with the general plan if, considering all its aspects, it will further the objectives of the general plan and will not obstruct their attainment.”

Level of Detail in this Document

This Program EIR analyzes proposed changes to policies and regulations, not a site-specific development project. The CEQA Guidelines state that “[t]he degree of specificity in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR” (CEQA Guidelines Section 15146). Adoption of a general plan or zoning ordinance does not, in itself, result in direct impacts on the environment. The FEIR for the Project addresses the secondary effects that can be expected to follow from development under the General Plan. However, it is not as detailed as an EIR would be for a construction project. For example, the transportation analysis in Section 3.15, *Transportation*, determines on a gross level whether development pursuant to the policies of the Project would result in excessive vehicle miles traveled. The analysis cannot,

however, determine the specific street improvements that individual future development projects might need to avoid their site-specific impacts on the transportation system.

The City is proposing a comprehensive update to all elements of the General Plan with the exception of the Housing Element; however, the impacts of the Project often would be similar to those that would occur if the Project were not approved (that is, if the General Plan were not updated). The analyses in this EIR identify those key components of the project that are expected to result in substantial adverse changes to the existing environment. The No Project Alternative discussed in the EIR allows a comparison of those impacts with the impacts inherent in development pursuant to the existing General Plan.

In keeping with CEQA's requirement that the Project be evaluated in comparison to existing conditions, the baseline for the EIR is the existing physical, environmental conditions in the Planning Area as described in Section 1.4 of the proposed General Plan update (see page 1-11) as of 2021. The impact analysis reflects the level of change to existing conditions that could occur if the Project were approved and development occurred up to the 2040 planning horizon.

Future Use of This Document

The General Plan's Program EIR will be used as the foundation for the environmental reviews of individual development projects that are consistent with the General Plan. CEQA provides a number of methods by which the Program EIR can streamline the CEQA process for later development projects. Later development projects that are consistent with the General Plan may use these methods as applicable to the particular project. The following are some examples.

- CEQA Guidelines Section 15168 provides that later-development projects that are within the scope of the Program EIR and that would not have a new significant impact that was not identified in the Program EIR will not be required to prepare a subsequent EIR, subject to certain limited exceptions set forth in CEQA Guidelines Section 15162.
- Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide that the application of CEQA to a project that is consistent with a city's general plan "shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior [EIR]." (Pub. Resources Code, § 21083.3, subd. [b].) In order to rely on Section 15183, project proponents must agree to implement uniformly applicable development policies and standards adopted by the City.
- Public Resources Code Section 211094.5 and CEQA Guidelines Section 15183.3 provide that qualified infill projects may take advantage of streamlined environmental review for projects whose impacts were analyzed in the General Plan EIR, that are consistent with the Sustainable Communities Strategy, meet specified statewide development standards, and comply with uniformly applicable development policies and standards adopted by the City.

FEIR Document Format

The format of this FEIR is outlined below to assist the reader's review of the document.

- **Chapter 1** is this introduction to the FEIR. The discussion reflects the CEQA process through completion of the EIR.
- **Chapter 2** contains the comments received during the public review of the DEIR and the responses to those comments.
- **Chapter 3** consists of errata. That is, minor changes to the DEIR to clarify or expand upon the points discussed therein. For the reader's convenience, the FEIR identifies the page number and paragraph in the DEIR where each change is being made.

As noted above, this document and the DEIR, taken together, comprise the EIR for CEQA purposes.

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Chapter 2

Comments and Responses to Comments on the Draft EIR and Partial Recirculated Draft EIR

Introduction

This chapter lists the comments received on the Draft Environmental Impact Report and the Partial Recirculated DEIR (which just covers Agricultural Resources)(collectively, the DEIR), provides copies of the comment letters or emails, and responds in turn to each comment that is related to environmental issues. For convenience, each comment letter has been assigned a number (see Table 2-1) and within each comment letter each comment has been assigned an individual comment number. The comment numbers are assigned in the order the comment is found in the commenter's letter or e-mail submittal. For example, the Department of Fish and Wildlife letter is 1 and the individual comments within the letter are labeled 1-1, 1-2, and so on.

The City of Napa's (City's) responses follow each letter or e-mail. The individual responses identify the particular comment they are responding to by its number code. The responses are well-considered, good-faith responses to each comment that relates to an environmental issue. In those cases where a comment does not relate to this type of issue, the response simply acknowledges the comment. In some cases, revisions have been made to the text in the DEIR for clarification purposes only. Revisions to the DEIR are shown in Chapter 3 of this FEIR. No new environmental impacts have been identified.

The comments received are listed in Table 2-1.

Table 2-1. Draft Environmental Impact Report Comment Letters Received

Comment Letter Number	Commenter	Date Sent/Received
Public Agencies		
1	Department of Fish and Wildlife	April 22, 2022
Organizations		
2	Jeff Dodd (Coblentz Patch Duffy & Bass LLP)	May 6, 2022
3	Steve Abbs (Davidon Homes)	May 6, 2022
4	Kevin Teague (Holman Teague)	May 6, 2022
5	Christiane Robbins (KNGG)	May 4, 2022
Individuals		
6	Thomas Andrews	April 22, 2022
7	Katherine Lambert	May 6, 2022
8	Melissa Moravec	May 5, 2022
9	Kurt Reaume	May 5, 2022
10	Charles W. Shinnamon, P.E.	April 21, 2022
11	Charles W. Shinnamon, P.E.	April 28, 2022
12	Howard Siegel	ND

Comments Received and Responses

Letter 1

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 22, 2022

Michael Walker
City of Napa
1600 First Street
Napa, CA 94559
mwalker@cityofnapa.org

Subject: City of Napa General Plan Update 2040, Draft Program Environmental Impact Report, SCH No. 2021010255, City and County of Napa

Dear Mr. Walker:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a draft Program Environmental Impact Report (EIR) from the City of Napa for the City of Napa General Plan Update 2040 (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation (NOP) of the draft Program EIR.

1-1

CDFW is submitting comments on the draft Program EIR to inform the City of Napa (City), as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA) or Native Plant Protection Act (NPPA), a Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford **protection to the state's fish and wildlife** trust resources.

1-2

PROJECT DESCRIPTION SUMMARY

Proponent: City of Napa

Objective: The Project is an update to the City's General Plan and is intended to guide community planning and development through the year 2040. The last update to the General Plan was in 1998. Primary Project activities include updating land use

1-3

¹ CEQA is codified in the California Public Resources Code in Section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with Section 15000.

Conserving California's Wildlife Since 1870

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Mr. Michael Walker
City of Napa
April 22, 2022
Page 2

designations and various plan elements to account for a future 23% increase in the **City's population** and associated growth.

Location: The Project is located in the City and surrounding areas **within the City's** sphere of influence (SOI), as well as the Rural Urban Limit. The Project encompasses approximately 10,700 acres, 93% of which is within City limits and the remaining 7% is in the SOI. The planning area is surrounded by unincorporated Napa County and generally bounded by Oak Knoll Avenue to the north, First Avenue to the east, Napa Valley Corporate Park to the south, and the Mayacamas Mountains to the west.

Timeframe: The Project would be implemented through 2040.

ENVIRONMENTAL SETTING

The Project covers approximately 10,700 acres consisting of approximately 75% developed land, 5% vineyards, and 20% undeveloped land including native and non-native vegetation and open water. Natural communities within the Project include annual grasslands, coast live oak (*Quercus agrifolia*) woodlands, valley oak (*Quercus lobata*) woodlands, and bulrush (*Schoenoplectus* spp.) and cattail (*Typha* spp.) freshwater marsh. Waterbodies in the Project area include the Napa River, San Pablo Bay, Tulucay Creek, Cameros Creek, and associated tributaries. Special-status species with the potential to occur in or near the Project area include, but are not limited to, **Swainson's hawk** (*Buteo swainsoni*), state listed as threatened; **California Ridgway's rail** (*Rallus obsoletus obsoletus*, formerly California clapper rail), state and federally listed as endangered and a Fully Protected species; California black rail (*Laterallus jamaicensis coturniculus*), state listed as threatened and a Fully Protected species; tricolored blackbird (*Agelaius tricolor*), state listed as threatened; longfin smelt (*Spirinchus thaleichthys*), state listed as threatened and candidate for federal listing; delta smelt (*Hypomesus transpacificus*), state listed as endangered and federally listed as threatened; California freshwater shrimp (*Syncaris pacifica*), state and federally listed as endangered; salt-marsh harvest mouse (*Reithrodontomys raviventris*), state and federally listed as endangered and a Fully Protected species; Sebastopol meadowfoam (*Limnanthes vincularis*), state and federally listed as endangered and California Rare Plant Rank² (CRPR) 1B.1; soft salty **bird's-beak** (*Chloropyron molle* ssp. *molle*), state listed as rare, federally listed as endangered, and CRPR 1B.2; **Mason's lilaeopsis** (*Lilaeopsis masonii*), state listed as rare and CRPR 1B.1; few-flowered navarretia (*Navarretia leucocephala* ssp. *pauciflora*), state listed as threatened, federally listed as endangered, and CRPR 1B.1; Contra Costa goldfields (*Lasthenia conjugens*), federally listed as endangered and CRPR 1B.1; Central California Coast steelhead

² CRPR 1B plants are considered rare, threatened, or endangered in California and elsewhere. Further information on CRPR ranks is available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>) and on the California Native Plant Society website (<https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>).

1-3 (Cont.)

1-4

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Mr. Michael Walker
City of Napa
April 22, 2022
Page 3

(*Oncorhynchus mykiss irideus*, pop. 8), federally listed as threatened; monarch butterfly (*Danaus plexippus*, pop. 1), candidate for federal listing and a California Terrestrial and Vernal Pool Invertebrate of Conservation Priority³; two-fork clover (*Trifolium amoenum*), federally listed as endangered and CRPR 1B.1; burrowing owl (*Athene cunicularia*), a California Species of Special Concern (SSC); California red-legged frog (*Rana draytonii*), federally listed as threatened and SSC; western pond turtle (*Emys marmorata*), SSC; Northwest/North coast clade foothill yellow-legged frog (*Rana boylei*), SSC; pallid bat (*Antrozous pallidus*), SSC; western red bat (*Lasiurus blossevillei*), SSC; American badger (*Taxidea taxus*), SSC; golden eagle (*Aquila chrysaetos*), a Fully Protected species and Bald and Golden Eagle Protection Act species; and white-tailed kite (*Elanus leucurus*), a Fully Protected species.

1-4 (Cont.)

REGULATORY REQUIREMENTS

California Endangered Species Act and Native Plant Protection Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential **to result in "take" of plants or animals listed under CESA** or the NPPA either during construction or over the life of the Project. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA or NPPA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

1-5

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). **The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.**

1-6

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a

1-7

³ The list of California Terrestrial and Vernal Pool Invertebrates of Conservation Priority was collated during CDFW's Scientific Collecting Permit rulemaking process:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline>

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Mr. Michael Walker
City of Napa
April 22, 2022
Page 4

river, lake, or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. In this case, CDFW would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

1-7 (Cont.)

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

1-8

Fully Protected Species

Fully Protected species, such as **California Ridgway's rail, California black rail**, salt-marsh harvest mouse, golden eagle, and white-tailed kite, may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

1-9

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in **adequately identifying and/or mitigating the Project's significant, or potentially significant**, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those recommended by CDFW below, CDFW concludes that a Program EIR is appropriate for the Project.

1-10

Subsequent Project CEQA Evaluation

The draft Program EIR is identified as a Program EIR that "consists of a series of **actions or activities, that are related or connected in a single plan**" (draft Program EIR, page 1-2). CDFW provided comments on the NOP for the draft Program EIR in a letter dated February 12, 2021⁴ and recommended providing a clear checklist or procedure for evaluating subsequent project impacts and clearly citing the portions of the draft Program EIR, including page and section references, containing the analysis of the subsequent **project activities'** potentially significant effects. The draft Program EIR does not include the checklist and CDFW strongly recommends that the draft Program EIR

1-11

⁴ CDFW's CEQA comment letter includes additional details and citations associated with CEQA tiering: <https://ceqanet.opr.ca.gov/2021010255/3/Attachment/2L79wK>

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Mr. Michael Walker
City of Napa
April 22, 2022
Page 5

include a procedure or checklist for subsequent projects in an appendix to ensure subsequent project impacts to fish and wildlife resources are appropriately evaluated in compliance with CEQA and impacts are mitigated to less-than-significant.

1-11 (Cont.)

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

Project Description

The draft Program EIR's Project description identifies growth forecasts for the City and changes to the General Plan elements, including changes to land use classifications (draft Program EIR, pages 2-8 and 2-10). The Project description does not include a comparison of existing land use conditions relative to future full buildout conditions. The Project would approve changes to land use in the City and immediate surrounding areas, as identified by Figure 3.10-1 *Existing Land Use* and Figure 3.10-2 *General Plan Land Use* (draft Program EIR, pages 3.10-7 and 3.10-12). However, due to changes in the land use classification naming convention and scale of the maps, it is unclear how the land use changes would impact the environment. For example, the existing land use designations of "vacant" and "open space" are combined and identified as "greenbelt," which covers less area in the updated land use map (draft Program EIR, page 3.10-12). Combining two land uses and changing their designations makes it difficult to understand how the land use would change. It appears that some existing open space would be converted to agriculture, corridor mixed use, and other uses. In addition, sections of existing agriculture would be converted to hospitality commercial. Lastly, some vacant land, which may support sensitive natural communities⁵, would be converted to hospitality commercial or residential land use. Ultimately, the Project description related to land use changes **is unclear, therefore, the Project's potentially significant impacts to sensitive fish and wildlife resources such as sensitive natural communities are unclear**. To reduce impacts to less than significant, CDFW recommends including a table with existing land use and future land use at full build-out. This would be similar to Table 3.10-1 *Existing Land Uses in the Planning Area* but would include the planned future acres and percentages of land use (draft Program EIR, page 3.10-6). Planned land use change that would lead to development of undeveloped lands should be mitigated as further described below.

1-12

1-13

1-14

Does the Project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that incremental effects of the Project are considerable when viewed in connection with effects of past projects, effects of other current projects, and effects of probable future projects?

1-15

⁵ For sensitive natural communities see <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>

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Mr. Michael Walker
City of Napa
April 22, 2022
Page 6

(MANDATORY FINDING OF SIGNIFICANCE)

1-15 (Cont.)

Closely Related Past, Present, and Reasonably Foreseeable Probable Future Projects

The draft Program EIR identifies that the Project "would contribute to the ongoing loss of natural lands" and would ultimately "have a cumulatively considerable impact on biological resources" (draft Program EIR, pages 5-2 and 5-3). Specifically, the Project activities would permanently remove existing open space, agriculture, and vacant lands, as described above. Some land use changes appear to overlap with areas of the Project that have been mapped as sensitive natural communities, such as oak woodland, and essential connectivity areas (draft Program EIR, pages 3.3-10 and 3.3-45). The loss of sensitive natural communities and essential connectivity areas would be cumulatively considerable and potentially significantly impact the biological resources in and adjacent to the Project. To reduce impacts to less-than-significant, CDFW recommends that the draft Program EIR include the following:

1. Provide a crosswalk of essential connectivity areas, existing land use designations, and full buildout land use designations that clearly identifies proposed loss of essential connectivity areas.
2. Provide a crosswalk of sensitive natural communities, existing land use designations, and full buildout of land use designations that clearly identifies proposed loss of sensitive natural communities.
3. Reduce or remove land use changes that would specifically result in the loss of sensitive natural communities or essential connectivity areas.
4. Mitigate for the loss of any sensitive natural communities or essential connectivity areas through permanent habitat protection through a conservation easement at a minimum 3:1 mitigation to impact ratio unless alternative mitigation is accepted in writing by CDFW. Compensatory habitat shall be of equal or greater quality than the impacted habitat or a habitat enhancement plan shall be prepared and implemented by a qualified biologist to achieve at least equal habitat quality prior to Project activities. For any habitat enhancement, to ensure a successful planting effort, all plantings shall be monitored and maintained as necessary for a minimum of five years. Oak trees, other trees, and all other plantings shall each have a minimum of 80% survival at the end of the minimum monitoring period. If the planting survival is not meeting this goal, then the Project shall implement replacement planting, additional watering, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival requirements for five years after planting. Oak plantings shall come from nursery stock grown from locally sourced acorns, or

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Mr. Michael Walker
City of Napa
April 22, 2022
Page 7

from acorns gathered locally, preferably from the same watershed in which they are planted. The trees should be able to survive the last two years of a minimum five-year monitoring period without irrigation.

1-19 (Cont.)

A cumulatively considerable impact is a mandatory finding of significance and should be discussed as a significant and unavoidable impact that requires the City to adopt an FOC (CEQA Guidelines, § 15065).

1-20

EDITORIAL SUGGESTIONS

The draft Program EIR is inconsistent regarding its discussion of significant and unavoidable impacts. The following sections and page numbers should be reviewed for **consistency and clarity regarding the Project's significant and unavoidable impacts**: section ES.3, page ES-4; section 1.1.3, page 1-3; section 4.1.2, page 4-2; section 5.1.3, page 5-3.

1-21

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)).

1-22

Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB online field survey form and other methods for submitting data can be found at the following link: <https://wildlife.ca.gov/Data/CNDDB/Submitting-Data>. The types of information reported to CNDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDB/Plantsand-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

1-23

CONCLUSION

CDFW appreciates the opportunity to comment on the draft Program EIR to assist the City in identifying and mitigating Project impacts on biological resources.

1-24

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Mr. Michael Walker
City of Napa
April 22, 2022
Page 8

1-24 (Cont.)

Questions regarding this letter or further coordination should be directed to Amanda Culpepper, Senior Environmental Scientist (Specialist), at (707) 428-2075 or Amanda.Culpepper@wildlife.ca.gov, or Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov or (707) 210-4415.

Sincerely,

DocuSigned by:

Erin Chappell

B77F8A8D11FF486

Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2021010255)

Comment Letter 1, California Department of Fish and Wildlife

Response to Comment 1-1. The commenter notes when they received the Notice of Availability of the DEIR, that they submitted comments on the Notice of Preparation, and that California Department of Fish and Wildlife (CDFW) is submitting comments on the DEIR to inform the City of potentially significant impacts on biological resources associated with the City of Napa General Plan Update (Project). This is an introductory comment. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 1-2. The commenter notes that CDFW is both a Trustee and Responsible Agency under the California Environmental Quality Act (CEQA). This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 1-3. The commenter summarizes the City of Napa General Plan (General Plan) and location and notes that the General Plan would be implemented through 2040. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 1-4. The commenter summarizes the environmental setting and lists a number of species and their federal/state status. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 1-5. The commenter advises that a California Endangered Species Act (CESA) Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in “take” of plants or animals under CESA or the Native Plant Protection Act (NPPA), either during construction or over the life of the Project. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 1-6. The commenter notes that CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species and that impacts must be avoided or mitigated unless a Statement of Overriding Considerations is made. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 1-7. The commenter notes that CDFW requires a Lake and Streambed Alteration (LSA) Notification, pursuant to California Fish and Game Code Section 1600 et seq., for Project activities affecting lakes or streams and associated riparian habitat. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 1-8. The commenter notes that CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. The commenter further notes that migratory birds are protected under the federal Migratory Bird Treaty Act. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 1-9. The commenter notes that fully protected species, such as California Ridgway’s rail, California black rail, saltmarsh harvest mouse, golden eagle, and white-tailed kite, may not be taken or possessed at any time. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 1-10. The commenter offers comments and recommendations to assist the City in identifying or mitigating any potentially significant impacts and concludes that a Program DEIR is appropriate for the Project. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 1-11. The commenter says that the draft Program EIR does not include a checklist and strongly recommends that the draft Program EIR include a procedure or checklist for subsequent projects in an appendix to ensure subsequent Project impacts on fish and wildlife resources are appropriately evaluated in compliance with CEQA and mitigated to less than significant levels. The General Plan and DEIR mapping serve as resources and flags to alert the City and Project proponents to the existence of potential biological resources. The proposed policies in the General Plan update are also in place to offer protection. Site-specific solutions, and potential subsequent CEQA compliance documentation, would be needed when new development encroaches upon or threatens any biological resources.

Response to Comment 1-12. The commenter says that, due to changes in the land use classification naming convention and scale of the maps, it is unclear how the land use changes would affect the environment. Because this is a Program EIR, per CEQA Guidelines Section 15168 (c) (1), if a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared, leading to either an EIR or a Negative Declaration. That later analysis may tier from the Program EIR, as provided in Section 15152; however, site-specific CEQA compliance documentation could be required.

Response to Comment 1-13. The commenter expressed concern that sections of existing agriculture would be converted to hospitality commercial. This comment does not address environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 1-14. The commenter says that the Project description related to land use changes is unclear, therefore, the Project's potentially significant impacts on sensitive fish and wildlife resources such as sensitive natural communities are unclear. CDFW recommends including a table with existing land use and future land use at full build-out. Because this is a Program-level EIR for a General Plan update, future land use build-out is estimated, based on available information and projections; however, exact totals would be speculative, and CEQA does not allow for analysis based on speculation. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 1-15. The commenter discusses cumulative impacts identified in the DEIR and offers comments related to reducing these impacts to less than significant. Specific suggestions are responded to below. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 1-16. The commenter asks for a crosswalk of essential connectivity areas, existing land use designations, and full build-out of land use designations that clearly identifies the proposed loss of essential connectivity areas. Existing land uses are illustrated in Figure 2-1 in the Existing Conditions report on the City's website, and existing General Plan land use designations are illustrated in Figure 2-2 in the same report. After the General Plan is adopted, future projects not subject to tiering from the General Plan EIR will be required to prepare their own CEQA compliance documentation. Because this is a Program-level EIR for a General Plan update, future land use build-

out is estimated; exact totals would be speculative. The commenter's opinions are noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 1-17. The commenter asks for a crosswalk of sensitive natural communities, existing land use designations, and full build-out of land use designations that clearly identifies the proposed loss of sensitive natural communities. Existing land uses are illustrated in Figure 2-1 in the Existing Conditions report on the City's website, and existing General Plan land use designations are illustrated in Figure 2-2 in the same report. Because this is a Program-level EIR for a General Plan update, future land use build-out is estimated; exact totals would be speculative. After the General Plan is adopted, future projects not subject to tiering from the General Plan EIR will be required to prepare their own CEQA compliance documentation. The commenter's opinions are noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 1-18. The commenter asks to reduce or remove land use changes that would specifically result in the loss of sensitive natural communities or essential connectivity areas. See response to Comment 1-19 below. This comment does not address environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 1-19. The commenter asks for mitigation for the loss of any sensitive natural communities or essential connectivity areas through permanent habitat protection and a conservation easement with a minimum 3:1 mitigation-to-impact ratio, unless alternative mitigation is accepted in writing by CDFW. The commenter also provides specific metrics and success criteria for mitigating the loss of trees, including oak trees. Because this is a Program EIR, the analysis in Impact BIO-4 (potential for land use changes to result in the loss of oak woodland and valley foothill riparian habitat) relies on several goals and policies to reduce potential impacts on sensitive biological resources to less than significant levels (i.e., Goals LUCD-1, NRC-1, NRC-2, and NRC-4; Policies LUCD.1-1, NRC.1-1, NRC.1-2, NRC.1-3, NRC.1-4, NRC.1-5, NRC.1-6, NRC.1-8, NRC.1-9, NRC.2-1, NRC.4-1, NRC.4-2, and NRC.4-3). General Plan policies, once adopted, become effective and enforceable. In addition, Impact BIO-4 states that all future developments under the General Plan update would be subject to review under CEQA and permitting requirements for impacts on oak woodlands and valley foothill riparian communities. Specific mitigation, such as the measures provided by the commenter, would be developed through the Project-level review in consultation with regulatory agencies during the Project permitting process. No further response is necessary in the EIR.

Response to Comment 1-20. The commenter says that a cumulatively considerable impact is a mandatory finding of significance and should be discussed as a significant and unavoidable impact that requires the City to adopt a Findings of Overriding Consideration (FOC). The comment correctly notes that a lead agency must adopt a formal statement of overriding consideration if the benefits of a project are deemed to outweigh unavoidable adverse environmental effects. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 1-21. The commenter says that the DEIR is inconsistent regarding its discussion of significant and unavoidable impacts and that the following sections and page numbers should be reviewed for consistency and clarity: Section ES.3, page ES-4; Section 1.1.3, page 1-3;

Section 4.1.2, page 4-2; and Section 5.1.3, page 5-3. The following text in Section ES.3 has been added to the Errata chapter: “and cumulatively considerable impacts on biological resources.” Section 1.1.3 has been revised in the Errata chapter and the following sentence has been removed: “No significant and unavoidable impacts have been identified for this DEIR.” Section 4.1.2, page 4-2, has been added to the Errata chapter to include the significant and unavoidable impacts for the resource categories of Air Quality and Greenhouse Gas Emissions, agricultural resources, and cumulatively considerable impacts on biological resources. Section 5.1.3 is correct in that the General Plan update would have a cumulatively considerable impact on biological resources.

Response to Comment 1-22. The commenter says that CEQA requires that information developed in CEQA documents be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations. Because this is a citywide Program EIR, no new field surveys were conducted for the evaluation of potential impacts on biological resources. The primary sources of information used for the biological resources impact analysis include the California Natural Diversity Database, California Native Plant Society Inventory of Rare and Endangered Plants, U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) list of federally listed species, 2016 update to the Napa Vegetation Map of 2004, National Oceanic and Atmospheric Administration Protected Resources Application, and California Essential Habitat Connectivity Project. Reference Section 3.3.2.1 of the DEIR for additional information. No further response is necessary in the EIR.

Response to Comment 1-23. The commenter notes that CDFW filing fees are payable upon filing of the Notice of Determination by the Lead Agency and that they serve to help defray the cost of environmental review by CDFW. Comment noted. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 1-24. The commenter appreciates the opportunity to comment on the draft Program EIR to assist the City in identifying and mitigating Project impacts on biological resources. Comment noted. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Letter 2

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May 6, 2022

City of Napa
Community Development Department
c/o Michael Walker, Senior Planner
1600 First Street
Napa, CA 94559

Sent via email (mwalker@cityofnapa.org)

RE: Comments on Draft Environmental Impact Report for General Plan Update

Dear Mr. Walker:

On behalf of various business owners in and around Downtown Napa, we submit the comments below to the City's draft environmental impact report dated March 2022 ("DEIR") and draft 2040 General Plan update "Public Review Draft" dated February 2022 ("Draft Plan").

2-1

1. The DEIR does not include an adequate environmental setting in accordance with CEQA Guidelines Section 15125.

The Citywide Growth Projects in Table 2-3 of the DEIR assumes an increase of 660,000 square feet (sf) as a growth forecast, which includes "net new development and major projects that are currently in the pipeline, including 1,000 hotel rooms." Table 2-2 (Development Summary – Project Buildout) of the Draft Plan lists non-residential sf and hotel rooms under construction, approved or under review by the City ("Pipeline Development") and future developments that may utilize vacant or underutilized opportunity sites ("Net New").

2-2

The Development Summary in Table 2-2 of the Draft Plan appears to vastly undercount the Pipeline and Net New projects. For example, in the Downtown Core area, the Draft Plan notes 160 rooms for Pipeline projects and 100 rooms for Net New projects with a total change of 471 rooms. However, we understand there are *at least* 320 hotel rooms for Pipeline projects in the Downtown Core based on the Black Elk (27 rooms), Foxbow Hotel (74 rooms), Napa River Inn expansion (26 rooms), Westin expansion (30 rooms), Franklin Station (163 rooms) and the Wine Train Hotel (151 rooms).

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Coblentz
Patch Duffy
& Bass LLP

May 6, 2022
Page 2

Notably, only the Black Elk Hotel, Wine Trail Hotel, and Franklin Station were noted in the Dyett & Bhatia's "Existing Conditions Report" (March 2019) on which the DEIR assumptions were based. In addition to these likely omissions, Citywide Growth Projects in Table 2-3 of the DEIR may likely omit the hotel development at 301 First Street, commonly known as the Ritz-Carlton Hotel site (351 rooms). In light of the foregoing, it does not appear that the DEIR accurately depicts the environmental setting of the project as required by CEQA Guidelines Section 15125.

2-3

2. The DEIR does not consider all aspects of the project, including future commercial growth and development, in accordance with CEQA Guidelines Section 15126, and as a result, may fail to provide an adequate analysis of environmental impacts under CEQA Guidelines Section 15126.2(a).

2-4

Each and every comment and reference in Section 1 above are incorporated herein as to the DEIR's compliance with CEQA Guidelines Section 15126.

The DEIR states that the General Plan update does not conflict with the Downtown Napa Specific Plan (DTSP). (p. 3.10-14.) Yet, the DEIR does not appear to incorporate the development assumptions in the DTSP through 2030 as envisioned in the DTSP. As noted in the DEIR, the DTSP "projected a net increase of 627 dwelling units, 303 hotel rooms, about 109,000 [sf] of retail space, and about 471,000 [sf] of office uses on top of the existing (as of 2012) 125 dwelling units, 526 hotel rooms, 1.09 million [sf] of retail and restaurant space, and 763,000 [sf] of office space." (p. 3.12-3.) The DEIR's failure to incorporate the development assumptions in the DTSP may violate CEQA Guidelines Section 15126 by failing to study future commercial growth. If this is indeed an omission, the DEIR may also violate CEQA Guidelines Section 15126.2(a) based on the failure to identify and describe the significant direct environmental impacts that will result from the project in both the short term and the long term, in particular the DEIR's Impact LU-2.¹

2-5

If the DEIR does incorporate the development assumptions in the DTSP, the DEIR should be provide that statement or analysis in the document to provide the sufficient

2-6

¹ DEIR Impact LU-2 states: "The Project would have a significant impact if it conflicted with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect." The DEIR concludes this impact less than significant.

Coblentz
Patch Duffy
& Bass LLP

May 6, 2022
Page 3

2-6 (Cont.)

degree of analysis for decision makers as required under CEQA Guidelines Section 15151.²

Thank you for the opportunity to make comments on the DEIR. Please don't hesitate to contact me with any questions or request further details regarding these comments.

Very truly yours,



Jeff Dodd

² See *Napa Citizens for Honest Gov't v Napa County Bd. of Supervisors* (2001) 9 Cal.App.4th 549, 583.

Comment Letter 2, Jeff Dodd (Coblentz Patch Duffy & Bass LLP)

Response to Comment 2-1. The commenter says that they represent various business owners in and around downtown Napa and that they submitted comments on the DEIR dated February 2022. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 2-2. The commenter notes what Table 2-3 of the DEIR included with regard to square footages and says that the Development Summary in Table 2-2 of the Draft Plan appears to vastly undercount the Pipeline and Net New projects. See Response to Comment 2-3 below. No further response is necessary in the EIR.

Response to Comment 2-3. The commenter says that only the Black Elk Hotel, Wine Trail Hotel, and Franklin Station were noted in the Existing Conditions Report on which the DEIR assumptions were based and that the Citywide Growth Projects in Table 2-3 of the DEIR may likely omit the hotel development at 301 First Street.

The General Plan and associated DEIR reflect the 2019 City of Napa Lodging Inventory prepared by the City of Napa Economic Development Division, which summarizes existing and proposed lodging projects in the City and surrounding area. This list consists of 2,588 existing rooms (excluding bed and breakfasts and timeshare cottages); 97 rooms under construction at that time; 1,000 rooms approved but not constructed (which include the 351-room Ritz Carlton, the 27-room Black Elk inn, the 163-room Franklin Station, and the 26-room Napa River Inn Expansion, all mentioned in the comment, and thus included in the analysis). The Lodging Inventory also included projects that were “in completeness review, pre-application phase, or conceptual”; these included Foxbow, Wine Train Hotel, Westin expansion, and others. Under CEQA Guidelines Section 15125(a)(3) which states that “An existing conditions baseline shall not include hypothetical conditions, such as those that might be allowed, but have ever actually occurred, under existing permits or plans, as the baseline,” the pipeline projects included in the analysis did not include those that were identified as “in completeness review, pre-application phase, or conceptual,” as these are hypothetical conditions. Therefore, the DEIR accurately depicts baseline conditions and sufficiently addresses them in the environmental analysis. Reference Table 2-3 in the General Plan for the most recent data. No further response is necessary in the EIR.

Response to Comment 2-4. The commenter says that the DEIR does not consider all aspects of the Project, including future commercial growth and development, in accordance with CEQA Guidelines Section 15126 and, as a result, may fail to provide an adequate analysis of environmental impacts under CEQA Guidelines Section 15126.2(a), and that every comment and reference in their letter is incorporated herein to the DEIR’s compliance with CEQA. Comments noted; however, this comment does not address any specific environmental issues or identify and specific inadequacies in the DEIR, nor does the comment provide any other specific information to support the comment. The commenter’s opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 2-5. The commenter says that the DEIR does not appear to incorporate the development assumptions in the DTSP through 2030 as envisioned in the DTSP, and that this may be a violation of CEQA. See Response to Comment 2-6 below. No further response is necessary in the EIR.

Response to Comment 2-6. The commenter says that if the DEIR does incorporate the development assumptions in the DTSP, the DEIR should provide that statement or analysis in the document to provide the sufficient degree of analysis for decision makers as required under CEQA Guidelines Section 15151. Even though the land use designations in the DTSP area are largely maintained in the General Plan, development projections under the General Plan for Downtown, like for the rest of the city, were calculated based on on-the-ground conditions as of 2021, when the projections were prepared. These may differ from those assumed in the DTSP, which was prepared in 2012, as conditions on the ground have changed significantly since then. This does not render the DTSP invalid or inconsistent with the General Plan; the General Plan update calls for an update to the DTSP to conform with the General Plan update. No further response is necessary in the EIR.

Letter 3



May 6, 2022

Michael Walker, AICP
Senior Planner Planning Division
City of Napa
1600 First Street, Napa, CA 94559
mwalker@cityofnapa.org

Re: General Plan Update Draft Environmental Impact Report

Dear Mr. Walker,

Davidon Homes owns the Napa Oaks site in Napa (3095 & 3027 Old Sonoma Road, 211 Casswall Street APNs 043-040-008, 010, 013 & 025). Please accept this comment letter on behalf of the applicant and property owner, Davidon Homes, on the City of Napa General Plan Update Draft Environmental Impact Report ("DEIR"), dated March 2022. We previously provided comments on the Draft General Plan in March 2021 and our legal counsel previously provided General Plan comments to the Planning Commission in September 2020. Those comments continue to apply.

3-1

As background, we previously documented that the best available science, as substantially documented in the City's public record, indicates that the Napa Oaks site remains an important and viable housing site that can help serve the City's long-term needs.¹ We believe as currently drafted the City's proposed Greenbelt designations do not adequately address these needs or the evidence of the physical environment at the Napa Oak's site. As it pertains to the DEIR, as this comment letter points out several elements of the environmental analysis fail to consider the readily available information relevant to the significant effects of the General Plan, as substantially documented in the City's public record, and thus fails to adequately and accurately describe the project description, setting and baseline; fails to adequately and accurately analyze significant environmental effects; and, thus, fails to describe mitigation to reduce or minimize environmental impacts from the General Plan. These are substantive defects in the DEIR and violations of the California Environmental Quality Act (CEQA), Public Resources Code ("PRC") S. 21000, et seq. ("CEQA"), and specifically PRC Sections 21001, 21002, 21002.1, 21003.1, 21061, 21100 and 21150.

3-2

In addition to the DEIR's failure to provide an *accurate*, stable and finite project description, as described above, by failing to include relevant information, specific examples of the DEIR's failing to identify significant environmental effects and associated mitigation include the following elements of the environment:

3-3

- **Aesthetics** (DEIR Section 3.1): The Aesthetics Element analysis of environmental impacts concludes that impacts would be less than significant, and no mitigation is necessary. See AES-1. In doing so it

¹ The Public record can be easily accessed under City of Napa Planning File PL11-0042 – NAPA OAKS II SUBDIVISION and contained in under State Clearing House No. 2012082093 ("Napa Oaks EIR").

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relies on various city policies. For the Greenbelt designation it relies on Policy NRC 4-3;² in part, to reach this conclusion. First, relying on “the Napa Land Trust or other community or non-profit organizations seeking to purchase privately-held land designated as Agriculture or Greenbelt in the General Plan” is speculative, ineffective and unenforceable under CEQA, and thus invalid. As it relates to the Napa Oaks site, it is privately held and could have some minimal development by right. However, as the public record indicates, including the Napa Oaks EIR, planned development on the site would have included very specific setbacks and visual corridor preservation. Nowhere in the DEIR is this information mentioned or analyzed. Under a development-allowed scenario, impacts on aesthetics were planned for avoidance and mitigation was specific and concrete. Under the Greenbelt proposal analyzed in the DEIR, there is no analysis and the conclusion that impacts would be less than significant and no mitigation is necessary is based on policies that are speculative, ineffective and unenforceable. This is a substantive defect in the DEIR and noncompliant with CEQA.

3-3 (Cont.)

- **Biological Resources** (DEIR Section 3.3): Similarly, the Biological Resources Element analysis of environmental impacts concludes that impacts would be less than significant, and no mitigation is necessary. See Impacts BIO-1, BIO-2, BIO-4, BIO- 5, and BIO-7. In doing so it relies on various city policies. For the Greenbelt designation it relies on Policy NRC 4-3, in part, for each of these impact areas to reach this conclusion. As stated above, relying on “the Napa Land Trust or other community or non-profit organizations seeking to purchase privately-held land designated as Agriculture or Greenbelt in the General Plan” is speculative, ineffective and unenforceable under CEQA, and thus invalid. As it relates to the Napa Oaks site, it is privately held and could have some minimal development by right. However, as the public record indicates, including the Napa Oaks EIR, planned development on the site would have included very specific biological avoidance and preservation as part of any development scenario. Nowhere in the DEIR is this information mentioned or analyzed. Under a development-allowed scenario, impacts on biological resources were planned for avoidance and mitigation was specific and concrete. Under the Greenbelt proposal analyzed in the DEIR, there is no analysis and the conclusion that impacts would be less than significant and no mitigation is necessary is based on policies that are speculative, ineffective and unenforceable. This is a substantive defect in the DEIR and noncompliant with CEQA.
- **Land Use and Planning** (DEIR Section 3.10): The Land Use and Planning Element analysis of environmental impacts concludes that impacts would be less than significant, and no mitigation is necessary. See LU-2. In doing so it relies on various city policies. For the Greenbelt designation it relies on Policy NRC 4-3, in part, to reach this conclusion. As previously described, relying on “the Napa Land Trust or other community or non-profit organizations seeking to purchase privately-held land designated as Agriculture or Greenbelt in the General Plan” is speculative, ineffective and unenforceable under CEQA, and thus invalid. Nowhere in the DEIR is information mentioned or analyzed regarding the available relevant information from the Napa Oaks public record on land use and planning, including in Alternative 2. Under the Greenbelt proposal analyzed in the DEIR, there is no analysis and the conclusion that impacts would be less than significant and no mitigation is necessary is based on policies that are speculative, ineffective and unenforceable. This is a substantive defect in the DEIR and noncompliant with CEQA.
- **Wildfire** (DEIR Section 3.18): Perhaps the most glaring and biggest failure to adequately analyze environmental impacts is in the Wildfire Element. The analysis of WF-2 states that “Implementation

3-4

3-5

3-6

² Policy NRC 4-3 states: “Support the Napa Land Trust or other community or non-profit organizations seeking to purchase privately-held land designated as Agriculture or Greenbelt in the General Plan, or other land for habitat conservation, used to further conservation goals such as protecting riparian habitat, expanding/connecting open space, and preserving, protecting, or restoring wildlife corridors.”

of the General Plan update would not exacerbate wildfire risks." It ultimately concludes that wildfire impacts are less than significant and no mitigation is required. In regard to the Greenbelt designation, this conclusion is directly contradictory to un rebutted existing relevant data in the Napa Oaks EIR and associated public record. That record indicates that the site in its current vegetated state is a risk for wildland fire hazards. However, the record provides that with development of the site through site design and Wildfire Management Plan it would "reduce the risk of wildland fires." The designation of the site as Greenbelt exacerbates the risk of wildfire by not having such similar plans and measures in place as a developed site would. Yet, the DEIR fails to discuss or analyze any of this readily available information on the designation of the Napa Oaks site as Greenbelt. This is a substantive defect in the DEIR and noncompliant with CEQA.

3-6 (Cont.)

There is a wealth of other relevant environmental information contained in the Napa Oaks EIR and public record. That information contains the best available data to inform the City on this site and its ability to safely and sustainably be a housing site, whatever the ultimate size or design of that housing may be. That environmental and scientific data should be the basis for the appropriate General Plan designation and analysis in the DEIR. For example, on the 80-acre property, only 24 acres has slopes at or above 30%. This leaves 54 acres, outside of the viewshed, that is land developable within the City's normal standards. That 54 acres can hold a variety of housing types and approaches, whether that is low density or a more standard density or even multifamily. Additionally, the impacts of such use was thoroughly analyzed in the Napa Oaks EIR which concluded that all significant environmental effects would be mitigated to levels of less than significant. Yet, none of this information appears in the DEIR and thus none of the "information relevant to the significant effects" or information relevant to making General Plan policies was used or made available during the process or in the analysis. This violates PRC 21003.1.

3-7

Designating the site Greenbelt under a flawed environmental analysis will eliminate a housing opportunity site in the City at a time when every city in California and in the Bay Area should be looking for more housing opportunities. This elimination of a potential housing site causes further pressures on the City of Napa in contradiction to the Public Health and Equity Element of the General Plan, and in violation of the intent and spirit of the statutory requirements for the General Plan Environmental Justice Element. The lack of analyses in the above-referenced elements and in the Housing Element constitute substantive defects in the DEIR and noncompliance with CEQA.

3-8

We believe the best solution, as we have communicated to the City, is that based on the thorough study that viable residential development could occur with very low and mitigable environmental impacts, the City should instead designate the Napa Oaks site in a manner in the General Plan that meets both reasonable neighborhood goals with design guidelines, protections and restrictions. This would ensure responsible development of this property meeting the City's long-term housing needs, and addresses the analysis inadequacies described above.

3-9

Designating the property in this manner would also be consistent with a majority of the Planning Commission and City Council that heard and denied the Napa Oaks project, but which agreed that the site was viable for housing and should be examined in this General Plan process rather than a General Plan Amendment just a year prior to the General Plan process. Instead, this DEIR fails to conduct any meaningful analysis notwithstanding the available relevant information.

3-10

Sincerely,

 Steve Abbas
 Vice President

Comment Letter 3, Steve Abbs (Davidon Homes)

Response to Comment 3-1. This is an introductory comment. The commenter says that Davidon Homes owns the Napa Oaks site in Napa, that they previously submitted comments on the Draft General Plan in March 2021, and that they previously provided General Plan comments to the Planning Commission in September 2020. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 3-2. The commenter says that the Napa Oaks site remains an important, viable housing site and that the Greenbelt designation does not address these needs. The commenter asserts that the DEIR fails to adequately and accurately describe the Project, setting, and baseline; fails to adequately and accurately analyze significant environmental effects; and, thus, fails to describe mitigation to reduce or minimize environmental impacts from the General Plan. The General Plan DEIR has been prepared in accordance with CEQA Sections 21000 et seq. of the Public Resources Code and the CEQA Guidelines, California Code of Regulations (CCR), Title 14, Chapter 3, Sections 15000 et seq. This comment asserts an opinion but does not address any specific environmental issues or the adequacy of the DEIR. The commenter's opinions are noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 3-3. The commenter says that the analysis under Aesthetics relies on various City policies, such as Policy NRC 4-3, and that relying on community or non-profit organizations seeking to purchase privately held land designated as Agriculture or Greenbelt in the General Plan is speculative, ineffective, and unenforceable under CEQA and thus invalid. Because this is a Program EIR, the analysis relies on several goals and policies to reduce potential aesthetic impacts to less than significant (i.e., Goals LUCD-1, LUCD-2, and LUCD-3; Policies LUCD 3-1, 3-2, 3-6, 5-1, 5-2, and 5-3). The updated policies ensure that new development will be designed in a manner that is aesthetically pleasing and sensitive to adjacent land uses, including the natural and historical contexts (i.e., Goals HCR-9 and NRC-3 and NRC-4; Policies HCR 9-1, 9-2, 9-3 and NRC 3-1, 3-2, 4-1, 4-2, and 4-3). In addition, the updated policies would ensure that new development would achieve a high standard of visual quality that would be consistent with existing regulations governing scenic quality (Goals LUCD-1, LUCD-2, LUCD-3, and LUCD-14; Policies LUCD 11-2, 14-1 to 14-4, and 24-2 and HCR 9-1). Additionally, the General Plan update does not propose any changes to the land use designation for that site that would have any potentially significant aesthetic impacts relating to the site. Because most of the new development would occur within or adjacent to city limits, in areas that are already developed to some extent, impacts would be less than significant, and no mitigation is necessary. General Plan policies, once adopted, become effective and enforceable. No further response is necessary in the EIR.

Response to Comment 3-4. The commenter makes the same comments as in Comment 3-3 but for biological resources. As noted above, the General Plan update does not propose any changes to the land use designation for that site that would have any potentially significant biological resources impacts relating to the site. Because this is a Program EIR, the analyses in Impacts BIO-1, BIO-2, BIO-4, BIO-5, and BIO-7 rely on several goals and policies to reduce potential impacts on sensitive biological resources to less than significant (i.e., Goals LUCD-1, NRC-1, NRC-2, and NRC-4; Policies LUCD.1-1, NRC.1-1, NRC.1-2, NRC.1-3, NRC.1-4, NRC.1-5, NRC.1-6, NRC.1-7, NRC.1-8, NRC.1-9, NRC.2-1, NRC.2-2, NRC.2-3, NRC.2-4, NRC.4-1, NRC.4-2, and NRC.4-3). General Plan policies, once adopted, become effective and enforceable. In addition, these impacts state that all future developments under the General Plan update would be subject to review under CEQA and

permitting requirements for impacts on sensitive biological resources. Specific mitigation would be developed through the Project-level review and in consultation with regulatory agencies during the Project permitting process. No further response is necessary in the EIR.

Response to Comment 3-5. The commenter makes the same comments as in Comment 3-3 but for land use and planning and says that relying on the Napa Land Trust or other community or non-profit organizations seeking to purchase privately held land designated as Agriculture or Greenbelt in the General Plan is speculative, ineffective, and unenforceable under CEQA and thus invalid. Because this is a Program EIR, in addition to proposed Policy NRC 4-3, Impact LU-2 relies on several proposed policies to reach a less-than-significant impact conclusion with respect to the Project conflicting with an applicable land use plan, policy, or regulation (NRC 1-1, NRC 1-2, NRC 1-3, NRC 1-4, NRC 1-5, NRC 1-6, NRC 1-7, NRC 1-8, NRC 2-1, NRC 2-2, NRC 3-1, NRC 3-2, NRC 4-1, NRC 4-2, NRC 4-3, NRC 10-3, NRC 10-4, and NRC 10-6 and SN 3-1 and SN 5-1). As noted above, the General Plan update does not propose any changes to the land use designation for that site that would have any potentially significant land use/planning impacts relating to the site. No further response is necessary in the EIR.

Response to Comment 3-6. The commenter says that the DEIR fails to adequately analyze the environmental impacts of wildfire. The commenter also says that designation of the site as a Greenbelt exacerbates the risk of wildfire by not having plans and measures in place similar to those for a developed site. As described in Impact WF-2 in the DEIR, implementation of the General Plan update would not exacerbate wildfire risks compared with existing conditions (i.e., the current General Plan) because of several proposed policies (e.g., Policy SN 5-1, SN 5-2, SN 5-3, SN 5-4, SN 5-5, and SN 5-6), adherence to the California Building Standards Code, and Napa Fire Department review of all new structures and land uses in the Planning Area. Given the existing General Plan designation for the site, the General Plan update is not likely to have any significant wildfire impacts. Impacts would be less than significant, and no mitigation would be required. No further response is necessary in the EIR.

Response to Comment 3-7. The commenter says that there is a wealth of relevant environmental information in the Napa Oaks EIR and public record. That information provides the best available data to inform the City's decision on their site and its ability to be used safely and sustainably as a housing site, whatever the ultimate size or design of that housing may be. This is a Program EIR for the citywide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of the many individual projects that may be proposed in the future consistent with the plan. This comment does not address any specific environmental issues of the DEIR. The commenter's opinions are noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 3-8. The commenter says that designating their site Greenbelt under a flawed environmental analysis will eliminate a housing opportunity site in the City at a time when every City in California and in the Bay Area should be looking for more housing opportunities and that the lack of analyses in the Public Health and Equity, Environmental Justice and Housing Element constitute substantive defects in the DEIR and noncompliance with CEQA. This is a Program EIR for the City-wide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of many individual projects that may be proposed in the future consistent with the plan. The Napa Oaks project is not an approved project, and this Program EIR does not reflect the potential for Napa Oaks

to be built or its environmentally beneficial features. Furthermore, housing is permitted on Greenbelt designation (*p. 2-13 of the General Plan states that "A maximum of one housing unit per existing parcel (as of 2021) is permitted, provided sensitive resources and habitats, and viewsheds are not impacted. Other low intensity uses, such as rural residential up to one unit per 20 acres, added low-intensity agriculture (e.g., small vineyards or community or household farms), or recreation trails may be considered at the discretion of the City to ensure adequate protection of underlying resources, or natural or scenic features."*) and land use designations are a topic for the General Plan, not the DEIR. The site could be further considered in the City's Housing Element which takes a detailed look at specific sites for housing opportunities. The Housing Element is not a part of the Project, so this would not apply. The Housing Element will be subject to a separate environmental review process in accordance with CEQA requirements. This comment does not address any specific environmental issues of the DEIR. The commenter's opinions are noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 3-9. The commenter says that the City should designate the Napa Oaks site in a manner in the General Plan that meets reasonable neighborhood goals with design guidelines, protections, and restrictions. This comment does not address environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 3-10. The commenter says that designating the property in this manner would also be consistent with a majority of the Planning Commission and City Council that heard and denied the Napa Oaks project, but which agreed that the site was viable for housing and should be examined in this General Plan process rather than a General Plan Amendment just a year prior to the General Plan process. This is a Program EIR for the City-wide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of many individual projects that may be proposed in the future consistent with the plan. The Napa Oaks project is not an approved project, and this Program EIR does not reflect the potential for Napa Oaks to be built or its environmentally beneficial features. This comment does not address any specific environmental issues of the Draft EIR. The commenter's opinions are noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Letter 4

HolmanTeague

real estate law • land use law • business law • climate change law

May 6, 2022

Michael Walker, AICP
 Senior Planner Planning Division
 City of Napa
 1600 First Street, Napa, CA 94559
 mwalker@cityofnapa.org

Re: General Plan Update Draft Environmental Impact Report Comments

Dear Mike,

We represent a variety of landowners and businesses within the city limits of the City of Napa. Many of these landowners and businesses include existing, planned and/or permitted hotels. This comment letter addresses the internal inconsistencies within the March 2022 City of Napa General Plan Update Draft Environmental Impact Report ("DEIR"), as well inconsistencies between the DEIR and the Draft General Plan Update ("Plan"). These errors should be addressed and corrected in order to comply with the requirements of the California Environmental Quality Act ("CEQA").

4-1

A key substantive requirement of EIRs is to include an accurate, stable and consistent description of the proposed project and environmental setting. See CEQA Guidelines Section 15124 and 15125. In doing so the Lead Agency must make available and use information relevant to the significant effects of the proposed project. See, e.g., Public Resources Code Section 21003.1. However, with respect to the information related to hotel, retail and commercial uses, the DEIR fails to provide accurate, stable and consistent description and fails to use readily available relevant information.

4-2

A simple word search in the DEIR reveals inconsistent information related to hotel, retail, and commercial uses among the project description, impact analysis and technical documents in the Appendices. There also appear to be significant inconsistencies between the DEIR and the Plan. These inconsistencies include the number of existing approved projects, projects in the pipeline, reasonably foreseeable projects, and known supply and demand examined in the City's own lodging studies. In addition, the DEIR does not accurately describe the existing environmental conditions as described and projected in the Downtown Napa Specific Plan and its associated EIR.

4-3

Because the DEIR fails to accurately discuss or analyze this readily available information on hotel, retail and commercial uses, the DEIR fails to comply with CEQA. However, all of this information is readily available and can be easily and accurately incorporated. This information should be incorporated, evaluated and reconciled in the EIR.

4-4

General Plan Update
DEIR Comments
May 6, 2022
Page 2 of 2

These inconsistencies cause the current DEIR to underestimate the existing conditions and environmental baseline. This causes the DEIR to inaccurately assess impacts and mitigation. If left uncorrected, the failure of the Plan to recognize accurate conditions, which leads to incorrect assumptions, not only violates CEQA it could lead to a violation of existing landowners' vested rights or other property rights. This also could create significant liabilities on the part of the City as well as other unintended consequences. Therefore, we respectfully request you to correct these errors.

4-5

Sincerely,



Kevin Teague

Comment Letter 4, Kevin Teague (Holman Teague)

Response to Comment 4-1. The commenter states that they represent a variety of landowners and businesses within the city and that their comments address internal inconsistencies within the DEIR and General Plan. This is an introductory comment that does not address environmental issues or the adequacy of the DEIR, nor does it provide any specifics. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 4-2. See Response to Comment 2-3. The commenter says that information related to hotel, retail, and commercial uses in the DEIR fails to provide accurate, stable, and consistent descriptions and fails to use readily available relevant information. Because this is a Program-level EIR for a General Plan update, future land use, including hotel, retail, and commercial, build-out square footage is estimated; however, exact totals would be speculative. The EIR is not intended to establish policy or create regulatory or capacity limits on the General Plan Update. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 4-3. The commenter says that there are inconsistencies between the DEIR and the General Plan, including the number of existing approved projects, projects in the pipeline, reasonably foreseeable projects, and known supply and demand examined in the City's own lodging studies. See Response to Comment 2-3. As noted above, because this is a Program-level EIR for a General Plan update, future land use build-out is estimated, based on projection and available information; exact totals would be speculative. Accordingly, this Program-level EIR does not affect the construction of approved projects or alter the City's project level analysis of new projects developed after the adoption of the General Plan. Table 2-3 (Citywide Growth Projections) in the DEIR and Table 2-3 (Citywide Growth Projections) in the General Plan Public Review Draft have been updated for consistency. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 4-4. The commenter says that because the DEIR fails to accurately discuss or analyze this readily available information on hotel, retail, and commercial uses, the DEIR fails to comply with CEQA. Please see Response to Comment 4-3, above. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 4-5. The commenter says that the inconsistencies they mention cause the current DEIR to underestimate the existing conditions and environmental baseline and that this causes the DEIR to inaccurately assess impacts and mitigation. The General Plan DEIR has been prepared in accordance with CEQA Sections 21000 et seq. of the Public Resources Code and the CEQA Guidelines, CCR, Title 14, Chapter 3, Sections 15000 et seq. The commenter's opinions are noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Letter 5



May 4, 2022

Vincent Smith, Community Director
Michael Walker, Sr. Planner
City of Napa Community Development Department
1600 First St.
Napa, CA 94559

Re: Response to the Draft EIR, Draft General Plan Napa 2040, dated March, 2022

Dear Mr. Smith and Mr. Walker,

Please accept this letter on behalf of the Keep Napa's Gateways Green Coalition in response to your request for comments to the 2022 DEIR / Draft General Plan Napa 2040. Our coalition represents concerned residents and property owners in the South Napa Gateway area and throughout the City of Napa itself.

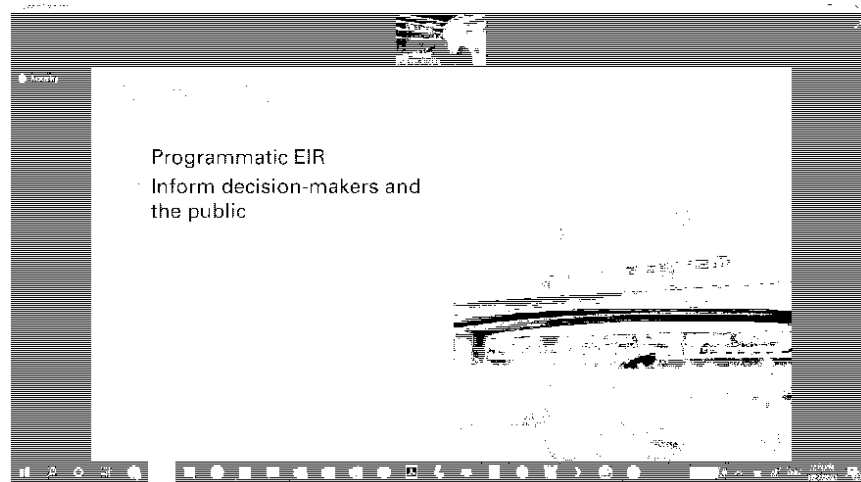
5-1

As always, we extend our sincere appreciation to the City's Planning Staff and Consultants. To produce such a voluminous (880pages) DEIR is no small feat of accomplishment. This is especially meaningful in the face of numerous challenges and deprivations posed by this 2-3 year period - marked by an unparalleled revolving door of the Covid-19 pandemic, tragic wildfires and smoke.

5-2

A number of laudatory inclusions are in the updated Draft General Plan Napa 2040. Of particular note is the emphasis (6) on environmental sustainability and Climate Change Element. Since 2019 members of KNGG have actively participated in the Draft General Plan Napa 2040 process, offering various City Representatives, GPAC, The Planning Commission, and the City Council feedback and alternatives to the City's unilateral view of their newly proposed *Foster Road Mixed Use Corridor*. Some of KNGG's suggestions are reflected in this updated Draft General Plan Napa 2040.

5-3



5-3 (Cont.)

It would stand to reason that the validity of the City's DEIR is, in large, part dependent upon whether the DEIR provides an adequate analysis of the information necessary for LAFCO and for the public to clearly understand the nature and environmental consequences of the Draft General Plan Napa 2040, the DEIR and *Foster Road Mixed Use Corridor*

While the DEIR is a substantial document, unexpectedly, it fails to provide this requisite adequate analysis.

KNGG's response to the DEIR will be focused primarily upon what the City has now identified as the *Foster Road Mixed Use Corridor*. Our preliminary concerns, comments and questions include the following.

It has been acknowledged that the annexation, up-zoning and subsequent near-future development will approximate one of the largest development in the history of Napa. Given the sheer magnitude and scope of this project, it's difficult for a resident of Napa to reasonably understand and accept the proposed practical realities of the City's Planning Staff and their Consultant's perplexing inference that the proposed Annexation will not result in many changes in the environment.

5-4

This assertion is coupled with the binary positioning of the City's minimal options for Alternatives to Annexation. The City's presentation appears to be one of a false dichotomy: an All (100%- and/or less than Zero (-0 % accepted proposal). This positioning transforms the DEIR's own proposed Annexation, up-zoning and development into the only alternative the City sees as viable.

5-5

Please explain the City's reasoning for arriving at such conclusions.

We request that the City help us reconcile the binary thought process and innocuous language contained in the DEIR with what would seem to be, at least to the average citizen, probable significant and negative impacts on the environment. The City's

5-6

proposal guarantees the devastation of the "Last Crop" of 144/146 acres of Prime Agricultural Land on the perimeter of the City. Despite the voluminous heft (880 pages) and not easily corresponding data-points contained in the DEIR, the current lack of any real specificity and mechanisms of accountability lead one to reasonably ask what the City has in mind regarding specific mitigation measures and processes.

5-6 (Cont.)

KNGG requests that the City assist us with the reconciliation of this innocuous language in their DEIR with what would reasonably appear to be highly significant and negative impacts on the environment as a specific result of this Foster Road Mixed Use Corridor. What are the specificities of the mitigation measures contemplated and what measures of accountability will be inscribed into these DEIR policies? We ask for clarity, certainty and reasonable brevity in the City's response

5-7

Vision and Guiding Principles
provide foundation
Land use pattern and new
land use designations that
promote:



CEQA

Our understanding is that CEQA (the California Environmental Quality Act) defines a project to include all subsequent activities that may occur as the result of a given decision – including all potential development activities.

5-8

The City is bifurcating their proposed Annexation and up-zoning decisions from any subsequent development projects on the newly identified "Foster Road Mixed Use Corridor". This Corridor was heretofore known for decades as the Ghisletta Lands, the Napa Valley Horseman's Association and the Wilcoxson Properties. Is the City's bifurcation supported by California case law? If so, could the City please provide relevant sourcing and citations to this effect? Does this represent a minimizing of the City's need for environmental review?

A bit of history.

KNGG represents an expanded, v2.0 of the *Save Foster Road* Group founded in 2005. SFR initially voiced solid, informed opposition to the City and County's first efforts to annex, up-zone and develop the Gateway Properties in 2007. SFR submitted a petition to the City comprising approximately 5700 signatures representing a cross section of Napa residents standing in opposition to this annexation.

5-9

As was then, as is now:

On the one hand, The City of Napa states that as a justification for the proposed “slam-dunk” Annexation, the City has planned development on this land for years.

On the other hand, residents are being told as a justification for not requiring a specific environmental review (EIR) prior to the consideration of the proposed Annexation, that there's no real plan for development.

Which is it?

This inconsistency is apparent and found in the City's own proposed Annexation, up-zoning and development of the *Foster Road Mixed Use Corridor*. These speak directly to the proposed development of these USDA/LAFCO Prime Agricultural parcels.

5-10

To a layperson, these may be construed as an improper segmentation of environmental review, as the assertions in the DEIR are not supported by substantive and reliable evidence. The Proposed Annexation, up-zoning and development is a project requiring a CEQA review and the DEIR could be viewed to constitute a prejudicial abuse of discretion.

Further to the process, upon the City filing for annexation, LAFCO will be asked to approve one of the two largest annexations of unincorporated land in the history of Napa. Along with the *Napa Pipe Mixed Use Corridor* both are projects defined as one of “Statewide and Regional Importance” under CEQA. The current, operative *Envision Napa 2020* does not address the proposed Annexation of the Gateway Parcels (aka the Ghisletta Parcels, the NVHA and Wilcoxson Parcels). This may be due to the fact the Ghisletta parcels were not brought into the Sphere of Influence (SOI) until 2005 upon the request of the property owner, the Ghisletta Family Trust.

5-11

It is helpful to review some facts:

- The DEIR proposes the Annexation of some [144 or 146] acres of unincorporated land, the majority of which is currently zoned AGW, agricultural watershed. In accordance with Napa LAFCO, this would be one of the largest annexations it has been asked to approve.
- As such, the “proposed action” qualifies as a project of “statewide and regional significance” under CEQA.

5-12



Foster Road - Looking East

5-12 (Cont.)

- The State requires that an EIR be prepared whenever lead agencies "propose to approve or carry out" a project with potential significant effects; it is not "to be delayed until a 'final' decision has been made." Further to this point, any question as to whether a particular point in the development process is too early for preparation of an EIR "is resolved by the pragmatic inquiry whether there is enough information about the project to permit a meaningful environmental assessment. If the answer is yes, the EIR review process must be initiated."

5-13

- The DEIR that LAFCO is being asked to depend upon for the "thorough analysis"- one that is required by law is the Draft General Plan Napa 2040 DEIR. This DEIR barely acknowledges the specific environmental impacts associated with the proposed *Foster Road Mixed Use Corridor*. References on (3.2.41/3.2.42) acknowledge the possibilities of excessive air quality emissions which would affect on-site residents- enabling the potential to exacerbate existing impacts on sensitive and new receptors associated with the development under the project. On 4.12 there is reference that the development allowed "could alter topography, remove vegetation, or change land use types that would affect the the existing visual character of views, including scenic vistas." We let this statement speak for itself.

5-14

The DEIR fails to reasonably "describe and evaluate" alternatives to the proposed annexation of the "opportunity site" of the *Foster Road Mixed Use Corridor*. (LUCD 23), This Specific Policy section "checks all the boxes". Unfortunately, little, if anything, of substance underpins the assertions contained within the checked boxes.

5-15

The DEIR fails to adequately analyze the proposed Annexation. It mentions the "possibility" of Annexation upon the request of the property owners and private parties. (2-50) (LUCD 23-1 / LUCD 23-5) (LUCD 24-5). This statement is inconsistent with history and precedent. Most recently, public statements were made that there have been no negotiations contemplated and that any negotiations or agreements exist. We would appreciate the City's Planning Staff and consultants offer a delineation of the City and County's role in reviewing the sufficiency and veracity of the City's DEIR current and archival documentation (since 1975).

5-16

The property owners have already requested such Annexation - a few times, for more than a decade. The City filed for Annexation in 2007 upon the request of the same property owners. It is reasonable to assume that this Draft General Plan Napa 2040 proposal for Annexation has been repeatedly submitted at the behest of the property owners as recently as 2020/21.

5-17

The DEIR fails to offer an adequate analysis for its proposed site planning and design that reflects this major Gateway to the City and Napa Valley. It speaks to supporting "Design Guidelines" but there are none in place for the City itself. What gives us confidence that the City will initiate and oversee its own design guidelines. Or will it relinquish its responsibility and leave it to the hands of a developer, as it did with the Napa Pipe Project?. It reflects an unthinkable level hubris and willful denial of the full spectrum degradation that the City's proposed annexation, up-zoning and development will render to these prime AGW lands.

5-18

The City would have us believe that this iconic, bucolic representation of the Napa Valley will be more than adequately replaced by the unnecessary development of high risk, high density sprawl - cloaked with a veneer of "a showcase public art "(LUCD 23-4). As Andy Warhol once stated " *Land really is the best Art* ".

5-19

The City is wholly reliant upon its Draft General Plan Napa 2040 DEIR to initiate development within the City's Rural Urban Line as satisfying the requirements for CEQA review of this project. We are unable to locate any precedent for this position under California law.

5-20

● Yet, the DEIR seems to suggest that the City's proposed Annexation, up-zoning and development is, basically, in itself an environmentally neutral event, emphasizing in its DEIR that, because there is no development plan in place, that the proposed Annexation will not result in many changes in the environment.

5-21

● The City suggests that the Draft General Plan Napa 2040 DEIR as fulfilling its requirements under CEQA. This DEIR makes no specific reference to the proposed

5-22

Annexation other than in extremely general terms. The City suggests that the general policy of pursuing development within the RUL somehow satisfies its obligations under CEQA.

5-22 (Cont.)

It appears that the City wishes to define the Foster Road Mixed Use Corridor as merely a "jurisdictional transfer " between the City and County. However, KNKG's understanding is that California law requires a much broader definition to fulfill its requirements to LAFCO.

5-23

"It is crucial... for a government decision maker to know what the "project" is that the decision maker is approving. Numerous cases have stated that " only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal and weigh other alternatives in the balance" and that "[a]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." [Citations.] Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182, 201-202

Although one would not realize it from the heft of the 880 page document, the City of Napa DEIR implies there is a minimum of Potentially Significant Impacts arising from the newly identified *Foster Road Mixed Use Corridor*, including with respect to Land Use, Greenhouse Gases (the DEIR frames this as "unavoidable"), Aesthetics, Agricultural Resources, Pollution, (Light, Noise,Water) Population/Housing, Public Services, Recreation, Traffic, Congestion, Utilities, Cultural Heritage, etc. We are uncertain as to what metrics and reasoning have been used to arrive at such assertions. We request to know the basis for these assertions. Has the accuracy of these assertions been verified and by whom?

5-24

The Draft General Plan Napa 2040 DEIR fails to provide "detailed information" and adequate analysis regarding the specific effects of the project on the environment, the ways in which such effects might be minimized, and the potential alternatives. The City is relying solely on the Draft General Plan Napa 2040 DEIR, which provides little to none actual, specific information regarding this Foster Road Mixed Use Corridor. The DEIR seems to suggests that the City's proposed Annexation will proceed almost as if CEQA did not exist.

5-25

As such, it seems as if the inconsistencies of the Draft General Plan Napa 2040 DEIR present a dilemma:

LAFCO will be unable to act upon the proposed Draft General Plan Napa 2040 Annexation without carrying out a CEQA review. And LAFCO cannot reliably undertake a CEQA review if the environmental documents do not offer an adequate analysis and are defective.

Rural Urban Limit (RUL) and Sphere of Influence (SOI)

Our understanding is that LAFCO accomplishes its objectives through the development of a Sphere of Influence (SOI) attendant to each local governmental agency within a county. (Gov. Code, § 54774.).

5-26

The SOI admitted the Ghisletta Parcels upon the request of the Ghisletta Family Trust in 2005. Heretofore these parcels had been part of the RUL established in 1975- but protected from development under the Stewart Lands.

Contrary to statements by City Planning:

There is nothing final about a spheres of influence plan.

The SOI establishes only the "**probable**" boundaries of local governmental agencies must be established. Additionally, LAFCO is required to "periodically review and update the spheres of influence" (Gov. Code, § 54774.).

It is crucial to the final EIR that the City provide the evidence/precedent to which it refers when stating that the SOI is a firm boundary as well as the verifiable dates and documents during which this SOI was periodically reviewed and updated as required by State law.

Further, as the City has repeatedly stated, the Draft General Plan Napa 2040 is by its very nature merely tentative and subject to change.

5-27

On the other hand, a LAFCO approval of any annexation is an irrevocable step as far as that particular public agency is concerned. This conundrum represents an inconsistency which is in need of reconciliation in the final General Plan Napa 2040.

LAND USE and CEQA:

The Envision Napa 2020 General Plan Land Use Element states that Foster Road area was designated as a part of scenic corridor and gateway to the city.

5-28

LU-1.5 The City shall refine the locations and concept of the key gateways to the city identified in Figure 1-3, and shall establish gateway and scenic corridor design guidelines for both public and private development to ensure attractive entrances to the city. Greenways, open space, riparian corridors, wetland areas and agricultural land shall be considered as important components when they exist in gateway locations.

The Draft General Plan Napa 2040 fails to address its own inconsistency with this current policy.

LU-1.B The City shall revise the Zoning Ordinance to include a Scenic Corridor Overlay Zone to apply to the scenic corridors identified in Policy LU-1.5. Responsibility: Planning Department; Planning Commission; City Council Time Frame: FY 05-07

5-29

The DEIR fails to enact this implementation measure and fails to address the aesthetic and land use impacts associated with the elimination of scenic corridors.

The DEIR fails to address the Napa County General Plan's designation of the Foster Road area as Ag, Watershed, Open Space when re-designating it for intensive mixed use. The County's General Plan is clear in the goals for this property:

5-30

Policy AG/LU-20: The following standards shall apply to lands designated as Agriculture, Watershed, and Open Space on the Land Use Map of this General Plan.

Intent: To provide areas where the predominant use is agriculturally oriented; where watersheds are protected and enhanced; where reservoirs, floodplain tributaries, geologic hazards, soil conditions, and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact all such uses; and where the protection of agriculture, watersheds, and floodplain tributaries from fire, pollution, and erosion is essential to the general health, safety, and welfare.

General Uses: Agriculture, processing of agricultural products, single-family dwellings

Pursuant to CEQA Guidelines Appendix G, the DEIR is required to address these conflicts with policies enacted to preserve scenic qualities and agricultural land and open space:

5-31

Would the proposed Annexation, Up-zoning and subsequent Development physically divide an established community?

- a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance)
- b) Be adopted for the purpose of avoiding or mitigating an environmental effect

The DEIR entirely fails to include an analysis of impacts to agricultural resources. Pursuant to CEQA Guidelines Appendix G, the EIR must analyze whether the project would:

5-32

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

5-32 (Cont.)

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

d) Result in the loss of forest land or conversion of forest land to non-forest use?

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use

As we stated to the City's Planning Commission in 02.18.2021, the Draft General Plan Napa 2040 is inconsistent with existing policies of the City of Napa and the smart growth planning directives permeating the rest of the City's own proposed Draft General Plan Napa 2040. Further, the Draft General Plan Napa 2040 continues to silence and ignore the voices of Napa residents represented in their own surveys.

5-33

"When asked what important actions the City should promote, 77% of respondents the City that preserving the natural environment was one such action as shown in Figure 1 below (Dyett & Bhatia, Napa Community Survey). Densifying Napa is a high-impact way to respond to residents' desire for preservation because denser urban areas have a lower environmental impact. Densification decreases resource and energy consumption by concentrating on people near jobs and preventing the degradation of resource-rich land and water systems. When the community was asked where Napa should promote new housing over the next 20 years, 31% of those surveyed responded that the City should promote new housing "Along streets such Jefferson Street and Soscol Avenue to replace older commercial and industrial buildings" and 28% responded that the city should build "In existing neighborhoods as illustrated in Figure 2 below (for example, accessory dwelling units or a new development on vacant sites)" (Dyett & Bhatia, Napa Community Survey 11). Currently, development projects are under construction and in the pipeline in the Downtown as well as Napa's main corridors, Soscol Avenue, Jefferson Street, and Trancas Street, which will concentrate residents near amenities and infrastructure...." (Dyett & Bhatia, City of Napa Future Vision).

This refusal to acknowledge its own resident's voice is highly unusual. Unless, of course, the said annexation, up-zoning and development has already been in the negotiations with the property owner, the City, County and State officials for years now. Of course, we have heard a number of public statements by the property owner that there have been no negotiations contemplated and that any negotiations or agreements exist. However, given the specificity of the language in the proposal coupled with narrow considerations and limited scope of Alternatives offered by this DEIR, we are left to wonder as the City's proposal and actions seem to singularly usher in the expectation of annexation for such a development iterated in the DEIR.

5-34

We would appreciate the City's Planning Staff and consultants offer KNGG a delineation of the City, the County's and LAFCO Napa's role in reviewing the sufficiency and veracity of the City's DEIR documentation during the past 20 years.

5-35

KNGG recognizes that the Napa City Council first filed for this annexation, up-zoning and development in 2007. Upon another approval by our current Napa City Council this proposed Annexation and up-zoning will again be submitted to LAFCO for approval. As in 2007, KNGG and SFR's question remains: how then is LAFCO able to effectively consider any subsequent City of Napa proposal for Annexation, up-zoning and development under its mandate without having in hand a more thorough and diligent review of the specific project in its entirety - which would include the anticipated near future development being discussed. A DEIR for these parcels is required prior to any proposed Annexation. Additionally this DEIR should not be left in the hands of any potential developer to provide with a Master Plan created after Annexation. The proverbial fox guarding the henhouse scenario is no longer acceptable and inadequate to the seriousness of the task before us.

5-36

For the City to insist upon proposing this Annexation, Up-zoning and Development based upon inconsistencies, a marked intensification of development, a development that is often based on inaccurate data points, places its constituents and the City itself in a needless turmoil based on uncertain predicates. Such a proposal is premature and places our collective future at risk.

5-37

Respectfully ,

Christiane Robbins

On behalf of KNGG



Flyover of Napa's Gateway Parcels, including the Stewart Ranch and
Soaring Eagle Winery, 2021

Comment Letter 5, Christiane Robbins (Keep Napa's Gateways Green Coalition)

Response to Comment 5-1. This is an introductory comment, noting that the letter is on behalf of the Keep Napa's Gateways Green Coalition and that the coalition represents concerned residents and property owners in the South Napa Gateway area and throughout the city. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 5-2. The commenter expresses their appreciation to the City's planning staff and consultants for preparation of the DEIR. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 5-3. The commenter's first comments are about the Draft General Plan not the DEIR. The commenter says that the validity of the City's DEIR is, in large part, dependent upon whether the DEIR provides an adequate analysis of the information necessary for the Local Agency Formation Commission (LAFCO) and the public to clearly understand the nature and environmental consequences of Draft General Plan Napa 2040, the DEIR, and the Foster Road Mixed-Use Corridor. Comments noted; however, this comment does not address environmental issues or the adequacy of the DEIR, nor does it provide any specifics. The commenter's opinions are noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-4. The commenter asserts that future development in the Foster Road Mixed-Use Corridor will be one of the largest developments in the history of Napa. Given the magnitude of this Project, the commenter asserts that it is difficult for a resident of Napa to understand and accept the inference of the City's planning staff and consultant that the proposed annexation will not result in many changes in the environment. This comment does not address environmental issues or the adequacy of the DEIR, nor provide any specifics. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-5. The commenter says that this assertion is coupled with the binary positioning of the City's minimal options for alternatives to annexation and that this positioning transforms the DEIR's own proposed annexation, upzoning, and development into the only alternative the City sees as viable. This comment is directed toward issues regarding annexation and does not address environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-6. The commenter requests that the City reconcile the "binary thought process" and "innocuous language" contained in the DEIR with what the commenter asserts would be significant and negative impacts on the environment. The commenter expresses concern that the annexation would result in the devastation of 144/166 acres of prime farmland. The existing General Plan land use designations for the Foster Road mixed-use area are Single-Family Infill and Corporate Park. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-7. The commenter asks about the specificities of the mitigation measures contemplated and what measures of accountability will be included. This comment does not provide

any specifics with regard to environmental issues or the adequacy of the DEIR. Mitigation measures are included for the resource categories of air quality, biological resources, greenhouse gas emissions, and tribal cultural resources, as described in Table ES-1 of the DEIR. At the completion of the CEQA process, a Mitigation Monitoring and Reporting Program will be produced, which will identify the responsible entity for implementing the mitigation measures. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-8. The commenter says that the City is bifurcating their proposed annexation and upzoning decisions from any subsequent development projects on the newly identified "Foster Road Mixed-Use Corridor" and inquires if the City's bifurcation is supported by California case law. The commenter requests relevant sourcing and citations if this is the case. The comment asks if these actions represent a minimizing of the City's need for environmental review.

After the General Plan is adopted, future projects not subject to tiering from the General Plan EIR will be required to prepare their own CEQA compliance documentation. This comment is directed toward the City's proposed future annexation and does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-9. The commenter brings attention to approximately 5,700 signatures, representing a cross section of Napa residents, who have expressed opposition to the annexation and asserts that the City has planned development on this land for years. The commenter is correct that the existing General Plan land use designations for the Foster Road mixed-use area are Single-Family Infill and Corporate Park. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-10. The commenter says that the annexation, upzoning, and development of the Foster Road Mixed-Use Corridor may be construed as an improper segmentation of environmental review because the assertions in the DEIR are not supported by substantive and reliable evidence. The proposed annexation, upzoning, and development is a project requiring CEQA review, and the DEIR could be viewed to constitute a prejudicial abuse of discretion.

The General Plan update does not include annexation, upzoning, and development of the Foster Road Mixed-Use Corridor; rather, it includes land use designations and policies specific to that area. This is a Program EIR for the citywide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of individual projects that may be proposed in the future consistent with the plan. No further response is necessary in the EIR.

Response to Comment 5-11. The commenter states that upon the City filing for annexation, the LAFCO will be asked to approve one of the two largest annexations of unincorporated land in the history of Napa. The comment states that the annexation and the Napa Pipe Mixed-Use Corridor are projects of "statewide and regional importance" under CEQA. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-12. The commenter says that the DEIR proposes the annexation of some [144 or 146] acres of unincorporated land, the majority of which is currently zoned Agricultural Watershed. This would be one of the largest annexations the Napa LAFCO has been asked to approve; as such, the "proposed action" qualifies as a project of "statewide and regional significance" under CEQA.

As noted above, the General Plan update does not include annexation, upzoning, and development of the Foster Road Mixed-Use Corridor; rather, it includes land use designations and policies specific to that area. This is a Program EIR for the citywide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of individual projects that may be proposed in the future consistent with the plan. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-13. The commenter says that the state requires that an EIR be prepared whenever lead agencies "propose to approve or carry out" a project with potential significant effects and any question as to whether a particular point in the development process is too early for preparation of an EIR is resolved by the pragmatic inquiry whether there is enough information about the project to permit a meaningful environmental assessment. Please see Response to Comment 5-12, above.

Response to Comment 5-14. The commenter asserts that LAFCO is being depended upon for the analysis in the DEIR, which the commenter asserts barely acknowledges the specific environmental impacts associated with the proposed Foster Road Mixed-Use Corridor. References on pages 3.2.41 and 3.2.42 acknowledge the possibility of excessive air quality emissions that would affect on-site residents, resulting in the potential to exacerbate existing impacts on sensitive and new receptors associated with the development under the Project. On page 4.12, there is reference that the development allowed "could alter topography, remove vegetation, or change land use types that would affect the existing visual character of views, including scenic vistas."

This is a Program EIR for the citywide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of individual projects that may be proposed in the future consistent with the plan. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-15. The commenter says that the DEIR fails to reasonably describe and evaluate alternatives to the proposed annexation of the "opportunity site" of the Foster Road Mixed-Use Corridor. Please see Response to Comment 5-14.

Response to Comment 5-16. The commenter says that the DEIR fails to adequately analyze the proposed annexation, but it mentions the "possibility" of annexation upon the request of the property owners and private parties. Please see Response to Comment 5-12, above.

Response to Comment 5-17. The commenter says that the property owners have already requested annexation a few times for more than a decade. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion

is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-18. The commenter says that the DEIR fails to offer an adequate analysis for its proposed site planning and design that reflects this major gateway to the city and Napa Valley. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. However, the General Plan update includes proposed Policy LUCD 23-4, which calls for the City to “support site planning and design that reflect the location of the area as a major gateway into the city and Napa Valley. As such, tall, blank retaining or noise barriers are not recommended along the eastern side of the property. A combination of native trees, landscaping, and natural berms should be used to shield freeway noise and to appear bucolic when viewed from the freeway. Public art pieces and/or distinctive architecture should be considered to showcase the uniqueness of Napa and be a landmark for people entering the valley.” No further response is necessary in the EIR.

Response to Comment 5-19. The commenter offers an opinion that the City would have us believe that this iconic, bucolic representation of the Napa Valley will be more than adequately replaced by the unnecessary development of high-risk, high-density sprawl. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter’s opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-20. The commenter asserts that the City is reliant upon the DEIR to initiate development within the City’s Rural Urban Line (RUL) as satisfying the requirements for CEQA review of the Project and that they are unable to locate any precedent for this position under California law. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter’s opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-21. The commenter asserts that the DEIR suggests that the City’s proposed annexation, upzoning, and development is an environmentally neutral event, emphasizing in the DEIR that, because there is no development plan in place, the proposed annexation will not result in changes in the environment. The General Plan update does not include annexation, upzoning, and development of the Foster Road Mixed-Use Corridor; rather, it includes land use designations and policies specific to that area. This is a Program EIR for the citywide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of individual projects that may be proposed in the future consistent with the plan. No further response is necessary in the EIR.

Response to Comment 5-22. The commenter says that the DEIR makes no reference to the proposed annexation, other than in extremely general terms, and that the City suggests that the general policy of pursuing development within the RUL somehow satisfies its obligations under CEQA. Please see Response to Comment 5-21, above. No further response is necessary in the EIR.

Response to Comment 5-23. The commenter says that it appears that the City wishes to define the Foster Road Mixed-Use Corridor as merely a “jurisdictional transfer” between the city and county; however, KNGG’s understanding is that California law requires a much broader definition to fulfill its requirements to LAFCO. Please see Response to Comment 5-21, above. No further response is necessary in the EIR.

Response to Comment 5-24. The commenter says that “the City of Napa DEIR implies there is a minimum of potentially significant impacts arising from the newly identified Foster Road Mixed-Use Corridor” for various resource categories. The General Plan DEIR has been prepared in accordance with CEQA Sections 21000 et seq. of the Public Resources Code and the CEQA Guidelines, CCR, Title 14, Chapter 3, Sections 15000 et seq. The DEIR has been prepared by qualified professional CEQA consultants and reviewed by City staff members. The commenter’s opinions are noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-25. The commenter says that the DEIR fails to provide detailed information and adequate analysis regarding the specific effects of the Project on the environment, the ways in which such effects might be minimized, and the potential alternatives. The commenter asserts that the City is relying solely on the DEIR, which provides little to no actual specific information regarding this Foster Road Mixed-Use Corridor and that the DEIR seems to suggest that the City’s proposed annexation will proceed almost as if CEQA did not exist. In addition, the commenter says that LAFCO will be unable to act upon the proposed Draft General Plan Napa 2040 annexation without carrying out a CEQA review and that LAFCO cannot reliably undertake a CEQA review if the environmental documents do not offer an adequate analysis and are defective.

This is a Program EIR for the citywide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of individual projects that may be proposed in the future consistent with the plan. As noted above, the General Plan update does not include annexation, upzoning, and development of the Foster Road Mixed-Use Corridor; rather, it includes land use designations and policies specific to that area. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter’s opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-26. This comment is regarding the RUL and Sphere of Influence (SOI). The commenter says that it is crucial to the FEIR that the City provide the evidence/precedent to which it refers when stating that the SOI is a firm boundary as well as the verifiable dates and documents during which this SOI was periodically reviewed and updated as required by state law. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter’s opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-27. The commenter says that “the Draft General Plan Napa 2040 is by its very nature merely tentative and subject to change. On the other hand, LAFCO approval of any annexation is an irrevocable step as far as that particular public agency is concerned. This conundrum represents an inconsistency that is in need of reconciliation in Final General Plan Napa 2040.” This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter’s opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-28. The commenter says that the Envision Napa 2020 General Plan Land Use Element states that the Foster Road area was designated as a part of the scenic corridor and gateway to the city and that Draft General Plan Napa 2040 fails to address its own inconsistency with this current policy. This comment does not provide any specifics with regard to environmental

issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-29. The commenter lists current General Plan Policy LU-1.B and says that the DEIR fails to enact this implementation measure and fails to address the aesthetic and land use impacts associated with the elimination of scenic corridors. Policy LU-1.B is an existing policy from the current General Plan, not a Policy from the comprehensively updated General Plan update; therefore, it is not included in either the aesthetics or land use sections of the DEIR. The DEIR analyzes impacts from implementation of the General Plan update, not an existing policy of the current General Plan. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-30. The commenter says that the DEIR fails to address the Napa County General Plan's designation of the Foster Road area as Agricultural Watershed and Open Space when redesignating it for intensive mixed use and that Napa County's General Plan is clear in the goals for the property, then lists Napa County's Policy AG/LU-20.

The existing General Plan land use designations for the Foster Road mixed-use area, which is in the City's SOI, are Single-Family Infill and Corporate Park, and the proposed land use designation is Foster Road Mixed Use. The City's SOI is determined and designated by the LAFCO; it represents the City's probable future boundary and service area. The purpose of the SOI is to ensure the provision of efficient services while discouraging urban sprawl and the premature conversion of agricultural and open space lands by preventing overlapping jurisdictions and duplication of services. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-31. The commenter says that the DEIR is required to address conflicts with policies enacted to preserve scenic qualities and agricultural land and open space and asks whether the proposed annexation, upzoning, and development would physically divide an established community. The General Plan update does not include annexation, upzoning, and development of the Foster Road Mixed-Use Corridor; rather, it includes land use designations and policies specific to that area. Impact LU-1 in the DEIR concluded that the Project would not physically divide an established community and that the impact would be less than significant. No further response is necessary in the EIR.

Response to Comment 5-32. The commenter says that the DEIR fails to include an analysis of impacts on agricultural resources. The commenter is correct in that the DEIR did not include agricultural resources. The Agricultural Resources section was inadvertently omitted from the DEIR; therefore, a Partial Recirculated DEIR that covers just the Agricultural Resources section was prepared and submitted to the State Clearinghouse in June 2022 for a 45-day public review period.

Response to Comment 5-33. The commenter says that Draft General Plan Napa 2040 is inconsistent with existing policies of the City and the smart growth planning directives permeating the rest of the City's own proposed Draft General Plan Napa 2040 and that the plan continues to silence and ignore the voices of Napa residents. This comment is specific to the General Plan, not the DEIR. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-34. The commenter says that refusal to acknowledge its own residents' voice is highly unusual, unless, of course, the said annexation, upzoning, and development have already been included in the negotiations with the property owner, the City, Napa County, and state officials for years now. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-35. The commenter asks for a delineation of the City, Napa County, and LAFCO role in reviewing the sufficiency and veracity of the City's DEIR documentation during the past 20 years. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-36. The commenter asks how LAFCO is able to effectively consider any subsequent City proposal for annexation, upzoning, and development under its mandate without having in hand a more thorough and diligent review of the specific Project in its entirety; this would include the anticipated near-future development being discussed. A DEIR for these parcels is required prior to any proposed annexation.

This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The Project for which this EIR is being prepared is for the citywide General Plan update. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 5-37. The commenter says that for the City to insist upon proposing this annexation, upzoning, and development, based upon inconsistencies, a marked intensification of development, a development that is often based on inaccurate data points, places its constituents and the City itself in needless turmoil, based on uncertain predicates; such a proposal is premature and places our collective future at risk. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Letter 6

April 22, 2022

To: Michael Walker, Senior Planner

Via: email and Hand Delivery to
City Clerk

Planning Division
City of Napa
1600 First Street
Napa, CA 94559
mwalker@cityofnapa.org

From: Thomas Andrews
2165 Lone Oak Avenue
Napa, CA 94558
toma@atconstruction.com

CITY OF NAPA
CITY CLERK
MAY -2 PM 2:15

General Plan Draft EIR Update Comments:

Remove: "3.15.1 Table 3. Planned Roadway Improvements, ID 2, Linda Vista Avenue. Extend southwest of Lone Oak Avenue and connect with Robinson Lane."

Alternate Recommendation: Create a legal Driveway, including asphalt and storm drain improvements, for 2345 Lone Oak Avenue, and Vegetated Bio-Swale on the City Owned Land from Lone Oak Avenue to the Top of the Bank of Redwood Creek.

6-1

The above described improvements should be implemented immediately as a long term environmental solution to the City of Napa's Storm Water Discharge to Redwood Creek.

1. Current Environmental Conditions:
 - A. Native Flora, Fauna and Aquatic Habitat.
 - B. Adequate Capacity for Drainage to Napa River from West Napa City and North West Napa County.
 - C. Quiet and Peaceful for two neighborhoods.
 - D. Open Creek Surface allowing for a more vibrant natural ecosystem.
2. Environmental Impacts of the Proposed Extension; all contribute to Global Warming:
 - A. Removal of more than 50 Trees.
 - B. Addition of over 14,000 square feet of Asphalt Road.
 - C. Addition of over 3,600 square feet of Concrete Bridge Surface.
3. Initial Safety Information from the City of Napa Staff Report; File#: 1339-2018; Dated 6/5/2018; Item #15.A.
 - A. This Staff Report was compiled after the Completion of Fire Station #5.
 - B. This Staff Report showed Fire Response Times from Each Fire Station that includes the fire response times to the Linda Vista/Lone Oak area Without the Bridge Installed.
 - C. All Response Times were within response time or much less in most cases.

6-2

6-3

6-4

D. If needed, for additional fire protection north of Redwood Creek and West of Highway 29, an additional New Fire Station on Solano Avenue could be added in the future and paid for by developer fees. This would be a much more economical solution than the Linda Vista Extension.

6-4 (Cont.)

4. The Existing 36" Water Line, under the creek, and the 48" Storm Drain discharge into Redwood creek prevents any bridge abutment construction. No matter what the Bridge Load Capacity, Pedestrian, Bicycle or Emergency Use, would still require drilled caissons and tie backs to create the North abutment. I have personally constructed similar foundation systems, as a Licensed Engineering and Building Contractor, along the Napa River as well as other similar structures in Napa County.

6-5

A. 36" Water Distribution Main from Storage Tanks above West Napa; this line was installed under the creek in 1967. This water main prevents any abutment construction on either side of the creek.

B. 48" Storm Drain and Outfall into Redwood Creek; this Drains many of the neighborhoods to the North of Lone Oak Avenue. This storm drain prevents any abutment construction on the North Side.

In summary, to preserve our peaceful neighborhoods, the environment, and the protection of Redwood Creek, please remove this connection from the General Plan now.

6-6

Sincerely,



Thomas Andrews

Cc via email

Richard M. Thomasser, PG
richard.thomasser@countyofnapa.org

District Manager, Flood Control

Lucas Patzek
Lucas@NapaRCD.org

Executive Director, Napa County Resource Conservation District

Comment Letter 6, Thomas Andrews

Response to Comment 6-1. The commenter says to remove "3.15.1 Table 3. Planned Roadway Improvements, ID 2, Linda Vista Avenue. Extend southwest of Lone Oak Avenue and connect with Robinson Lane." The commenter recommends an alternate to "create a legal Driveway, including asphalt and storm drain improvements, for 2345 Lone Oak Avenue, and Vegetated Bio-Swale on the City Owned Land from Lone Oak Avenue to the Top of the Bank of Redwood Creek.

This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 6-2. The commenter says that the improvements in Comment 6-1 should be implemented immediately as a long-term environmental solution to the City of Napa's Storm Water Discharge to Redwood Creek, and then lists current environmental conditions. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 6-3. The commenter lists their opinion on environmental impacts of the proposed extension and asserts that they contribute to global warming. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 6-4. The commenter lists safety information from a staff report dated 6/5/18. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 6-5. The commenter says that the existing 36" water line and 48" storm drain discharge into Redwood creek and prevents any bridge abutment construction, and no matter what the bridge load capacity, pedestrian, bicycle or emergency use, would still require drilled caissons and tie backs to create the North abutment. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 6-6. The commenter says "in summary, to preserve our peaceful neighborhoods, the environment, and the protection of Redwood Creek, please remove this connection from the General Plan now." This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Letter 7

Form Submission - NAPA 2040 GP Comments - DEIR for Napa General Plan (Foster Rd. Mixed Use Area)

Squarespace <form-submission@squarespace.info>

Fri 5/6/2022 12:15 PM

To: Michael Walker <mwalker@cityofnapa.org>

[EXTERNAL]

Sent via form submission from [Napa 2040](#)**Name:** Katherine Lambert**Email Address:** katherine.lambert59@gmail.com**Subject:** DEIR for Napa General Plan (Foster Rd. Mixed Use Area)

Message: I am part of a community of engaged citizens who are not in support of the Foster Rd. Mixed Use proposal outlined in the Napa General Plan 2040. During the GPAC process community voices discussed Greenbelt, partially because we have limited parks at the south end of the city, we envisioned horse and bike trails, parks, and community activities at the gateway as both welcoming and necessary. Responses to our community voices were always met with the response that these parcels WILL be developed.

7-1

My comments regarding the DEIR are about the lack of mitigation measures identified, CEQA requirements, a lack of substantive Alternatives identified, and concerns relative to Greenhouse Gas Emissions, Air Quality, Traffic, Noise and Environmental Justice issues.

7-2

One of my chief concerns is the continued Loss of Agricultural Land as it related to the Foster Rd. Mixed Use parcels, approx. 144 acres of virgin land situated at the southwest edge of the city in the RUL and within the SOI. Our community and I specifically advocate to exhaust all other viable land and development locations prior to developing the virgin land at the edge of the city that only contributes to leap-frog development and sprawl. This has been a key issue for Napans for 40 years.

7-3

CEQA – we believe there are better Alternatives and there is inadequate evaluation of those Alternatives in order to achieve a desired outcome instead of a good faith look at better alternatives. It strikes us that the language of the DEIR in its current configuration is all or nothing. It says that we can't do anything to mitigate the effects of development or greenhouse gas emissions. That's a ridiculous proposition. Regarding greenhouse emissions, there would clearly be less emissions, they are not unavoidable, by clustered development in existing corridors and already urbanized areas where through public participation by the GPAC Napa citizens are supportive of development in these areas.

7-4

We remain deeply concerned about mitigating the environmental effects of Greenhouse Gas Emissions and subsequent degradation of Air Quality. One proposal to mitigate such effects would be If the city eliminated the annexation of the land that makes up the Foster Rd Mixed Use and instead developed the corridor focus areas (Jefferson, Soscol, and Trancas), this would definitely mitigate Greenhouse Gas Emissions/AQ. To densify an already urban area would help in efforts to keep transportation demands concentrated and prevent automobile usage. To provide the mix of housing needs along these corridors FIRST, revitalizes these corridors and neighborhoods, would not be

7-5

adding more cars, noise, and light pollution to the edges of the city, but focus the housing in already urban areas, not at the rural urban interface.

7-5 (Cont.)

Developing the gateway parcels as part of the Foster Rd. Mixed Use area induces growth! To potentially build up to 1,200 housing units including commercial business and automobiles on these parcels, will definitely impact Greenhouse Gas Emissions and Air Quality. By not providing a detailed Environmental Impact Report for such densification of this area, but instead threading the needle for future development of the area through annexation, it attempts to circumvent a true EIR for the proposal within this General Plan. Instead, the community has and continues to ask for Greenbelt, or to provide a planned alternative that provides trails, horses, Ag4 youth, and community centers for welcoming people to Napa and the Valley.

7-6

When one looks at the visual images provided by the consultants of mixed-use housing/commercial along the corridors of Jefferson, Soscal and Trancas, they are misleading and I suspect such proposals would yield considerably more housing units, therefore I challenge the potential housing numbers that currently total for these three major corridors only 710 new total units. The images of mixed-use along the boulevards of Jefferson, Soscol and Trancas would yield a considerably higher number of housing units than shown with the digital images provided in the General Plan. I offer such insights not as a layperson, but as a licensed professional and Professor of Architecture, my area of expertise. A preferred strategy would be to develop first in already urbanized developed corridors and produce the number of units that should include at least 3 times(2,130 units) what is anticipated in order to reduce sprawl, and in so doing reduce the particulate matter, greenhouse gas emissions and maintain air quality.

7-7

A recent University of California at Berkeley study regarding how sprawl cancelled the carbon emissions of densification of cities. <https://news.berkeley.edu/2014/01/06/suburban-sprawl-cancels-carbon-footprint-savings-of-dense-urban-cores/>. is relevant in this case. If we avoid the sprawl of developing the Foster Rd. Mixed Use area and focus on the existing urban fabric of the city, we can avoid cancelling the carbon footprint that can be mitigated by first developing the corridors. Developing the corridors and focus areas would provide more of the much-needed housing, revitalization within the city neighborhoods and existing businesses.

7-8

Environmental Justice

The issue of Environmental Justice is also of concern. Unfortunately, proposed developments such as the Foster Rd. Mixed Use corridor, when an entirely new area is developed on agricultural land that has so many site constraints, (active fault lines, landslide area, flood plain) it may provide limited housing opportunities, difficulties in securing loans, earthquake insurance and limited upside investment potential. And, when the majority of affordable new units for housing are envisioned in the Foster Rd. Mixed Use area (1,210 units) and are concentrated only in this one area at the periphery of the city, it leads to a community that is segregated, and that becomes disadvantaged because of its dislocation from the heart of the city. Conversely, the integration of mixed-use housing in the corridor focus areas disperses a variety of housing types together and integrates the housing across the entire city. So, we are concerned about dense housing at the Gateway and we want to minimize the risk to life and property caused by earthquakes and landslides as noted as a goal of the General Plan SN-1.

7-9

SN-1: Minimize the risk to life and property caused by seismic activity, soil erosion, and landslides.

The Foster Rd. Mixed Use Area are lands situated directly on a relatively recently discovered but active

7-10

earthquake fault that crisscrosses the site. The fault has now been mapped as identified by Napa City Planners own site constraints map. These lands additionally include a landslide area to the southern end of the property. In building affordable housing units on or immediately adjacent to this fault line, not only will these areas be of higher cost to develop, but also make the possibility of earthquake insurance impossible. This hardly minimizes the risk to life and property it actually makes any thought of home ownership one of the riskier potential investments for a group of homeowners who have been priced out of safer locations. It further disenfranchises and disadvantages these potential homeowners. The environmental justice issue is considerable and the development of these lands increases the risk to life and property caused by seismic activity, soil erosion and potential landslides.

7-10 (Cont.)

CEQA Goals and Objective Too Narrow

CEQA – I remain concerned that the goals and objectives noted in the General Plan and DEIR are overly narrow in order to facilitate the expectation of annexation of land at the Foster Rd. Mixed Use area for the purpose of development. As such, the goals and objectives indicate a potential pre-condition and or a potential pre-commitment to the property owner(s), who has been interested in development for a number of years and at least since 2005. The goals and objectives as currently written provides the momentum within the General Plan to annex and develop all of the parcels and anticipates, advocates, and encourages the landowners to orchestrate such development.

7-11

CEQA- There are cumulative impacts because of the climate crisis that must be included within this Environmental Impact Review Study. The multi-year drought is currently happening, yet the figures do not factor these drought years nor the cumulative effect of development to the ground water by continued development. If we have limited water because of long term drought, we have no business developing until we fully understand the impacts upon us of available water. If we have threats to the viability of our existing community by sustained drought conditions, we should not be encouraging sprawl and further outward development at the edges of the city. These threats are real and should be identified as part of this EIR process.

7-12

CEQA – General Plans for cities are now addressing the cumulative effects of global warming on flooding and flood plains for the potential development of land. Instead of using 2020 figures, an updated flood plain study should be done now to understand the effects of more dramatic sea rise from the San Francisco Bay and from sea rise on the marshes and wetlands to the southern part of the city. These threats should be identified and mitigated now as part of this current EIR process.

7-13

Tribal Cultural Resources and Historic Resources Goals – Mitigation Concerns and Inconsistencies

The acreage encompassed by the Foster Rd. Mixed Use are the unceded territory of the Wappo Indian tribe who dwelled on that land for 100's of years. There would be, as there currently are within the vicinity, a number of Indian artifacts and potential burial grounds. Also, within this gateway parcel, is situated the stagecoach of General Vallejo situated next door to the Ghisletta' home along Golden Gate Ave. The ruins of the stone building are still visible and it's wonderful that the history has not been entirely erased. The Wappo tribe dwelled within Napa Valley for hundreds of years, and several tribe members have joined our group to advocate that these parcels be designated Greenbelt at the Gateway. Developing these 144 acres destroys this historical agricultural history and is at odds with the stated City's preservation program as stated in HCR-3. The DEIR states that mitigation measures will not be able to address the development of these areas. We agree that the impacts of development and mitigation measures would be necessary except they could be avoided if other uses for this land are considered as an Alternative - such as Greenbelt.

7-14

Safety and Noise Element Mitigation Concerns and Inconsistencies

SN-4: Protect public health and welfare by minimizing exposure of sensitive uses to noise and preventing significant degradation of the acoustic environment. The draft DEIR states that the effects of Noise pollution would be minimal. We disagree.

7-15

The Foster Rd. Mixed Use Area intensifies both noise and acoustic exposure to the public. If you imagine more than 1,200 housing units how many new people, cars, businesses, buses, and other new noise making devices will now be situated on these virgin parcels, you cannot deny the increase in overall noise within this area that will affect the Hilton Acres and Westwood neighbors to the west. The proposed uses will create noise and decibel levels that are too high and are inconsistent with adjacent existing uses that are low density Single Family Rural Residential. According to the General Plan chart of acceptable noise levels and compatible uses, the noise created would be a dramatic intensification of noise with no plans for mitigation to the existing community. This would require a more robust study to understand and mitigate any adverse effects. This study should be performed now as part of this EIR and not later by private developers of a Master Plan.

Transportation Element Goals and Policy Mitigation Concerns and Inconsistencies

7-16

TE-9: Provide safe evacuation routes in case of emergencies and natural disasters, including flooding, earthquake, and fire.

The Foster Rd. Mixed Use land is situated on an active earthquake fault and flood plain. With the proposed number of new housing units and business uses, this represents a substantial impact on transportation and at key evacuation areas from the entire Napa along highway 29 and 121. The number of units envisioned both as part of Napa Pipe and Foster Rd. Mixed Use parcels and Stanly Ranch will singularly and collectively frustrate transportation and emergency exits in the event of a natural disaster. The proposed improvements to the freeways and roads along Foster Rd., Golden Gate, Stanly Lane, Highway 121 and the 29 Intersection are vague and ill-considered because they do not address any real growth numbers at the southern end of the city.

Stanly Lane and Napa Pipe have been built without any upgrading of surrounding major freeway, roads and arteries. The number of housing units and businesses proposed for Foster Rd Mixed Use at the southern gateway in the event of natural flooding or earthquakes or wildfires means a bottleneck at the southern end of Napa where the burden of the majority of growth in the next 20 years is anticipated by city planners and consultants. It's ill-considered now and in need of a complete and detailed analysis and study as part of this EIR that is currently schematic at best.

Thank you and I look forward to your responses to the issues outlined in my letter.

Katherine Lambert

What is your comment about?: DEIR

Does this submission look like spam? [Report it here.](#)

Comment Letter 7, Katherine Lambert

Response to Comment 7-1. The commenter says that they are part of a community of engaged citizens who are not in support of the Foster Road Mixed Use designation. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 7-2. The commenter says their comments regarding the DEIR are about the lack of mitigation measures identified, CEQA requirements, a lack of substantive Alternatives identified, and concerns relative to Greenhouse Gas Emissions, Air Quality, Traffic, Noise and Environmental Justice issues. This comment is very general and does not identify any specific defects or flaws in the DEIR. This is a Program EIR for the City-wide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of many individual projects that may be proposed in the future consistent with the plan. The DEIR includes mitigation measures where applicable to avoid potentially significant impacts. Community workshops and open houses discussed various alternatives for the General Plan update. Environmental Justice is not a CEQA requirement, rather a NEPA requirement; however, the City has included an Environmental Justice Element in the General Plan update even though the City is not required to. No further response is necessary in the EIR.

Response to Comment 7-3. The commenter expresses concern for the loss of agricultural land as it relates to the Foster Road Mixed Use area. This comment is very general and does not identify any specific defects or flaws in the DEIR. The existing General Plan land use designations for the Foster Road Mixed Use area, which is in the City's SOI, are Single Family Infill and Corporate Park, and the proposed land use designation is Foster Road Mixed Use; therefore, this area has been designated for future development going back several years since the current General Plan was adopted. The City's SOI is determined and designated by the LAFCO and represents the City's probable future boundary and service area. The purpose of the SOI is to ensure the provision of efficient services while discouraging urban sprawl and the premature conversion of agricultural and open space lands by preventing overlapping jurisdictions and duplication of services. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 7-4. The commenter asserts that there are better Alternatives and regards the evaluation of the Alternatives in the DEIR to be inadequate. The commenter does not identify any specific alternatives that should have been included in the DEIR but suggests that a clustered development alternative should have been included. A clustered development alternative still might not result in less than significant impacts for the resource categories of air quality, GHG emissions. The commenter opines that the evaluation of the Alternatives aimed at achieving a desired outcome, instead of a good faith look at better alternatives. Although this comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR, General Plan Advisory Committee (GPAC) facilitated the assembly of comments and ideas from the general public into the General Plan Vision and Guiding Principles and key policy proposals, and the Planning Commission and the City Council provided direction at key stages. As noted in Section 4.4.1.7 (Greenhouse Gas Emissions) of the DEIR, the No Project Alternative would contribute to GHG emissions as development occurs under the existing General Plan. The existing General Plan does not include any goals, policies, or implementation programs addressing GHG emissions because it predates

Assembly Bill 32, which initiated the practice of evaluating a project's GHG emissions impacts. No further response is necessary in the EIR.

Response to Comment 7-5. The comment expresses concern about mitigating the environmental effects of GHG Emissions and the subsequent degradation of Air Quality and opines that eliminating the Foster Road Mixed Use area and instead developing the corridor focus areas (Jefferson, Soscol, and Trancas) would definitely mitigate GHG and AQ emissions. Current land use designations for the Foster Road Mixed Use area allow for development of single-family residential uses, which would produce emissions. Although speculative at this point since no development proposal has been submitted, emissions could be greater under existing land use designations than potential emissions as a result of development of the Foster Road Mixed Use area. This comment has to do with the designation of the Foster Road Mixed Use Area in the General Plan update, not any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 7-6. The commenter asserts that developing the gateway parcels as part of the Foster Road Mixed Use area induces growth, and to potentially build up to 1,200 housing units including commercial business and automobiles on these parcels, would impact GHG and air quality. The commenter also further asserts that by not providing a detailed EIR for the densification of this area, but instead "threading the needle" for future development of the area through annexation, the DEIR attempts to circumvent a true EIR for the proposal within this General Plan.

This is a Program EIR for the City-wide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of many individual projects that may be proposed in the future consistent with the plan. As noted above, the General Plan update does not include annexation, upzoning and development of the Foster Road Mixed Use corridor, rather it includes land use designations and policies specific to that area. Additionally, there are currently no development proposals for the Foster Road Mixed Use area before the City, so the City lacks sufficient information to perform an adequate environmental review of any development and such review would be speculative. The General Plan DEIR has been prepared in accordance with CEQA Sections 21000 et seq. of the Public Resources Code and the CEQA Guidelines, California Code of Regulations (CCR), Title 14, Chapter 3, Sections 15000 et seq. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 7-7. The commenter states that the visual images provided of mixed-use housing/commercial along the corridors of Jefferson, Soscol and Trancas are misleading and suspects such proposals would yield considerably more housing units, and therefore challenges the potential housing numbers that currently total for these three major corridors (710 new total units). This comment appears to be directed towards the Draft General Plan and does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 7-8. The commenter notes a recent university study regarding how sprawl cancelled the carbon emissions of densification of cities. The commenter asserts that if the city avoids the sprawl associated with developing the Foster Road Mixed Use area and focuses on the

existing urban fabric of the city, we can avoid cancelling the carbon footprint that can be mitigated by first developing the corridors. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 7-9. The commenter expresses their concern about environmental justice regarding development at the Foster Road Mixed Use corridor. The commenter asserts that when an entirely new area is developed on agricultural land that has so many site constraints (e.g., active fault lines, landslide area, flood plain) it may provide limited housing opportunities, difficulties in securing loans, earthquake insurance and limited upside investment potential. The commenter asserts that this development leads to community segregation.

Environmental Justice is not a CEQA requirement, rather a NEPA requirement; however, the City has included an Environmental Justice Element in the General Plan update even though the City is not required to. The General Plan update does not include annexation, upzoning and development of the Foster Road Mixed Use corridor, rather it includes land use designations and policies specific to that area. Additionally, there are currently no development proposals for the Foster Road Mixed Use area before the City, so the City lacks sufficient information to perform an adequate environmental review of any development and such review would be speculative. This is a Program EIR for the City-wide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of many individual projects that may be proposed in the future consistent with the plan. No further response is necessary in the EIR.

Response to Comment 7-10. The commenter expresses their concerns about developing the Foster Road Mixed Use designated area due to seismic issues and soil erosion issues and raises environmental justice concerns. Proposed Policy LUCD 23-2 in the Draft General Plan would ensure that development is reflective of the area's environmental constraints—including localized presence of geologic faults, slopes/unstable soils, flood hazards—and natural resources. As noted above, Environmental Justice is not a CEQA requirement, rather a NEPA requirement; however, the City has included an Environmental Justice Element in the General Plan update even though the City is not required to. Additionally, there are currently no development proposals for the Foster Road Mixed Use area before the City, so the City lacks sufficient information to perform an adequate environmental review of any development and such review would be speculative. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 7-11. The commenter expresses their concern that the goals and objectives noted in the General Plan and DEIR are overly narrow in order to facilitate the expectation of annexation of land at the Foster Road Mixed Use area for the purpose of development. Please see Response to Comment 7-6.

Response to Comment 7-12. The commenter expresses their concerns about cumulative impacts and says that the multi-year drought is currently happening, yet the figures do not factor these drought years nor the cumulative effect of development to the ground water by continued development. As described on page 3.17-18 in the DEIR, sufficient water supply is available to meet projected demand of the City's water customers under normal years through 2045. Reference the remaining *Long-Term Supply and Demand* section in the DEIR (starting on page 3.17-18) for

additional information. As noted on page 3.9-22 of the DEIR, the City does not rely on groundwater and would continue to meet water supply demands from three surface water sources: Lake Hennessey, Milliken Reservoir, and the State Water Project. The Napa Sanitation District also delivers recycled water to customers within the City's potable water service area; however, recycled water is mainly used for irrigation. Implementation of the General Plan update would not result in a substantial depletion of groundwater resources from increased groundwater pumping or result in over-withdrawal. No further response is necessary in the EIR.

Response to Comment 7-13. The commenter says that General Plans for cities are now addressing the cumulative effects of global warming on flooding and flood plains for the potential development of land and instead of using 2020 figures, an updated flood plain study should be done now to understand the effects of more dramatic sea rise from the San Francisco Bay and from sea rise on the marshes and wetlands to the southern part of the City. Section 5.1.9, *Hydrology and Water Quality*, concludes that the General Plan update's contribution to this potentially significant cumulative impact is less than cumulatively considerable. Additionally, reference the Climate Change and Sustainability Element in the Draft General Plan. No further response is necessary in the EIR.

Response to Comment 7-14. The commenter expresses their concern about cultural resources in the Foster Road Mixed Use designated area and says that mitigation measures will not be able to address the development of these areas and that the impacts of development and mitigation measures would be necessary except they could be avoided if other uses for this land are considered as an alternative - such as Greenbelt. There are currently no development proposals for the Foster Road Mixed Use area before the City, so the City lacks sufficient information to perform an adequate environmental review of any development and such review would be speculative.

This is a City-wide Program EIR for the General Plan update not for a particular development project; however, Impact CUL-2 says that with implementation of the policies under Goal HCR-14 (protect and preserve important archaeological resources), of the General Plan update, the impact would be reduced to a less-than-significant level. Policy HCR 15-2 establishes City policies and procedures that require development projects to comply with state and federal law that upon discovery of Native American remains or archaeological artifacts during construction, all activity will cease until qualified professional archaeological examination and reburial in an appropriate manner is accomplished. Policy HCR 15-3 in the General Plan update would further reduce the potential impact on archaeological and tribal cultural resources, including human remains, by requiring collaboration with local Tribal Nations on treatment protocols for handling human remains and cultural items affiliated with affected Tribal Nations.

Response to Comment 7-15. The commenter says that they disagree with the DEIR's conclusion regarding noise and that the addition of 1,200 housing units will affect neighbors to the west and will create noise and decibel levels that are too high and are inconsistent with adjacent existing uses. The commenter says that a study should be prepared now as part of this DEIR and not later by private developers of a Master Plan. There are currently no development proposals for the Foster Road Mixed Use area before the City, so the City lacks sufficient information to perform an adequate environmental review of any development and such review would be speculative.

Noise consultants hired by the City conducted long-term and short-term noise monitoring at multiple locations in the City as shown on Figure 3.11-1 in the DEIR. Potential noise impacts associated with implementation of the General Plan update were assessed at a program level of

detail (see Section 3.11.2.1 in the DEIR for more information). Section 17.52.310.D.2 of the City's Municipal Code requires that new nonresidential projects built out as part of the General Plan update that may increase ambient noise levels by 5 dB CNEL or more or in excess of 60 dB CNEL shall prepare a noise analysis as part of the project's CEQA review. Additionally, Section 17.52.310.D.3 requires that nonresidential projects adjacent to residential districts must locate or design potential noise generation areas (e.g., truck parking, loading docks, garbage collection area) to minimize impacts on adjacent noise-sensitive uses to the extent feasible. Adherence to existing City regulations and the proposed policies identified in the Draft General Plan regarding noise would result in a less than significant impact. No further response is necessary in the EIR.

Response to Comment 7-16. The commenter expresses concern about transportation and emergency evacuation in the Foster Road Mixed Use designated area. As noted above, this is a Program EIR for the City-wide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of many individual projects that may be proposed in the future consistent with the plan. There are currently no development proposals for the Foster Road Mixed Use area before the City, so the City lacks sufficient information to perform an adequate environmental review of any development and such review would be speculative. However, the Draft General Plan includes 4 policies with regard to emergency evacuation routes (see Goal TE-9 and Policies TE 9-1 through 9-4 in the Draft General Plan). The Safety and Noise Element also includes policies addressing emergency evacuation. As discussed under Impact HAZ-6, several General Plan policies and implementing actions address the reduction of risk due to hazards, which, in turn, reduces the impact of new development on emergency response plans. The DEIR concluded that adherence to existing regulations and the policies in the General Plan update would reduce this impact to less than significant and no mitigation is required.

Letter 8

RESPONSE TO THE DRAFT EIR / DRAFT GENERAL PLAN NAPA 2040

M <m3mystic@aol.com>

Thu 5/5/2022 3:15 PM

To: Michael Walker <mwalker@cityofnapa.org>; General Plan Update <Napa2040@cityofnapa.org>

You don't often get email from m3mystic@aol.com. [Learn why this is important](#)

[EXTERNAL]

May 5, 2022

Vincent Smith, Community Director
Michael Walker, Sr. Planner
City of Napa Department of Planning
Napa, CA 94558

Re: Response to the Draft EIR, Draft General Plan Napa 2040

Dear Mr. Smith and Mr. Walker,

Thank you for the opportunity to respond to the DEIR and for all of the hard work that the City staff has exerted in putting this substantial document together.

As you may recognize, my response is that of a layperson and resident of Napa - not an expert in the field. My concerns focus upon the City of Napa's DEIR's proposed "Foster Road Mixed Use Corridor". The reasons that these properties remain truly unsuitable for your proposed annexation, up-zoning and development are varied and far-ranging. Most importantly to this proposed DEIR, the City's proposed, either/or, scenario of "high to none" Alternatives have not yet adequately addressed the following issues and other possible alternatives. These issues have been brought to the attention of the City for decades, so they may be familiar to you.

8-1

ENVIRONMENTAL IMPACTS: The City of Napa Draft EIR, submitted as part of its Draft General Plan 2040, identifies little to None Potentially Significant Impacts arising from the newly identified "Foster Road Mixed Use Project", including with respect to Land Use, Greenhouse Gases, Aesthetics, Agricultural Resources, View Corridors, Pollution, Noise, Population/Housing, Public Services, Recreation, Traffic, Utilities, Cultural Heritage, etc.

8-2

This proposed annexation, up-zoning and development represents one of, if not the largest, developments in the history of Napa. It is impossible to reconcile this phrase with the reality of an up-zoning of approximately 1250 residences, 3200 residents, another 3000 + vehicles in addition to commercial development hundreds of transient people and vehicles.

It is difficult to understand the veracity of the DEIR's statement and this assertion is in need of further clarification.

PRESERVE THE GATEWAY - THE ENTRANCE TO THE NAPA VALLEY: The Napa Gateway welcomes an astounding millions of visitors a year to the wondrous Napa Valley as it represents a thriving, bucolic, hospitable and environmentally responsible region. It aspires to expand into a full spectrum vibrant agricultural area - at the forefront of the food-to-table movement, vineyards, farms, ranches and preserved oak studded hillsides. It is sought after destination by many throughout the world for precisely these increasingly rare characteristics.

8-3

Developing multi-story, multi-family complexes, tract housing and the retro-sprawl of retail, food marts, and parking lots on these high-risk properties is nothing more than an undeniable BLIGHT to the City's entry - and reputation.

It is exactly what people do not want to greet them upon arrival. The Napa Gateway has managed to remain a far cry from the dense sprawl of suburban development that is pervasive throughout much of California. Until now - until this proposed annexation, up-zoning and development of the <i>"Foster Road Mixed Use Corridor"</i> .	8-3 (Cont.)
Until this proposed DEIR, the Foster Road area was a protected scenic gateway. There are viable alternatives to this development that the City has not included in its current DEIR, although they have been identified in earlier City documents such as the City of Napa's Housing Element, 2015 which identified approx. 50-60 development sites throughout the City of Napa. These need to be offered as alternatives to the devastation that will be a consequence of the City's proposed development.	8-4
URBAN SPRAWL: This property is literally sited on the city limits in the Cameros region. The Napa Gateway consists of a number of private land parcels including the Stewart Ranch of the Oreo Cows. Another large parcel - the Ghisletta property - has been offered for sale by some of its owners to the City of Napa for the better part of 50 years. To move forward now at this moment is simply disingenuous and wrongheaded.	8-5
Its proposed annexation, up-zoning and development represents regressive urban planning practices of "leap-frogging" and "sprawl" - more suitable to the unsustainable models of 1960s. These are the very models that have exacerbated our climate crisis.	8-6
Paradoxically, the City's own Draft General Plan 2040 directives are focused on City infill and creating a thriving and sustainable downtown. The proposed annexation of the Ghisletta property does not speak to these directives - at all. It speaks of inconsistency.	8-7
Alternatives to this proposed sprawl and AG devastation is to further develop the City of Napa's core, its transit corridors. In specific sections to raise the City zoning from a height of 5 to 6 floors. To identify and require a ratio of housing units that are to be included in Mixed Use proposals along these corridors. To incentivize and require Hospitality developers to offer on site or re-adapt existing housing for their own employees - as an economic incentive perk.	8-8
The DEIR's INCONSISTENCY WITH THE CITY'S OWN PROPOSED DRAFT NAPA 2040 GENERAL PLAN ELEMENTS and NAPA's COMMUNITIES.	8-9
The DEIR disregards the stated draft General Plan 2040 guiding principles which include to "preserve surrounding open space and agricultural land." By 77% Napa's resoundingly declared in the GPAC Community Surveys that they want to protect open space/green spaces in our city and do not want to develop on agricultural land at the edge of the City.	
As alternatives, Napa's want to see corridor streets such as Jefferson, Soscol and Trancas and existing neighborhoods to be the sites for development and housing priorities. This is aligned with widely appreciated "Smart Growth" planning directives.	8-10
Little to no verifiable housing numbers have been offered for these established "Mixed Use" corridors. Nor has the City considered raising the height limits from 5 to 6 stories for these corridors. The significant economic and environmental benefit of such an alternative is widely recognized by respected organizations such as Plan Bay Area 2050. The draft General Plan 2040 proposal ignores the stated priorities of the Napa Citizens by further pushing this irresponsible development of the Ghisletta/NVHA properties.	8-11
A viable alternative is for the City to be consistent with its own smart growth directives and provide accurate, verifiable housing and population numbers that are consistent with the State California's current forecasting.	
WATER: This is the ever-ready issue for the past 25 years. We need water to live and for Napa to thrive. It is precious and it is evaporating before our eyes.	8-12
The proposed annexation, up-zoning and proposed development will exponentially increase the water precarity and insecurity of the City of Napa whose projected water shortages, water safety and ever-rising rates are already deeply problematic to residents - especially in the midst of multi-year extreme droughts and wildfire danger.	
A viable alternative is to retract the proposed annexation, up-zoning and development of these parcels and retain their designation as AQW or a Resource Area for all of Napa and its visitors.	

EARTHQUAKE FAULT/FLOOD PLAINS/LANDSLIDE AREA: There are active Earthquake fault lines (West Napa Fault Line) running directly thru this property which suffered major fracturing, fissures, and slippage in the 2014 Napa and are continuing to shape-shift to this day.

8-13

THE WEST NAPA FAULT LINE = HIGH RISK = PROHIBITIVE INFRASTRUCTURE DEVELOPMENT COSTS TO THE CITY AND FUTURE RESIDENTS: This very same fault was cited as a primary reason by the GPAC and consultants to approve a Greenbelt designation for the Napa Oaks and Timberhill development plans. The Ghisletta and NVHA properties are even more severely impacted by this EQ fault and floodplains.

8-14

A viable alternative is to retract the proposed annexation, up-zoning and development of these parcels and retain their designation as AQW or a Resource Area for all of Napa and its visitors.

SPHERE OF INFLUENCE (SOI) -

The Ghisletta Properties were not in the sphere of Influence since 1975 as stated publically.

8-15

They became part of the City of Napa's sphere of Influence only in 2005 and upon the request of the Property Owners - the Ghisletta Family Trust. Until that point in time they were protected from development in the RUL as part of the Stewart Ranch Area..

Since 2005 it is commonly known that the City has worked with the property owners to continually attempt to annex these parcels - contrary to the decades long opposition of thousands of Napa residents and property owners

The Ghisletta parcels were designated by USDA/LAFCO as Prime Agricultural land. Any possible annexation should be subject to Measures J & P - requiring Voter Approval for any proposed annexation. The City of Napa has suggested that these parcels are not subject to Measures J&P. The DEIR does not cite these issues and does not provide a reasonable alternative to their own proposal for annexation.

One alternative is to retract the City's proposed annexation, up-zoning and development of the Foster Road Mixed Use Area. There are many more alternatives that could easily be imagined

SIGNIFICANT ENVIRONMENTAL CONCERNS & CLIMATE RESILIENCY. The extreme levels of traffic congestion, light, noise, air and water pollution undermine the benefits of an agricultural region and speak more of the environment of Los Angeles's San Fernando Valley and the 405 Freeway - not exactly an enticing, revenue generating tourist region. The San Fernando Valley is the subject of ridicule nationwide. for its sprawl and environmental devastation!

8-16

- Development of this project represents the destruction of much needed and will only create more "carbon -sinks" and "heat islands" which Napa can no longer tolerate.

8-17

- Increasing the population (2.5 persons per unit avg.) so dramatically (could be up to 3250, new people/ 3000 new vehicles + commercial transit, people and vehicles) in this section of the city would have immediate dire and grave environmental impacts on the land, safety, quality of life, health, and well-being of all who live there. <https://www.bls.gov/cex/2019/population/population.pdf> By way of Reference, the City of St. Helena has approx. 5,200 + residents.

8-18

- Issues of Climate Resiliency overwhelmingly require that these parcels remain zoned as either AGW or Greenbelt. If not , a whole new meaning to the definition of Rustbelt will be realized here on these Gateway Parcels..

8-19

HOUSING IS A SHARED RESPONSIBILITY: The State of California requires that Housing be a shared burden be borne by the City of Napa as a whole. In other words, housing - especially affordable and workforce housing - should be sited throughout the City as a whole - not siloed within one area. Classes of people are not to be segregated into regional ghettos developed upon high risk and unsustainable properties. The Land Use in Draft General Plan 2040 represents an unthinkable strategy of disavowed planning practices which may result in calls of environmental racism, classism and a new definition of redlining itself.

8-20

The DEIR does not provides alternatives for housing to be sited throughout the city through adaptive re-use, etc.- on other sites, abandoned and vacant building, institutional buildings, etc. One needs only to take a five minute drive to identify numerous such buildings sited within the urban core.

8-21

This proposed "affordable " "workforce" housing would represent a blatant segregation of people and (mis) place the burden of the socio-economically constricted into one high-risk, neighborhood, furthering marginalization, disenfranchisement, and restricting equal opportunities to advance - rather than encouraging assimilation throughout the City of Napa itself.

8-22

An alternative is equal dispersment of said housing throughout the city which would promote social, racial and economic equity and justice for everyone.

HISTORY OF COMMUNITY OPPOSITION: • As mentioned, the Ghisletta property has been offered to the City by the property owners a few times during the past 50 years. It has a varied and complex history.

8-23

It is common knowledge that this is the third time that the Ghisletta Property has requested annexation from the City of Napa to change the zoning to allow a super-size development to move forward. Each time this issue has been raised, residents of Napa throughout the City, have quickly responded, voicing strong and consistent opposition.

Yet, the DEIR offers little visibility to this opposition. It does not offer any alternatives to their proposed annexation, up-zoning and development of their proposed "Foster Road Mixed Use Development"

The City offers no alternatives to their proposed transformation of AGW land and the existing communities which regards themselves as a neighborhood - not a Mixed Use Corridor which may comprise the largest development in the history of Napa.

NAPA PIPE PROJECT: The Ghisletta parcels were not annexed in keeping with the City's filing for annexation in 2007. Rather, the Napa Pipe project was approved as a more suitable site for annexation and mixed-use development. The statement by Governmental officials at the time was that this project was to have fulfilled the future housing needs of City and the County and for the citizenry not to worry about further possible development. Until now.

8-24

The Napa Pipe Project (Mixed Use - Commercial & Residential) also burdened the City/County with massive traffic increases and subsequent pollution risk.

It also required additional /supplemental water from the City which placed an acknowledged and significant burden on the City's reserves, resulting in greater water insecurity and higher water rates levied on Napa City residents.

It is common knowledge that Water is, indeed, an issue of grave concern to the City of Napa, California and the Western states .

A viable alternative is to require the Napa Pipe Developers to increase its housing numbers to further accommodate State demands as they are already building the necessary infrastructure and are enriching fallow, industrial land, as opposed to devastating irreplaceable AGW resources.

CREATING A GREENBELT BUFFER ZONE TO WILDFIRES: The Wildlife Urban Interface needs to be retained. These Gateway parcels serve as a major protection for the City of Napa and the Napa Valley itself. The NVHA serves as an integral (and much appreciated) element of emergency measures for the safekeeping and temporary housing of animals during wildfires. The Gateway parcels could also serve this purpose once retrofitted.

8-25

The DEIR does not provide an alternative to the destruction of this Wildfire Urban Interface.

NEED FOR PUBLIC PARKS AND GREENSPACE IN SW NAPA This property may better serve the City and County of Napa in a number of ways. Among other possibilities, it has been suggested that it could serve as an easily accessible open space actually to the public. Surprisingly, the City and county have scant open public spaces in the City. This option would offer a welcome respite from the privatization of open spaces throughout Napa and truly serve all of its residents and visitors.

8-26

As an alternative, developing these Gateway Parcels in alignment with the parameters of its current AGW zoning into a Resource Center for the City/County of Napa that would be aspirational in nature. This would support - would underscore - would re-brand - the sustainable and resilient Agricultural (food based) future of Napa - as an evolving community, culture and solid economic and resilient base.

These represent some of my concerns. I am not a NIMBY. Rather I am a responsible citizen who are looking to the viable and resilient future for our city and county - not to burden future generations with an unsustainable and high risk-laden future.

8-27

Thank you for your consideration of my response.

Sincerely,

Name: Melissa Moravec
Address: 1159 Bayview Ave
Napa, CA 94559

Comment Letter 8, Melissa Moravec

Response to Comment 8-1. The commenter says that their comments focus on the “Foster Road Mixed Use Corridor” and provides comments why they think the properties remain unsuitable for the City’s proposed annexation, upzoning and development. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter’s opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-2. The commenter says that the “Draft EIR, submitted as part of its Draft General Plan 2040, identifies little to None Potentially Significant Impacts arising from the newly identified “Foster Road Mixed Use Project”, with respect to various resource categories. The commenter also says that the proposed annexation, upzoning and development represents one of the largest developments in Napa and can’t understand the DEIR’s conclusions related to this matter.

As noted previously, this is a Program EIR for the City-wide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of many individual projects that may be proposed in the future consistent with the plan. The DEIR is self-mitigating in most resource categories because the Draft General Plan includes policies that would reduce potential environmental impacts. The General Plan update does not include annexation, upzoning and development of the Foster Road Mixed Use corridor, rather it includes land use designations and policies specific to that area. Additionally, there are currently no development proposals for the Foster Road Mixed Use area before the City, so the City lacks sufficient information to perform an adequate environmental review of any development and such review would be speculative. The existing General Plan land use designations for the Foster Road Mixed Use area are Single Family Infill and Corporate Park. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter’s opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-3. The commenter says that the “Napa Gateway welcomes an astounding millions of visitors a year to the wondrous Napa Valley,” and that developing housing and retail uses would be a blight. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter’s opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-4. The commenter says that until this proposed DEIR, the Foster Road area was a protected scenic gateway and that there are viable alternatives to this development that the City has not included in its current DEIR, although they have been identified in earlier City documents such as the City of Napa’s Housing Element (2015) which identified approximately 50-60 development sites throughout the City of Napa. As noted in earlier comments, the existing General Plan land use designations for the Foster Road Mixed Use area are Single Family Infill and Corporate Park and is within the City’s SOI; therefore, the area has been designated for future development going back to when the current General Plan was developed. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter’s opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-5. The commenter says that the Foster Road Mixed Use area is the Napa Gateway and consists of a number of private land parcels including the Stewart Ranch of the Oreo Cows, and another large parcel, the Ghisletta property, has been offered for sale by some of its owners to the City of Napa for the better part of 50 years. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-6. The commenter says that the proposed annexation, upzoning and development represents regressive urban planning practices of "leapfrogging" and "sprawl" more suitable to the unsustainable models of 1960s, and that these are the very models that have exacerbated our climate crisis. Comment noted. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-7. The commenter says that the City's own Draft General Plan 2040 directives are focused on City infill and creating a thriving and sustainable downtown and the proposed annexation of the Ghisletta property does not speak to these directives at all. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-8. The commenter says alternatives to this proposed sprawl and agriculture devastation is to further develop the City of Napa's core, its transit corridors, and in specific sections to raise the City zoning from a height of 5 to 6 floors. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-9. The commenter says that the DEIR disregards the stated draft General Plan 2040 guiding principles which include to preserve surrounding open space and agricultural land, and 77% of Napa residents resoundingly declared in the GPAC Community Surveys that they want to protect open space/green spaces in the city and do not want to develop on agricultural land at the edge of the City. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-10. The commenter says that as alternatives, Napa residents want to see corridor streets such as Jefferson, Soscol and Trancas and existing neighborhoods be the sites for development and housing priorities and that this is aligned with widely appreciated Smart Growth planning directives. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-11. The commenter says that no verifiable housing numbers have been offered for these established Mixed Use corridors, nor has the City considered raising the height limits from 5 to 6 stories for these corridors. The commenter also says that a viable alternative is for the City to be consistent with its own smart growth directives and provide accurate, verifiable housing and population numbers that are consistent with the State's current forecasting. This

comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-12. The commenter expresses their concern about future water supplies and says that a viable alternative is to retract the proposed annexation, upzoning and development of these parcels and retain their designation as AQW or a Resource Area for all of Napa and its visitors. The General Plan update does not include annexation, upzoning and development of the Foster Road Mixed Use corridor, rather it includes land use designations and policies specific to that area. Additionally, there are currently no development proposals for the Foster Road Mixed Use area before the City, so the City lacks sufficient information to perform an adequate environmental review of any development and such review would be speculative. This is a Program EIR for the City-wide General Plan update. Program EIRs evaluate the broad policy direction of a planning document, such as a general plan, but do not examine the potential site-specific impacts of many individual projects that may be proposed in the future consistent with the plan. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-13. The commenter says that there "are active Earthquake fault lines (West Napa Fault Line) running directly thru this property which suffered major fracturing, fissures, and slippage in the 2014 Napa and are continuing to shape-shift to this day. The commenter correctly describes aspects of the geological setting which are described in Section 3.6, *Geology and Soils*. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. Additionally, there are currently no development proposals for the Foster Road Mixed Use area before the City, so the City lacks sufficient information to perform an adequate environmental review of any development and such review would be speculative. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-14. The commenter says that "this very same fault was cited as a primary reason by the GPAC and consultants to approve a Greenbelt designation for the Napa Oaks and Timberhill development plans. The Ghisletta and NVHA properties are even more severely impacted by this EQ fault and floodplains." This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. Additionally, there are currently no development proposals for the Foster Road Mixed Use area before the City, so the City lacks sufficient information to perform an adequate environmental review of any development and such review would be speculative. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-15. The commenter says that the Ghisletta properties were not in the SOI since 1975, that they became part of the SOI in 2005 upon the request of the property owners and were designated as prime agricultural land by USDA/LAFCO. The commenter says that the DEIR does not cite these issues and does not provide a reasonable alternative to their own proposal for annexation, and that one alternative is to retract the City's proposed annexation, upzoning and development of the Foster Road Mixed Use Area. Please see Response to Comment 8-2 and 8-4. No further response is necessary in the EIR.

Response to Comment 8-16. The commenter says that the extreme levels of traffic congestion, light, noise, air and water pollution undermine the benefits of an agricultural region and speak more of the environment of Los Angeles's San Fernando Valley and the 405 Freeway, not exactly an enticing, revenue generating tourist region. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-17. The commenter says that "development of this project represents the destruction of much needed and will only create more " carbon -sinks" and "heat islands" which Napa can no longer tolerate." This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-18. The commenter says that increasing the population so dramatically in this section of the city would have immediate dire and grave environmental impacts on the land, safety, quality of life, health, and well-being of all who live there. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-19. The commenter says that issues of climate resiliency overwhelmingly require that these parcels remain zoned as either AGW or Greenbelt, if not, a whole new meaning to the definition of rustbelt will be realized here on these gateway parcels. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-20. The commenter expresses their concerns about housing and says that the Draft General Plan represents "an unthinkable strategy of disavowed planning practices which may result in calls of environmental racism, classism and a new definition of redlining itself." This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-21. The commenter says that the DEIR does not provide alternatives for housing to be sited throughout the city through adaptive re-use, on other sites, abandoned and vacant building, institutional buildings, etc. The DEIR analyzes potential environmental impacts of implementation of the General Plan update. The Housing Element, one of seven state-required general plan elements, was last updated in 2015, and does not need to be updated again until 2023. As with the General Plan update, the Housing Element will be subject to environmental review.

Response to Comment 8-22. The commenter says that proposed affordable, workforce housing would represent a blatant segregation of people and misplace the burden of the socio-economically constricted into one high-risk, neighborhood, furthering marginalization, disenfranchisement, and restricting equal opportunities to advance, rather than encouraging assimilation throughout the City of Napa itself. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-23. The commenter discusses the history of the Ghisletta property, that annexation has been requested in the past and each time residents have voiced opposition and says that the DEIR offers little visibility to this opposition, and that it does not offer alternatives to the proposed annexation, upzoning and development of the Foster Road Mixed Use area. The DEIR analyzes potential environmental impacts of implementation of the General Plan update. Please see Response to Comment 8-12. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-24. The commenter talks about the Napa Pipe Project and suggests that a viable alternative is to require the Napa Pipe developers to increase its housing numbers to further accommodate State housing demands as they are already building the necessary infrastructure and are enriching fallow, industrial land, as opposed to devastating irreplaceable AGW resources. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-25. The commenter says that the Wildlife Urban Interface needs to be retained and that the DEIR does not provide an alternative to the destruction of this Wildfire Urban Interface. The DEIR discusses and analyzes the potential impacts of wildfire as it relates to 1) emergency response and evacuation, 2) impacts due to slope, prevailing winds, and other factors, that could exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, 3) requiring the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, and 4) exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. All impacts were determined to be less than significant with Implementation of proposed General Plan policies combined with the California Building Code standards and the review of all new structures and land uses in the Planning Area, by the Napa Fire Department. No further response is necessary in the EIR.

Response to Comment 8-26. The commenter says that this property may better serve the City and County as open space. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 8-27. The commenter offers closing comments and that they are a responsible citizen who is looking to the viable and resilient future for the city and county, not to burden future generations with an unsustainable and high risk-laden future. This comment does not provide any specifics with regard to environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Letter 9

RESPONSE TO THE DRAFT EIR / DRAFT GENERAL PLAN NAPA 2040

Kurt <kurtreaume@aol.com>

Thu 5/5/2022 3:27 PM

To: Michael Walker <mwalker@cityofnapa.org>

You don't often get email from kurtreaume@aol.com. [Learn why this is important](#)

[EXTERNAL]

May 5, 2022

Vincent Smith, Community Director
 Michael Walker, Sr. Planner
 City of Napa Department of Planning
 Napa, CA 94558

Re: Response to the Draft EIR, Draft General Plan Napa 2040

Dear Mr. Smith and Mr. Walker,

Thank you for the opportunity to response to the DEIR and for all of the hard work that the City staff has exerted in putting this substantial document together.

As you may recognize, my response is that of a layperson and resident of Napa - not an expert in the field. My concerns focus upon the City of Napa's DEIR's proposed "Foster Road Mixed Use Corridor". The reasons that these properties remain truly unsuitable for your proposed annexation, up-zoning and development are varied and far-ranging. Most importantly to this proposed DEIR, the City's proposed, either/or, scenario of "high to none" Alternatives have not yet adequately addressed the following issues and other possible alternatives. These issues have been brought to the attention of the City for decades, so they may be familiar to you.

9-1

ENVIRONMENTAL IMPACTS: The City of Napa Draft EIR, submitted as part of its Draft General Plan 2040, identifies **little to None Potentially Significant Impacts** arising from the newly identified "*Foster Road Mixed Use Project*", including with respect to Land Use, Greenhouse Gases, Aesthetics, Agricultural Resources, View Corridors, Pollution, Noise, Population/Housing, Public Services, Recreation, Traffic, Utilities, Cultural Heritage, etc.

9-2

This proposed annexation, up-zoning and development represents one of, if not the largest, developments in the history of Napa. It is impossible to reconcile this phrase with the reality of an up-zoning of approximate 1250 residences, 3200 residents, another 3000 + vehicles in addition to commercial development hundreds of transient people and vehicles.

It is difficult to understand the veracity of the DEIR's statement and this assertion is in need of further clarification.

PRESERVE THE GATEWAY - THE ENTRANCE TO THE NAPA VALLEY: The Napa Gateway welcomes an astounding millions of visitors a year to the wondrous Napa Valley as it represents a thriving, bucolic, hospitable and environmentally responsible region. It aspires to expand into a full spectrum vibrant agricultural area - at the forefront of the food-to-table movement, vineyards, farms, ranches and preserved oak studded hillsides. It is sought after destination by many throughout the world for precisely these increasingly rare characteristics.

9-3

Developing multi-story, multi-family complexes, tract housing and the retro-sprawl of retail, food marts, and parking lots on these high-risk properties is nothing more than an undeniable BLIGHT to the City's entry - and reputation. It is exactly what people do not want to greet them upon arrival. The Napa Gateway has managed to remain a far cry from the dense sprawl of suburban development that is pervasive throughout much of California. Until now - until this proposed annexation, up-zoning and development of the *"Foster Road Mixed Use Corridor"*. Until this proposed DEIR, the Foster Road area was a protected scenic gateway. There are viable alternatives to this development that the City has not included in its current DEIR, although they have been identified in earlier City documents such as the City of Napa's Housing Element, 2015 which identified approx. 50-60 development sites throughout the City of Napa. These need to be offered as alternatives to the devastation that will be a consequence of the City's proposed development.

9-3 (Cont.)

9-4

URBAN SPRAWL: This property is literally sited on the city limits in the Carneros region. The Napa Gateway consists of a number of private land parcels including the Stewart Ranch of the Oreo Cows. Another large parcel - the Ghisletta property - has been offered for sale by some of its owners to the City of Napa for the better part of 50 years. To move forward now at this moment is simply disingenuous and wrongheaded.

9-5

Its proposed annexation, up-zoning and development represents regressive urban planning practices of "leap-frogging" and "sprawl" - more suitable to the unsustainable models of 1960s. These are the very models that have exacerbated our climate crisis.

9-6

Paradoxically, the City's own Draft General Plan 2040 directives are focused on City infill and creating a thriving and sustainable downtown. The proposed annexation of the Ghisletta property does not speak to these directives - at all. It speaks of inconsistency.

9-7

Alternatives to this proposed sprawl and AG devastation is to further develop the City of Napa's core, its transit corridors. In specific sections to raise the City zoning from a height of 5 to 6 floors. To identify and require a ratio of housing units that are to be included in Mixed Use proposals along these corridors. To incentivize and require Hospitality developers to offer on site or re-adapt existing housing for their own employees - as an economic incentive perk.

9-8

The DEIR's INCONSISTENCY WITH THE CITY'S OWN PROPOSED DRAFT NAPA 2040 GENERAL PLAN ELEMENTS and NAPA's COMMUNITIES.

9-9

The DEIR disregards the stated draft General Plan 2040 guiding principles which include to "preserve surrounding open space and agricultural land." By 77% Napa's resoundingly declared in the GPAC Community Surveys that they want to protect open space/green spaces in our city and do not want to develop on agricultural land at the edge of the City.

As alternatives, Napa's want to see corridor streets such as Jefferson, Soscol and Trancas and existing neighborhoods to be the sites for development and housing priorities. This is aligned with widely appreciated "Smart Growth" planning directives.

9-10

Little to no verifiable housing numbers have been offered for these established "Mixed Use" corridors. Nor has the City considered raising the height limits from 5 to 6 stories for these corridors. The significant economic and environmental benefit of such an alternative is widely recognized by respected organizations such as Plan Bay Area 2050. The draft General Plan 2040 proposal ignores the stated priorities of the Napa Citizens by further pushing this irresponsible development of the Ghisletta/NVHA properties.

9-11

A viable alternative is for the City to be consistent with its own smart growth directives and provide accurate, verifiable housing and population numbers that are consistent with the State California's current forecasting.

WATER: This is the ever-ready issue for the past 25 years. We need water to live and for Napa to thrive. It is precious and it is evaporating before our eyes.

9-12

The proposed annexation, up-zoning and proposed development will exponentially increase the water precarity and insecurity of the City of Napa whose projected water shortages, water safety and ever-rising rates are already deeply problematic to residents - especially in the midst of multi-year extreme droughts and wildfire danger.

9-12 (Cont.)

A viable alternative is to retract the proposed annexation, up-zoning and development of these parcels and retain their designation as AQW or a Resource Area for all of Napa and its visitors.

EARTHQUAKE FAULT/FLOOD PLAINS/LANDSLIDE AREA: There are active Earthquake fault lines (West Napa Fault Line) running directly thru this property which suffered major fracturing, fissures, and slippage in the 2014 Napa and are continuing to shape-shift to this day.

9-13

THE WEST NAPA FAULT LINE = HIGH RISK = PROHIBITIVE INFRASTRUCTURE DEVELOPMENT COSTS TO THE CITY AND FUTURE RESIDENTS: This very same fault was cited as a primary reason by the GPAC and consultants to approve a Greenbelt designation for the Napa Oaks and Timberhill development plans. The Ghisletta and NVHA properties are even more severely impacted by this EQ fault and floodplains.

9-14

A viable alternative is to retract the proposed annexation, up-zoning and development of these parcels and retain their designation as AQW or a Resource Area for all of Napa and its visitors.

SPHERE OF INFLUENCE (SOI) -

The Ghisletta Properties were not in the sphere of influence since 1975 as stated publically.

9-15

They became part of the City of Napa's sphere of Influence only in 2005 and upon the request of the Property Owners - the Ghisletta Family Trust. Until that point in time they were protected from development in the RUL as part of the Stewart Ranch Area..

Since 2005 it is commonly known that the City has worked with the property owners to continually attempt to annex these parcels - contrary to the decades long opposition of thousands of Napa residents and property owners

- The Ghisletta parcels were designated by USDA/LAFCO as Prime Agricultural land. Any possible annexation should be subject to Measures J & P - requiring Voter Approval for any proposed annexation. The City of Napa has suggested that these parcels are not subject to Measures J&P. The DEIR does not cite these issues and does not provide a reasonable alternative to their own proposal for annexation.

One alternative is to retract the City's proposed annexation, up-zoning and development of the Foster Road Mixed Use Area. There are many more alternatives that could easily be imagined

SIGNIFICANT ENVIRONMENTAL CONCERNS & CLIMATE RESILIENCY. The extreme levels of traffic congestion, light, noise, air and water pollution undermine the benefits of an agricultural region and speak more of the environment of Los Angeles's San Fernando Valley and the 405 Freeway - not exactly an enticing, revenue generating tourist region. The San Fernando Valley is the subject of ridicule nationwide. for its sprawl and environmental devastation!

9-16

- Development of this project represents the destruction of much needed and will only create more "carbon - sinks" and "heat islands" which Napa can no longer tolerate.
- Increasing the population (2.5 persons per unit avg.) so dramatically (could be up to 3250, new people/ 3000 new vehicles + commercial transit, people and vehicles) in this section of the city would have immediate dire and grave environmental impacts on the land, safety, quality of life, health, and well-being of all who live there. <https://www.bls.gov/cex/2019/population/population.pdf> By way of Reference, the City of St. Helena has approx. 5,200 + residents.

9-17

9-18

• Issues of Climate Resiliency overwhelmingly require that these parcels remain zoned as either AGW or Greenbelt. If not, a whole new meaning to the definition of Rustbelt will be realized here on these Gateway Parcels..

9-19

HOUSING IS A SHARED RESPONSIBILITY: The State of California requires that Housing be a shared burden be borne by the City of Napa as a whole. In other words, housing - especially affordable and workforce housing - should be sited throughout the City as a whole - not siloed within one area. Classes of people are not to be segregated into regional ghettos developed upon high risk and unsustainable properties. The Land Use in Draft General Plan 2040 represents an unthinkable strategy of disavowed planning practices which may result in calls of environmental racism, classism and a new definition of redlining itself.

9-20

The DEIR does not provides alternatives for housing to be sited throughout the city through adaptive re-use, etc.- on other sites, abandoned and vacant building, institutional buildings, etc. One needs only to take a five minute drive to identify numerous such buildings sited within the urban core.

9-21

This proposed "affordable " "workforce" housing would represent a blatant segregation of people and (mis) place the burden of the socio-economically constricted into one high-risk, neighborhood, furthering marginalization, disenfranchisement, and restricting equal opportunities to advance - rather than encouraging assimilation throughout the City of Napa itself.

8-22

An alternative is equal dispersement of said housing throughout the city which would promote social, racial and economic equity and justice for everyone.

HISTORY OF COMMUNITY OPPOSITION: • As mentioned, the Ghisletta property has been offered to the City by the property owners a few times during the past 50 years. It has a varied and complex history.

9-23

It is common knowledge that this is the third time that the Ghisletta Property has requested annexation from the City of Napa to change the zoning to allow a super-size development to move forward. Each time this issue has been raised, residents of Napa throughout the City. have quickly responded, voicing strong and consistent opposition.

Yet, the DEIR offers little visibility to this opposition. It does not offer any alternatives to their proposed annexation, up-zoning and development of their proposed "Foster Road Mixed Use Development"

The City offers no alternatives to their proposed transformation of AGW land and the existing communities which regards themselves as a neighborhood - not a Mixed Use Corridor which may comprise the largest development in the history of Napa.

NAPA PIPE PROJECT: The Ghisletta parcels were not annexed in keeping with the City's filing for annexation in 2007. Rather, the Napa Pipe project was approved as a more suitable site for annexation and mixed-use development. The statement by Governmental officials at the time was that this project was to have fulfilled the future housing needs of City and the County and for the citizenry not to worry about further possible development. Until now.

9-24

The Napa Pipe Project (Mixed Use - Commercial & Residential) also burdened the City/County with massive traffic increases and subsequent pollution risk.

It also required additional /supplemental water from the City which placed an acknowledged and significant burden on the City's reserves. resulting in greater water insecurity and higher water rates levied on Napa City residents.

It is common knowledge that Water is, indeed, an issue of grave concern to the City of Napa, California and the Western states .

A viable alternative is to require the Napa Pipe Developers to increase its housing numbers to further accommodate State demands as they are already building the necessary infrastructure and are enriching fallow, industrial land, as opposed to devastating irreplaceable AGW resources.

CREATING A GREENBELT BUFFER ZONE TO WILDFIRES: The Wildlife Urban Interface needs to be retained. These Gateway parcels serve as a major protection for the City of Napa and the Napa Valley itself. The NVHA serves as an integral (and much appreciated) element of emergency measures for the safekeeping and temporary housing of animals during wildfires. The Gateway parcels could also serve this purpose once retrofitted.

9-25

The DEIR does not provide an alternative to the destruction of this Wildfire Urban Interface.

NEED FOR PUBLIC PARKS AND GREENSPACE IN SW NAPA This property may better serve the City and County of Napa in a number of ways. Among other possibilities, it has been suggested that it could serve as an easily accessible open space actually to the public. Surprisingly, the City and county have scant open public spaces in the City. This option would offer a welcome respite from the privatization of open spaces throughout Napa and truly serve all of its residents and visitors. As an alternative, developing these Gateway Parcels in alignment with the parameters of its current AGW zoning into a Resource Center for the City/County of Napa that would be aspirational in nature. This would support - would underscore - would re-brand - the sustainable and resilient Agricultural (food based) future of Napa - as an evolving community, culture and solid economic and resilient base.

9-26

These represent some of my concerns I am not a NIMBY. Rather I am a responsible citizen who are looking to the viable and resilient future for our city and county - not to burden future generations with an unsustainable and high risk-laden future.

Thank you for your consideration of my response.

Sincerely,

Name: Kurt Reaume
Address: 1159 Bayview Ave
Napa, CA 94559

Sent from [Mail](#) for Windows

Comment Letter 9, Kurt Reaume

Response to Comment 9-1 through 9-26. Commenter letter 9 is almost an exact copy of comment letter 8. Please see Response to Comment 8-1 through 8-27. No further response is necessary in the EIR.

Letter 10

From: Charles Shinnamon <chuckshinnamon@gmail.com>
Sent: Thursday, April 21, 2022 11:17 AM
To: ghuether@cityofnapa.org <ghuether@cityofnapa.org>; bmassaro@cityofnapa.org <bmassaro@cityofnapa.org>; pkelley@cityofnapa.org <pkelley@cityofnapa.org>; rhurtado@cityofnapa.org <rhurtado@cityofnapa.org>; Beverly Shotwell <bshotwell@cityofnapa.org>; Patricia Baring <pbaring@cityofnapa.org>
Cc: Michael Walker <mwalker@cityofnapa.org>; Howard Siegel <HowardSiegel@comcast.net>; Marcus Helmer <marcushelmer@gmail.com>; Patrick Band (home) <p.e.band@gmail.com>; Michelle Dahme <mtdahme@sbcglobal.net>; theodorealloysius@gmail.com <theodorealloysius@gmail.com>; Danielle Barreca <daniellebarreca@gmail.com>
Subject: General Plan Draft EIR

[EXTERNAL]

Commissioners,

As I am sure you recognize, the Draft EIR is a voluminous and daunting document to read, understand, and comprehend. I suggest that you consider recommending a longer comment period than currently envisioned.

10-1

In relation to the consideration of Project Alternatives, I would like to offer some comments about the Higher Density Alternative. As noted in a prior letter to the Council and Commission, several of us suggested that the FAR's in the Focus Area Corridors need to be reviewed and perhaps increased. This then feeds into consideration of the "Higher Density Alternative". None of us know what kind of exciting projects that might be brought forward by future developers of these re-use parcels. Allowing a higher FAR might open up the conversations about great design and compatibility. As illustrated in other communities, some higher density projects can actually work better visually, aesthetically, and practically than lower density ones. To summarily dismiss the Higher Density Alternative because there is more traffic, noise, etc, might be shortsighted. Unfortunately, the DEIR doesn't give much specificity about the kind of development (heights, densities, FAR's, etc) and it is hard to assess how those interplay with the Draft GP.

10-2

I think that the alternative plan could lead to a greater amount of infill housing and a greater reduction in greenhouse gas emissions.

10-3

In section 4.4.2.7 it is stated that, "projected emissions under both [the Higher Infill Alternative and the Project] are estimated to exceed the target levels established by the State and air district". Knowing this, we should pursue the alternative that emits fewer greenhouse gas emissions. It is stated later that the Project is "environmentally superior".

10-4

However, this is partially based on the claim that the Higher Infill Alternative produces similar GHG emissions. But the ~2100 people who live in the 840 units of housing that would be constructed would be producing significantly less GHG than if they were to live elsewhere. Yes, there would be increased VMT's locally but there probably would be far fewer VMT's created from folks commuting long distances from elsewhere to work in Napa.

10-4
(Cont

If people are displaced outside of Napa or commuters continue to lack housing options in Napa it will result in significantly higher GHG per capita than if they were to live in the City of Napa in the pedestrian centered neighborhoods created in the Higher Infill Alternative. Displacement and a larger population of commuters would result in higher GHG emissions on a regional and state level, which CEQA requires to be considered.

10-5

Having higher allowable FAR's in these corridors may have some strong value and will need further conversation. These higher densities and re-development of such areas are new things to Napa and to other parts of the more low density cities in the Bay Area. We are going to need some great examples from other areas to show us what can be done especially as we blend those higher densities into surrounding neighborhoods.

10-6

I know this particular land use issue is not before you tonight as related to FAR's. But the DEIR and its alternatives is part of the conversation that needs to be had.

10-7

Thanks for your consideration,

Chuck Shinnamon

Charles W. Shinnamon, P.E.

chuckshinnamon@gmail.com

"If you don't like the news, go out and make some of your own." (Wes "Scoop" Niskier)

Comment Letter 10, Charles W. Shinnamon, P.E.

Response to Comment 10-1. The commenter asserts that the DEIR is a voluminous and daunting document and requests an extended comment period. Comment noted. The comment period for the DEIR was extended to Monday, May 2nd to allow more time for interested parties to respond to the document. No changes to the DEIR required.

Response to Comment 10-2. The commenter expresses support for the Higher Density Alternative, asserting that higher FAR may allow for development with better design and compatibility, which may work better visually, aesthetically, and practically in the area. The commenter asserts that rejecting the Higher Density Alternative because of traffic concerns may be shortsighted. The commenter also asserts that the Higher Density Alternative does not provide specifics in terms of what kinds of development (heights, densities, FARs, etc.) would be included in this alternative. This comment does not address environmental issues that affect the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 10-3. The commenter asserts that the Higher Density Alternative would lead to greater amounts of infill housing and a greater reduction in greenhouse gas emissions. The DEIR made the assumption that although the Higher Density Alternative is anticipated to have 840 more dwelling units than under the General Plan update, the emissions would be similar. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 10-4. The commenter includes the portion of Section 4.4.2.7, which states "projected emissions under both the Higher Infill Alternative and the Project are estimated to exceed the target levels established by the State and air district." The commenter asserts that we should pursue the alternative with the least GHG emissions and asserts that the selection of the Project as "environmentally superior" is based on the claim that the Higher Infill Alternative would produce similar GHG emissions. The commenter challenges this claim, asserting that 2,100 people living in 840 units constructed under this alternative would result in less GHG emissions than if they were living elsewhere and commuting long distances to work in Napa, despite an increase in local VMT.

The DEIR concluded that the environmentally superior alternative is the Project based on a review of all resource categories not just GHG emissions. The commenter's opinions are noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 10-5 The commenter asserts people displaced outside of Napa and commuters lacking housing options in the City will result in higher GHG emissions per capita than if they find residence in pedestrian-centered neighborhoods created in the Higher Infill Alternative. The commenter asserts that displaced people and commuters would result in higher GHG emissions. The General Plan update considers future housing and has planned for population growth of 97,200 people by 2040. Please see Section 2.3.2, *Growth Forecasts*, in Chapter 2 of the DEIR. Impact POP-2 in the *Population and Housing* section, identifies that the Project includes land use and zoning changes but does not propose specific development that would result in the displacement of existing housing units or people, necessitating the construction of replacement housing elsewhere. The Project's land use designations and policies would increase allowable intensities and residential densities in more areas of the City, thereby increasing capacity for new housing. Additionally, the proposed Public

Health and Equity Element of the General Plan update includes policies to prevent displacement. The impact was determined to be less than significant. No further response is necessary in the EIR.

Response to Comment 10-6 The commenter states the higher allowable FAR in City corridors will require further conversations, further stating that higher densities and re-development of these areas are new to Napa and other low-density Bay Area cities, and good examples from other areas will be needed to show how these different densities can be blended into surrounding areas. This comment does not address environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Response to Comment 10-7. The commenter acknowledges that this particular land use concern, though part of the DEIR conversation, is not the issue at hand. This comment does not address environmental issues or the adequacy of the DEIR. The commenter's opinion is noted and will be considered by the City Council during the decision-making process. No further response is necessary in the EIR.

Charles W. Shinnamon, P.E.

Mobile: 707-321-0195
chuckshinnam on@gmail.com

Napa City Council
Napa City Planning Commission
Mike Walker, Napa City Planning Department

Dear Council Members, Planning Commissioners, and Mr. Walker,

Pg. 2-11. **"Business Professional" definition could use greater clarity to distinguish between uses near the Queen of the Valley Hospital and those in the downtown area.** 11-1

Pg. 2-20	<p>The outline suggests that there will be a 23% increase in industrial space over the life of the GP. Based on the limited amount of land available for industrial and light industrial uses as well as the GP's redesignation of existing industrial land to visitor commercial, I am curious as to how this estimate was established. Similarly, it would be good to have greater explanation for how the increases in office and retail uses are calculated.</p>	11-2
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Pg. 2-23/26 The Trancas Street illustrations show a wider right of way than currently exists and it shows a highly desirable set of bike lanes. As nice as this looks, I wonder how the additional right of way is going to be acquired and how property owners will be required to dedicate such valuable land to the City without compensation. If this is not a realistic vision, perhaps it should be deleted.

Pg. 2-42 LUCD 3-6. I would encourage a stronger statement and suggest changing the language from, **“Where feasible...”** to **“Unless infeasible,...”**. Let us expect and demand higher standards rather than just hoping for them. 11-4

Pg. 2-20 Table 2-2 speaks to the large number of potential new hotels. Nowhere in the GP is there mention of housing associated with those hotels. Please see my comments in this letter regarding the DEIR, hotels, and housing. 11-5

Pg. 3-18 TE 3-4. "Prioritize.." rather than "Promote" increased pedestrian and bicycle usage citywide. 11-6

Pg. 3-19 TE 6-1. I suggest the City develop a program in which its employees are actively incentivized for walking, biking, using public transit, etc, to get to work. It is far cheaper to pay someone a small monthly bonus for doing so rather than building that parking spot in a garage. And, require that City employees park in the nearby parking garage(s) and preclude them from parking in surrounding neighborhoods.

TE 6-4. Include TDM duties with those of the **City's parking manager rather than hiring more staff.**

September 2022
ICF 104372

Pg. 3-21	TE 8-4. Why discourage private docks and/or other small boating facilities along the River? Or, perhaps instead, include some stretch goals through which the City will explore the potential of additional public docks along the River.	11-8
Pg. 4-12	The Falcon Ridge water tank was originally built to privately serve a very small group of homes along the ridgetop. Subsequently, the tank was taken over by the City. Will its replacement be paid for by the ratepayers or only by those property owners who directly benefit?	11-9
Pg. 4-13	To further encourage the use of NSD recycled water, I suggest that a policy be included by which the City and NSD fully eliminate their current agreement requiring NSD to make the City water department budget whole when recycled water replaces potable water.	11-10
Pg. 4-39	CSPR 8-3. Require, by a date certain such as 1/01/2024, that all food businesses completely shift to compostable take-away containers and/or other sustainable packaging alternatives. This time period would allow businesses to use what they currently have purchased while also putting them on notice about that future requirement.	11-11
Pg. 4-40	CSPR 9-3. With all due respect, we might have enough acreage per capita to satisfy a mythical number. However, it is vitally important to understand that some parts of the City are completely underserved by nearby parks. These include the Harvest MS area, Westwood, and others. We need to plan to create new parks to serve those areas.	11-12
Pg. 4-42	Goal CSPR-13. Support trail connections <u>and river access</u> to natural areas and the Napa River.	11-13

Comments on the DEIR:

Pgs. 3.15-3/4:

The DEIR includes specific discussion about VMT's and associated thresholds for residential, office, and retail projects. There is no separate discussion about VMT's associated with hotel development. I expect that the OPR documents and studies have such a discussion and it should be addressed in the DEIR as the Draft General Plan envisions a significant increase in the number of hotels in Napa.

11-14

Presume for a moment that hotel projects are similar to office projects as to allowable VMT's and when excess VMT's require a finding of Significant Impact. Per the City's own commissioned hotel and economic study, it appears that new hotel developments would achieve a finding of Significant Impacts due to the need for new employees to commute to Napa. Following are excerpts from the Bay Area Economics study:

Reference: "Bay Area Economics; Hotel Industry Labor Availability and Housing Affordability Analysis, dated March 28, 2018".

"The figures in Table 5 indicate that unemployed residents within Napa's 60-minute commute shed are not likely to supply enough labor for the planned and proposed hotels in Napa....However, considering the relatively low salaries of many hotel workers, many people living 45, 50, or 60 minutes away from Napa may realize little to no financial gain from accepting hotel jobs in Napa. Long commutes cause wear-and-tear on vehicles, high fuel expenses, and time away from family, which can translate into higher childcare expenses."

The BAE study goes on to suggest that new affordable housing projects in Napa at the time of the study's publication might help alleviate some of that issue. Unfortunately, those new units were oversubscribed by existing workers and residents and such local housing cannot be counted upon to supply local workers. It is time to get beyond the fantasy that new hotel workers will primarily come from Napa.

Clearly, the vast majority of new hotel workers will need to commute from long distances (60+ minutes or more), which translate to VMT's far in excess of the thresholds in the DEIR. As a result, new hotel

pg. 2

developments that do not provide housing for all or a substantial number of their employees will trigger findings of Significant Environmental Impacts.

11-14 (Cont.)

Further discussion needs to be had regarding the practical limits of new hotel developments in the City of Napa. With the high probability that new employees will need to commute long distances to work in those hotels, developers should be required to provide complete and detailed information as to where their new employees will live and to why findings of Significant Environmental Impacts **related to VMT's** should not be found.

11-15

Thank you for your consideration,

Sincerely yours,

Chuck Shinnamon

Charles W. Shinnamon, P.E.

Comment Letter 11, Charles W. Shinnamon, P.E.

Response to Comment 11-1. The commenter requests that the “Business Professional” definition could use greater clarity to distinguish between uses near the Queen of the Valley Hospital and uses in the downtown area. This comment refers to a General Plan definition and does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 11-2. The comment refers to a General Plan statement that there will be a 23 percent increase in industrial space over the life of the General Plan and asks how this number was arrived at considering land limitation and general plan land use designations. This comment refers to the General Plan and does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 11-3. The comment expresses appreciation for the wide right-of-way on Trancas Street depicted in General Plan illustrations, but questions how the right-of-way will be acquired and suggests deleting from the General Plan as unrealistic. This comment refers to the General Plan and does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 11-4. The comment refers to the language in General Plan Policy LUCD 3-6 and requests a language change from “Where feasible” to “Unless infeasible,” in order to strengthen the standards of the policy. This comment refers to the General Plan and does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 11-5. The comment refers to Table 2-2 of the General Plan and asserts that the General Plan does not mention housing associated with hotels. The commenter refers to specific DEIR comments elsewhere in the letter.

This comment refers to the General Plan and does not address environmental issues or the adequacy of the DEIR. The commenter’s specific comments on the DEIR are addressed in 11-14 and 11-15 below. No further response is necessary in the EIR.

Response to Comment 11-6. The comment refers to the language of Policy TE 3-4 and requests the language change from “Promote” to “Prioritize” increased pedestrian and bicycle usage citywide. This comment refers to the General Plan and does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 11-7. The comment refers to Policy TE 6-1 and suggests that the City develop a program to incentivize employees to walk, bike, or use public transit to commute to work through the payment of a small monthly bonus as opposed to the construction of more parking construction. The commenter further suggests that City employees be required to park in garages rather than surrounding neighborhoods.

The commenter’s suggestions regarding a transit demand management (TDM) program and other parking requirement suggestions have been noted and will be considered by the decision makers as part of the full record available in deciding on the merits of the project. The comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 11-8. The comment refers to the language of Policy TE 8-4 and questions the discouragement of private docks and and/or other small boating facilities along the river and

suggests the inclusion of goals that explore the potential for public docks. The commenter's suggestions regarding public docks have been noted and will be considered by the decision makers as part of the full record available in deciding on the merits of the project. The comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 11-9. The commenter asks whether the replacement of the Falcon Ridge water tank will be paid for by ratepayers or by property owners who benefit from the tank. This comment refers to the General Plan and does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 11-10. The commenter suggests a new policy be included in the General Plan which would eliminate the current agreement between the City and NSD that requires NSD to make the City water department budget whole when recycled water replaces potable water. This comment refers to the General Plan and does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 11-11. The comment refers to the language of Policy CSPR 8-3 and suggests a date (such as January 1, 2024) be added as the deadline for food businesses to completely shift to compostable take-away containers and other sustainable packaging. The commenter's suggestions regarding sustainable packaging will be considered by the decision makers as part of the full record available in deciding on the merits of the project. The comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 11-12. The comment refers to Policy CSPR 9-3 and asserts that, while there maybe be enough park acreage in the city, parts of the city (such as Harvest MS and Westwood) are underserved, and new parks need to be created for these areas. The commenter's suggestions about areas currently underserved by City parkland will be considered by the decision makers as part of the full record available in deciding on the merits of the project. The comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 11-13. The comment refers to Goal CSPR-13 and requests that "and river access" be added to policy language. This comment refers to the General Plan and does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 11-14. The commenter says that there is no discussion about VMT's associated with hotel development. The commenter references a Bay Area Economics study from 2018 and includes a direct quote from that study. The commenter opines that the vast majority of new hotel workers will need to commute from long distances (60+ minutes or more), which translate to VMT's far in excess of the thresholds in the DEIR.

The customer or tourist VMT associated with hotels should be evaluated using the retail approach (i.e., any net increase is an impact). Since Napa is already an established tourist destination, the addition of hotels is not likely to induce additional trips with associated VMT. The addition of hotels in Napa may reduce VMT, if tourists are able to stay in a location near many of the region's attractions. It is true that the employee VMT associated with new hotels is likely to be significant, given that many hotel employees will not be able to live in Napa. The VMT per employee for hotel projects can be compared to the office threshold of significance (22.87 VMT per employee) since this threshold was developed based on all employment in the county. Hotel projects may need to provide

mitigation, such as transportation demand management programs, to avoid findings of significant VMT impacts. No further response is necessary in the EIR.

Response to Comment 11-15. The commenter says that further discussion needs to be had regarding the practical limits of new hotel developments in the City of Napa. Please see Response to Comment 11-14. No further response is necessary in the EIR.

Letter 12

To Whom It May Concern,

I am writing to comment on both the General Plan Update Draft and the associated Draft Environmental Impact Report (EIR). Although I was a member of the General Plan Advisory Committee (GPAC), these comments reflect my own thoughts and opinions and are not necessarily reflective of those of the GPAC.

12-1

My first comment relates to the DEIR and it is the apparent dichotomy between the statement (on page 5-10, Section 5.5) under **"Future Use of this Environmental Impact Report"** that "The City will use this Draft EIR as the basis for streamlining CEQA reviews of future residential, commercial and office development that is consistent with the General Plan" AND the statement that appears several times under various "Impacts" that states (using the *example* on page 3.17-32, under Impact UT-4) that "The specific distribution and timing of projected development that could be permitted under the General Plan Update is not known, and, thus, the specific locations for and quantity of future *wastewater treatment* cannot be predicted. Therefore, the potential environmental impacts that future projects may present regarding *wastewater treatment demands* cannot be adequately estimated or evaluated at this time."

12-2

This latter disclaimer is made despite the GP making a specific projection for population in the year 2040 along with strictly identified focus areas for much of that population increase. Furthermore, the EIR is being established as a foundation for future decisions on specific projects – and presumably pre-empting the need for project-specific EIRs - **while making this claim of "uncertainty", thus rendering this DEIR as a bit of a hollow document.**

More specific comments on the DEIR:

- It is stated in multiple places that the Housing Element is not part of this update and is not required to be updated until 2023. Of course, these documents – once finalized – will be read in 2023 and beyond, rendering that comment a bit silly. Furthermore, it should state in these documents that the Housing Element will require its own EIR.
- On page 474 of the DEIR, it is stated that the City's water supply is deemed to be adequate until the year 2045, but it does not clarify whether those projections include the presumed increase in population foreseen in these documents. In any event, 2045 is close enough to this Planning horizon that some actions should be proposed towards water supply sustainability.
- I don't agree with the wholesale replacement of "Level of Service" with "Vehicle Miles Travel" since both are important and, to some extent, measure symptoms of different underlying problems. One specific example of the importance of LOS is a recent waiting time of 5 minutes at the end of Westview (to turn on to Browns Valley Road) at 2 PM on a weekday afternoon, indicating the possible need for additional traffic control at that location.
- Both the GP and DEIR suggest Floor Area Ratios (FARs) of 1.5 or 2.0 in the focus areas of the 4 corridors of Trancas, Jefferson, Imola and Soscol although illustrative projections along with narrative sections envision both a) 3 to 5-story buildings and b) pedestrian-oriented streetscapes, inferring buildings closer to sidewalks in those areas. Both items imply a significantly higher FAR in those areas.

12-3

12-4

12-5

12-6

- On page 45, census data (population) from the year 2016 is being used. Something more recent – especially in light of 2020 census, should be used instead. 12-7
- Both the GP and DEIR include tables (2-2 and 2-3 respectively) that reflect substantial increases in both office and retail space – both areas that are seeing significant decreases in demand in recent months and years, as reflected by high vacancy rates in both areas. Such an assumed increase should be reevaluated. 12-8
- A major concern is the proliferation of hotels, which appears to be continuing unabated. This exacerbates two problems that will have to be addressed in the upcoming Housing Element update and elsewhere – first, the additional low-paying jobs that hotels create, with the people filling those jobs likely to have to commute to Napa from elsewhere and second, many of the sites that are considered for new hotels are the same sites that would be appropriate for high-density (and affordable) housing. 12-9
- On the low-paying jobs front, the goal in the Economic Development Element of the General Plan update that **“encourages high-quality job creation” and defines such as at least 75% of AMI** is woefully inadequate. That goal should include a MINIMUM of 100% AMI, if not more. 12-10
- In the areas of Safety and Noise in the General Plan, I have three concerns to state: 12-11
 - a) Are the two-way streets downtown really safer for pedestrians and cyclists? I asked this question early in the GPAC process but no response was ever forthcoming. The passage of emergency vehicles is also impeded by those two-way streets, which seems entirely unnecessary. 12-11
 - b) As has been done in many other cities, the noisy and largely ineffective gas-powered leaf blowers should be banned from use, for many reasons. 12-12
 - c) Bicycle safety would be improved by banning bicycles from the windy stretch of Redwood Road between West Pueblo and Browns Valley Road, with both cyclists and drivers being put in jeopardy on a daily basis while trying to avoid each other along a number of blind curves. An alternate route should be provided beginning at West Pueblo or Westview Drive, at a minimum. 12-13

Thank you for your consideration.

Howard Siegel

Comment Letter 12, Howard Siegel

Response to Comment 12-1. This is an introductory comment. The commenter states that he was a member of the General Plan Advisory Committee (GPAC) but is providing comments on his own behalf and not representing the GPAC. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 12-2. The commenter expresses concern regarding what they perceive as a contradiction between the DEIR's use as a basis for streamlining CEQA reviews for future development, and various impact statements which note that specific information related to potential impacts (i.e., locations for and quantity of future wastewater treatment facilities) cannot be known or evaluated. The commenter asserts that these statements are contradicted by General Plan update projections related to population increase, for example. The comments asserts that this perceived contradiction renders that DEIR a "hollow document."

The DEIR analyzes the General Plan update only and does not analyze any specific project(s). Specific projects would still be required to undergo CEQA review, and to disclose information related to potential impacts (i.e., the General Plan update EIR does not pre-empt the need for future project-specific CEQA analysis). While the DEIR uses available population projections for the purposes of analysis, broad level projections of population trends are commonly used in planning and are not the same as speculation regarding the need and location of specific projects. The types and locations of specific future projects are unknown and CEQA does not allow for analysis based on speculation. No further response or changes to the EIR are necessary.

Response to Comment 12-3. The commenter notes that the DEIR mentions that that the Housing Element is not a part of the General Plan update and won't require an update until 2023. The commenter requests that the DEIR state that the Housing Element will require its own DEIR. The commenter correctly notes that the Housing Element will be required to undergo CEQA review. For clarification, the text on page 2-1 of the DEIR has been revised as follows:

"The Housing Element, one of seven state-required general plan elements, was last updated in 2015, and does not need to be updated again until 2023. As with the General Plan update, the Housing Element will be subject to environmental review in accordance with CEQA requirements."

Response to Comment 12-4. The commenter refers to text on page 3.17-18 of the DEIR which states: "As discussed above, sufficient water supply is available to meet projected demand of the City's water customers under normal years through 2045." The commenter asserts that the DEIR does not clarify whether this includes the projected population increase and further suggests that actions be proposed toward water supply sustainability.

The population question is addressed in the DEIR. The conclusion that the City would have sufficient water supplies to meet anticipated demand does include the projected population increase. Additionally, on page 3.17-16, Water Demand and Availability, water demand projections used conservatively high numbers for population projections for the water service reliability analyses in the 2015 UWMP. The 2020 UWMP, which has not been finalized, is expected to project that the City's supplies can meet projected demands during normal water years through 2045. Although a small supply shortfall exists in single dry years, the City would reduce demands as needed during dry water years and could implement water conservation efforts to achieve these demand reductions, as discussed in the DEIR. The DEIR also refers to several General Plan update Goals and Policies. On page 3.17-22, Relevant General Plan update Goals and Policies, Policy NRC-9-1, participate in

regional efforts to proactively manage surface and groundwater resources; Policy NRC 10-1 support the continuation and expansion of existing recycled water systems, among others. No further response is necessary in the EIR.

Response to Comment 12-5. The commenter states that they don't agree with the replacement of "Level of Service" with "Vehicle Miles Travelled," stating that both are important and measure different things. Comment noted. As discussed on page 3.2-4 of the DEIR, with the passage of Senate Bill 743 (Chapter 386, 2013), CEQA guidelines establish VMT as the transportation metric analyzed under CEQA, effective July 1, 2020. The DEIR conforms to the current guidelines. The City still monitors and uses LOS analyses to assess the adequacy of its circulation infrastructure. No changes to the EIR are necessary.

Response to Comment 12-6. The commenter asserts that illustrative projections of focus areas in the General Plan update infer that building will be closer to the sidewalk and that Floor Area Ratios (FAR) appear higher than 1.5 or 2.0. Comment noted. This comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 12-7. The commenter questions the use of census data from 2016 on page 45 of the General Plan update. This comment refers to the General Plan and does not address environmental issues or the adequacy of the DEIR. However, Table 2-3 in the General Plan and DEIR include 79,300 as the existing 2021 population based on household size, (2.5), vacancy rate (5%) and group quarters proportion (1.3%). No further response is necessary in the EIR.

Response to Comment 12-8. The commenter asserts that projected increases in office and retail building area shown in Table 2-3. *Citywide Growth Projections* on page 2-8 of the DEIR should be reevaluated considering recent high vacancy rates. The projections are based on a 2040 horizon year. While vacancy rates may vary, particularly during the recent pandemic, projections are designed to encompass larger regional growth forecasts. The comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 12-9. The commenter expresses concern that construction of new hotels will generate low-paying jobs and will necessitate more people commuting to Napa from more affordable areas. The commenters also asserts that sites considered for hotel use would displace sites available for high-density (and affordable) housing. The commenter states that these issues will need to be addressed in the Housing Element Update.

The commenter's concern regarding hotel construction and its influence on commuting patterns is noted and will be considered by the decision makers as part of the full record available in deciding on the merits of the project. The comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 12-10. The commenter asserts that "high-quality job creation" in the Economic Development Element of the General Plan should be defined as a minimum of 100% AMI (rather than 75% AMI). Comment noted. The comment concerns the Economic Development Element of the General Plan and does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 12-11. The comment asks if two-way streets in downtown are safe for pedestrians and cyclists and asserts that the passage of emergency vehicles are impeded by two-way streets. The commenter's concern regarding safety for pedestrians and cyclists and accessibility for emergency vehicles is noted and will be considered by the decision makers as part of the full record

available in deciding on the merits of the project. The comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 12-12. The comment requests that the City ban the use of gas-powered leaf blowers. Comment noted. The comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

Response to Comment 12-13. The comment notes the dangerous, windy conditions for bicycles on Redwood Road between West Pueblo and Browns Valley Road and suggests an alternative route should be provided at West Pueblo or Westview Drive. Comment noted. The comment does not address environmental issues or the adequacy of the DEIR. No further response is necessary in the EIR.

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Introduction

CEQA Guidelines Section 15132 provides that a Final EIR must include, among other things, the Draft EIR (DEIR) or a revision of the draft. This chapter identifies the text changes that have been made to the DEIR. The changes are arranged by the chapter or section of the DEIR in which they are found and referenced by page number. For the reader's convenience, the changes are presented in the context of the paragraph in which they are found. Additions are shown as underlined text; deletions are shown as strikethroughs.

Text Changes

Section ES.3 Project Impacts and Mitigation Measures

The following text has been added to the last sentence in the paragraph under Section ES.3.

Because the policies and mitigation measures have been determined to reduce most of the Project's potential environmental impacts to less-than-significant levels, the only significant and unavoidable impacts associated with the General Plan update are for the resource categories of Air Quality and Greenhouse Gas Emissions, agricultural resources, and cumulatively considerable impacts on biological resources.

Table ES-1. Summary of Impacts and Mitigation Measures

The following text has been added to Table ES-1.

Impact	Level of Significance	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
<u>Agricultural and Forestry Resources</u>			
<u>Impact AF-1: Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use</u>	<u>Significant</u>	<u>N/A</u>	<u>Significant and Unavoidable</u>
<u>Impact AF-2: Conflict with existing zoning for agricultural use, or a Williamson Act contract</u>	<u>Less than significant</u>		

Impact	Level of Significance	Proposed Mitigation Measure(s)	Level of Significance after Mitigation
<u>Impact AF-3: Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))</u>	<u>No impact</u>		
<u>Impact AF-4: Loss of forest land or conversion of forest land to non-forest use</u>	<u>Less than significant</u>		
<u>Impact AF-5: Other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use, or conversion of forest land to non-forest use</u>	<u>Significant</u>	<u>N/A</u>	<u>Significant and Unavoidable</u>

Section 1.1.3 Level of Detail in this Environmental Impact Report

The last sentence in the second to last paragraph has been revised as follows.

Environmental impacts cannot always be mitigated to a level that is considered less than significant. In accordance with Section 15093(b) of the CEQA Guidelines, if a lead agency approves a project that has significant impacts that cannot be mitigated (i.e., significant and unavoidable impacts), the agency cannot approve the project without specifying in writing the project benefits that justify its approval. ~~No significant and unavoidable impacts have been identified for this Draft EIR.~~

Section 2.1.1 Background

The following text is added after the second paragraph under Section 2.1.1 (Background), before Section 2.1.2 (Location).

The Housing Element, one of seven state-required general plan elements, was last updated in 2015, and does not need to be updated again until 2023. As with the General Plan update, the Housing Element will be subject to environmental review in accordance with CEQA requirements.

Section 2.3.2 Growth Forecasts

The following text along with Table 2-3. *Citywide Growth Projections* have been as follows.

Development of the General Plan update and analysis of its effects were built on certain assumptions pertaining to future growth. Based on recent detailed analysis conducted by the City, Napa is estimated to have a job/employed residents' ratio of 1.179—that is, the City has more jobs than employed residents. General Plan projections indicate that this ratio will be maintained at the General Plan horizon. Table 2-34 provides more detail on existing and projected jobs/employed residents' ratio. The General Plan provides for significant increase in

housing capacity in the community; thus, jobs/housing balance ratio in the City could improve in the future were there to be an adequate market for housing.

Table 2-3. Citywide Growth Projections

	Existing ²	Change ³	2040 Total	Percent Growth
Commercial Building Area (square feet)¹				
Retail	4,712,000	666,000 <u>631,000</u>	5,378,000 <u>5,343,000</u>	14 <u>13%</u>
Office	2,463,000	891,000 <u>817,000</u>	3,354,000 <u>3,280,000</u>	36 <u>33%</u>
Industrial	7,979,000	1,992,000 <u>1,799,000</u>	9,971,000 <u>9,778,000</u>	25% <u>23%</u>
Total	15,154,000	3,549,000 <u>3,247,000</u>	18,703,000 <u>18,401,000</u>	23% <u>21%</u>
<u>Hotel (Rooms)</u>	<u>2,590</u>	<u>1,460</u>	<u>4,050</u>	<u>37%</u>
<u>Jobs⁴</u>	<u>51,200</u>	<u>11,500</u>	<u>62,700</u>	<u>22%</u>
<u>Housing Units</u>	<u>30,700</u>	<u>7,800</u>	<u>38,500</u>	<u>25%</u>
<u>Jobs/Housing Employed Residents Ratio</u>	<u>1.19</u>		<u>1.19</u> <u>1.17</u>	<u>0%</u> <u>-2</u>
<u>Population⁵</u>	<u>79,300</u>	<u>17,900</u>	<u>97,200</u>	<u>23%</u>

Source: Dyett & Bhatia 2021.

¹ Building area rounded to the nearest 1,000. Other values rounded to the nearest 100. Totals may not add up due to rounding.

² Existing numbers sourced from State Department of Finance, State Employment Development Department, and CoStar/EPS, Inc. Hotel data provided by the City of Napa.

³ Change includes projects that are in the pipeline (approved and/or under construction) and anticipated new hotel rooms/projects net new development and major projects that are currently in the pipeline, including 1,000 hotel rooms.

⁴ Jobs calculated based on job density plus proportional growth in other categories including construction, public/education, and transportation.

⁵ Population calculated based on household size (2.5), vacancy rate (5%), and group quarters proportion (1.3%).

Section 3.1 Aesthetics

The Impact AES-2 heading should read less than significant not less than significant with mitigation as follows.

Impact AES-2: Creation of a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area (less than significant ~~with mitigation~~)

Section 3.9 Hydrology and Water Quality

The first paragraph under *Dam Failure Inundation* on page 3.9-15 is revised as follows.

The following dams serve the City: ~~Rector Reservoir, Lake Hennessey, Milliken Reservoir, Conn Creek, and Eastside Reservoirs. The State owns Rector Reservoir, and the City owns Lake Hennessey, Milliken Reservoir, Conn Creek, and Eastside Reservoirs~~ Conn Dam (at Lake

Hennessey) and Milliken Dam. The State owns Rector Reservoir, and the City owns Conn Dam and Lake Hennessey and the Milliken Dam and Reservoir.

Policy SN 3-6 on page 3.9-19 is revised as follows.

Policy SN 3-6: Work with the State to minimize risk of damage from inundation due to failure of the ~~Rector Reservoir by maintaining the dam in a safe condition~~ area's reservoirs. Maintain the dams within the City's jurisdiction, at Lake Hennessey and Milliken Reservoir, in a safe condition.

Section 3.17 Utilities and Service Systems

Policy CS-9.4 is revised as follows.

Policy CS-9.4: The City shall implement the "Water System Optimization and Master Plan" (adopted 11/97) which refines policies and implementation programs for efficient water supply, storage, and delivery for projected demand to the year 2020. These efforts shall be updated to reflect the forthcoming update to this Plan, expected in 2023, which will ~~include~~ be based on projected demands to the year 2050.

Chapter 4 Alternatives Analysis

The second to last sentence in the last paragraph under *Hydrology and Water Quality* on page 4-18 is revised as follows.

General Plan Policy SN 3-6 would require the City to work with the State to minimize risk of damage from inundation due to failure of ~~Rector Reservoir by maintaining the dam in a safe condition~~ of the area's reservoirs, and to maintain the dams within the City's jurisdiction—at Lake Hennessey and Milliken Reservoir—in a safe condition.

Section 4.1.2, Significant Impacts, has been revised as follows.

4.1.2 Significant Impacts

Alternatives provide a means of avoiding or substantially reducing the level of one or more significant impacts that would otherwise result from implementation of the Project; however, the Project would ~~not only~~ result in significant and unavoidable impacts ~~under any for the resource categories of Air Quality and Greenhouse Gas Emissions, agricultural resources, and cumulatively considerable impacts on biological resources, as~~ The General Plan policies as a whole have been designed to mitigate ~~any~~ potential impacts from implementation of the General Plan.

Chapter 5 Other CEQA Considerations

The following text has been added to Section 5.1, Cumulative Impacts.

Agricultural and Forestry Resources

The Project could lead to development of up to 473 acres of Important Farmland, as described in Impact AF-1. This conversion from agricultural land use to urban land use constitutes a significant and unavoidable impact. Further, if the City of Napa becomes fully developed within the RUL line,

some of which are currently designated Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance, could be considered for development. Napa County as a whole has strong agricultural preservation land use policies, and its 2013 Napa County General Plan promotes urban-centered growth and protections for agricultural lands (Napa County 2013). The Project's emphasis on infill growth along major corridors and within key Focus Areas fits with Napa County's policies, concentrating growth in the urban core and disincentivizing growth in surrounding farmlands. However, development pressures will likely result in the conversion of more farmland, and implementation of the Project would result in contributing farmland conversion and indirect affects to agricultural uses. Between 1990 and 2010, over 4,200 acres of greenfield development occurred in Napa County, at an average rate of about 200 acres per year, suggesting continued conversion of farmlands into the future. Therefore, the Project's contribution to this significant impact is cumulatively considerable.

The following text has been revised in the last sentence in Section 5.3 Significant and Unavoidable Impacts.

All impacts identified in Chapter 3, *Impact Analysis*, of this Draft EIR, are less than significant or less than significant with implementation of mitigation, with the exception of air quality and greenhouse gas emissions, and agricultural resources which are significant and unavoidable.

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