

NAPA COUNTY HOUSING ELEMENT UPDATE

Response to Comments / Final Environmental Impact Report

Prepared for
Napa County

December 2022



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CHAPTER 1

Introduction

This Final Environmental Impact Report (EIR) has been prepared by the County of Napa (“County”) (Lead Agency) pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to present the environmental analysis of the proposed Napa County Housing Element Update Project (“HEU” or “Project”) to the public for review and for agency decision-makers to use in their consideration of the HEU.¹ This chapter summarizes the CEQA process for the HEU, explains the CEQA context for this Final EIR and new information provided herein, and describes the organization of this document.

1.0 CEQA Process

1.0.1 Notice of Preparation

Pursuant to the requirements of CEQA for the initiation of environmental review, on January 24, 2022, the County sent a Notice of Preparation (NOP) to the State Clearinghouse, responsible and trustee government agencies, organizations, and individuals potentially interested in the Project. The NOP requested that agencies with regulatory authority over any aspect of the Project describe that authority and identify relevant environmental issues that should be addressed in the EIR. Interested members of the public were also invited to comment. The comment period for the NOP extended from January 24, 2022 to February 25, 2022, during which time, the County accepted written comments on the scope of the EIR. A scoping meeting was held by the County Planning Commission on February 16, 2022 to accept oral comments.

The NOP and the comments received on the NOP are included in **Appendix A** of this EIR. As discussed in the NOP and pursuant to the provisions of CEQA, the County did not prepare a CEQA Initial Study prior to preparation of the EIR, because the County determined that it was clear at the time of the issuance of the NOP that an EIR was required (CEQA Guidelines Section 15060[d]).

1.0.2 Notice and Public Review of the Draft EIR

The County issued a Notice of Availability (NOA) of the Draft EIR on August 23, 2022, announcing the availability of the Draft EIR for public review and comment. The NOA noticed a 45-day public review and comment period on the Draft EIR, starting Tuesday August 23, 2022,

¹ The *California Environmental Quality Act* can be found in the California Public Resources Code, Section 21000 et seq. The State CEQA Guidelines, formally known as the *Guidelines for California Environmental Quality Act*, can be found in the California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.

ending on Friday October 7, 2022. During the public review and comment period on the Draft EIR, a public hearing at the Napa County Planning Commission was held on Wednesday, October 5, 2022. Late written comments were also received and accepted through October 11, 2022.

The City encouraged agencies and interested parties to submit written comments on the Draft EIR to the Napa County Planning, Building, and Environmental Services Department by email, first class mail, facsimile, or in person. By the end of the comment period, the City received 35 comment letters. A list of the commenters is provided in Chapter 2, Section 2.1, *List of Commenters*, of this Final EIR.

1.0.3 Response to Comments / Final EIR

The County has prepared written responses to comments received during the public review and comment period for the Draft EIR. These comments and the “Response to Comments” are provided in Chapter 3 of this Final EIR. Chapter 3 provides all written comments (submitted by email) together with oral comments received at the hearing conducted by the Napa County Planning, Building, and Environmental Services Department.

In addition to providing the comments and responses to comments on the Draft EIR, this document includes necessary updates and other modifications and clarifications to the text and exhibits in the Draft EIR in Chapter 4, *Errata to the Draft EIR*. The Draft EIR, together with the comments, responses to comments, and other information included in this Response to Comments document constitutes the Final EIR, consistent with State CEQA Guidelines Section 15132, *Contents of Final Environmental Impact Report*. Due to the large volume of text contained in the Draft EIR and its appendices, this Response to Comments/Final EIR does not contain the full text of the Draft EIR, which remains available in a separate volume and is included here by reference.

The Draft EIR, this Response to Comments / Final EIR, and all supporting technical documents can be found on the County’s website at: <https://www.countyofnapa.org/3250/2022-Housing-Element-Update> and on the State Clearinghouse Website at: <https://ceqanet.opr.ca.gov/2022010309>.

1.1 Intended Use of the Final EIR

The County of Napa, as Lead Agency, will make the decision whether to certify the Final EIR in accordance with Section 15090 of the State CEQA Guidelines. Before the County may approve the proposed Project, it must independently review and consider the information contained in the Final EIR, certifying that the Final EIR adequately discloses the environmental effects of the HEU, that the Final EIR has been completed in conformance with CEQA, and that the decision-making body of the Lead Agency independently reviewed and considered the information contained in the Final EIR. Certification of the Final EIR would indicate the County’s determination that the Final EIR adequately evaluated the environmental impacts that could be associated with the HEU.

Once complete and certified, the Final EIR will provide the CEQA compliance documentation upon which Napa County’s consideration of, and action on, all applicable land use permits and other approvals (collectively, “approvals”) for the proposed Project may be based.

The Final EIR will also provide the CEQA compliance to be relied upon by Responsible Agencies and Trustee Agencies in considering and acting upon other project approvals under their jurisdiction.

1.2 Mitigation Monitoring and Reporting Program

Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15097 (*Mitigation Monitoring or Reporting*) require public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of specified environmental findings related to and EIR (also mitigated negative declarations). Accordingly, as Lead Agency, the City has prepared a MMRP for the proposed HEU; the MMRP is included as **Appendix A** to this this document.

The intent of the MMRP is to track and successfully implement the mitigation measures identified within the Final EIR and adopted as part of the Project to avoid or mitigate significant effects on the environment. The MMRP is designed to ensure compliance with the mitigation measures during and after Project implementation. If the City decides to approve the Project, it would adopt the MMRP at the time of Project approval and would be responsible for conducting the monitoring included in the MMRP for the life of the Project. An introduction describing the components of the MMRP and terms used therein is included as part of Appendix A.

1.3 New Information in the Final EIR

Responses to comments received on the Draft EIR focus on comments that pertain to the adequacy of the analysis in the Draft EIR or to other aspects pertinent to the potential effects of the Project on the environment pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. Where comments have triggered changes to text or exhibits in the Draft EIR, these changes appear as part of the specific response and are consolidated in Chapter 4, *Errata to the Draft EIR*.

If “significant new information” is added to an EIR after a notice of public review of the Draft EIR document has been given (in this case, August 23, 2022, for the Draft EIR), but before final certification of the EIR, the Lead Agency must issue a new notice and recirculate the Draft EIR for further comment and consultation. State CEQA Guidelines Section 15088.5 (*Recirculation of an EIR Prior to Certification*), specifies the following:

“Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; or
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.”

None of the changes to the Draft EIR identified in this document meet any of the above conditions. Therefore, recirculation of any part of this Final EIR not required. The information presented in the Draft EIR and this document support this determination by the County.

1.4 Organization of This Final EIR

Following this **Chapter 1, *Introduction***, this Response to Comments / Final EIR is organized as described below:

- **Chapter 2, *Roster of Commenters*** – This chapter presents a roster showing each public agency, organization, or individual that provided comments on the Draft EIR generally during the public review and comment period for the Draft EIR.
- **Chapter 3, *Comments and Responses*** – This chapter presents copies of the written comments received by email during the public review and comment period on the Draft EIR. Specific responses to the individual comments in each correspondence are provided after each letter. Additionally, this chapter includes responses to verbal comments received on the Draft EIR at the Napa County Planning Commission meeting held on Wednesday, October 5, 2022. Responses are presented to summarized verbal comments, grouped by topic.
- **Chapter 4, *Errata to the Draft EIR*** – This chapter presents all updates made to provide clarification, amplification, and corrections to the text and exhibits in the Draft EIR - changes either initiated by County staff or responses to comments received during the public review and comment period on the Draft EIR. Changes that respond to specific comments are also stated or referenced in the corresponding response provided in Chapter 3, *Comments and Responses*.
- **Appendices** –The appendices include the MMRP for the HEU, an Informational/Non-CEQA Traffic Level of Service Study, a transcript of the Planning Commission meeting, and a revised version of Draft EIR Appendix C.

CHAPTER 2

Roster of Commenters

2.0 Introduction

This chapter lists each public agency, Native American Tribe, organization, and individual that provided comments on the Draft EIR generally during the public review and comment period for the Draft EIR, which began on August 23, 2022, and ended on October 7, 2022. Late written comments were also received and accepted through October 11, 2022. The comments addressed in this Final EIR are presented in the order of the commenters listed in **Table 2-1** below.

Commenters have an alphabetic designation that corresponds to the category of commenter, such as “A” for public agencies. A number follows the alphabetic designation to indicate the sequence of the comment submissions. For example, “A-1” is the first public agency comment submission identified, as shown below. Specific comments within each correspondence also are identified by a numeric designator that reflects the numeric sequence of the specific comment within the correspondence (e.g., “A-3-3” for the third comment in Comment Letter A-3). Section 3.3, which follows in the next Chapter 3, reproduces each letter with the numeric comment brackets indicated, followed by the responses to each comment.

2.1 List of Commenters

**TABLE 2-1
COMMENT LETTERS RECEIVED CONCERNING THE DRAFT EIR**

Designator	Name/Entity	Author(s) of Comment Letter/e-mail	Date Received
Agencies and Native American Tribes			
A-1	California Department of Fish and Wildlife (CDFW)	Erin Chappell, Regional Manager, Bay Delta Region	October 4, 2022
A-2	City of Napa	Steve Potter, City Manager	October 6, 2022
A-3	Yocha Dehe Wintun Nation	Laverne Bill, Director of Cultural Resources	October 7, 2022
Organizations			
O-1	Keep Napa's Gateways Green	Christiane Robbins	October 7, 2022
O-2	SaveHedgeside.com	SaveHedgeside.com, A Neighborhood Group	October 7, 2022
O-3	The Foundation for Responsible Development	Ashley Sherwani	October 7, 2022
Individuals			
I-1	Steve Matthiasson		September 25, 2022
I-2	Dan Hurst (1)		September 27, 2022
I-3	Eric Ewig		October 3, 2022
I-4	Todd Ballard		October 4, 2022
I-5	Janice Ballard		October 4, 2022
I-6	Lorri and Brandon Sax		October 4, 2022
I-7	Rob La Monica		October 4, 2022
I-8	Randy Principe		October 4, 2022
I-9	Laurie Principe		October 4, 2022
I-10	John Fruehe		October 6, 2022
I-11	Parsons		October 6, 2022
I-12	Daljit Johl and Keith Donatto		October 6, 2022
I-13	Garrett Buckland		October 7, 2022
I-14	Heidi Vivan		October 7, 2022
I-15	Parry Murray		October 7, 2022
I-16	Natalie Greenberg		October 7, 2022
I-17	Karen Lynch		October 7, 2022
I-18	JC Greenberg (1)		October 7, 2022
I-19	JC Greenberg (2)		October 7, 2022
I-20	Gina and Sam Chandler		October 7, 2022
I-21	Dan Hurst (2)		October 7, 2022
I-22	William Stevens		October 7, 2022
I-23	Bill Murray		October 7, 2022
I-24	Joe Kobylka		October 7, 2022

**TABLE 2-1
COMMENT LETTERS RECEIVED CONCERNING THE DRAFT EIR**

Designator	Name/Entity	Author(s) of Comment Letter/e-mail	Date Received
I-25	Chris and Molly Mausser		October 7, 2022
I-26	Johanna O'Kelley		October 7, 2022
I-27	Yvonne Rasmussen		October 7, 2022
I-28	Jessica McDonald		October 9, 2022
I-29	Kellie Anderson		October 11, 2022

Public hearings to receive verbal comments on the Draft EIR were held at the Napa County Planning Commission (PC) meeting held on Wednesday, October 5, 2022. **Table 2-2** below lists persons who provided verbal comments at the PC Public Hearing on the Draft EIR, held on Wednesday, October 5, 2022. Nine members of the public provided comments on the Draft EIR during the meeting. A summary of comments raised by the public and by members of the PC during the PC Public Hearing and responses to comments are provided in Section 3.4 of Chapter 3, *Comments and Responses*.

**TABLE 2-2
PLANNING COMMISSION PUBLIC SPEAKERS AND COMMISSIONERS**

Planning Commission Public Hearing – August 3, 2022	
Public Speakers	
<ul style="list-style-type: none"> • Jessica McDonald • Todd Ballard • J.C. Greenberg • Ashley Sherwani • Garrett Buckland 	<ul style="list-style-type: none"> • William Murray • Dan (on the phone) • Jim Wilson • Johanna O'Kelley
Planning Commissioners	
<ul style="list-style-type: none"> • Commission Chair Dameron • Commissioner Catrell • Commissioner Gallagher 	

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CHAPTER 3

Comments and Responses

3.1 Introduction

This section contains the comment letters, emails, and oral comments received on the Draft EIR. Following each comment letter is a response by the County intended to supplement, clarify, or amend information provided in the Draft EIR or refer the reader to the appropriate place in the document where the requested information can be found. Responses focus on comments that pertain to the adequacy of the analysis in the EIR or to other aspects pertinent to the potential effects of the HEU on the environment pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. Where comments have triggered changes to the Draft EIR, these changes appear as part of the specific response and are consolidated in Chapter 4, *Errata to the Draft EIR*, where they are listed in the order that the revision would appear in the Draft EIR document.

3.2 Master Responses

A set of master responses were developed to address common topics raised in comment letters received on the Draft Environmental Impact Report (EIR). Although not required by the California Environmental Quality Act (CEQA), the Master Responses presented in this section are intended to comprehensively address an issue, as well as improve the readability of the document by reducing repetition and numerous cross-references throughout the individual responses presented in Section 3.3, *Responses to Individual Comment Letters*.

For each Master Response, the individual comments addressed, entirely or in part, by that Consolidated Response are identified at the start of the response. As the intent is to provide a holistic response, the reader should be aware that only portions of one or more Master Responses may be directly applicable to any given comment. The Master Responses shown in **Table 3-1** are presented in this chapter.

**TABLE 3-1
LIST OF MASTER RESPONSES**

Response #	Title of Response	Page of Response
Master Responses		
1	Water Service	3-2
2	Wildfire and Emergency Evacuation	3-6
3	Bishop Housing Site – Pedestrian and Bicycle Safety	3-13
4	Bishop Housing Site – Flooding Concerns	3-16
5	Bishop Housing Site – Noise Concerns	3-19
6	Bishop Housing Site – Biological Resources Concerns	3-23
7	Bishop Housing Site – Sewer Service	3-26
8	General Non-CEQA	3-27
9	Recirculation of the Draft EIR	3-29

Master Response 1: Water Service

Comments received on the Draft EIR expressed concerns about the availability of water service from municipal service providers, as well as questions and concerns about potential groundwater use if water supply cannot be obtained from the City of Napa. Specific concerns related to the proposed Bishop housing site were also received regarding groundwater use in a groundwater deficient area and related concerns about groundwater recharge. These issues are discussed in this master response.

As discussed in Section 4.16 of the Draft EIR, water service for multifamily housing sites were assumed to be from the following sources:

- Spanish Flat: Spanish Flat Water District (SFWD)
- Northeast Napa: City of Napa (sites are within the City of Napa’s Water Service area)
- Imola Avenue: City of Napa (site is within the City of Napa’s Water Service area)
- Foster Road: City of Napa (site would be annexed to the City prior to occupancy)

It is a State requirement that multifamily sites included in the housing sites inventory must have access to existing or planned water, sewer, and other dry utilities with sufficient capacity available to support housing development (see Draft EIR p. 3-10). Due to the proximity of existing City of Napa and SFWD water infrastructure, as well as the reasonably foreseeable supply availability from these providers, these sites were included in the housing sites inventory. SFWD is assumed to have sufficient water supplies available to serve the housing site at Spanish Flat, as the water demand would represent approximately 13 percent of the excess demand of SFWD’s water supply entitlement. The approximately 258 potential units that could be developed at sites assumed to connect to City of Napa water service would demand approximately 0.66 percent of the City of Napa’s average supply at buildout, and is assumed to likely be accommodated in

normal years.¹ In dry years, the City of Napa expects to manage minor supply deficits via its Water Shortage Contingency Plan and the development of project sites at Northeast Napa, Imola Avenue, and Foster Road would be subject to the same demand reduction measures.²

As discussed in Draft EIR Section 4.16, Mitigation Measure UTL-1 would require that subsequent projects submit evidence to the County that sufficient water supply is available to serve the projected project demand prior to the issuance of any project approvals. However, Mitigation Measure UTL-1 would not reduce the impact to less than significant as the provision of water services are subject to review and approval by another agency. Because the connection to the City of Napa water system is subject to the review and approval of the City of Napa, the measure would reduce the severity of the impact, but not to a level that is less than significant. For these reasons, the CEQA impact related to water supply was determined to remain significant and unavoidable.

Under the scenario that City of Napa water service is denied for development on the proposed multifamily housing sites, the County would have to look at alternative water supply. One alternative to municipal water service would be groundwater supplied by on-site wells. However, as discussed in Draft EIR Section 4.10, *Hydrology and Water Quality*, the Napa Valley subbasin, though not currently in condition of critical overdraft, is a high priority groundwater basin.³ Moreover, the Lower Milliken-Sarco Tulocay (MST) subarea of the Napa Valley subbasin is recognized as a groundwater deficient geographic area (Draft EIR p. 4.10-24).

The proposed Northeast Napa sites are within the MST subarea. Napa County requires a groundwater permit for discretionary projects in designated groundwater deficient areas, including the MST subarea. Permit applicants must provide documentation showing zero net increase of groundwater use within the MST subarea or groundwater use consistent with 0.3-acre feet/acre for residential uses, whichever is less. Permits also include requirements for metering production wells and reporting groundwater use. Additionally, the Napa County Groundwater Conservation Ordinance contains permit requirements for the use of groundwater. These local requirements, along with additional measures such as the delivery of recycled water for agricultural use, have been effective in stabilizing the subarea (Draft EIR p. 4.10-27).

Consistent with Mitigation Measure UTL-1, which requires Project sponsors submit evidence to the County that sufficient water supply is available to serve the projected demand of proposed multifamily housing development prior to the issuance of any approvals, a project applicant at the time a development on either of the Northeast Napa sites is proposed, would be required to submit a Water Availability Analysis (WAA). The WAA requires sufficient information and supporting documentation to enable the County to determine that the proposed project would not

¹ The Foster Road site is located within the City's Rural Urban Limit which is an area of the unincorporated County long identified for annexation and development within the City of Napa. The City of Napa's ongoing General Plan Update anticipates this happening over time and proposes policies to govern planning, development, and future annexation. Therefore, the development of 100 residential units at Foster Road would be included in the City of Napa's UWMP projections (Draft EIR p. 4.16-23).

² It is noted that for the Northeast Napa and Imola Avenue sites, while water service is located nearby, obtaining water from the City of Napa would require approval from the City Council.

³ Groundwater basins are prioritized under the Sustainable Groundwater Management Act (SGMA) by the California Department of Water Resources (DWR) and ranked from very low to high priority.

significantly affect groundwater resources in the proposed area. In the absence of approval of a groundwater use permit, a proposed project could not proceed, and as such, the conclusion of the Draft EIR with respect to water supply would remain unchanged.

Since the approval of a groundwater use permit would be required for specific future residential developments, and a permit cannot be granted unless evidence of zero net increase of groundwater use within the MST subarea is provided, the proposed HEU would not substantially decrease groundwater supplies such that development may impede sustainable groundwater management of the basin, nor would it conflict with or obstruct implementation of the Napa Valley Subbasin Groundwater Sustainability Plan.

Additionally, the proposed HEU under this scenario would not interfere substantially with groundwater recharge in these areas, as development would also be subject to the Napa County Stormwater Management and Discharge Control Ordinance, which may include limits on impervious area dimensions, quantities or locations, and/or provisions for detention and retention of runoff on-site in order to control stormwater runoff and encourage groundwater recharge. Only a 5-acre portion of a 24.5-acre parcel at the Bishop housing site is assumed for development, and under the proposed RM zoning district provisions, not less than 40 percent of the lot would be reserved for common use space. Additionally, County Code Section 18.108.027 ensures that a minimum level of vegetation would be maintained on-site on lands that are in sensitive water supply drainages.

The discussion in Sections 4.10 and 4.16 has been revised to reflect this scenario as follows:

1. On p. 4.10-24 of the Draft EIR (new text is underlined):

As unincorporated Napa County relies primarily on groundwater and demand associated with the HEU is not currently known, the residential development has the potential to impact groundwater sustainability of the Napa Valley subbasin and the groundwater deficient MST subarea. Single family homes considered under the HEU would be dispersed throughout the County and subject to the Napa County Groundwater Conservation Ordinance, which requires that applicant's demonstrate adequate groundwater availability to obtain applicable permits. Multi-family housing sites would not be expected to be reliant upon groundwater. As described in Section 4.16, Utilities, water supply for these projects would be assumed to be provided from local municipal water districts and/or through State Water Project entitlements. Water supplied through the City of Napa operational water boundary would be subject to Water Supply Contingency Plan conditions, which adaptively manage water use during drought scenarios. However, in the event that City of Napa water service is denied, and groundwater is proposed as an alternative source, a proposed multi-family residential development would be subject to the Napa County Groundwater Conservation Ordinance and County permit requirements for the use of groundwater. The permit requirements ensure that groundwater supplies would not be substantially decreased in the MST subarea. These regulations require that permit applicants provide documentation showing zero net increase of groundwater use within the MST subarea and groundwater use

- consistent with 0.3-acre feet/acre for residential uses. A groundwater use permit could not be approved if evidence of zero net increase of groundwater use within the MST subarea is not provided. Therefore, the HEU would not substantially deplete groundwater resources or substantially interfere with groundwater recharge. Impacts would be **less than significant**.
2. On p. 4.10-27 of the Draft EIR (new text is underlined; removed text is in ~~strike through~~):
- As discussed in the setting, unincorporated Napa County relies primarily on groundwater and demand associated with the HEU is not currently known. Single family homes dispersed throughout the County would be subject to local regulatory controls such as the Napa County Groundwater Conservation Ordinance, which contains permit requirements for the use of groundwater. As described in Section 4.16, Utilities, and discussed under Impact HYD-2, multi-family homes considered under the HEU would not be expected to utilize groundwater. However, in the event that City of Napa water service is denied, and groundwater is proposed as an alternative source, a proposed multi-family residential development would be subject to the Napa County Groundwater Conservation Ordinance and County permit requirements for the use of groundwater. The permit requirements ensure that groundwater supplies would not be substantially decreased in the MST subarea. Therefore, the HEU would not conflict associated with the Napa Valley Subbasin Groundwater Sustainability Plan. Impacts would be **less than significant**.
3. At the end of p. 4.16-16 of the Draft EIR (new text is underlined):
- Chapter 13.15 of the County Code implements the Napa County Groundwater Conservation Ordinance which is intended to regulate, to the maximum extent possible, the extraction and use of groundwater resources in Napa County and to prohibit extraction for wasteful, unreasonable or non-beneficial purposes in order to promote groundwater conservation and the use of Best Management Practices and maximize the long-term beneficial use of the county's groundwater resources, thus serving to enhance environmental quality and protect the public health, safety and welfare of the citizens of Napa County. See Section 4.10, *Hydrology and Water Quality*, for more information.
4. At the end of p. 4.16-23 of the Draft EIR (new text is underlined):
- Multi-family residential development under the HEU is assumed to connect to municipal water service. Due to the proximity of existing City of Napa water infrastructure, as well as the reasonably foreseeable availability of supply from this provider, the Northeast Napa and Imola Avenue sites were included in the housing sites inventory. However, in the unlikely event that City of Napa water service is denied, and groundwater is proposed as an alternative source, any future multi-family residential development would be subject to the Napa County Groundwater Conservation Ordinance and County permit requirements for the use of groundwater. A permit cannot be granted unless documentation is provided showing zero net increase of groundwater use within the MST subarea or groundwater use consistent with 0.3-acre feet/acre for residential uses, whichever

is less. This is consistent with the requirements of Mitigation Measure UTL-1, where Project sponsors must submit evidence to the County that sufficient water supply is available to serve the projected demand of proposed multifamily housing development prior to the issuance of any approvals. In the absence of approval of a groundwater use permit, a proposed project could not proceed.

The additions above do not affect the conclusions of the Draft EIR. None of the comments that were submitted during the Draft EIR's circulation period have raised any new environmental issues or presented any significant new information that has not already been adequately described and evaluated in the Draft EIR, or effectively supplemented and clarified in this response. Therefore, no further response is required. See Master Response 9, *Recirculation of the Draft EIR*, for further details. Regardless, all comments, will be forwarded to the applicable decisionmakers as they consider approval of the HEU.

Master Response 2: Wildfire and Emergency Evacuation

Comments received on the Draft EIR expressed concerns with the HEU's effects on emergency evacuation and wildfire in the County, particularly for those areas located in or near designated Fire Hazard Severity Zones and/or areas with limited or constrained evacuation routes. As discussed in the Draft EIR, in general, nearly all of Napa County outside of the incorporated city limits are within a designated Fire Hazard Severity Zone. Draft EIR Table 4.17-1, is repeated here for reference, which describes the extent of Fire Hazard Severity Zones within and adjacent to the HEU's proposed housing sites, with those sites where Fire Hazard Severity Zones are present shown in **bold** (Draft EIR p. 4.17-2).

**DRAFT EIR TABLE 4.17-1
FIRE HAZARD SEVERITY ZONES**

HEU Planning Area	Fire Hazard Severity Zones in Planning Area
1 – Spanish Flat	Moderate SRA Fire Hazard Severity Zone throughout entire planning area, adjacent to VHFHSZs
2 – Northeast Napa Sites	No designated VHFHSZs in planning area, adjacent to VHFHSZs
3 – Imola Avenue	Moderate SRA Fire Hazard Severity Zone throughout entire planning area
4 – Foster Road Sites	No designated VHFHSZs in planning area, adjacent to moderate SRA Fire Hazard Zones

SRA = State Responsibility Area

VHFHSZ = Very High Fire Hazard Severity Zone

Generally, commenters expressed concern about existing constraints to evacuation and the impact on evacuation times that could occur as a result of increased population growth and the corresponding increase in the numbers of vehicles if the HEU is implemented. This master response also addresses guidance released after circulation of the Draft EIR by California Attorney General Rob Bonta concerning analysis of wildfire impacts on development projects.

That document, *Best Practices for Analyzing and Mitigation Wildfire Impacts of Development Projects Under the California Environmental Quality Act*,⁴ was issued on October 10, 2022.

Emergency Response and Evacuation Plans

The topics of wildfire and emergency evacuation are discussed in Section 4.17, *Wildfire*, of the Draft EIR. This section includes the environmental setting and regulatory setting, then a description of wildfire and emergency evacuation thresholds of significance related to this topic as defined in the CEQA Guidelines. As presented there, one specific threshold question is whether the project would “substantially impair an adopted emergency response plan or emergency evacuation plan”; the key question in determining the level of impact is whether or not the HEU would interfere with or impair implementation of a *plan*. As noted on Draft EIR page 4.17-11, Impact HAZ-3 in Section 4.9, Hazards and Hazardous Materials evaluates the potential for the Project to impair implementation of an emergency response plan or emergency evacuation plan. As evaluated in the Hazards and Hazardous Materials section, construction of future housing projects would be subject Napa County Section 12.04.100, *Traffic Control*, including encroachment permits and/or traffic control measures as applicable. Regarding the operation of future housing, the proposed housing sites would not alter the overall land use patterns or land use designations to such an extent that would conflict with County or city emergency response and/or evacuation plans. In addition, the projects would be within the area of two emergency response plans and hazard management plans: 1) the Napa County Emergency Operations Plan (EOP), that provides Emergency Operations Center (EOC) responders with procedures, documentation, and user friendly checklists to effectively manage emergencies, and 2) the Napa County Multi-Jurisdictional Hazard Management Plan (HMP), that includes strategies which help to ensure effective emergency response to significant hazards, including wildfire hazards. These impacts were found to be less than significant.

Evacuation Times

Neither the EOP nor the HMP identify specific emergency response or evacuation routes; the routes depend on the location and nature of the emergency (Draft EIR p. 4.17-4). In response to state law requirements and community concerns, as noted in section 4.17.2, Environmental Setting, Fehr & Peers completed a general, programmatic assessment of emergency evacuation routes, specifically in the event of a wildfire, for the County of Napa, included as Appendix E of the Draft EIR.⁵ For informational purposes, beginning on Draft EIR p. 4.17-11, the analysis section summarizes potential changes to evacuation routes with implementation of the future housing projects considered as part of the proposed project. There is no state or local adopted CEQA criteria that establishes a numerical standard or threshold to determine if, with implementation of a project, an increase in the amount of time required to evacuate an area is excessive or significant.

⁴ State of California, Office of the Attorney General. 2022. *Best Practices for Analyzing and Mitigation Wildfire Impacts of Development Projects Under the California Environmental Quality Act*. October 10, 2022. Available online at: <https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf>. Accessed December 6, 2022.

⁵ Fehr & Peers. Draft Memorandum, County of Napa AB 747 Emergency Evacuation Assessment. April 15, 2022. Also included as Appendix B of the Safety Element Update: <https://www.countyofnapa.org/DocumentCenter/View/26489/DRAFT-Safety-Element-Update-for-Public-Review-2022-PDF>

Methodology

Future residential development could incrementally increase traffic volumes on roads used for emergency evacuation, Fehr & Peers mapped areas of the County with only one evacuation route and analyzed evacuation access County-wide by reviewing the distance evacuees must travel during an evacuation event. The assessment measured distances from each point along the County roadway network to designated evacuation zones in each of three scenarios, which differed based on the extent of evacuations. Eight critical evacuation zones of the highest concern were identified:

- The community of Angwin;
- The community of Berryessa Highlands, located on the south shore of Lake Berryessa and accessible via Steele Canyon Road;
- The community of Berryessa Estates, located on the northern fork of Lake Berryessa formed by Putah Creek and accessible via Stagecoach Canyon Road;
- The Calistoga area;
- The Saint Helena area;
- The Yountville area;
- The areas on the western shore of Lake Berryessa, including Spanish Flat; and
- The foothill areas northeast of the City of Napa, along Monticello Road bound roughly in the west by Silverado Trail, including Vichy Springs and Silverado Resort.

The assessment identified routes to the evacuation destinations of each of the eight critical evacuation zones being analyzed. The Spanish Flat, Bishop, and Altamura housing sites are located in one of the eight critical evacuation zones.

Next, Fehr & Peers reviewed the capacity of the transportation during an evacuation event for each of the eight zones. This section includes multiple assumptions, including: No “shelter in place” – all residents, and; adequate staff would be available to control traffic at key intersections; and prohibit through traffic from entering the evacuation zones; employees and visitors must evacuate from these zones; 100 percent occupancy of households; vehicle ownership per household; and number of employees. It also identifies roadways that would be unsuitable for general evacuation planning purposes.

As described in the Fehr & Peers Programmatic Assessment, a critical factor in the success of an evacuation is the length of time it takes all evacuees to clear an area under threat. Conceptually, the time it takes to evacuate a given area is dictated by key capacity constraints along the roadway system, otherwise known as “bottlenecks”. Note that multiple bottlenecks may be present over the course of an evacuation route, and the high-level programmatic analysis in this assessment only considers a limited number of regional bottlenecks.

Routes to respective evacuation destinations were identified for each of the eight evacuation zones being analyzed. For each zone, a roadway link from the Solano Napa Activity-Based Model (SNABM) that represents the bottleneck segment on its evacuation route was identified as its “evacuation gateway.” For example, in the scenario relevant to the HUE proposed housing sites, State Route 121 (between Berryessa Highlands and Wooden Valley Road) is considered the evacuation gateway for the Spanish Flat site, and State Route 121 (between Vichy Avenue and Silverado Trail) is considered the evacuation gateway for the Northeast Napa sites for the assumed evacuation destination of the City of Napa.⁶ Each evacuation gateway has a fixed capacity (usually noted in vehicles per hour), and dividing the gateway capacity into the total evacuation vehicle demand yields the time it takes for all vehicles to pass through the gateway from the evacuation zone.

At the Programmatic Level that the assessment was performed, the intent is to provide the County with a broad “planning level” assessment of the capacity of the transportation system during an evacuation scenario. As such, relatively minor or collector roadways, such as Hedgeside Avenue, were not included at this scale of analysis since it is not considered an external evacuation gateway that facilitates regional-scale evacuation. The County will take care in planning and implementing any potential evacuation scenario and this assessment is one way to help the County better prepare for those events.

Analysis

With implementation of the future housing projects considered in the Draft EIR, evacuation times would increase. As discussed in the memo prepared by Fehr & Peers and Section 4.17 of the Draft EIR, the current estimated evacuation demand for the Spanish Flat and Berryessa Highlands area is 1,110 vehicles, and the current estimated time required for vehicles to pass through the “gateway,” which is the route capacity at a given point expressed in terms of vehicles per hour, is 41 minutes (0.69 hours) based on total vehicle demand and 19 minutes (0.32 hours) based on an assumption of only one vehicle per household. The addition of 100 housing units on the Spanish Flat site would increase the current evacuation demand from Spanish Flat, which is currently estimated at 132 households and 307 vehicles. The increased evacuation demand under the HEU is estimated to be 100 additional households, for a total of 232 households (i.e., 132 + 100 new units) and 540 vehicles, and the evacuation demand from Spanish Flat would combine with demand from hillside areas on the western shore of Lake Berryessa (estimated to include 504 households in total). The addition of 100 units would add to the time required to evacuate through the “gateway” by approximately 9 minutes (0.15 hours), and 4 minutes (0.06 hours).

For the Northeast Napa area, where the Bishop and Altamura housing sites would be located, the current estimated time to evacuate the area, as well as additional areas that would be likely to evacuate under the worst-case scenario assumed for the analysis (Saint Helena, Calistoga, and Yountville), would be 4 hours and 43 minutes (4.71 hours) with a total vehicle demand evacuation and 1 hour and 53 minutes (1.88 hours) under a one vehicle per household evacuation. The Bishop and Altamura housing sites would add approximately 158 housing units, increasing

⁶ Note that evacuation gateways can be associated with multiple zones that must use it to evacuate; similarly, depending on the evacuation scenario, an evacuation zone can be associated with multiple evacuation gateways if the evacuation route from that zone passes through multiple gateways to reach its evacuation destination.

the current evacuation demand from Northeast Napa, which is estimated as 1,377 households and 3,602 vehicles. The revised evacuation demand created by the HEU would be 1,535 households (i.e., 1,377 + 158 new units) and 3,920 vehicles, and the evacuation demand from Northeast Napa would combine with demand from Spanish Flat and the hillside areas on the western shore of Lake Berryessa (estimated to include 604 households in total with implementation of the HEU). Based on this analysis, the addition of 158 units would add to the time required to evacuate thru the “gateway” by approximately 30 minutes (0.51 hours), and 15 minutes (0.26 hours) if only one vehicle per household were to evacuate (Draft EIR pp. 4.17-12 – 4.17-14). The “Time Required on the Gateway Link to Evacuate” is the estimated time required to clear all vehicles at the gateway. Note that this time estimate is not an estimated average travel time for evacuees traveling from the evacuation zone to the evacuation destination, nor is it the estimated travel time through the roadway link segment that makes up the gateway. Instead, it reflects the comparison between the evacuation demand of the zones served by that gateway and provides a rough estimate for the time it would take for the specified number of vehicles to pass through the gateway given its roadway capacity. It is important to also note that the emergency evacuation assessment conservatively assumes that roadway capacities during evacuation events will be as they are in normal conditions, and not be increased by measures such as the implementation of contraflow lanes.

CEQA Criteria

As stated previously, the applicable threshold of significance under CEQA is whether or not implementation of the HEU would substantially worsen an existing condition such that it would “substantially impair an adopted emergency response plan or emergency evacuation plan.” There are currently no established numerical standards or thresholds to determine if the amount of time required to evacuate an area is excessive. Regardless, CEQA is only concerned with a proposed project’s impact as compared to the existing conditions. CEQA requires that an EIR analyze “any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected. For example, the EIR should evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., ... wildfire risk areas), including both short-term and long-term conditions ...” [CEQA Guidelines Section 15126.2(a)]. (a.) “[W]hen a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project’s impact on the environment— and not the environment’s impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions.” (*California Building Industry Assn. v. Bay Area Air Quality Management District*)

With respect to increases in evacuation delay brought about by additional development, two recent appeals court decisions are informative regarding wildfire and emergency evacuation. In *League To Save Lake Tahoe Mountain Area Preservation Foundation. v. County of Placer*, the court that held that quantitative evacuation travel time assessments may satisfy the need to study

a project's effect on wildfire evacuation times for the surrounding area.⁷ As detailed above, the County has undertaken such an analysis and presented the results to the public and the County's decision-makers.

The *League To Save Lake Tahoe* decision also made the following finding with respect to the analysis contained in that project's EIR, when it noted the following about Placer County's Final EIR:

The Final EIR stated "the proposed project, or any project that adds people to an area, would increase the amount of time to complete an evacuation." But the Final EIR then stated "this does not necessarily generate a safety risk. Emergency personnel who issue an evacuation order take into account the time needed to implement an evacuation when determining when and where to issue evacuation orders. For events like wildfires, the fires are tracked from the moment of discovery, and risk to nearby development is assessed on a regular basis. Hours or days of lead time could be available to assess risk and make evacuation determinations. During these periods, peak occupancy conditions typically do not occur as drifting smoke, awareness of the risk, or other factors result in people avoiding the area." From this additional analysis, the County's Final EIR concluded that the project's impact on emergency evacuation plans would be less than significant.

The court determined that the Final EIR's analysis and disclosure of increased evacuation times resulting on the project constituted substantial evidence to support Placer County's determination that the project's impact would be less than significant. Notably, the decision stated that:

The project would not interfere with the County evacuation plan's planned operation. The project would not cut off or otherwise modify any of the County's evacuation routes. Nothing in the project itself or other cumulative projects would prevent or interfere with the county evacuation plan such that an evacuation could not occur.

A similar finding was made in a previous appeals court decision, also in Placer County. In *Sierra Watch v. County of Placer*, the court stated that it "declined to conclude that the EIR's estimation of 'evacuation time by itself' required Placer County to find the project's potential impacts significant."⁸ The court pointed to the specific context of the project and its location relative to risk of wildfire. The Court essentially found, based on evidence within the record, and even though modeled evacuation times were projected to increase by as much as 70 percent with the project, that the project was unlikely to be impacted by a fast-moving wildfire that would require a mass and sudden evacuation.

While complete buildout of the HEU, and/or of a project that adds people to specific areas of the County, could increase the amount of time needed to complete an evacuation, the key question is whether the increase would be substantial, such that it impairs implementation of the County's

⁷ *League To Save Lake Tahoe Mountain Area Preservation Foundation. v. County of Placer*, 75 Cal.App. 5th 63, California Court of Appeals, Third District (February 14, 2022).

⁸ *Sierra Watch v. County of Placer et al.*, 69 Cal.App.5th 86, California Court of Appeals, Third District (August 24, 2021).

emergency evacuation plan. In this case, the Draft EIR found that the estimated increase in evacuation times (if the opportunity sites are developed) under various conservative assumptions may warrant changes to the County's evacuation plan, which is already updated on an as-needed basis, but would not substantially impair emergency response or evacuation for the following reasons:

- As required by State law and the County's policies, the County's emergency response and evacuation plan(s) will be updated periodically to reflect changes in the County. These updates would reflect changes associated with additional development in the County made possible by implementation of the HEU and other cumulative development in the area. As with the County's current plans, these updated plans would identify specific evacuation routes, procedures, and regulatory requirements that would need to be taken into consideration when determining whether or not future projects would impair implementation of the adopted emergency response and evacuation plan(s). It is important to note that, unrelated to CEQA, the Fehr & Peers analysis (Draft EIR Appendix E) also included recommendations to improve evacuation times, including those from the supply side (increasing evacuation capacity) and demand side (managing evacuation volumes). These include (but are not limited to) strategies such as increasing capacity using contraflow lanes or shoulders, dynamic route guidance and monitoring, and phased evacuations. These recommendations could be implemented into the County's updated Safety Element, as applicable, and/or into future revisions to the County's emergency response and evacuation plan(s).
- Residential development proposed and constructed as a result of the HEU's implementation would not cut off or otherwise modify any of the County's evacuation routes. The County has established procedures concerning encroachments into public rights-of-way during construction, particularly for roadways that have been designated as evacuation routes. Nothing in the residential projects themselves or other cumulative projects would prevent or interfere with the County's emergency response and evacuation plan(s) such that an evacuation would be substantially impaired or be unable to occur.
- As determined in the AB 747 evacuation analysis and in the comparative evaluation of evacuation times with and without complete buildout of the HEU, the amount of time that would be added to evacuation times for areas of the County utilized worst-case assumptions and would not be substantial. Average evacuation times under these worst-case assumptions would increase by between 9 minutes and 30 minutes. Note again that this time estimate is not an estimated average travel time for evacuees traveling from the evacuation zone to the evacuation destination, nor is it the estimated travel time through the roadway link segment that makes up the gateway. This is the time it takes for all vehicles to pass through the gateway from the evacuation zone. Further, evacuation orders are typically issued in phases and/or by zones, with those who are closest to a fire being evacuated first, and those who are further from the fire being evacuated later. This is in contrast to the worst-case modeled scenarios, which conservatively assumed that all zones in a given large area would evacuate simultaneously, which is not likely to occur. As such, actual evacuation times during a more likely zone-by-zone evacuation would

likely be less than those modeled, reducing evacuation times accordingly. While no bright-line threshold exists to determine whether the modeled increases in evacuation times are substantially adverse, it is the County's determination that these times are reasonable under the modeled circumstances. Regardless, these potential increases still would not prevent or interfere with the County's emergency response and evacuation plan(s), such that an evacuation would be substantially impaired or unable to occur, and that is the central question to be applied in determining this impact.

- Fehr & Peers' Informational/Non-CEQA Circulation System Level of Service Analysis (included as **Appendix B** of this Final EIR) also notes that operations of all of critical intersections surrounding the HEU housing sites located in evacuation zones would not appreciably change with the addition of Project traffic under weekday daily and peak conditions. This further supports the analysis in that traffic operations in general would not be affected along the evacuation gateways.

Based upon these considerations, it is the County's determination that the effects of the HEU's implementation would be less than significant, as weighed against CEQA's question of whether the HEU's implementation would impair or substantially interfere with an adopted emergency response plan or emergency evacuation plan. While the County acknowledges that any increase in evacuation times is potentially a concern, the HEU's incremental addition to traffic volumes would not impair implementation of Napa County's EOP, which provides procedures and checklists to effectively manage emergencies in alignment with the National Incident Management System (NIMS) and the California Standardized Emergency Management System (SEMS), or the Napa County HMP, which provides guidance for the County's response to emergency situations, including wildfire and emergency evacuation.

This is the same conclusion presented in the Draft EIR. None of the comments that were submitted during the Draft EIR's circulation period have raised any new environmental issues or presented any significant new information that has not already been adequately described and evaluated in the Draft EIR, or effectively supplemented and clarified in this response. Therefore, no further response is required. All comments, however, will be forwarded to the applicable decisionmakers as they consider whether or not to approve the HEU.

Master Response 3: Bishop Housing Site – Pedestrian and Bicycle Safety

Comments were received regarding concerns about pedestrian and bicycle safety along Hedgeside Avenue and Monticello Road near the Bishop housing site. Some commenters give anecdotes about a “blind curve” or “killer curve” on Hedgeside Avenue that lacks adequate pedestrian facilities.

The Draft EIR includes analysis related to pedestrian and bicycle plan consistency and transportation hazards at the plan-level in Section 4.15, *Transportation*. Under CEQA, a transportation impact could occur if a proposed project would conflict with a program, plan, ordinance or policy addressing the circulation system, including roadway, bicycle and pedestrian

facilities. As discussed under Impact TRA-1 in the Draft EIR, implementation of the HEU would be subject to and comply with General Plan, Bicycle Plan, Pedestrian Plan, and other applicable policies relevant to bicycle and pedestrian facilities and service and impacts were found to be less than significant. While the *Napa Countywide Pedestrian Plan* (2016) does not identify any specific recommendations in the vicinity of the Northeast Napa site, it is noted that Pedestrian Plan Policy 2E requires review of new development proposals to ensure pedestrian access and circulation is improved (Draft EIR p. 4.15-5).

In the vicinity of the Northeast Napa housing sites, the *Napa Countywide Bicycle Plan* (2019) recommends bicycle facilities as part of the future bicycle network for the unincorporated areas that is safe and connected. Class III Bike Routes are recommended on Atlas Peak Road, north of the Bishop site (and adjacent to the Altamura site).⁹ Class II Bike Lanes are recommended on Monticello Road south of Atlas Peak Road, connecting to the existing Class II Bike Lanes on Silverado Trail.¹⁰ A Class III Bike Route is also recommended on Monticello Road north of Atlas Peak Road. Class II Bike Lanes are also recommended along Hillcrest Drive and Westgate Drive in the Silverado Springs neighborhood, eventually connecting to the Class III Bike Route on Atlas Peak Road. The County is pursuing these recommended Bicycle Plan projects as funding is permitted. However, it is noted that Mitigation Measure TRA-1 include trip reduction strategies including “enhancements to Countywide bicycle network” in order to mitigate a significant and unavoidable impact related to VMT. As such, a proposed project at the Bishop site could include funding for or construction of bicycle facilities in the vicinity consistent with the County’s Bicycle Plan. It is also noted that another trip reduction strategy in Mitigation Measure TRA-1 is “pedestrian improvements, on-site or off-site, to connect to nearby transit stops, services, schools, shops, etc.”

Under CEQA, a transportation impact could also occur if a proposed project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). As discussed under Impact TRA-3, subsequent projects under the HEU, including any new roadway, bicycle, and pedestrian infrastructure improvements, would be subject to, and designed in accordance with applicable design standards and specifications which address potential design hazards including sight distance, driveway placement, signage and striping, etc. Additionally, any new transportation facilities, or improvements to such facilities associated with subsequent projects would be constructed based on applicable industry design standards and best practices consistent with the County’s zoning code and building design and inspection requirements. The County’s evaluation of projects’ access and circulation will incorporate analysis with respect to County standards for vehicular level of service and queueing, as well as for service to pedestrians, bicyclists, and transit users. Therefore, the Draft EIR determined that the HEU would not substantially increase hazards due to a geometric design feature or incompatible use and would result in a less-than-significant impact (Draft EIR p. 4.15-29).

⁹ As described on p. 4.15-4 of the Draft EIR, Class III Bike Routes are designated by signs or pavement markings for shared use with pedestrians or motor vehicles but have no separated bike right-of-way or lane striping.

¹⁰ As described on p. 4.15-4 of the Draft EIR, Class II Bike Lane are dedicated lanes for bicyclists generally adjacent to the outer vehicle travel lanes.

To further expand on the County’s evaluation of projects’ access and circulation, when a project is proposed at the Bishop housing site, it would require the preparation of a Traffic Impact Study (TIS), consistent with the Napa County TIS Guidelines.¹¹ The TIS would require that an on-site transportation review be performed. The following would be considered as part of the on-site transportation review as part of the TIS:

- Existence of any current traffic problems in the local area such as a high-collision location, nonstandard intersection or roadway, or location experiencing high levels of traffic congestion.
- Applicability of context-sensitive design practices compatible with adjacent neighborhoods or other areas that may be affected by the project traffic.
- Close proximity of proposed site driveway(s) to other driveways or intersections.
- Adequacy of vehicle parking relative to both the anticipated project demand and zoning code requirements outlined in Napa County Code Chapters 18.110 and 18.104.
- Adequacy of on-site vehicle, bicycle, and pedestrian circulation and provision of safe pedestrian paths from residential areas to school sites, public streets to commercial and residential areas, and the project site to nearby transit facilities.

As each project is complex and has its own site-specific concerns, this list is not exhaustive. The TIS would be guided by the County’s Department of Public Works and Planning, Building and Environmental Services to ensure that all aspects of the Bishop site are included. Potential transportation recommendations for a project at the Bishop site could include, but are not limited to: providing highlighted/raised/textured crosswalks, implementing relevant elements of the Countywide Bicycle Plan, funding an increase in transit service, and improving sight distances at intersections and driveways to meet relevant standards.¹²

Regarding questions about the cost of pedestrian and bicycle facilities, CEQA does not require the financial details of a proposed Project to be addressed in the EIR. See Master Response 8: General Non-CEQA for more details.

Additionally, other comments expressed concern regarding increased automobile traffic surrounding the Bishop site and questioned bike and pedestrian safety in light of the increased traffic. The required project-specific TIS would also aid in addressing the volumes of anticipated traffic on Hedgeside Avenue and any potential roadway improvements that could be required. Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3. While not related to a CEQA concern, F&P (see **Appendix B**) did prepare a preliminary LOS study at the programmatic level for the HEU and found that no LOS-related improvements would be recommended for the Northeast Napa area. For the LOS study, the focus was on larger, key intersections and thoroughfares for the

¹¹ Napa County, 2022. *Napa County TIS Guidelines*, February 2022.

¹² See Napa County TIS Guidelines, Table 6, Example Improvement Measures.

programmatic assessment. In the vicinity of the Bishop site, Fehr & Peers studied the intersection of Monticello Road and Atlas Peak Road, which is significantly larger and signalized, whereas the Hedgeside Avenue intersection is not. As noted above, if and when a project is proposed at the Bishop site, a project-specific TIS would be prepared and any potential improvements to Hedgeside Avenue or the vicinity would be identified at that time.

Master Response 4: Bishop Housing Site – Flooding Concerns

Comments were received regarding flooding concerns at the proposed Bishop housing site. This Master Response responds to comments pertaining to special flood hazard zones and flood management, site runoff and drainage alterations, dam safety, and emergency evacuation. Commenters with questions regarding costs for flood insurance are directed to Master Response 8, *General Non-CEQA*.

Flood Zones and the Napa County Floodplain Management Ordinance

As described in Section 4.10, *Hydrology and Water Quality*, the Draft EIR, some of the sites proposed for residential development as part of the HEU (Bishop and Foster Road) are partially within special flood hazard zones as mapped by the Federal Emergency Management Agency (FEMA). The westernmost portion of the Bishop site is located within a 100-year flood zone and a 500-year flood zone (see Draft EIR Figure 4.10-2). The County analyzed potential impacts related to flooding in Section 4.10 in accordance with the requirements of CEQA. Importantly, and as discussed in the Draft EIR, implementation of the HEU could have a significant impact on the environment if it would risk release of pollutants due to project inundation in flood hazard zones. As discussed in the Draft EIR, adherence with existing regulatory requirements and applicable building standards would minimize the risks associated with release of pollutants due to location within a flood hazard zone. Impacts were therefore determined to be less than significant (Draft EIR p. 4.10-26). Expansion on the existing regulatory requirements is provided below in order to explain the requirements in more detail.

The Napa County Floodplain Management Ordinance contained in Chapter 16.04 (Floodplain Management) of the Napa County Code contains requirements for development within special flood hazard zones (see Draft EIR p. 4.10-15). The County is required to maintain its floodplain ordinance with the most up to date information in order to be compliant with the National Flood Insurance Program (NFIP) administered by FEMA. Development on the Bishop housing site could not proceed without first having obtained a floodplain permit pursuant to County Code Chapter 16.04. Pursuant to County Code Chapter 16.04.585, the floodplain administrator would review any permit applications at the Bishop housing site to determine that the site is reasonably safe from flooding and that sufficient information has been provided to prove that the proposed development does not adversely affect the carrying capacity of the areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation on the base flood more than one foot at any point within the County.

As described in the Draft EIR, consistent with Napa County requirements (Chapter 6.04.721 of the County Code) residential development would be subject to engineering review and must have the lowest floor, including basement, elevated to or above a level equal to the base flood elevation plus one foot of freeboard. The floodplain administrator shall be provided the elevation relative to MSL of the lowest floor, including basement, certified by a registered professional engineer or surveyor on FEMA form 81-31 prior to issuance of a certificate of occupancy. Residential development would also be subject to County riparian setback requirements, which would help to prevent impediments to the conveyance of floodwaters within the floodway (Draft EIR p. 4.10-26). Additionally, County Code Section 16.04.690 (Construction materials and methods) requires that new development would be constructed with materials that are resistant to flood damage and be constructed using methods and practices that minimize the potential for and impact of flood damage.

Since an application for development at the Bishop site has not been submitted, specific details on site design to conform to these requirements is not available. However, as noted above, development on the Bishop housing site could not proceed without first having obtained a floodplain permit pursuant to County Code Chapter 16.04.

Site Runoff and Drainage

Comments were also received regarding concerns about potential on- and off-site flooding as a result of alteration of the Bishop housing site. This topic was also discussed in Section 4.10 of the Draft EIR. Implementation of the HEU could have a significant impact on the environment if it would substantially alter the existing drainage pattern of the site, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, or impede or redirect flood flows in accordance with the criteria set forth in CEQA Guidelines Appendix G.

As discussed in the Draft EIR, the County Code contains regulatory requirements for stormwater management and discharge control. Chapter 16.28 of the Napa County Municipal Code contains the Napa County Stormwater Management and Discharge Control Ordinance, which enables Napa County to establish controls on the volume and rate of stormwater runoff from any developments or construction projects as may be appropriate to minimize peak flows or total runoff volume, and to mimic the pre-development site hydrology. These controls may include limits on impervious area dimensions, quantities or locations, and/or provisions for detention and retention of runoff on-site. The County may require, as a condition of project approval, permanent structural controls designed for the removal of sediment and other pollutants and for control on the volume and rate of stormwater runoff from the project's added or replaced impervious surfaces. The selection and design of such controls shall be in accordance with criteria established or recommended by federal, state, local agencies, and where required, the Bay Area Stormwater Management Agencies Association (BASMAA) Post Construction Manual or any other standards as adopted by resolution of the Napa County Board of Supervisors. Where physical and safety conditions allow, the preferred control measure is to retain drainageways above ground and in as natural a state as possible, or other biological methods such as bioretention areas (Draft EIR p. 4.10-14 – 4.10-15).

Development at the Bishop site would also be required to demonstrate that stormwater capacity exceedances would not occur by completing and implementing a stormwater control plan for the project. The County has established requirements, as a condition of project approval, for permanent structural controls designed for control on the volume and rate of stormwater runoff from the project's added or replaced impervious surfaces. Erosion and Sediment Control Plans are required for any project subject to a grading permit, or subject to another county permit such as projects disturbing ten thousand square feet of soil or more. Implementation of these regulatory requirements would effectively decrease the level of runoff and ensure that on- or offsite flooding would not occur due to the addition of impervious surface at the Bishop site (Draft EIR p. 4.10-25).

Regarding the potential for impeding or redirecting flood waters, consistent with Napa County requirements (Chapter 16.04 of the County Code) residential development at the Bishop site would be subject to engineering review and must have the lowest floor, including basement, elevated to or above a level equal to the base flood elevation plus one foot of freeboard. Residential development would also be subject to County riparian setback requirements, which would help to prevent impediments to the conveyance of floodwaters within the floodway (Draft EIR p. 4.10-25).

Since an application for development at the Bishop site has not been submitted, specific details on site design to conform to these requirements is not available. However, as noted above, adherence with the regulatory requirements and all associated control measures would address impacts related to stormwater runoff and flooding. See also Master Response 1: Water Service, for comments related to groundwater recharge due to development at the Bishop site.

Dam Safety and Emergency Evacuation

Comments were also received concerning the Milliken Reservoir Dam and its potential danger to the proposed new residents at the Bishop site. As part of the Safety Element Update, an update to the Existing Conditions Report (Draft Safety Element Appendix A) was prepared which contains an updated assessment of dam failure. According to the 2020 *Napa County Multi-Jurisdictional Hazard Mitigation Plan*, no dams have failed in Napa County to date, and the chances of a dam failure are low.¹³

The Bishop site is located within the Dam Inundation Zone for the Milliken Dam.¹⁴ While the Bishop site, like many properties in the vicinity of Milliken Creek, is subject to inundation should the Milliken Dam fail catastrophically, the dam is required to be inspected annually in the presence of representatives from the California Division of Safety of Dams. Furthermore, Milliken Reservoir water levels have been reduced as a result of seismic stability concerns by the Division of Safety of Dams.¹⁵ As such, while potential inundation resulting from catastrophic

¹³ Napa County Office of Emergency Services, 2020. *Napa County Multi-Jurisdictional Hazard Mitigation Plan*. August 13, 2020.

¹⁴ Department of Water Resources, Division of Safety of Dams, California Dam Breach Inundation Maps. https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2.

¹⁵ Napa County 2007. Napa County General Plan EIR. <https://www.countyofnapa.org/DocumentCenter/View/7936/410-Geology-General-Plan-DEIR-PDF>.

dam failure could damage property and proposed structures within the Bishop site posing a hazard to public safety, the probability of such failure is extremely remote, and therefore can be considered less than significant.

With regard to comments about emergency evacuation, Napa County has established protocols in their emergency operations plans for warning and response to dam failure within flood zones, including collaboration with private dam owners to implement these emergency action plans. As warning time is the most crucial component of responding to dam failure, emergency action plans contain procedures and information to assist dam owners in issuing warning and notification messages to emergency management authorities. It is important to note that emergency action plans are not publicly available but are on file at the Napa County Office of Emergency Services or with individual dam owners and California Department of Water Resources (DWR) (Draft Safety Element Appendix A p. 28-29).

With regard to impacts related to emergency evacuation during other flooding events, as discussed in Draft EIR Section 4.9, *Hazards and Hazardous Materials*, implementation of the HEU could have a significant impact on the environment if it would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Generally, the proposed housing sites (including the Bishop site) would not alter the overall land use patterns or land use designations to such an extent that would conflict with County emergency response and/or evacuation plans. In addition, the County has the Napa County Multi-Jurisdictional Hazards Mitigation Plan (HMP) that includes mitigation for addressing the most significant hazards (e.g., floods, earthquakes, wildland fires, terrorism, and technological hazards). The HMP's mitigation strategy includes goals, programs, objectives and action items that help to ensure effective emergency response to significant hazards. Objectives and action items in the HMP include community education programs, post-emergency power generation plans, remote area detection systems, and communication and response systems that contribute to effective emergency response in the County. The HMP does not identify specific emergency response or evacuation routes; the routes depend on the location and nature of the emergency. Updates to the Safety Element as part of the Project involve updates to safety goals, policies, and programs to ensure consistency of the Safety Element with the 2020 HMP (Draft EIR p. 4.9-12). The number of additional residents is not anticipated to add a significant amount of vehicle trips and is not anticipated to result in significant impacts to emergency evacuation and response. As such, the impact relative to emergency evacuation was determined to be less than significant (Draft EIR p. 4.9-15 - 4.9-16). See Master Response 2: Wildfire and Emergency Evacuation, for comments related to emergency evacuation as it relates to wildfire.

Master Response 5: Bishop Housing Site – Noise Concerns

Commenters suggests that the potential exists for roadway noise impacts along Hedgeside Avenue to also be significant and unavoidable because data do not exist for a quantitative assessment of traffic distribution along this roadway. Since publication of the Draft EIR, a Level of Service (LOS) study has been prepared for seven intersections within the study areas. These data were used to update the transportation noise analysis in a revised Table 4.12-10 and a new Table 4.10-11 in this FEIR. However, no data was provided for the roadways in the vicinity of the

Spanish Flat housing site and so the impacts in this area remain potentially significant and unavoidable, particularly given that the relatively low density of development in the area generated low existing traffic volumes. With respect to development within the Bishop site (Northeast Napa Housing sites in the LOS study) two intersections were analyzed which included Monticello Road and Atlas Peak Road, which did not show significant increases in traffic noise due to the HEU. No analysis is available specific to Hedgeside Avenue. As a result, out of an abundance of caution, the text of the analysis in Impact NOI-4 on Draft EIR p. 4.12-16 has been revised to also acknowledge the potential for significant and unavoidable roadway noise impacts along Hedgeside Avenue. Additionally, Hedgeside Avenue has been included as part of a text revision to **Mitigation Measure NOI-2: Preparation of a Project-Level Traffic Analysis and Mitigation** on page 4.12-19 of the Draft EIR.

The additional analysis provided by the LOS study clarifies and amplifies the information in the DEIR related to noise caused by traffic. Recirculation is not required when new information merely clarifies or amplifies the previously circulated EIR and is only required when significant new information is added to an EIR between the close of public comment period and certification. New information is "significant" only if the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.¹⁶ Information from the LOS study does not identify a new substantial adverse environmental impact or mitigation and thus does not require recirculation of the EIR. See Master Response 9 for additional information. Revisions on p. 4.12-16 to 4.12-19 of the Draft EIR are as follows (new text is underlined; deleted text is in ~~strikethrough~~):

Impact NOI-4: Transportation activities under the HEU would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. (*Significant and Unavoidable with Mitigation*)

Vehicular traffic noise increases associated with the proposed HEU were estimated using algorithms found in the FHWA's *Traffic Noise Model Technical Manual* and the estimated traffic volumes provided in this Draft EIR's traffic analysis for the HEU. Intersection traffic volumes estimated for the Level of Service (LOS) Memorandum prepared for ~~Because~~ the transportation analysis was used to predict roadside noise levels for existing and with project conditions along roadways associated with the seven intersections evaluated. These roadway volumes varied among three access scenarios for four of the intersections. does not address changes to level of service, only project contributions were provided. Consequently, only roadways near potential HEU development sites where existing volumes are published by Caltrans were examined in detail. These roadways are Monticello Road and Imola Avenue. It is noted that no roadway volumes were estimated for roadways near the Spanish Flat Housing Site and for Hedgeside Drive adjacent to the Bishop site and, consequently, estimates of roadway

¹⁶ *Residents Against Specific Plan 380 v. County of Riverside* (2017) 9 Cal.App.5th 941, 964; see also *Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California* (1993) 6 Cal.4th 1112.

noise increase were not possible for these areas.¹⁷ The results of the vehicular traffic noise modeling effort for these roadways is summarized in **Table 4.12-10** and reflect potential roadway noise increase associated with the Foster Road housing sites, Northeast Napa housing sites and the Imola Avenue Bishop, Altamura and Imola opportunity sites.

However, there are a number of other roadways adjacent to other opportunity sites for which data is not available and the potential impacts cannot be evaluated quantitatively at the programmatic level of the HEU.

**TABLE 4.12-10
EXISTING AND PROJECTED PEAK HOUR TRAFFIC NOISE LEVELS ALONG STREETS
IMPACTED BY THE HOUSING ELEMENT UPDATE**

Roadway Segment	Traffic Noise Level, Leq ^a		
	Existing Condition (2020) ^a	Existing plus HEU Condition ^a	Increase due to HEU
Monticello Road North of Atlas Road	65	66	4
Monticello Road South of Atlas Road	66	66	0.2
Imola Avenue West of Soscol Avenue	70	70	0.2

NOTES:

- a. Noise levels were determined using methodology described in FHWA's Traffic Noise Model Technical Manual.
b. Existing sensitive receptors exposed to a traffic noise increase greater than 3 dB between Existing and Plus HEU conditions is considered a significant impact.
c. The 2040 HEU contribution to any traffic noise increase is considered considerable if existing sensitive receptors are exposed a traffic noise increase between 2040 No HEU and 2040 Plus HEU conditions is greater than 3 dB.

SOURCE: ESA, 2022 (Appendix C)

Roadway Segment	Traffic Noise Level, Leq ^a		
	Existing Condition (2022) ^a	Existing plus HEU Condition ^a	Increase due to HEU
<u>Foster Road Access Only</u>			
<u>Monticello Road East of Silverado Trail</u>	<u>69.9</u>	<u>70.0</u>	<u>0.1</u>
<u>Monticello Road East of Atlas Road</u>	<u>67.0</u>	<u>67.2</u>	<u>0.2</u>
<u>Imola Avenue East of Foster Road</u>	<u>61.1</u>	<u>61.4</u>	<u>0.3</u>
<u>Imola Avenue East of Golden Gate Drive</u>	<u>66.8</u>	<u>66.9</u>	<u>0.1</u>
<u>Imola Avenue East of Soscol Avenue</u>	<u>65.6</u>	<u>65.8</u>	<u>0.2</u>
<u>SR 121 West of Stanly Lane</u>	<u>74.3</u>	<u>74.3</u>	<u>0.0</u>
<u>Foster Road North of Golden Gate Drive</u>	<u>51.5</u>	<u>52.7</u>	<u>1.2</u>
<u>Golden Gate Drive Access Only</u>			
<u>Monticello Road East of Silverado Trail</u>	<u>69.9</u>	<u>70.0</u>	<u>0.1</u>
<u>Monticello Road East of Atlas Road</u>	<u>67.0</u>	<u>67.2</u>	<u>0.2</u>

¹⁷ Note that a preliminary LOS study was prepared at the programmatic level for the HEU to assist in future planning for the sites that focused on key intersections and thoroughfares in the vicinity of the housing sites. As such, not every roadway or intersection in the vicinity of the sites was studied.

<u>Roadway Segment</u>	<u>Traffic Noise Level, Leq^a</u>		
	<u>Existing Condition (2022)^a</u>	<u>Existing plus HEU Condition^a</u>	<u>Increase due to HEU</u>
<u>Imola Avenue East of Foster Road</u>	<u>61.1</u>	<u>61.2</u>	<u>0.1</u>
<u>Imola Avenue East of Golden Gate Drive</u>	<u>66.8</u>	<u>66.9</u>	<u>0.1</u>
<u>Imola Avenue East of Soscol Avenue</u>	<u>65.6</u>	<u>65.8</u>	<u>0.2</u>
<u>SR 121 West of Stanly Lane</u>	<u>74.3</u>	<u>74.3</u>	<u>0.0</u>
<u>Foster Road North of Golden Gate Drive</u>	<u>51.5</u>	<u>51.5</u>	<u>0.0</u>
<u>Foster Road and Golden Gate Drive Access</u>			
<u>Monticello Road East of Silverado Trail</u>	<u>69.9</u>	<u>70.0</u>	<u>0.1</u>
<u>Monticello Road East of Atlas Road</u>	<u>67.0</u>	<u>67.2</u>	<u>0.2</u>
<u>Imola Avenue East of Foster Road</u>	<u>61.1</u>	<u>61.3</u>	<u>0.2</u>
<u>Imola Avenue East of Golden Gate Drive</u>	<u>66.8</u>	<u>66.9</u>	<u>0.1</u>
<u>Imola Avenue East of Soscol Avenue</u>	<u>65.6</u>	<u>65.8</u>	<u>0.2</u>
<u>SR 121 West of Stanly Lane</u>	<u>74.3</u>	<u>74.3</u>	<u>0.0</u>
<u>Foster Road North of Golden Gate Drive</u>	<u>51.5</u>	<u>52.3</u>	<u>0.8</u>

NOTES:

a. Noise levels were determine using methodology described in FHWA's Traffic Noise Model Technical Manual.

b. Existing sensitive receptors exposed to a traffic noise increase greater than 3 dB between Existing and Plus HEU conditions is considered a significant impact.

c. The 2040 HEU contribution to any traffic noise increase is considered considerable if existing sensitive receptors are exposed a traffic noise increase between 2040 No HEU and 2040 Plus HEU conditions greater than 3 dB.

SOURCE: ESA, 2022 (**Appendix C**)

According to Caltrans, a 3 dB increase in noise is considered barely perceptible to the average human¹⁸ and, in lieu of the any applicable policies in the General Plan with respect to transportation noise¹⁹, this analysis applies a 3 dBA increase as a significant impact.

As shown in **Table 4.12-10**, none of the sensitive land uses along roadway segments analyzed with respect to the Foster Road housing sites, Northeast Napa housing sites and the Imola Avenue Bishop, Altamura and Imola Avenue housing sites would be exposed to an increase in traffic noise that would exceed 3 dB. Therefore, the increase in vehicular traffic along these local roadways would not result in the exposure of adjacent existing sensitive land uses to vehicular traffic noise and the impact would be **less than significant**.

Because the impact to roadways that would be used to access the Spanish Flat ~~and Foster Road~~-site and along Hedgeside Drive adjacent to the Bishop sites cannot be quantified at

¹⁸ California Department of Transportation (Caltrans), 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol. September 2013.

¹⁹ Transportation noise sources are regulated at the state and federal level and cities and counties do not have jurisdiction to regulate transportation noise via their municipal or County codes.

a project-level of detail, the noise impact along roadways used to access these sites is conservatively identified as potentially significant. Mitigation NOI-2 is identified to address this potential impact to the degree feasible.

Mitigation Measure NOI-2: Preparation of a Project-Level Traffic Analysis and Mitigation.

Prior to any potential future development at the Spanish Flat and Bishop and Foster Road opportunity sites, the project applicant for any housing development shall prepare a project-level noise analysis demonstrating that the increase in noise along roadways used to access the site will not exceed 3 dBA above existing levels.

Mitigation Measure TRA-1: Transportation Demand Management (TDM) Program. (See Section 4.15, *Transportation*)

Significance after Mitigation: Significant and Unavoidable. While the applicant may have the ability to construct sound walls or berms to maintain noise levels for a given project consistent with General Plan policies, it is unlikely for the applicant to provide such measures for other existing impacted residential developments. Engineered asphalt is no longer a recommended measure of road noise reduction by the FHWA and is therefore not an available mitigation measure. Mitigation Measure TRA-1: Transportation Demand Management (TDM) Program could serve to reduce traffic volumes and represents a potentially available mitigation measure. However, due to the uncertainty of the magnitude of any potential noise increases and success of potential mitigation measures, this impact is conservatively identified as potentially significant and unavoidable.

Master Response 6: Bishop Housing Site – Biological Resources Concerns

Many comments were received related to concerns about biological resources on or near the Bishop site, especially those located near Milliken Creek.

Riparian and Aquatic Species and Milliken Creek

Several comments describe the presence of riparian or aquatic species that occur in association with Milliken Creek and ask why they were not discussed for the Bishop site. Aquatic resources within the creek were considered during the analysis but excluded because they do not occur on the 5-acre upland Bishop site, which is offset from the creek by more than 200 feet. The potential occurrence of individual species discussed by commenters is discussed below, or the reader is referenced to comments that discuss the species. A mitigation plan is not needed to protect resources on the Bishop site because site predominantly supports common annual grasslands, with no sensitive natural communities or wetlands on-site.

Comments were received regarding the potential presence of western pond turtle (WPT) in upland habitat on the Bishop site. Potential impacts are discussed in Draft EIR Impact BIO-1 and Mitigation Measure BIO-4 (as revised), which address project impacts and mitigation for that species.

WPT often thrive in such managed ponds and natural creeks, and are also reported in the Napa River, approximately 1 mile west of the Bishop site. While WPT are not reported by the CNDDDB from Milliken Creek, which is west of the Bishop site, from an abundance of caution it was posited that this species could be present in the creek and could wander onto the site. WPT mostly remain in immediate proximity to aquatic habitat such as Lake Camille and Milliken Creek; however, could make seasonal excursions into neighboring upland habitats when nesting in the spring. Overall, there is a low likelihood that WPT individuals or nesting areas would be encountered at the Bishop site. WPT nesting habitat, which includes sandy banks near water or in fields with friable soils, is likely absent from the Bishop site and no impacts to nesting areas are anticipated. However, there is a remote, but non-zero chance that adult or juvenile WPT could roam onto the Bishop site. If this were to occur, Mitigation Measure BIO-4 would avoid and reduce potential impacts to WPT. Surveys for WPT and the associated relocation of individual turtles by a qualified biologist are commonly performed to avoid and minimize impacts to this species. Mitigation Measure BIO-4 inadvertently excluded a portion of the “Northeast Napa sites”, specifically, the Bishop site. Accordingly, Mitigation Measure BIO-4 has been revised on p. 4.4-22 of the Draft EIR (new text is underlined):

Mitigation Measure BIO-4: Avoid and Minimize Impacts to Western Pond Turtle.

Before construction activities begin, a qualified biologist²⁰ shall conduct western pond turtle surveys at the Imola site and Bishop site. Upland areas shall be examined for evidence of nests as well as individual turtles. The project biologist shall be responsible for the survey and for the relocation of turtles, if needed. Construction shall not proceed until a reasonable effort has been made to identify and relocate turtles, if present, a biologist with the appropriate authorization and prior approval from CDFW shall move turtles and/or eggs to a suitable location or facility for incubation, and release hatchlings into the creek system the following autumn.

It is important to note that any WPT that wander onto the Bishop site would be arriving from Milliken Creek. Hence, relocation of WPT to nearby or adjacent aquatic habitat would not negatively impact individual turtles that might be found on these HEU sites. Generally, for project sites such as the Bishop site where the likelihood of encountering WPT is considered remote, the California Department of Fish and Wildlife (CDFW) expects that a single preconstruction survey immediately prior to initial earthmoving is adequate to reduce impacts to this species. Once construction is underway, it is anticipated that any wandering turtles would avoid construction areas, including during the operational phase of the project when the areas would support new neighborhoods.

In response to comments indicating concerns about potential steelhead in Milliken Creek, Draft EIR Table 4.4-1 (Draft EIR p. 4.4-6) discusses the likelihood for steelhead to occur in the HEU planning area. As discussed in the Draft EIR (p. 4.4-25), Milliken Creek is not in the HEU

²⁰ The term “qualified biologist” refers to an individual who has at least a minimum education and qualifications that may include a 4-year degree in a biological sciences or other specific field and training and/or experience surveying, identifying, and handling the subject species. This individual differs from a “Service-approved biologist” in that the qualified biologist may only handle species that are not listed as threatened or endangered by the USFWS. The Service-approved biologist is authorized to relocate such species.

planning area and would not be developed. The commenters are correct that Milliken Creek is a salmonid stream that supports steelhead and may occasionally support Chinook salmon; however, this observation is not relevant to the impact analysis. With an approximately 200-foot setback from the riparian corridor, there is no potential for steelhead to occur within the HEU planning area (i.e., on the 5-acre Bishop site, or other HEU site). As a result, steelhead were not discussed further in the Draft EIR, as no impacts would occur to aquatic or riparian habitat associated with Milliken Creek.

Other Species

The following discussion responds to the sundry lists of species identified in comments. The absence of tricolored blackbird in the HEU planning area is discussed in the response to comment A-1-10. This species is not expected at the Bishop site for lack of suitable habitat (freshwater marsh). The potential presence of Swainson's hawk and golden eagle in the HEU planning area is discussed in response to comments A-1-8 and A-1-14, respectively. Due to a lack of habitat and existing development, neither species is expected at the Bishop site. The San Pablo song sparrow is a salt marsh habitat specialist that locally occurs near tidal marsh habitat associated with the Napa River. Therefore, habitat for this species is absent from the Bishop site. The potential presence of burrowing owl in the HEU planning area is considered in response to comment A-1-15, which discussed the historical absence of burrowing owl nesting and overwintering sightings in the Napa Valley. This species is not expected to occur at the Bishop site. As acknowledged in the Draft EIR (Draft EIR p. 4.4-6 and 4.4-18), there is a moderate potential that white-tailed kite may nest near active construction areas. In response, Mitigation Measure BIO-2 provides preconstruction surveys and appropriate buffers from active nests, if identified during surveys, to avoid impacts to this species. The Draft EIR acknowledged the distribution of Napa bluecurls habitat within the northeast napa (i.e., Altas Peak Road) project sites, which includes the Bishop site and Altamura site (Draft EIR p. 4.4-7). Focused surveys provided by Mitigation Measure BIO-1 would detect this species on the site, if present, and allow for collection and relocation of rare plant populations if present. This is an accepted mitigation approach that would minimize impacts to Napa bluecurls, if present. The text of Mitigation Measure BIO-1 has been revised to clarify inclusion of the Bishop site on p. 4.4-16 of the Draft EIR (new text is underlined):

Mitigation Measure BIO-1: Avoid and Minimize Impacts on Special-Status Plant Species.

To ensure protection of special-status plants, the following measures will be implemented.

- a) Prior to the start of earth-disturbing activities (i.e., clearing and grubbing) in the Imola Avenue, Bishop, Altamura, Atlas Peak Road, Foster Road, and Spanish Flat sites, a qualified biologist shall conduct a properly timed special-status plant survey for rare plant species within the project work limits.

Other comments suggest that the HEU EIR process should include efforts relating to the identification, quantification, and monitoring of species biodiversity and habitat connectivity; stating that the biological resources analysis should be reassessed for the Bishop site. Biological

resources on the Bishop site have been appropriately considered to evaluate the potential impacts of development on local biological resources, and no additional evaluation is needed.

Milliken Creek and Stormwater

Other comments remark that Impact BIO-1 (effects on species identified as a candidate, sensitive, or special status species) does not address the impact of stormwater runoff from the creation of additional impervious surfaces at the Bishop site. The impacts of stormwater runoff are discussed in Draft EIR section 4.10, *Hydrology and Water Quality*. Specifically, Impact HYD-3 finds that the projects constructed under the HEU would be subject to the stormwater regulations of Napa County, as well as the Construction General Permit and its associated NPDES requirements. Through Napa County regulatory requirements, stormwater management and discharge control would be required for any development to demonstrate that stormwater capacity exceedances would not occur. Permanent structural controls would be provided for the removal of sediment and other pollutants, and for control on the volume and rate of stormwater runoff from the project's added or replaced impervious surfaces. With these safeguards in place, no changes are anticipated to Milliken Creek as a result of stormwater or pollutant runoff due to site development. See also Master Response 4, *Bishop Housing Site – Flooding Concerns*.

Master Response 7: Bishop Housing Site – Sewer Service

Comments on the Draft EIR were received related to concerns about wastewater conveyance (sewer) service availability from municipal service providers at the Bishop housing site, as well as questions and concerns about potential septic system use if sewer services cannot be obtained from the Napa Sanitation District (NapaSan).

As discussed in Section 4.16 of the Draft EIR, the Northeast Napa, Imola Avenue, and Foster Road housing sites were assumed to obtain wastewater services from NapaSan. The Northeast Napa housing sites are located adjacent to wastewater infrastructure owned by NapaSan, and service may be provided upon approval of the Local Agency Formation Commission (LAFCO) and NapaSan. Connecting to the wastewater system would require rehabilitating a section of the sewer main and undertaking improvements to decrease peak wet weather flows (i.e., I & I) (Draft EIR p. 4.16-21).

Regarding CEQA impacts related to adequate wastewater treatment capacity, as discussed in the Draft EIR, Mitigation Measure UTL-2 would require that subsequent projects submit evidence to the County that adequate wastewater treatment is available, but it would not reduce the impact to less than significant as wastewater treatment services are subject to review and approval by other agencies. Because the connection to the NapaSan wastewater treatment system is subject to the review and approval of other agencies (LAFCO and NapaSan), the impact was determined to remain significant and unavoidable.

Under the scenario that NapaSan sewer service is denied for the proposed multifamily housing sites, the County would have to look at alternative means to support wastewater collection and treatment to the sites. While connection to a sewer system was assumed for multi-family housing sites, as discussed in the Draft EIR, any new development that would include the utilization of a

septic tank or alternative wastewater disposal system, would be regulated by the Napa County Division of Environmental Health. Obtaining a permit would be required prior to the construction of any septic tank or alternative wastewater disposal system, and each system would be constructed within the parameters of the Napa County, as well as the Contra Onsite Wastewater Treatment Systems (OWTS) Technical Standards. As this procedure would be required prior to construction of any and all septic tanks and alternative wastewater disposal systems, all new developments would be subject to these state and local requirements. Proper soils are essential for installation and maintenance of septic tank and alternative wastewater disposal systems; compliance with these state and local requirements would ensure that impacts related to adequate soils for supporting such systems is less than significant (Draft EIR p. 4.7-22 – 4.7-23).

Master Response 8: General Non-CEQA

Many comments received on the Draft EIR address topics that do not relate to any specific section of the Draft EIR or to the environmental review process, but rather relate to other aspects of the proposed Project or other subjects that are outside the purview of CEQA.

As introduced in the Draft EIR (p. 4.0-3), CEQA requires the analysis of the proposed Project’s potentially significant impacts on the environment. Specifically, “a significant effect on the environment is defined as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project” (State CEQA Guidelines Section 15002(g)). Comments regarding the merits of the Project or matters that do not raise an environmental issue or specific questions about the analyses or information in the Draft EIR do not require response pursuant to CEQA Guidelines Section 15088.

Nonetheless, several comments raise non-CEQA concerns, including as part of discussion of environmental topics. In some cases, Individual Responses are provided specifically to those comments in Section 3.3 of this chapter. This Master Response 8, *General Non-CEQA*, responds to recurring non-CEQA themes that do not address specific concerns with the Draft EIR and its evaluation of impacts or alternatives; they do not raise any environmental issues that are within the scope of CEQA. The specific non-CEQA themes addressed in this Master Response tend to express opinions and statements that are rarely accompanied with supporting evidence. No additional analysis or response is required for these types of comments, and none is provided here [see *Twain Harte Homeowners Ass’n v. County of Tuolumne* (1982) 138 Cal.App.3d 664, 679].

Nevertheless, many of the themes address topics of valid concern to the community or the County. Moreover, because the comments were submitted during the public review period on the Draft EIR, they constitute part of the public record that will be available to decision makers as part of this Response to Comments/Final EIR when they consider whether to approve or disapprove the Project.

Opinions on the Merits of the Project

This group of comments consists of opinions and observations of numerous commenters expressing support for or opposition to different combinations of housing sites included in the HEU’s housing sites inventory. A large group of commenters note preference for the Foster Road

and Imola Avenue housing sites over the proposed Bishop housing site, and/or support elimination of the Bishop housing site. Various other comments also oppose the Foster Road and Spanish Flat sites.

Overall, as stated previously, none of these opinions pertaining to Project merits or lack thereof due to considerations not addressed by CEQA refer to the adequacy of the analysis in the Draft EIR or concern environmental effects under CEQA. This Consolidated Response is included to provide consideration of these comments by decision makers as part of the Project approval process.

Socioeconomic Concerns

State CEQA Guidelines Section 15131, which provides that a lead agency may include or present economic or social information in an EIR, in any form it desires, but that “[e]conomic or social effects of a project shall not be treated as significant effects on the environment.” The State CEQA Guidelines prescribe that social and economic information may be used in a CEQA document to “trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused the economic or social changes,” “to determine the significance of physical changes caused by the project,” and “together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR.” State CEQA Guidelines Section 15131(a) provides that “[t]he intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.”

As such, CEQA does not generally require analysis of socioeconomic issues such as potential effects on fire and flood insurance premiums for existing residents, lack of grocery stores or other retail services within proximity to sites, or effects on “community character” in general. Thus, these issues raised in the comments are not appropriately addressed in the Draft EIR. These are assertions related social and/or economic considerations that the County may evaluate as part of its consideration of the merits of the proposed Project, but which are not required to be addressed under CEQA.

These comments are referenced herein for consideration by decisionmakers as part of the Project approval process. None of these comments refer to the adequacy or accuracy of the Draft EIR or to environmental effects of the proposed Project. CEQA does not require the financial details of a proposed Project to be addressed in the EIR.

Master Response 9: Recirculation of the Draft EIR

Several comments assert that the Draft EIR should be revised to address issues raised in comments, republished, and recirculated for public comment. Normally, an EIR is circulated for one round of review and comment by the public and public agencies. However, an EIR or a portion thereof must be recirculated for a second round of review when the CEQA standards for recirculation are met.²¹ Examples of situations where recirculation is required include the following:²²

- New significant information is added to the EIR after public notice is given of availability of the draft EIR that results in any of the following conditions:
 - a) A new significant environmental impact would result from the project or from a newly proposed mitigation measure.
 - b) A substantial increase in the severity of an impact would result unless mitigation measures are adopted that reduce the impact to a less-than-significant level.
 - c) A new project alternative or mitigation measure that, based on substantial evidence, is (i) feasible, (ii) considerably different from the alternatives or mitigation measures already evaluated in the EIR, (iii) clearly lessens the project’s significant environmental impacts, and (iv) not adopted by the project proponent.
- The draft EIR was so fundamentally and basically inadequate and conclusory that meaningful review and comment were precluded.

New information is not significant unless the EIR is changed in a way that “deprives the public of a meaningful opportunity to comment upon a substantial environmental effect of the project or a feasible way to mitigate or avoid such an effect ... that the project’s proponents have declined to implement.”²³ Recirculation is not required when the revisions to the Draft EIR clarify, amplify, or make insignificant modifications to an adequate EIR.²⁴ For example, where information is added to an EIR in response to a comment, but the additional information does not result in the identification of a previously undisclosed significant impact on the physical environment, recirculation is not warranted.

In accordance with Section 15088 of the State CEQA Guidelines, this document includes written responses to all comments received during the public review period for the Draft EIR. As required by Section 15132 of the State CEQA Guidelines, the responses in this document address substantive environmental points raised by commenters as well as comments on the content and adequacy of the Draft EIR. The responses are intended to provide clarification and refinement of information presented in the Draft EIR and, in some cases, to correct or update information in the Draft EIR. In some instances, the text of the Draft EIR has been revised. All modifications to the Draft EIR text are presented in Chapter 4, *Errata to the Draft EIR*, of this document. Modifications

²¹ Public Resources Code Section 21092.1; State CEQA Guidelines Section 15088.5.

²² Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.

²³ State CEQA Guidelines Section 15088.5(a).

²⁴ State CEQA Guidelines Section 15088.5(b).

that address a specific comment received on the Draft EIR are presented in the response to the particular comment in this Chapter 3, *Comments and Responses*.

Although information has been modified and added to the Draft EIR, no “significant new information” (i.e., new significant impact, substantial increase in the severity of an impact, or feasible project alternative or mitigation measure that is considerably different from others previously evaluated but that will not be adopted, as stated above, pursuant to CEQA Guidelines Section 15088.5) has been added to the EIR since publication of the Draft EIR. The discussion of each modification in the responses to comments in this document makes clear that no conditions under the first bullet of CEQA Guidelines Section 15088.5 are met. For these reasons, and as supported by substantial evidence in the administrative record, the EIR require recirculation.²⁵

Regarding the second bullet under CEQA Guidelines Section 15088.5, the County prepared the Draft EIR in accordance with CEQA requirements, and agencies and community members have engaged in substantive review of and comment on the document.

3.3 Responses to Individual Comment Letters

This section includes copies of the written comments received by email during the public review and comment period on the Draft EIR. Specific responses to the individual comments in each correspondence are provided after each letter.

As described in Section 3.2 above, each correspondence is identified by an alphabetic designation that corresponds to the category of commenter, such as “O” for organizations, and a number follows the alphabetic designation to designate the sequence of the comment submissions (e.g., “O-2” for the second organization comment letter). Specific comments within each correspondence also are identified by a numeric designator that reflects the numeric sequence of the specific comment within the correspondence (e.g., “O-2-3” for the third comment in Comment Letter O-2).

Responses focus on comments that pertain to the adequacy of the analysis in the EIR or to other aspects pertinent to the potential effects of the HEU on the environment pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. Where comments have triggered changes to the Draft EIR, these changes appear as part of the specific response and are consolidated in Chapter 4, *Errata to the Draft EIR*, where they are listed in the order that the revision would appear in the Draft EIR document.

²⁵ State CEQA Guidelines Section 1588.5(e).



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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October 4, 2022

Trevor Hawkes, Planner III
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559
trevor.hawkes@countyofnapa.org

Subject: Napa County General Plan Housing Element and Safety Element
Amendments, Draft Environmental Impact Report, SCH No. 2022010309,
Napa County

Dear Mr. Hawkes:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a draft Environmental Impact Report (DEIR) from Napa County (County) for the Napa County General Plan Housing Element and Safety Element Amendments (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DEIR.

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CDFW is submitting comments on the DEIR to inform the County, 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), a Lake or Streambed Alteration Agreement, or other provisions of the Fish and Game Code that afford protection to the state’s fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Napa County

Objective: Update the County’s General Plan, focusing on the Housing Element and Safety Element. The Housing Element Update (HEU) would identify sites for

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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.

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development of multifamily housing and rezone those sites as necessary. The HEU would allow for development of up to 302 single family homes and 458 units of multifamily housing.

Location: The planning area encompasses all of Napa County. The HEU will focus on four areas designated for housing development. The Spanish Flat site is located immediately west of Lake Berryessa on Accessor Parcel Number (APN) 019-261-041, at the north end of the loop formed by Spanish Flat Loop Road and Berryessa Knoxville Road. The Northeast Napa sites are located in an unincorporated area of Napa County, northeast of the City of Napa, at 1806 Monticello Road and 1011 Atlas Peak Road. The Imola Avenue site is located within an area of Skyline Park immediately adjacent to the Office of Education on Imola Avenue, south and east of the City of Napa and adjacent to the Napa State Hospital. The Foster Road site is located south of Imola Avenue on APN 043-062-008 and APN 043-102-016.

A-1-2

REGULATORY AUTHORITY

California Endangered Species 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, either during construction or over the life of the Project. **The Project has the potential to impact Swainson’s hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*), which are CESA listed as threatened, as further described below.** 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 listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

A-1-3

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 a Statement of Overriding Considerations. The CEQA Lead Agency’s Statement of Overriding Considerations does not eliminate the project proponent’s obligation to comply with CESA.

Lake and Streambed Alteration Agreement

CDFW will require an LSA Notification, pursuant to Fish and Game Code sections 1600 et. seq. for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated

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riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

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Fully Protected Species

Fully Protected species, such as bald eagle (*Haliaeetus leucocephalus*), white-tailed kite (*Elanus leucurus*), golden eagle (*Aquila chrysaetos*) and American peregrine falcon (*Falco peregrinus anatum*), may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515) except for collecting these species for necessary scientific research, relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan.

A-1-5

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources, including but not limited to those listed in Attachment 1. A Draft Mitigation Monitoring and Reporting Program is also included, with recommend measures to incorporate into the DEIR (Attachment 2). Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

A-1-6

I. Potentially Significant Impacts Due to Unenforceable Mitigation Measures

COMMENT 1: The DEIR proposes the Imola Avenue site for development and inclusion in the Housing Sites Inventory of the HEU. However, as noted throughout the DEIR, the site is owned by the State of California and “development on the site would not be subject to County review or regulations” (page 3-14). CEQA Guidelines section 15126.4, subdivision (a)(2) requires that “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design” (also see Pub. Resources Code, § 21081.6, subd. (b)). Potentially significant impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Considerations (Pub. Resources Code, § 21081; CEQA Guidelines, § 15093). To comply with CEQA, CDFW recommends that mitigation

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measures necessary to reduce impacts to biological resources to less-than-significant at the Imola Avenue site be fully enforceable and incorporated into the General Plan or other legally binding instruments.

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II. Mandatory Findings of Significance: Does the Project have the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?

Environmental Setting and Mitigation Measures

COMMENT 2: Swainson's Hawk

Issue: The Project may impact nesting Swainson's hawk, which occurs in Napa County. The California Natural Diversity Database (CNDDDB) documents a Swainson's hawk mating pair occurrence approximately 2.3 miles to the southwest of the Foster Road Site and several nesting occurrences approximately 3 miles to the southeast. There are also several occurrences between 2.5 and 5 miles to the south of the Imola Avenue site.

The proposed nesting bird survey mitigation measure would only survey for raptors present within 500 feet of the Project; however, nesting Swainson's hawks may be impacted up to 0.5 miles from the Project

Specific impacts and why they may occur and be significant: If active Swainson's hawk nests are not detected by the proposed surveys or appropriate buffer zones are not established, Swainson's hawk could be disturbed by Project activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of the species.

Swainson's hawk is CESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. The estimated historical population of Swainson's hawk was nearly 17,000 pairs; however, in the late 20th century, Bloom (1980) estimated a population of only 375 pairs. The decline was primarily a result of habitat loss from development (CDFW 2016). The most recent survey conducted in 2009 estimated the population at 941 breeding pairs. The species is currently threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat), urban development, environmental contaminants (e.g., pesticides), and climate change (CDFW 2016).

Therefore, if an active Swainson's hawk nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

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Recommendation: For an accurate environmental setting, to reduce impacts to Swainson's hawk to less-than-significant, and to comply with CESA, CDFW recommends including an evaluation of Swainson's hawk in the impact analysis and adding the following mitigation measure for the Foster Road site and the Imola Avenue site.

Mitigation Measure BIO-6 Swainson's Hawk Surveys and Avoidance: If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to August 31), prior to beginning work on this Project, Swainson's hawk surveys shall be conducted by a qualified biologist with experience surveying for and detecting the species pursuant to the *Recommended timing and methodology for Swainson's Hawk Nesting Surveys in California's Central Valley Swainson's Hawk* (2000) survey protocol, within 0.5 mile of the Project site each year that Project activities occur. Pursuant to the above survey protocol, surveys shall be completed for at least the two survey periods immediately prior to a Project's initiation. For example, if the project is scheduled to begin on June 20, the qualified biologist shall complete three surveys in Period III and three surveys in Period V. It is recommended that surveys be completed in Periods II, III and V. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 1 and August 31 each year. If the qualified biologist identifies nesting Swainson's hawks, the Project shall implement a 0.5 mile no disturbance buffer zone around the nest, unless otherwise approved in writing by CDFW. Project activities shall be prohibited within the buffer zone between March 1 and August 31, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.

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COMMENT 3: Bald Eagle

Issue: The Project may impact nesting bald eagle, which occurs in Napa County. The Bald Eagle Observations Database managed by CDFW's Wildlife Branch and Biogeographic Data Branch documents several bald eagle occurrences at Lake Berryessa, including less than one mile from the Spanish Flat site to the north/northeast.

Specific impacts and why they may occur and be significant: Bald eagle is CESA listed as endangered, fully protected under Fish and Game Code, and protected under the federal Bald and Golden Eagle Protection Act. Current threats to bald eagles include habitat loss and modification from development and roads, collision with infrastructure, human disturbance, and environmental contaminants (CDFW 2017).

If active bald eagle nests are not detected by the proposed surveys or appropriate buffer zones are not established, bald eagle could be disturbed by Project activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of an endangered and fully protected species which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

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Recommendation: For an adequate environmental setting and to reduce impacts to bald eagle to less-than-significant, CDFW recommends including an impact analysis of bald eagle in the DEIR, and including the following measure.

Mitigation Measure BIO-7 Surveys and Avoidance of Fully Protected Raptors. Surveys shall be conducted for fully protected raptors. The survey area shall be determined by a qualified Raptor Biologist in consultation with CDFW based on the species, and if the nest of any fully protected raptor is identified during pre-construction nesting surveys, a biologically based justification for the buffer zone, as determined by a qualified Raptor Biologist, shall be submitted to CDFW for review. Project activities shall not proceed between March 1 and August 31 unless CDFW provides written approval of the buffer zone around any nest of a fully protected raptor species.

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COMMENT 4: Tricolored blackbird

Issue: The project may impact tricolored blackbird, which occurs in Napa County. The Project sites fall within the range and predicted habitat of tricolored blackbird. CNDDDB documents an occurrence approximately 2.5 miles from the Foster Road and Imola Avenue sites.

Specific impacts and why they may occur and be significant: If active tricolored blackbird nests are not detected by the proposed surveys or appropriate buffer zones are not established, tricolored blackbird could be disturbed by Project activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of the species. Tricolored blackbird is CESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active tricolored blackbird nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

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Recommendation: For an accurate environmental setting and to reduce impacts to tricolored blackbird to less-than-significant, CDFW recommends including an impact analysis for tricolored blackbird and including the following mitigation measure:

Mitigation Measure BIO-8: Tricolored Blackbird Avoidance. If nesting tricolored blackbird or evidence of their presence is found during nesting bird surveys within 500 feet of Project activities, CDFW shall be notified immediately and work shall not occur without written approval from CDFW allowing the Project to proceed. Project activities shall not occur within 500 feet of an active nest unless otherwise approved in writing by CDFW. Presence of nesting tricolored blackbird may require a CESA Incidental Take Permit before Project activities may commence.

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III. Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS)?

Environmental Setting and Mitigation Measures

COMMENT 5: Special-Status Plants

Issue: The Project may impact several special-status plant species with the potential to occur at or adjacent to the Project sites (see Attachment 1) that were not evaluated in the DEIR, two of which are federally listed as endangered.

Additionally, the DEIR proposes a 1:1 replacement ratio by acreage for impacts to habitat where special-status plants occur, which may be insufficient to reduce impacts to less-than-significant and would not account for the temporal loss resulting from the Project.

Recommendation: For an accurate environmental setting and to reduce impacts to special-status plants to less-than-significant, CDFW recommends that all special-status plants with the potential to occur in the vicinity of the Project, including those listed in Attachment 1, be evaluated in the impact analysis, and the DEIR should provide a justification for why each species may or may not be impacted by the Project. If take of federally listed species cannot be avoided, the Project should consult with USFWS pursuant to the federal Endangered Species Act.

CDFW also recommends revising BIO-1 to include the following language:

If special-status plants will be impacted, the Project shall provide mitigation prior to Project start in a form accepted in writing by CDFW which may include on-site restoration pursuant to a restoration plan prepared by the Project and approved by CDFW, off-site habitat preservation at a minimum 3:1 mitigation to impact ratio based on acreage or number of plants as appropriate, unless otherwise approved in writing by CDFW.

COMMENT 6: Special-Status Invertebrates

Issue: The Project may impact special-status invertebrates with the potential to occur in the vicinity of the Project, such as western bumble bee (*Bombus occidentalis*) or obscure bumble bee (*Bombus caliginosus*), which are both designated as California Terrestrial and Vernal Pool Invertebrates of Conservation Priority.² The Project sites contain grasslands that are potentially suitable habitat for these species.

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² 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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Specific impacts and why they may occur and be potentially significant: The Project could result in crushing or killing bees, reduction in sufficient food resources such as nectar and pollen, and removal of nesting and overwintering sites. Western bumble bee, once common in the western United States, has undergone a dramatic decline in both distribution and abundance and is now extirpated from much of its historic range (Hatfield et al. 2018). Many bumble bees are threatened with extinction due primarily to reductions in habitat from urbanization, intensive agriculture, and invasive species introductions (ibid.). Therefore, if the Project impacts western bumble bee or obscure bumble bee, impacts to these special-status species would be potentially significant.

Recommendation: To reduce potential impacts to western bumble bee and obscure bumble bee to less-than-significant, CDFW recommends including an impact analysis for these two species and including the following mitigation measure:

Mitigation Measure BIO-9: Special-Status Bee Habitat Assessment and Avoidance: A qualified wildlife biologist shall conduct visual surveys of areas planned for ground disturbance, including but not limited to, installation of water main, new roads, leach fields, and building sites, and within a 100-foot buffer of ground-disturbing activities. Surveys shall be conducted to coincide with the blooming period of locally common nectar sources such as vetch (*Vicia* spp.) and California poppy (*Eschscholzia californica*) during the flight season for the western and obscure bumble bee (generally late February through late June). Between two and four evenly spaced surveys shall be conducted for the highest detection probability, including surveys in early spring (late March/early April) and early summer (late June/July). Surveys shall take place when temperatures are above 60°F, preferably on sunny days with low wind speeds (e.g., less than 8 miles per hour) and at least 2 hours after sunrise and 3 hours before sunset. On warm days (e.g., over 85°F), bumble bees will be more active in the mornings and evenings. The qualified biologist shall conduct transect surveys following the *Streamlined Bee Monitoring Protocol for Assessing Pollinator Habitat* (https://www.xerces.org/sites/default/files/2018-05/14-021_01_XercesSoc_Streamlined-Bee-Monitoring-Protocol_web.pdf), focusing on detection of foraging bumble bees and underground nests using visual aids such as binoculars.

If western or obscure bumble bee nests are identified within the ground disturbance area or 100-foot buffer area, a plan to protect bumble bee nests and individuals shall be developed and implemented in consultation with CDFW. The plan shall include, but not be limited to: 1) specifications for construction timing and sequencing requirements (e.g., avoidance of raking, mowing, tilling, or other ground disturbance until late March to protect overwintering queens); 2) preconstruction surveys conducted within 30 days and consistent with any current available protocol standards prior to the start of ground-disturbing activities to identify active nests; 3) establishment of appropriate no-disturbance buffers for nest sites and construction monitoring by a qualified biologist to

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ensure compliance with buffers; 4) restrictions associated with construction practices, equipment, or materials that may harm bumble bees (e.g., avoidance of pesticides/herbicides, measures to minimize the spread of invasive plant species); and 5) prescription of an appropriate restoration seed mix targeted for the bumble bees, including native plant species known to be visited by native bumble bee species and containing a mix of flowering plant species with continual floral availability through the entire active season for bumble bees (March to October).

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COMMENT 7: Special-Status and Common Nesting birds

Issue: Birds that are California Species of Special Concern and common bird species have the potential to occur in the vicinity of the project, such as purple martin (*Progne subis*), saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*), and San Pablo song sparrow (*Melospiza melodia samuelis*).

Mitigation Measure BIO-2 (page 4.4-18-19) is insufficient to reduce potential impacts to nesting birds to less-than-significant. The DEIR acknowledges that grassland habitat and landscaped areas in otherwise urban environments, both of which is present at all four HEU sites, provide suitable nesting habitat for birds. However, Mitigation Measure BIO-2 states that nesting bird surveys will only be conducted in areas of “well-developed riparian or oak woodlands.” The measure also states that the nesting season starts February 15; however, CDFW considers the nesting season to start February 1. Furthermore, the measure states additional surveys would only be conducted if there is two-week lapse of construction.

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Specific impacts and why they may occur and be significant: If surveys are not conducted at the start of the nesting season (February 1) and in all habitat types where nesting birds could be present, and appropriate buffer zones are not established, nesting birds could be disturbed by Project activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young. Additionally, nest building can be completed rapidly and the time from nest initiation to egg laying can occur in a matter of days. If additional surveys are not conducted when there has been a one week lapse in construction, there is an increased risk that nests may become established and be disturbed by Project activities. Given these concerns, the Project may have significant impacts on nesting birds.

Recommendation: The DEIR should evaluate impacts for all special-status birds that have the potential to occur within the vicinity of the Project, including those listed in Attachment 1.

Furthermore, CDFW recommends replacing Mitigation Measure BIO-2 with the measure below, which requires nesting surveys for construction in any habitat type, considers the

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nesting season to start February 1, and requires another survey if there is a one-week lapse of construction.

Mitigation Measure BIO-2: Nesting Bird Avoidance: Active nests occurring at or near the Project site shall be avoided. Permittee is responsible for complying with Fish and Game Code section 3503 et seq. and the Migratory Bird Treaty Act of 1918.

- a) Nesting Bird Surveys. If construction, grading, vegetation removal, or other Project-related activities are scheduled during the nesting season, February 1 to August 31, a focused survey for active nests shall be conducted by a Qualified Biologist within 7 days prior to the beginning of Project-related activities. If an active nest is found, Permittee shall consult with CDFW regarding appropriate action to comply with Fish and Game Code. **If a lapse in Project-related work of 7 days or longer occurs**, another focused survey and, if needed, consultation with CDFW, shall be required before Project work can be reinitiated.
- b) Active Nest Buffers. If an active nest is found during surveys, the Project shall consult with CDFW regarding appropriate action to comply with state and federal laws. Active nest sites shall be designated as “Ecologically Sensitive Areas” (ESA) and protected (while occupied) during Project work by demarking a “No Work Zone” around each nest site.
- Buffer distances for bird nests shall be site specific and an appropriate distance, as determined by a Qualified Biologist. The buffer distances shall be specified to protect the bird’s normal behavior to prevent nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, and flying away from the nest. The Qualified Biologist shall have authority to order the cessation of all nearby Project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.
 - The Qualified Biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project work. Nest monitoring shall continue during Project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the Qualified Biologist. Any reduction in monitoring active nests must be approved in writing by CDFW.

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- c) Nesting Habitat Removal or Modification. No habitat removal or modification shall occur within the ESA-marked nest zone until the young have fully fledged and will no longer be adversely affected by the Project, as determined by a Qualified Biologist.



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COMMENT 8: Golden Eagle and American Peregrine Falcon

Issue: DEIR does not address potential impacts to golden eagle or American peregrine falcon, which both occur in Napa County. All four proposed sites in the HEU are within the range of and contain suitable habitat for golden eagle and American peregrine falcon. CNDDDB documents a golden eagle occurrence off of Stanly Crossroad, approximately 2.3 miles from the Foster Road site and approximately 3.7 miles from the Imola Avenue site. There are also many citizen scientist sightings of American peregrine falcon with the Napa Valley (Sullivan et al. 2009).

Mitigation Measure BIO-2 is the only measure included to address impacts to birds and indicates surveys will be conducted to locate raptor nests within 500 feet of construction activities, which may be insufficient to reduce impacts to golden eagle and American peregrine falcon to less-than-significant. Additionally, CDFW should be consulted to determine the appropriate buffer zone to ensure protection of any nesting golden eagle or American peregrine falcon detected during surveys.

Specific impacts and why they may occur and be significant: Golden eagle and American peregrine falcon are fully protected species and may not be taken or possessed at any time, except as described above (Fish & G. Code, §§ 3511), and golden eagle is also protected under the federal Bald and Golden Eagle Protection Act.

Golden eagle is highly sensitive to human disturbance which can result in lower brood size (Steenhof et al. 2014), lower nest attendance (Spaul and Heath 2016), and increased time spent away from the nest (Spaul and Heath 2017).

Continued threats to the peregrine falcon include human disturbance, climate change, collisions with man-made structures and habitat degradation from development, particularly in wetland areas (that are habitat for their primary prey—shorebirds and waterfowl) (Comrack and Logsdon 2008).

If appropriate buffer zones are not established around active golden eagle and American peregrine falcon nests, Project impacts to these fully protected species would be potentially significant.

Recommendation: For an accurate environmental setting and to reduce impacts to golden eagle and American peregrine falcon to less-than-significant, CDFW recommends including an impact analysis for golden eagle and American peregrine falcon, as well as including Mitigation Measure BIO-7 (see above comment for bald eagle).

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COMMENT 9: Burrowing Owl

Issue: The Project may impact burrowing owl (*Athene cunicularia*), which occurs in Napa County. CNDDDB documents a burrowing owl occurrence approximately 4 miles southeast of the Foster Road site and 3.5 miles south of the Imola Avenue site. According to the Burrowing Owl Connectivity Modeling for the California Bay Area Linkage Network dataset produced by Science & Collaboration for Connected Wildlands, the Foster Road site and Imola site contain potential patches of breeding habitat for burrowing owl.

Specific impacts and why they may occur and be significant: The Project could result in burrowing owl nest abandonment, loss of young, reduced health and vigor of owlets, or injury or mortality of adults, and a permanent reduction of burrowing owl habitat in Napa County.

Burrowing owl is an California Species of Special Concern (SSC) because the species' population viability and survival are adversely affected by risk factors such as precipitous declines from habitat loss, fragmentation, and degradation; evictions from nesting sites without habitat mitigation; human disturbance; and eradication of California ground squirrels (*Spermophilus beecheyi*) resulting in a loss of suitable burrows required by burrowing owls for nesting, protection from predators, and shelter (Shuford and Gardali 2008; CDFW 2012 Staff Report; personal communication, CDFW Statewide Burrowing Owl Coordinator Esther Burkett, May 13, 2022). Preliminary analyses of regional patterns for breeding populations of burrowing owls have detected declines both locally in their central and southern coastal breeding areas, and statewide where the species has experienced breeding range retraction (CDFW 2012 Staff Report; personal communication, Esther Burkett, May 13, 2022).

Habitat loss caused by development is the most immediate threat to burrowing owls in high growth areas of the San Francisco Bay Area, and loss of burrowing owl habitat will likely continue well into the future (Townsend and Lenihan 2007). As urbanization increases and local burrowing owl populations decline, they become vulnerable to stochastic events (demographic, genetic, and environmental) associated with small population size, creating the potential for an extinction "vortex" (Gilpin and Soulé 1986 as cited in Townsend and Lenihan 2007).

Based on the above, if the Project would result in impacts to burrowing owl, Project impacts to burrowing owls would be potentially significant.

Recommended: For an adequate environmental setting and to reduce impacts to burrowing owl to less than significant, CDFW recommends including an impact analysis for burrowing owl and including the following mitigation measure:

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Mitigation Measure BIO-10: Burrowing Owl Habitat Assessment and Surveys. A Qualified Biologist shall conduct a habitat assessment and surveys, if warranted based on the habitat assessment. Surveys shall be conducted within 500 meters (1,640 feet) of the Project site for breeding or non-breeding burrowing owls pursuant to the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012)* survey methodology prior to the commencement of project activities. If burrowing owl is detected, a Qualified Biologist shall establish suitable buffers to ensure the owl is not disturbed by the project pursuant to the above survey methodology's buffer distances of 500 meters, unless otherwise approved in writing by CDFW. To prevent encroachment, the established buffers shall be clearly marked by high visibility material. The established buffers shall remain in effect until the burrow is no longer occupied as confirmed by the Qualified Biologist, unless a burrowing owl exclusion plan (for wintering, non-breeding owls only) is submitted to CDFW for review, including but not limited to habitat compensation and funding for management in perpetuity. The habitat compensation and funding shall be approved in writing by CDFW and completed prior to project start unless, otherwise approved in writing by CDFW.



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IV. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

Environmental Setting and Mitigation Measures

COMMENT 10: Valley Oak Woodland

Issue: The DEIR states that the Lightning Complex Fire in 2020 burned valley oak (*Quercus lobata*) woodland at the Spanish Flat site and that all trees were burned and few large oaks survived, suggesting that this site might no longer be considered valley oak woodland (pages 4.4:3-5, 23-24).

Additionally, Mitigation Measure BIO-5 only requires a 2:1 replacement ratio for acreage lost and does not specify oak tree replacement ratios. This mitigation may be insufficient to reduce impacts to valley oak woodland to less-than-significant.

Specific impacts and why they may occur and be significant: Valley oak woodland is an endemic, CDFW-designated rare natural community and only remnant patches of this habitat type remain (CDFG 2010; Standiford et al. 1996; CIWTG). Rare natural communities have limited distribution and are often vulnerable to project impacts (CDFW 2009).

Research suggests that valley oak trees are not regenerating enough for eventual replacement (Zavaleta et al. 2007). Therefore, trees removed by the Project may never be replaced, and loss of regenerating trees may further reduce the ability of valley oak woodland to persist. Introduced alien annual grasses that limit available moisture



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appear to be a causal factor (Danielson and Halvorson 1991). Other factors may include fire suppression, cattle grazing and herbivory of oak shoots by cattle and native mammals (Zack et al. 2002).

Oaks have evolved to be extremely resilient to fire, and generally have very high survival rates after a fire (Schwan et al. 1997). Even under high-intensity fire that kills above-ground vegetation and makes oaks appear dead, oak survival is high and they will often rapidly regenerate (Hammett et al. 2017) and may even exhibit a more robust response with greater fire severity (Nemens et al. 2018). Given the high likelihood that the valley oak woodland impacted by the Lightning Complex Fire will regenerate if left undisturbed, this site should be considered as suitable oak woodland habitat and Project impacts on valley oak woodland would be potentially significant.

Recommendation: Areas where valley oak woodland was present before the 2020 fire and where regeneration is probable, such as at the Spanish Flat site, should continue to be categorized as valley oak woodland and be mitigated for as such. Additionally, any permanent impacts to sensitive natural communities should be mitigated for at a 3:1 ratio by acreage and oak trees should be replaced at the following minimum ratios:

- 1:1 replacement for trees up to 4 inches diameter at breast height (DBH)
- 3:1 replacement for trees 5 to 8 inches DBH
- 5:1 replacement for trees greater than 8 inches to 16 inches DBH
- 10:1 replacement for trees greater than 16-inch DBH, which are considered old-growth oaks

V. Editorial Comments and/or Suggestions

On page 4.4-18 there is a typo halfway down the page stating, “Mitigation Measure Mitigation Measure BIO-2” instead of “Mitigation Measure BIO-2.”

If CDFW issues an LSA Agreement for the Project, the above recommended mitigation measures will likely be included in the Agreement, as applicable.

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)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:



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<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:
<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order 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).

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CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alicia Bird, Environmental Scientist, at (707) 980-5154 or Alicia.Bird@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

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Sincerely,

DocuSigned by:
Erin Chappell
Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Special-status species that have the potential to occur at the Project sites and were not evaluated in the DEIR

Attachment 2: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2022010309)

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Attachment 1: Special-status species that have the potential to occur at the Project sites and were not evaluated in the DEIR

Scientific Name	Common Name	Status
Birds		
<i>Buteo swainsoni</i>	Swainson's hawk	ST
<i>Agelaius tricolor</i>	tricolored blackbird	ST
<i>Haliaeetus leucocephalus</i>	bald eagle	SE, FP, BGEPA
<i>Athene cunicularia</i>	burrowing owl	SSC
<i>Aquila chrysaetos</i>	golden eagle	FP, BGEPA
<i>Progne subis</i>	purple martin	SSC
<i>Geothlypis trichas sinuosa</i>	saltmarsh common yellowthroat	SSC
<i>Melospiza melodia samuelis</i>	San Pablo song sparrow	SSC
<i>Falco peregrinus anatum</i>	American peregrine falcon	FP
Mammals		
<i>Antrozous pallidus</i>	pallid bat	SSC
Invertebrates		
<i>Bombus caliginosus</i>	obscure bumble bee	ICP
<i>Bombus occidentalis</i>	western bumble bee	ICP
Plants		
<i>Sidalcea keckii</i>	Keck's checkerbloom	FE, CRPR 1B.1
<i>Trifolium amoenum</i>	two-fork clover	FE, CRPR 1B.1
<i>Amorpha californica var. napensis</i>	Napa false indigo	CRPR 1B.2
<i>Amsinckia lunaris</i>	bent-flowered fiddleneck	CRPR 1B.2

FP = state fully protected under Fish and Game Code; FE = federally listed as endangered under the Endangered Species Act; SE = state listed as endangered under CESA; ST = state listed as threatened under CESA; BGEPA = federal Bald and Golden Eagle Protection Act; ICP = California Terrestrial and Vernal Pool Invertebrate of Conservation Priority³; SSC = State Species of Special Concern; CRPR = California Rare Plant Rank⁴

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>

⁴ 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>).

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Attachment 2

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
MM BIO-1	<p><i>The following language is recommended for incorporation to the existing MM BIO-1:</i></p> <p>If special-status plants will be impacted, the Project shall provide mitigation prior to Project start in a form accepted in writing by CDFW which may include on-site restoration pursuant to a restoration plan prepared by the Project and approved by CDFW, off-site habitat preservation at a minimum 3:1 mitigation to impact ratio based on acreage or number of plants as appropriate, unless otherwise approved in writing by CDFW.</p>	Prior to Ground Disturbance	Project Applicant
MM BIO-2	<p><u>Mitigation Measure BIO-2: Nesting Bird Avoidance.</u> Active nests occurring at or near the Project site shall be avoided. Permittee is responsible for complying with Fish and Game Code section 3503 et seq. and the Migratory Bird Treaty Act of 1918.</p> <p>a) Nesting Bird Surveys. If construction, grading, vegetation removal, or other Project-related activities are scheduled during the nesting season, February 1 to August 31, a focused survey for active nests shall be conducted by a Qualified Biologist within 7 days prior to the beginning of Project-related activities. If an active nest is found, Permittee shall consult with CDFW regarding appropriate action to comply with Fish and Game Code. If a lapse in Project-related work of 7 days or longer occurs, another focused survey and, if needed, consultation with CDFW, shall be required before Project work can be</p>	Prior to Ground Disturbance and continuing over the course of the Project	Project Applicant

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	<p>reinitiated.</p> <p>b) Active Nest Buffers. If an active nest is found during surveys, the Project shall consult with CDFW regarding appropriate action to comply with state and federal laws. Active nest sites shall be designated as “Ecologically Sensitive Areas” (ESA) and protected (while occupied) during Project work by demarking a “No Work Zone” around each nest site.</p> <ul style="list-style-type: none">• Buffer distances for bird nests shall be site specific and an appropriate distance, as determined by a Qualified Biologist. The buffer distances shall be specified to protect the bird’s normal behavior to prevent nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, and flying away from the nest. The Qualified Biologist shall have authority to order the cessation of all nearby Project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.• The Qualified Biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project work. Nest monitoring shall continue during Project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the Qualified Biologist. Any reduction in monitoring active nests must be approved in writing by CDFW. <p>c) Nesting Habitat Removal or Modification. No habitat removal or modification shall occur within the ESA-marked nest zone until the young</p>		
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	have fully fledged and will no longer be adversely affected by the Project, as determined by a Qualified Biologist.		
MM BIO-5	<p><i>The following language is recommended for incorporation into MM BIO-5:</i></p> <p>Any permanent impacts to sensitive natural communities shall be mitigated for at a 3:1 ratio by acreage and oak trees shall be replaced at the following minimum ratios:</p> <ul style="list-style-type: none"> • 1:1 replacement for trees up to 4 inches diameter at breast height (DBH) • 3:1 replacement for trees 5 to 8 inches DBH • 5:1 replacement for trees greater than 8 inches to 16 inches DBH • 10:1 replacement for trees greater than 16-inch DBH, which are considered old growth oaks 	Within the same year as the project start	Project Applicant
MM BIO-6	<p><u>Mitigation Measure BIO-6: Swainson's Hawk Surveys and Avoidance:</u> If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to August 31), prior to beginning work on this Project, Swainson's hawk surveys shall be conducted by a qualified biologist with experience surveying for and detecting the species pursuant to the <i>Recommended timing and methodology for Swainson's Hawk Nesting Surveys in California's Central Valley Swainson's Hawk</i> (2000) survey protocol, within 0.5 mile of the Project site <u>each year</u> that Project activities occur. Pursuant to the above survey protocol, surveys shall be completed for at least the two survey periods immediately prior to a Project's initiation. For example, if the project is scheduled to begin on June 20, the qualified biologist shall complete three surveys in Period III and three surveys in Period V. It is recommended that surveys be completed in Periods II, III and V. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 1 and August 31 each year. If the qualified biologist</p>	Prior to Ground Disturbance and continuing over the course of the Project	Project Applicant

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	identifies nesting Swainson's hawks, the Project shall implement a <u>0.5 mile no disturbance buffer zone</u> around the nest, unless otherwise approved in writing by CDFW. Project activities shall be prohibited within the buffer zone between March 1 and August 31, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.		
MM-BIO-7	<u>Mitigation Measure BIO-7: Surveys and Avoidance of Fully Protected Raptors.</u> Surveys shall be conducted for fully protected raptors. The survey area shall be determined by a qualified Raptor Biologist in consultation with CDFW based on the species, and if the nest of any fully protected raptor is identified during pre-construction nesting surveys, a biologically based justification for the buffer zone, as determined by a qualified Raptor Biologist, shall be submitted to CDFW for review. Project activities shall not proceed between March 1 and August 31 unless CDFW provides written approval of the buffer zone around any nest of a fully protected raptor species.	Prior to Ground Disturbance and continuing over the course of the Project	Project Applicant
MM BIO-8	<u>Mitigation Measure BIO-8: Tricolored Blackbird Avoidance.</u> If nesting tricolored blackbird or evidence of their presence is found during nesting bird surveys within 500 feet of Project activities, CDFW shall be notified immediately and work shall not occur without written approval from CDFW allowing the Project to proceed. Project activities shall not occur within 500 feet of an active nest unless otherwise approved in writing by CDFW. Presence of nesting tricolored blackbird may require a CESA Incidental Take Permit before Project activities may commence.	Prior to Ground Disturbance and continuing over the course of the Project	Project Applicant
MM BIO-9	<u>Mitigation Measure BIO-9: Special-Status Bee Habitat Assessment and Avoidance:</u> A qualified wildlife biologist shall conduct visual surveys of areas planned for ground disturbance, including but not limited to, installation of water main, new roads, leach fields, and building sites, and within a 100-foot buffer of	Prior to Ground Disturbance and continuing over the	Project Applicant

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	<p>ground-disturbing activities. Surveys shall be conducted to coincide with the blooming period of locally common nectar sources such as vetch (<i>Vicia</i> spp.) and California poppy (<i>Eschscholzia californica</i>) during the flight season for the western and obscure bumble bee (generally late February through late June). Between two and four evenly spaced surveys shall be conducted for the highest detection probability, including surveys in early spring (late March/early April) and early summer (late June/July). Surveys shall take place when temperatures are above 60°F, preferably on sunny days with low wind speeds (e.g., less than 8 miles per hour) and at least 2 hours after sunrise and 3 hours before sunset. On warm days (e.g., over 85°F), bumble bees will be more active in the mornings and evenings. The qualified biologist shall conduct transect surveys following the <i>Streamlined Bee Monitoring Protocol for Assessing Pollinator Habitat</i> (https://www.xerces.org/sites/default/files/2018-05/14-021_01_XercesSoc_Streamlined-Bee-Monitoring-Protocol_web.pdf), focusing on detection of foraging bumble bees and underground nests using visual aids such as binoculars. If western or obscure bumble bee nests are identified within the ground disturbance area or 100-foot buffer area, a plan to protect bumble bee nests and individuals shall be developed and implemented in consultation with CDFW. The plan shall include, but not be limited to: 1) specifications for construction timing and sequencing requirements (e.g., avoidance of raking, mowing, tilling, or other ground disturbance until late March to protect overwintering queens); 2) preconstruction surveys conducted within 30 days and consistent with any current available protocol standards prior to the start of ground-disturbing activities to identify active nests; 3) establishment of appropriate no-disturbance buffers for nest sites and construction monitoring by a qualified biologist to ensure compliance with buffers; 4) restrictions associated with construction practices, equipment, or materials that may harm bumble bees (e.g., avoidance of</p>	<p>course of the Project</p>	
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	<p>pesticides/herbicides, measures to minimize the spread of invasive plant species); and 5) prescription of an appropriate restoration seed mix targeted for the bumble bees, including native plant species known to be visited by native bumble bee species and containing a mix of flowering plant species with continual floral availability through the entire active season for bumble bees (March to October).</p>		
<p>MM BIO-10</p>	<p><u>Mitigation Measure BIO-10: Burrowing Owl Habitat Assessment and Surveys.</u> A Qualified Biologist shall conduct a habitat assessment and surveys, if warranted based on the habitat assessment. Surveys shall be conducted within 500 meters (1,640 feet) of the Project site for breeding or non-breeding burrowing owls pursuant to the <i>Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012)</i> survey methodology prior to the commencement of project activities. If burrowing owl is detected, a Qualified Biologist shall establish suitable buffers to ensure the owl is not disturbed by the project pursuant to the above survey methodology's buffer distances of 500 meters, unless otherwise approved in writing by CDFW. To prevent encroachment, the established buffers shall be clearly marked by high visibility material. The established buffers shall remain in effect until the burrow is no longer occupied as confirmed by the Qualified Biologist, unless a burrowing owl exclusion plan (for wintering, non-breeding owls only) is submitted to CDFW for review, including but not limited to habitat compensation and funding for management in perpetuity. The habitat compensation and funding shall be approved in writing by CDFW and completed prior to project start unless, otherwise approved in writing by CDFW.</p>	<p>Prior to Ground Disturbance and continuing over the course of the Project</p>	<p>Project Applicant</p>

Letter A-1 Response: CDFW, October 4, 2022

- A-1-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to in detail below. The County acknowledges CDFW's role as a Trustee Agency and as a Responsible Agency.
- A-1-2 The comment contains a summary of the proposed Project. This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project.
- A-1-3 CDFW generally advises that the County obtain a CESA 2081(b) Incidental Take Permit (ITP) if impacts are anticipated to state-listed plants or animals. Specific comments and associated responses for CESA listed threatened species are provided in comment A-1-8 (Swainson's hawk) and A-1-10 (tricolored blackbird). The County would coordinate with CDFW about obtaining incidental take coverage, as recommended by CDFW if there is potential for take of state listed species that may occur due to project activities.
- A-1-4 The Draft EIR (at page 4.4-10) acknowledges that CDFW regulates activities that would interfere with the natural flow of, or substantially alter, the channel, bed, or bank of a lake, river, or stream under Fish and Game Code sections 1600 to 1603; and recognizes that a Lake and Streambed Alteration Agreement would be required for actions that affect such habitats. The County understands that CDFW may not issue the final Lake and Streambed Alteration Agreement for the Project until CEQA compliance has been demonstrated.
- A-1-5 CDFW's statement that fully protected species such as bald eagle, white-tailed kite, golden eagle, and American peregrine falcon may not be taken or possessed at any time is acknowledged by the County.
- A-1-6 This comment introduces the comments and recommendations that follow. This comment does not pertain to the adequacy, accuracy, or completeness of the Draft EIR's analysis of the project's physical environmental impacts and thus does not require further response.
- A-1-7 The comment identifies that throughout the Draft EIR, mitigation measures drafted for various CEQA topics are not applied to the Imola Avenue site because the site is owned by the State of California and is therefore not subject to Napa County review and regulations. The comment recommends that biological resource mitigation measures should be incorporated into the General Plan or otherwise adopted as legally binding instruments. As stated throughout the Draft EIR biological resource

analysis, while the County does not have regulatory authority over the site, the State (owner) would be obligated to avoid and reduce impacts to regulated biological resources that are identified and discussed in the Draft EIR. Development of the Imola Avenue site by the State of California would not occur without the adoption of specific mitigation similar to that described in the Draft EIR section, which would result in less than significant impacts to biological resources.

- A-1-8 The comment notes that Swainson's hawk, a state-listed threatened species, is documented from the regional project area with occurrences reported approximately 2.3 miles to the southwest and 3 miles to the southeast of the Foster Road site; and between 2.5 and 5 miles south of the Imola Avenue site. The comment requests an evaluation of potential impacts to Swainson's hawk and recommends inclusion of CDFW's suggested mitigation measure to the Foster Road site and Imola Avenue site to reduce impacts to less than significant level. The County's analysis of potential impacts to wildlife included all species reported in the California Natural Diversity Database (CNDDDB), including Swainson's hawk. Swainson's hawk nest sighting south of the City of Napa occur near the Napa River, near the Napa County Airport and the wastewater treatment plant. This species has locally only nested south of the Highway 12 Napa River bridge and not near the Foster Road or Imola Avenue sites. The 2013 sighting referenced by the comment 2.3 miles southwest of the Foster Road site was a non-nesting pair and not associated with an active nesting site; hence, the nearest nesting occurrence to the site is a 2012 sighting about 3 miles southeast of the Foster Road site. Based on best available scientific data on on-site habitat, both sites are considered to have a low potential to support nesting Swainson's hawk and no impacts are anticipated to this species. While the Draft EIR considers potential impacts to nesting raptors within 500 feet of the Foster Road site, CDFW comments that nesting Swainson's hawks may be impacted up to 0.5-mile (2,640 feet) from a disturbance. Marshlands east of Highway 121 provide a cluster of small eucalyptus trees about 0.3 miles (~1,584 feet) east of the Foster Road site and southwest of South Jefferson Street. While these trees have a low potential to support Swainson's hawk nesting based on available information, given an abundance of caution, Mitigation Measure BIO-2 is revised (see below) to increase avian survey distances near the Foster Road site from 500 feet to 0.5 mile to identify the potential presence of Swainson's hawk nesting at the time of construction (new text is underlined).

The Imola Avenue site supports active recreational use, including by birders, and is not located near known or described Swainson's hawk nesting areas (i.e., near Napa River). The site is buffered from potential nesting areas by mountains and woodlands and is not considered a potential nesting area for this species. No impacts to Swainson's hawk would result from use of the Imola Avenue site.

Mitigation Measure BIO-2: Avoid and Minimize Impacts on Nesting Birds.

Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act when in active use. This shall be accomplished by taking the following steps.

- a) If construction is proposed ~~500 feet of areas of well-developed riparian or oak woodlands~~ during the nesting season (February 1~~1~~5 to August 31), a pre-construction survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of vegetation removal or construction, to identify any active nests on the project site and in the vicinity of proposed construction. Surveys shall be performed for the project area, vehicle and equipment staging areas, and suitable habitat within 250 feet to locate any active passerine (e.g., songbird) nests, ~~and~~ within 500 feet to locate any active raptor (bird of prey) nests, and within 0.5 mile of the Foster Road site and Spanish Flat site, as accessible, to locate Swainson's hawk and golden eagle nests. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities.
- b) If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (September 1 to February 14), construction may proceed with no restrictions.
- c) If bird nests are found, an adequate no-disturbance buffer (e.g., 100 to 250 feet; up to 0.5 miles for Swainson's hawk) shall be established around the nest location and construction activities restricted within the buffer until the qualified biologist has confirmed that any young birds have fledged and are able to leave the construction area. Required setback distances for the no-disturbance zone shall be established by the qualified biologist and may vary depending on species, line-of-sight between the nest and the construction activity, and the birds' sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site.
- d) Any birds that begin nesting within the project area and survey buffers amid construction activities, with the exception of Swainson's hawk and golden eagle, shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no work exclusion zones shall be established around active nests in these cases; however, should birds nesting nearby being to show disturbance associated with construction activities or nesting Swainson's hawk or golden eagle are discovered, no-disturbance buffers shall be established as determined by the qualified wildlife biologist.

- e) Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer shall halt until the nest occupants have fledged.
- f) A report of findings shall be prepared by the qualified biologist and submitted to the County for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season. The report shall either confirm absence of any active nests or shall confirm that any young within a designated no-disturbance zone and construction can proceed.

- A-1-9 The comment states that development at the Spanish Flat site may impact nesting bald eagles. Based on CDFW's internal eagle observations database, this species has been observed less than one mile north/northeast from the Spanish Flat site. The County's analysis of potential impacts to wildlife included all species reported in the CNDDDB, including bald eagle. While CDFW's internal dataset reports bald eagle sighting near the site, the nearest bald eagle nest sighting remains the CNDDDB occurrence located 4.3 miles northeast of the Spanish Flat site. On this basis, development of this area is not expected to have a significant impact on any known bald eagle nesting locations in the project vicinity. In addition, the Spanish Flat site is already subject to extensive recreational use that is not conducive to bald eagle nesting. Mitigation Measure BIO-2, as proposed, will adequately protect any fully protected raptor species, including bald eagles, that may be present on or near the Spanish Flat site and no additional mitigation is warranted.
- A-1-10 The comment states that development at the Foster Road and Imola Avenue sites may impact nesting tricolored blackbirds, which were last observed in freshwater marsh habitat in the vicinity of the Highway 12 Napa River bridge in 1997. This species has not been observed in the region in the last 25 years and preferred habitat (freshwater marsh) does not occur on either the Foster Road or Imola Avenue sites. For this reason, no impacts or mitigation measures were described for this species in the Draft EIR. While tricolored blackbird is not expected at either site, Mitigation Measure BIO-2, as proposed, would identify any nesting tricolored blackbirds in the vicinity and provide adequate avoidance of this species, consistent with California Endangered Species Act requirements.
- A-1-11 The comment states that the project may impact four special-status plant species with potential to occur at the projects sites that were not evaluated in the Draft EIR. Based on Attachment 1, these include the following, with associated rationale as to why they were not included in the project baseline or impact analysis:
- 1) Keck's checkerbloom (*Sidalcea keckii*; federal endangered; California Rare Plant Rank (CRPR): 1B.1). The nearest occurrence of Keck's checkerbloom to the

Napa Valley sites, as reported by the CNDDDB, is 8 miles east of the Altamura site. Therefore this species is not expected at those locations. This species is documented from oak woodland habitat greater than 3 miles from the Spanish Flat site. Based on the scarcity of this species, the distribution of known occurrences all greater than 3 miles from the Spanish Flat site, and the high level of human presence at the site, a low to moderate likelihood that this species could occur within the limited development area at that site. Mitigation Measure BIO-1, which requires comprehensive rare plant surveys for the Imola Avenue, Bishop, Altamura, Foster Road, and Spanish Flat sites, would identify Keck's checkerbloom, if present, and provide adequate protection for this species, consistent with federal Endangered Species Act requirements. As such, no changes to the Draft EIR or additional mitigation are needed to protect this species.

- 2) Two-fork clover (*Trifolium amoenum*; federal endangered; CRPR: 1B.1). The only local sighting of two-fork clover to the project area is a historical occurrence from 1951-1952 from the vicinity of Napa that has not since been detected. The sighting is not reported on any of the Napa Valley project sites and this species is considered highly unlikely within any of the active sites. For this reason two-fork clover was excluded from the Draft EIR baseline and impact analysis. Mitigation Measure BIO-1, which requires comprehensive rare plant surveys for the Imola Avenue, Bishop, Altamura, Foster Road, and Spanish Flat sites, would identify two-fork clover, if present, and provide adequate protection for this species, consistent with federal Endangered Species Act requirements. No changes to the Draft EIR or additional mitigation are needed to protect this species.
- 3) Napa false indigo (*Amorpha californica* var. *napensis*; CRPR: 1B.2) occurs on volcanic soils in mixed evergreen forest. The nearest occurrence to the project area is an occurrence on the ridgeline of Arrowhead Mountain, greater than 5 miles west of the Foster Road site. Due to inappropriate habitat conditions, this species is not expected on any of the HEU sites and was excluded from the Draft EIR baseline conditions assessment and impact analysis.
- 4) The CNDDDB reports a single occurrence of bent-flowered fiddleneck (*Amsinckia lunaris*; CRPR: 1B.2) in the Napa Valley, a 2010 observation near the City of St. Helena; greater than 13 miles north of the Bishop site. This species is specific to serpentine soils, which do not occur on any of the subject parcels. For that reason, this species is not expected on any of the HEU sites and was therefore excluded from the Draft EIR baseline conditions assessment and impact analysis.

A-1-12 The County appreciates input from the CDFW relating to potential project impacts to bumble bee species. The comment states that the project area includes habitat for the western bumble bee (*Bombus occidentalis*) and obscure bumble bee (*Bombus caliginosus*), and that Project related impacts to these species may be significant and warrant additional surveys. The comment identifies that these species are named on

the “California Terrestrial and Vernal Pool Invertebrate of Conservation Priority” list, which was compiled by CDFW in 2017 to provide guidance to Scientific Collecting Permit holders; the list was not intended to convey status as “candidate, sensitive, or special status species” under CEQA. The western bumble bee was last documented in the Napa Valley in 1953 (CDFW, 2022). In addition, the 2018 petition from the Xerces Society to list western bumble bee documented no “current” (i.e., 2003 to 2017) species observations in Sonoma, Napa, or Solano counties (Xerces Society, 2018). Similarly, only a single obscure bumble bee record has been reported in the Napa Valley; a 1963 occurrence east of Conn Dam near Lake Hennessey (CDFW, 2022). No additional data has emerged to suggest that either species may occur on the selected HEU sites. The commenter has provided no substantial evidence to suggest that HEU development may impact western bumble bee or obscure bumble bee or justify the need for additional surveys under the recommend mitigation measure. CDFW’s suggestion to include analysis of bumble bee impacts is acknowledged and has been included in the County’s formal record for consideration by decision-makers.

A-1-13 CDFW comments that three common and special-status songbird species have potential to occur in the project vicinity: purple martin, saltmarsh common yellowthroat, and San Pablo song sparrow. The purple martin is an uncommon woodland nesting species with no sightings documented on the Napa Valley floor and a few sightings from Douglas-fir habitat east of St. Helena and Calistoga greater than 15 miles from the HEU sites. Based on known species distribution and habitat conditions on the HEU sites, this species is not expected in the project area. The saltmarsh common yellowthroat and San Pablo song sparrow are both coastal salt marsh species associated with saline and brackish marshlands and adjacent upland habitats. Locally, saltmarsh common yellowthroat and San Pablo song sparrow are reported on the immediate edges of the Napa River. Due to inappropriate habitat conditions, these species are not expected on any of the HEU sites and were excluded from the Draft EIR baseline conditions assessment and impact analysis.

CDFW comments that while the Draft EIR acknowledges potential impacts to nesting birds in grassland and urban habitats, mitigation presented in Mitigation Measure BIO-2 only requires nesting bird surveys within riparian and oak woodlands, and habitats within 500 feet. The stated mitigation approach inadvertently excluded grassland habitat from the survey requirement, which has been added to the revised Mitigation Measure BIO-2 presented in response to Comment A-1-8. This revision remedies the exclusion of some upland sites from nesting bird surveys. The recommendation to require nesting bird surveys on February 1 instead of February 15 is consistent with CDFW’s suggested conservation measures for biological resources that may be affected by program-level actions and has also been incorporated into revised Mitigation Measure BIO-2.

CDFW additionally recommends two revisions to the nesting bird measure (Mitigation Measure BIO-2) that have not been incorporated into the Final EIR.

Specifically, the comment recommends that: 1) during periods of project inactivity, the project should provide repeated nesting bird surveys every seven days (the Draft EIR provides 14 days), and; 2) the project should remove the stated nest buffer distances and require CDFW consultation on buffer distances if nests are found. The County understands that impacts to nesting birds are prohibited under Fish and Game Code and the Migratory Bird Treaty Act and considers the 14-day project inactivity period sufficient to avoid impacts to nesting birds at the HEU sites. Additionally, the stated avian buffer distances (250 feet for passerine and 500 feet for raptors; with the exception of golden eagle and Swainson's hawk) are considered adequate to avoid impacts to passerines and raptors, as these are the typical CDFW-recommended minimum survey buffers. Additional consultation with CDFW relating to avian nest buffers is not needed or required to avoid impact to nesting birds; hence, this suggestion was not incorporated into Mitigation Measure BIO-2.

A-1-14 The comment states that all of the HEU sites are within the range and support habitat for golden eagle and American peregrine falcon. The CNDDDB reports that the nearest golden eagle nesting tree to the HEU sites, a eucalyptus tree located approximately 2.3 miles south of the Foster Road site and 3.7 miles from the Imola Avenue site, was removed in 2008 (CDFW, 2022). No other golden eagle nest sightings are reported in Napa Valley, with the next nearest sighting located near the City of Vallejo. In the vicinity of the Spanish Flat site, in 1992 a golden eagle nest was reported in woodland habitat 2.3 miles north of the site. However, the Spanish Flat site is subject to regular and continual disturbances from ongoing civil and recreational pressure (e.g., Napa County Public Works facilities, the Spanish Flat Mobile Villa, and a boat rental facility) that make the site and surrounding environs less attractive to nesting golden eagles. Peregrine falcons typically nest on cliff ledges, which do not occur near any of the HEU sites and may sometimes use abandoned stick nests in trees built by other bird species. While peregrine falcons may occasionally be observed in the county by bird watchers, the only described nest from the region remains a 1999 report from the Monticello Dam U.S. Geological Survey quadrangle, greater than 5 miles from the Spanish Flat site. As described for bald eagle, is subject to extensive recreational use that is not conducive to golden eagle or peregrine falcon nesting. While the Spanish Flat site and surrounding woodlands have a low potential to support golden eagle nesting based on available information, given an abundance of caution, Mitigation Measure BIO-2 has been revised (see response to Comment A-1-8) to increase avian survey distances near the Spanish Flat site from 500 feet to 0.5 mile, as accessible, to identify the potential presence of golden eagle nesting at the time of construction.

A-1-15 The comment states that the project contains potential patches of burrowing owl breeding habitat at the Foster Road site and Imola Avenue site, and may therefore impact burrowing owls. The nearest reported nesting sightings located at Skaggs Island, greater than 5.5 miles southwest of the Foster Road site. In addition, the Imola Avenue site has been subject to extensive use and disturbance and is not known to support burrowing owls. While burrowing owls are known to nest in open grassland

habitat, the absence of burrowing owl nesting and overwintering records from the Napa Valley strongly suggests that this species is absent from the Foster Road and Imola Avenue sites. The commenter has provided no substantial evidence to suggest that HEU development may impact burrowing owl or justify the need for additional surveys under the recommend mitigation measure. CDFW's suggestion to include analysis of burrowing owl impacts is acknowledged and has been included in the County's formal record for consideration by decision-makers.

- A-1-16 The comment states that even though few oaks on the Spanish Flat site may have survived the LNU Lightning Complex Fire in 2020, trees may resprout in the area and Project impacts on denuded valley oak woodland habitat should still be considered significant. In addition, the comment recommends a 3:1 mitigation ratio for habitat affects based on acreage (the Draft EIR proposed a 2:1 ratio) and they recommend a 3:1 to 10:1 oak tree replacement ratio based on diameter of impacted trees; as opposed to the 2:1 acreage-based ratio presented in the Draft EIR. During preparation of the Draft EIR, the development proposal reviewed by biologists for the Spanish Flat site largely avoided remaining oak trees on the site. This tree-avoidance approach was codified into Mitigation Measure BIO-5 (Draft EIR pg. 4.4-24), which requires at that, "the property owner or developer shall retain a qualified biologist to accurately map locations supporting Valley oak woodlands, so that the development can avoid and retain viable oak trees where feasible." In large part, new housing units at the Spanish Flat site will be constructed within oak woodland habitat and will not preclude the regeneration of valley oak woodlands on the site. The stated mitigation approach is consistent with the Napa County General Plan oak tree conservation policy CON-24, which explicitly states tree replacement requirements as presented in Mitigation Measure BIO-5. The County policy is additionally consistent with state requirements for oak woodlands preservation to conserve the integrity and diversity of oak woodlands. CDFW's suggestion to mitigate for individual trees as opposed to affected woodland acreage, and adjust mitigation ratios upward have not been incorporated, but are acknowledged and have been included in the County's formal record for consideration by decision-makers.

- A-1-17 In response to the comment a typographical error is removed the sentence introducing Mitigation Measure BIO-2, as follows (deleted text is in ~~strikethrough~~):

~~Mitigation Measure~~ **Mitigation Measure BIO-2: Avoid and Minimize Impacts on Nesting Birds** would reduce construction-related impacts to less than significant.

- A-1-18 This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed Project. The County would report observed special-status species and/or sensitive natural communities to the California Natural Diversity Database (CNDDDB) if encountered during Project construction and operation when

surveys for such species are required under the Project. All required fees associated with filing the Notice of Determination will be paid.

A-1-19 This is a general comment that includes concluding remarks and provides resources for future coordination. The County appreciates this information and looks forward to working with CDFW on future projects.



October 6, 2022

Trevor Hawkes
Project Planner
Planning, Building & Environmental Services Department
Napa County
Via Email

RE: Housing Element/Safety Element DEIR Comment

Dear Mr. Hawkes,

In response to your Notice of Availability/Notice of Completion of a Draft EIR For the Napa County General Plan Housing Element Amendment, the City of Napa is providing the enclosed comments for incorporation and response.

A-2-1

On July 25, 2022, Community Development Director Vin Smith submitted a letter on behalf of the City of Napa that included comments on the Draft Napa County Housing Element Update (Attachment A). These comments were acknowledged within the updated Housing Element draft released on August 9, 2022 and some portions of the comments were addressed with edits.

The City's July 25th letter primarily focused on the underlying assumptions used by the County in selecting proposed housing sites without adequate consideration of the legal limitations on the City's authority to provide water service outside the City's jurisdictional boundary. Specifically, sites identified as 2 (Bishop), 3 (Altamura), and 4 (Imola) in Napa County's Draft Housing Element were included without full consideration of processes governed by Government Code Section (GC) 56133 and Napa City Charter Section 180, which limit the City's legal authority to provide water outside the boundaries of the City limits, its sphere of influence, and the rural urban limit (RUL) line, as more completely described in Attachment A. Although the Housing Element Draft argues that GC 65589.7 requires the City to provide water service to those identified sites, that argument ignores GC 65589(c) which provides "Nothing in this article (including GC 65589.7) shall be construed to be a grant of authority or a repeal of any authority which may exist of a local government with respect to measures that may be undertaken or required by a local government to be undertaken to implement the housing element of the local general plan." Thus, GC 65589(c) does not supersede the limitations imposed by CG 56133 and Napa City Charter Section 180.

A-2-2

Like the initial Housing Element Draft, the Draft EIR for the Housing Element Update did not adequately analyze the possibility that these sites would not receive water service from the City of Napa, and the Draft EIR does not adequately analyze alternative sources of water such as ground water. Instead, the Draft EIR inaccurately assumes the City will provide water service outside the City limits, outside the City's sphere of influence, and outside the RUL. The evaluation



of the environmental impacts therefore fails to address the potential that water service by the City of Napa is not ultimately provided to the selected sites. Based on this, the Draft EIR is insufficient in its evaluation of impacts and proposed mitigation measures related to the provision of water.

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A-2-2

In addition to this significant concern, the City provides the following comments on several specific areas within the Draft EIR requiring Napa County response.

Draft EIR Chapter or Section/Page Number	City of Napa Comment
Chapter 3 Project Description – pg. 3-14	The description of the Imola Avenue Site states that the development would plan for connections to City water without reference to overriding approval processes regulated by G.C. 56133
Chapter 4 Environmental Setting, Impacts, and Mitigation Measures – pg. 4.6-15	The description of 5 of the 6 housing sites being adjacent to the City of Napa and already developed residential neighborhoods does not accurately reflect increase in VMT created by the proposed developments. Later reference in the document to SB 375 consistency and <i>Plan Bay Area 2040</i> does note that the VMT traveled would exceed the regional average and be inconsistent with SB 375 and <i>Plan Bay Area 2040</i> limits and standards.
Chapter 4 Environmental Setting, Impacts, and Mitigation Measures – pg. 4.8-31	Reference to the City of Napa’s ability to meet requirements of Senate Bill X7-7 do not accurately reflect the process for determination of providing water in the first place.
Section 4.10 Environmental Setting, Impacts, and Mitigation Measures – Hydrology and Water Quality pg. 4.10-6	The description of City of Napa water services outside the City limits and SOI in the second paragraph do not accurately reflect the process by governed by G.C 56133 to extend service area. Additional language describing the process governed by G.C. 56133 should be included under the City of Napa Water section.
Section 4.10 Environmental Setting, Impacts, and Mitigation Measures – Hydrology and Water Quality pg. 4.10-27	Presumption of provision of water service by the City of Napa is inaccurate and the resulting finding that impacts would be less than significant on groundwater sustainability is not supported with the possibility of City of Napa water service being denied for these sites.
Section 4.11 Environmental Setting, Impacts, and Mitigation Measures – Land Use and Planning pg. 4.11-3	The description of the Imola Avenue Site states that the development would plan for connections to City water without reference to overriding approval processes regulated by G.C. 56133
Section 4.14 Environmental Setting, Impacts, and Mitigation Measures – Public Services and Recreation pg. 4.14-16 through 4.14-17	The report details the increase in population as a result of the HEU and the generation of emergency service calls as a result. It further details the resulting detrimental impact on Napa Fire Department Services (NFD) as well as the likely need for additional police personnel, vehicles, etc. but categorizes the impact as less than significant for both. The basis for this finding needs to be re-evaluated and appropriate mitigations set forth.

A-2-3

A-2-4

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A-2-8

A-2-9

<p>Section 4.15 Environmental Settings, Impacts, and Mitigation Measures – Transportation pg. 4.15-3 to 4.15-4, Arterials and Collectors</p>	<p>Two of the proposed geographic areas under consideration for multifamily housing would take access from either Foster Road or Imola Avenue. The list of Arterial and Collectors roadways included in this DEIR does not include Foster Road and Imola Ave. Both roadways are listed as collector roadways in the vicinity of the proposed housing sites in the County of Napa General Plan Circulation Element Figure CIR-1. In addition to providing direct access to the proposed housing sites, both roadways also provide direct connection into the City of Napa and should be referenced in the DEIR as collector roadways.</p>	<p>A-2-10</p>
<p>Section 4.15 Environmental Settings, Impacts, and Mitigation Measures – Transportation Pg. 4.15-22 to 4.15-23, Impact TRA-1:</p>	<p>Most of the proposed geographic areas under consideration for multifamily housing are located in close proximity to the City of Napa's city limits, and the Foster Road site is located within the City of Napa's sphere of influence. Due to the proximity of the proposed housing sites to the City of Napa and the potential for annexation of some areas into the City of Napa, the DEIR should include reference to the City of Napa General Plan and specify coordination with the City of Napa to analyze the adequacy of the circulation network and to mitigate potential impacts of future developments to the City of Napa's circulation network.</p>	<p>A-2-11</p>
<p>Section 4.15 Environmental Settings, Impacts, and Mitigation Measures – Transportation pg. 4.15-23 to 4.15-29, Impact TRA-2:</p>	<p>Due to the proximity of the proposed housing sites to the City of Napa and the potential for increased Vehicle Miles Traveled (VMT) within the City of Napa's traffic analysis zones (TAZs), the resulting mitigation measure should include reference to coordination with the City of Napa for VMT mitigation reduction strategies. Reduction strategies should include as an option, provision of active transportation and complete streets improvements connecting City and County circulation network facilities.</p>	<p>A-2-12</p>
<p>Section 4.15 Environmental Settings, Impacts, and Mitigation Measures – Transportation pg. 4.15-29, Impact TRA 3:</p>	<p>Due to the proximity of the proposed housing sites to the City of Napa, the DEIR should state that developments will require City of Napa encroachment permits for any detours, traffic control, and/or off-site construction activities that extend into the City limits.</p>	<p>A-2-13</p>
<p>Section 4.15 Environmental Settings, Impacts, and Mitigation Measures – Transportation pg. 4.15-30, Impact TRA 4:</p>	<p>Due to the proximity of the proposed housing sites to the City of Napa, the DEIR should state that developments will require City of Napa encroachment permits for any detours, traffic control, and/or off-site construction activities that extend into the City limits.</p>	<p>A-2-14</p>
<p>Chapter 4 Environmental Setting, Impacts, and Mitigation Measures – Utilities and Service Systems pg. 4.16-3</p>	<p>Additional language describing the process governed by G.C. 56133 should be included under the City of Napa Water section.</p> <p>The Draft EIR should include the updated language now included in the Napa County Draft Housing Element as recommended by the City of Napa:</p> <p><i>Sites 2, 3, and 4 are located outside the City's Jurisdictional Boundary and outside the City's Sphere of Influence (SOI); and as such, extension of water service is governed by Government Code Section 56133 (56133). Under 56133,</i></p>	<p>A-2-15</p>



	<i>there are two options to extend water service to these sites: 1) seek an amendment from LAFCO to the SOI to include the parcel(s) being served, or 2) Napa City Council must provide documentation to LAFCO that the extension of water service is to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory and request authorization from LAFCO to extend an outside service to the area. City of Napa Charter Section 180 requires a 4/5 vote of City Council to extend water service outside of the City's Jurisdictional Area</i>	A-2-15
Chapter 4 Environmental Setting, Impacts, and Mitigation Measures – Utilities and Service Systems pg. 4.16-3	The last sentence of the second paragraph of the City of Napa Water Section incorrectly states that the Napa State Hospital is outside the SOI. This was incorrectly stated in the City's Urban Water Management Plan. The Napa State Hospital is inside the City of Napa's SOI.	A-2-16
Chapter 4 Environmental Setting, Impacts, and Mitigation Measures – Utilities and Service Systems pg. 4.16-5	Given that Program H-4k has been added to the revised Draft Housing Element and includes the potential for groundwater to be used to support the proposed housing sites, an assessment of groundwater is required in the DEIR.	A-2-17
Chapter 4 Environmental Setting, Impacts, and Mitigation Measures – Utilities and Service Systems pg. 4.16-20	Water Distribution, City of Napa Water – While City of Napa water infrastructure is located nearby the proposed housing sites, no analysis has been performed to determine the adequacy or capacity of this infrastructure.	A-2-18
Chapter 4 Environmental Setting, Impacts, and Mitigation Measures – Utilities and Service Systems pg. 4.16-20, Footnote 7	Per the References section the 165 gallons per unit per day was taken from the 2013 <i>Revised Water Supply Assessment for the Napa Pipe Project</i> . The Napa Pipe Project proposed recycled water for all outdoor irrigation uses and therefore the 165 gallons per unit per day accounted for only indoor use. The DEIR does not identify outdoor use to be recycled water. The DEIR needs to add outdoor water use in order to determine an accurate estimate of water demands for the proposed sites.	A-2-19

The City requests the County update the Draft EIR for the Napa County Housing Element Update to address the issues summarized in this letter

A-2-20

Sincerely,

Steve Potter
City Manager
City of Napa
955 School Street
Napa, CA 94559

Letter A-2 Response: City of Napa, October 6, 2022

A-2-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to in detail below.

A-2-2 See Master Response 1: Water Service in Section 3.2 of this chapter regarding the assumptions and analysis of water supply in the Draft EIR.

The Bishop, Altamura, Imola Avenue sites are located near the City of Napa (and City water infrastructure), but outside of the City's sphere of influence (SOI), and the Foster Road site is located within the City's SOI. Extension of water service is governed by Government Code Section 56133, which requires LAFCO approval for new or extended water service provided outside the City's jurisdictional boundaries. The requirements to extend water service are different based on whether the site is located within or beyond the City's SOI, in that requests to extend service outside the SOI must also demonstrate a threat to the health and safety of the public or affected residents and that LAFCO has notified any alternate service providers. Additionally, the City of Napa Charter Section 180 requires a 4/5 vote of the City Council to extend water service outside of the City's jurisdictional area.

Government Code Section 65589.7 requires water and sewer agencies to grant a priority to projects containing lower income housing. The public agency or private entity providing water services can only deny or condition the approval of an application for service if specific written findings are made that it is necessary due to the existence of one or more of the following: (1) the public agency or private entity does not have sufficient water supply or is operating under a water shortage emergency or does not have sufficient water treatment or distribution capacity; or (2) the public agency or private entity is subject to a compliance order that prohibits new water connection; or (3) the applicant does not agree to generally imposed reasonable terms and conditions. None of the water or sewer agencies projected to serve the new developments are under a compliance order or are anticipated to have insufficient capacity to serve new development.

The interplay between Government Code Section 56133 and 65589.7 has not been tested in the context of providing water to unincorporated housing development projects that have housing units affordable to lower income households. See Master Response 1, *Water Service*, in Section 3.2 of this chapter for the assumptions made regarding water.

A-2-3 See Response to Comment A-2-2. The following text has been added at the end of p. 3-14 of the Draft EIR (new text is underlined):

The HEU would identify a 5 -acre site owned by the State of California and planned for residential development as part of the Housing Sites Inventory (see **Figure 3-6**).

The State has expressed an interest in selling Skyline Park to the County and at the same time, developing workforce housing on the area of Skyline Park immediately adjacent to the Office of Education on Imola Avenue, south and east of the City of Napa and adjacent to the Napa State Hospital. The Department of General Services currently identifies a 20.34-acre site (APN 046-450-041) on the Real Estate Services Division’s map of surplus property identified pursuant to Executive Order N-06-19, Affordable Housing Development, and Department staff indicated that a 5-acre portion was likely to be pursued for development of affordable housing within the eight-year planning period.²⁶ Development on the site would not be subject to County review or regulations and while DGS has not identified a density or the number of units to be developed on the site, this EIR assumes the site would provide up to 100 units based on the “default density” of 20 du/ac applicable to the County under Government Code Section 65583.2(c)(3). The development would plan for connections to nearby infrastructure owned by the City of Napa (water) and the Napa Sanitation District (wastewater), pursuant to applicable provisions of Government Code Section 56133.

A-2-4 Section 4.6, *Energy*, of the Draft EIR acknowledges that the location of the parcels identified for development by the HEU proximate to existing development served by urban services reduces vehicle miles traveled (VMT) within the region, acting to also reduce regional vehicle energy demands (Draft EIR p. 4.6-15). This is not a comment related to the VMT impacts identified in Section 4.15 or the impacts related to conflicts with applicable plans, policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases (GHG) identified in Section 4.8, but purely based the benefits of having urban services located closer to housing sites and the effects on fuel usage.

A-2-5 See Response to Comment A-2-2. The following text has been added to Draft EIR Table 4.8-3 on p. 4.8-31 of the Draft EIR (new text is underlined):

Senate Bill X7-7	The Water Conservation Act of 2009 sets an overall goal of reducing per capita urban water use by 20 percent by December 31, 2020. Each urban retail water supplier shall develop water use targets to meet this goal.	Consistent. Spanish Flats Water District would provide water service to the Spanish Flat housing site. The Northeast Napa <u>and Imola Avenue</u> housing sites are outside the City of Napa’s Rural Urban Limit but within the City of Napa’s Water Service area, where City water may be provided upon approval of the City Council, <u>pursuant to applicable provisions of Government Code Section 56133.</u> Both water service providers are required to comply with SB X7-7 standards.
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²⁶ Jonathan Hein, Department of General Services, oral communication March 23, 2022.

A-2-6 See Response to Comment A-2-2. The following text has been added to footnote 5 on p. 4.10-6 of the Draft EIR (new text is underlined):

⁵ The Napa City SOI is the boundary within which the Local Agency Formation Commission (LAFCO) anticipates the City limits may be expanded and City water may be extended, pending LAFCO approval. Service connections outside the SOI would be subject to the applicable provisions of Government Code Section 56133 and approval of the City Council.

A-2-7 See Master Response 1, Water Service in Section 3.2 of this chapter.

A-2-8 See Response to Comment A-2-2. The following text has been added to the bottom of p. 4.11-3 of the Draft EIR (new text is underlined):

Pursuant to Executive Order N-06-19, development of affordable housing on the Imola Avenue site would not be subject to County review or regulations, and while DGS has not identified a density or the number of units to be developed on the site, this EIR assumes the site would provide up to 100 units based on the “default density” of 20 dwelling units per acre (du/ac) applicable to the County under California Government Code Section 65583.2(c)(3). The development would plan for connections to nearby infrastructure owned by the City of Napa (water) and the Napa Sanitation District (wastewater), pursuant to applicable provisions of Government Code Section 56133.

A-2-9 Potential impacts of the HEU on fire protection services, including those of the Napa Fire Department (NFD), were discussed in Section 4.14, *Public Services and Recreation*, of the Draft EIR in accordance with the requirements of CEQA. Importantly, and as discussed in the Draft EIR, CEQA’s treatment of public services impacts is narrowly defined to include only those impacts that would arise from the provision of new or physically altered governmental facilities, *the construction of which could cause significant environmental effects* (emphasis added). The precise significance criteria used in Section 4.14 of the Draft EIR, and also in CEQA Guidelines Appendix G (XV)(a) asks:

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: 1) Fire protection; 2) Police protection; 3) Schools; 4) Parks; and 5) Other public facilities?

CEQA regulations and applicable case law on this issue demonstrate the threshold concerns only the environmental effects associated with the provision of new or

altered physical public service facilities.²⁷ Response time goals, service ratios, and other performance objectives are relevant to the analysis only within the context of whether or not new or expanded facilities would be required to meet defined criteria related to those service objectives, and what the environmental effects would be of providing those facilities.

The Draft EIR addressed impacts to public services within this legally-defined context in Section 4.14 of the Draft EIR. The Draft EIR described that the increase in population as a result of the HEU would worsen an existing deficit in NFD response times and acknowledges that new fire personnel, vehicles, and equipment would likely be required to provide adequate service and response times to serve future development. The Draft EIR also acknowledges that NFD's cost to maintain equipment and facilities and to train and equip personnel would also increase. The additional personnel and materials costs would likely be gradual as the increase in population as a result of the development under the HEU would occur incrementally over time. Additionally, the Foster Road site would annex to the City of Napa, and adequate fire protection services would be assessed as a part of the annexation process. As such, it would be possible to assess the need for additional fire and emergency medical service personnel and equipment and address these needs to ensure that adequate fire service standards are maintained. The Draft EIR identifies that additional fire facilities are not expected to be required to serve the population as a result of the HEU, and the City of Napa's comment does not identify or provide evidence that new NFD facilities would be needed. As also stated in the Draft EIR, if and when the construction or expansion of facilities to accommodate additional personnel or equipment should become necessary, CEQA review, General Plan provisions, and Municipal Code regulations would all be required and enforced (Draft EIR p. 4.14-16). Appropriate measures would be identified and implemented as applicable to reduce any construction-related or operational environmental effects of those facilities if and when they become necessary. As such, the impacts related to fire protection services were determined to be less than significant.

A-2-10 The following text has been added on p. 4.15-4 of the Draft EIR describing Foster Road and Imola Avenue as collector streets (new text is underlined):

Collector streets include Imola Avenue, Foster Road, Oakville Cross Road, Yountville Cross Road, Berryessa Knoxville Road, Pope Canyon Road, Petrified Forest Road, Spring Mountain Road, Lodi Lane, Howell Mountain Road, Conn Valley Road, Steele Canyon Road, Dry Creek Road, Wooden Valley Road, Oak Knoll Avenue, Mount Veeder Road, Henry Road, South Kelly Road, Newell Drive, Duhig Road, Las Amigas Road, and Milton Road.

²⁷ CEQA Guidelines Section 15382 restricts the effects that CEQA mitigation addresses to those "significant effects on the environment" which are defined to include "adverse change in any of the physical conditions within the area affected by the project" "An economic or social change by itself shall not be considered a significant effect on the environment." 14 Cal. Code Regs. §15382.

A-2-11 The following text has been added on p. 4.15-23 of the Draft EIR describing expected future coordination with the City of Napa (new text is underlined):

Additionally, due to the proximity of the proposed housing sites to the City of Napa and the potential for annexation of the Foster Road site into the City of Napa, the County would coordinate with the City of Napa to maintain consistency with any applicable City of Napa General Plan policies related to the transportation network.

A-2-12 As described in VMT Analysis in Appendix D of the Draft EIR, residential VMT per resident for each housing site was estimated based on its location in the County. Specifically, for each traffic analysis zone (TAZ) in the model that contains a housing site, its value for residential VMT per resident was used as a proxy for an estimate of that value of the new housing developments at these sites, as it is expected that the VMT characteristics of new residents at the developments will be similar to those of the existing residents at the respective locations. Each TAZ's residential VMT per resident is compared against significance thresholds to determine whether the housing site might have significant impact (Draft EIR Appendix D p. 3). As such, residential VMT would only be affected in the TAZ that the housing site is located, as new residents would only be located within those particular TAZs.

With regard to the request for VMT reduction strategies to include as an option, provision of active transportation and complete streets improvements connecting City and County circulation network facilities, Mitigation Measure TRA-1 notes that Trip reduction strategies may include, but are not limited to, the strategies listed in the mitigation measure. This strategy has been added to Mitigation Measure TRA-1 as follows (new text is underlined):

Trip reduction strategies may include, but are not limited to, the following:

1. Provision of bus stop improvements or on-site mobility hubs
2. Pedestrian improvements, on-site or off-site, to connect to nearby transit stops, services, schools, shops, etc.
3. Bicycle programs including bike purchase incentives, storage, maintenance programs, and on-site education program
4. Enhancements to Countywide bicycle network
5. Parking reductions and/or fees set at levels sufficient to incentivize transit, active transportation, or shared modes
6. Cash allowances, passes, or other public transit subsidies and purchase incentives

7. Providing enhanced, frequent bus service
8. Implementation of shuttle service
9. Establishment of carpool, buspool, or vanpool programs
10. Vanpool purchase incentives
11. Low emission vehicle purchase incentives/subsidies
12. Compliance with a future County VMT/TDM ordinance
13. Participation in a future County VMT fee program
14. Participate in future VMT exchange or mitigation bank programs
15. Provision of active transportation and complete streets improvements connecting City of Napa and County circulation network facilities

A-2-13 Impact TRA-3 evaluates the potential for impacts related to substantially increasing hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). These impacts are generally for operational phases of projects, as these relate to design features and incompatible uses. As such, while the potential for City of Napa encroachment permits is acknowledged, it is more appropriately discussed under Impact TRA-4. See Response to Comment A-2-14 below. No edits to the Draft EIR on this topic have been determined to be necessary.

A-2-14 The following text has been added on p. 4.15-30 of the Draft EIR describing that City of Napa encroachment permits could be required (new text is underlined):

There are no specific site plans or designs of development projects that may occur as a result of the HEU; and thus, the housing sites cannot be analyzed for adequacy of emergency vehicle access at this time. However, the County maintains the roadway network that would provide access to new development sites in accordance with industry design standards, which ensures that the physical network would be free of obstructions to emergency responders. Emergency access to new development sites proposed under the HEU would be subject to review by the County and responsible emergency service agencies, thus ensuring the projects would be designed to meet all emergency access and design standards. The County also requires the preparation of construction traffic management plans that minimize temporary obstruction of traffic during site construction. City of Napa encroachment permits would also be required for any detours, traffic control, and/or off-site construction activities that extend into the City limits.

- A-2-15 See Response to Comment A-2-2. The following text has been added to the bottom of p. 4.16-3 of the Draft EIR (new text is underlined):

The Northeast Napa and Imola Avenue housing sites are located outside the City of Napa’s jurisdictional boundary and outside of the City’s Sphere of Influence (SOI). Extension of water service is governed by Government Code Section 56133, which requires LAFCO approval for new or extended water service provided outside the City’s jurisdictional boundaries. The requirements to extend water service are different based on whether the site is located within or beyond the City’s SOI, in that requests to extend service outside the SOI must also demonstrate a threat to the health and safety of the public or affected residents and that LAFCO has notified any alternate service providers. Additionally, the City of Napa Charter Section 180 requires a 4/5 vote of the City Council to extend water service outside of the City’s jurisdictional area.

- A-2-16 The following text has been revised on p. 4.16-3 of the Draft EIR describing City of Napa water service (new text is underlined; deleted text is in ~~strike through~~):

While most of the City of Napa’s water supply is delivered to customers within the City of Napa limits, the City of Napa also serves water outside City of Napa limits and even outside the SOI, including customers in the Monticello Road/Silverado Resort community, the independent Congress Valley Water District (CVWD), the Carneros Mutual Water Company, and along the Conn Transmission Main. CVWD was originally scheduled to be dissolved in 2017, with its water system infrastructure wholly maintained by and transferred to the City of Napa; however, the current agreement was extended to 2022 to establish a water service transition plan. The City of Napa also serves the approximately 1,175 residents of Napa State Hospital located outside the City of Napa limits ~~and~~ but within the City’s SOI (City of Napa, 2022).

- A-2-17 See Master Response 1: Water Service in Section 3.2 of this chapter.

- A-2-18 The impact under CEQA for utilities infrastructure is if implementation of the HEU would require or result in the relocation or construction of new or expanded utility infrastructure, the construction or relocation of which could cause significant environmental effects. The Draft EIR found that overall, the potential improvements or extension of utility infrastructure to serve development as a result of the HEU would be installed primarily in existing roadways and utility rights-of-way. Aside from short-term construction disturbance, no unusual or further environmental impacts would be generated beyond those identified elsewhere in this Draft EIR for overall construction activity for the project. As such, the implementation of the HEU would not require or result in the relocation or construction of new or expanded utility infrastructure, such that significant environmental effects would occur. As such impacts were found to be less than significant (Draft EIR p. 4.16-19 – 4.16-22).

A-2-19 Water calculations in Draft EIR Section 4.16 were provided to give a program-level scale comparison to available municipal water supply. The Water Supply Assessment (WSA) referenced was completed in 2013 and the water use rate estimates reflect those at the time. Since then, additional water use efficiency requirements have been implemented which reduce water usage. Based on data from the State Water Resources Control Board, the average residential water usage for the City of Napa in 2021 was 78 gallons per capita per day (gpcd).²⁸ Using the same residential water usage rate would equate to approximately 195 gallons per housing unit per day using the unincorporated County's 2.5 persons-per-household factor to make the calculation consistent with the factors contained in Draft EIR Section 4.13, *Population and Housing*. If the 195 gallons per unit per day factor is used, the 358 new multi-family dwelling units at the Northeast Napa, Imola Avenue, and Foster Road sites could demand an estimated 69,810 gpd of potable water. The Draft EIR notes that the development of 100 residential units at Foster Road would be included in the City of Napa's UWMP projections. However, development potential at the Imola Avenue and Northeast Napa housing sites were not included in these projections. The approximately 258 potential units developed at these sites would demand approximately 50,310 gpd or 56.4 acre-feet of water per year, or approximately 0.79 percent of the City of Napa's average supply at buildout (which remains less than 1 percent as analyzed in the Draft EIR). Therefore, the analysis in the Draft EIR is meaningfully the same.

Additionally, Napa Sanitation District recycled water infrastructure is located in proximity to the Northeast Napa and Imola Avenue sites.²⁹ Feasibility of recycled water connections would be determined if and when an application is filed for the housing sites.

A-2-20 This is a general comment that includes concluding remarks, and reiterates that revisions should be completed based on comments made above. Where comments have triggered changes to the Draft EIR, these changes appear as part of the specific response above and are consolidated in Chapter 4, *Errata to the Draft EIR*, where they are listed in the order that the revision would appear in the Draft EIR document.

²⁸ https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/conservation_reporting.html

²⁹ <https://www.napasan.com/DocumentCenter/View/593/NapaSan-Recycled-Water-Pipeline-Map-PDF?bidId=>



YOCHA DEHE
CULTURAL RESOURCES

October 7, 2022

Napa County
Attn: Trevor Hawkes, Planner III
1195 Third Street, Suite 210
Napa, CA 94559

RE: Napa County Housing Element Update 2022 2023 YD-10222021-04

Dear Mr. Hawkes:

Thank you for your project notification, regarding cultural information on or near the proposed Napa County Housing Element Update 2022 2023. We appreciate your effort to contact us.

The Cultural Resources Department has reviewed the project. We respectfully decline any comment on the environmental impact report.

Should you have any questions, please feel free to contact:

CRD Administrative Staff
Yocha Dehe Wintun Nation
Office: (530) 796-3400
Email: THPO@yochadehe-nsn.gov

Please refer to identification number YD - 10222021-04 in any correspondence concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

DocuSigned by:

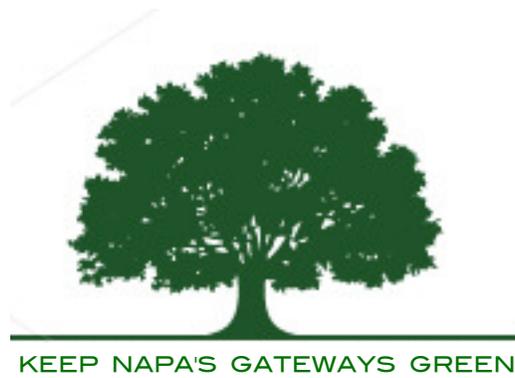
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Laverne Bill
Director of Cultural Resources

A-3-1

Letter A-3 Response: Yocha Dehe Wintun Nation, October 7, 2022

- A-3-1 The County notes that the Yocha Dehe Wintun Nation has respectfully declined to comment on the Draft EIR. Without any further comment, the County assumes that Mitigation Measure CUL-2 (Cultural Resources Review Requirements) is adequate as presented in the Draft EIR and tribal consultation with the Yocha Dehe Wintun Nation is considered complete.



October 7, 2022

Trevor Hawkes
County of Napa
Napa, CA 94559

Re: Draft Environmental Impact Report for the Housing Element Update + Housing Element Update

Dear Mr. Hawkes and County of Napa Supervisors,

On behalf of KNGG a coalition of citizens, businesses and groups throughout the City and County of Napa, we submit this letter responding to the County's DEIR and Housing Element.

Needless to say, the County's proposed Housing Element and attendant DEIR have taken on extraordinary resonance and significance in their sheer magnitude and implications for the future of the County of Napa.

KNGG has assumed a topical understanding of the planning process – and are submitting our comments as concerned citizens. We applaud many of the directives motivating a good deal of the Housing Element and DEIR . A number of laudatory inclusions are represented. Of particularly note is the emphasis (6) on environmental sustainability and Climate Change Element.

Since 2019 members of KNGG have actively participated in the City's Draft General Plan Napa 2040 process, offering the City: GPAC, the Planning Commission, and the City Council feedback and alternatives to the City Staff's unilateral view of their newly proposed FOSTER ROAD Mixed Use Corridor. These parcels remain the focus of our primary concerns for this response to the County's Housing Element and DEIR..

O-1-1



We remain appreciative of the nature of the County's collaborative relationship with the City's efforts in drafting their proposed General Plan Napa 2040/FEIR. All of us are here contributing our time expertise, efforts and financial support, as we cherish Napa - all of Napa - and the promise of its viable and sustainable future – for each of us.

O-1-1

With this in mind, we request that the County of Napa either retain and preserve the **AGW designation for these parcels by not approving the DEIR findings and Housing Element proposals and/or honor the recent recommendation by the City of Napa's Planning Commission's for **Greenbelt/AGW** designation for these Gateway Parcels aka The Ghisletta, NVHA and the Wilcoxson Parcels aka the recently identified **FOSTER ROAD (Mixed Use)**.**

O-1-2

In reviewing the County's proposed DEIR, we realize that the County's proposals for its Housing Element and DEIR are wholly dependent upon the City's annexation of these Ghisletta parcels currently sited within the County of Napa but within the City's SOI since 2005. Prior to that point they were situated within the RUL rubric of the Stewart Lands and were not intended for development within that designation. It was only upon request by the Ghisletta Family in 2005 that they were then included in the City's Sphere of Influence. KNGG's specific focus addresses the proposed Foster Road aka Foster Road Mixed Use, the Ghisletta Parcels and the Gateway Parcels. As such, our concerns include:

O-1-3

1. As of October 6, 2022, the City of Napa issued a *Statement of Overriding Considerations* in their attempt to over-ride the voices of their constituents to ensure the change in Land Use, for the Ghisletta properties from Prime Agriculture Land (as designated by LAFCO) to Mixed Use. It is based on inaccuracy
2. As you are aware this publicly acknowledged unnecessary *Statement of Overriding Considerations* ensures that the Ghisletta parcels will then be re-zoned, up zoned and annexed – **all without Voter input.**
3. Seemingly, this strategy has been put in place to ensure the passage of this annexation. By way of example, as County Supervisor Brad Wagenacht 's often stated "Done Deal" and Supervisor Diane Dillon's advocacy for this development since 2007 have played a pivotal role in laying the groundwork for this strategy. Both Supervisors need to re-consider and, indeed, reverse, their position on this

proposed over-development in light of information that has been revealed, i.e., the lack of need to fulfill RHNA numbers and consistent inflationary inaccuracies in population forecasting for Napa, the Bay Area and the State. If not, by all standards, they need to recuse themselves from voting on the approval of this DEIR and Housing Element as the appearance of impropriety is glaring.

4. Both the City and County are aware of the staunch and decades old opposition of their constituents to developing these prime Agriculture lands when there are more than ample opportunities to adhere to smart growth directives, climate resiliency and regeneration and built out the Cities core-urban in-fill opportunities already publicly identified.
5. This unnecessary proposal by the City - in concert with the County - would ensure the irrevocable development of disavowed practices of urban sprawl, segregation, environmental racism and climate devastation – the likes of which the State of California has not seen in decades.
6. The State of California and, ostensibly the City and County of Napa, do not support such practices. However, in this very instant the City and County of Napa are perpetuating and inscribing these disavowed practices – against the known will of their own constituents and citizenry.
7. It is wrong – any way one looks at it – and raises legitimate questions about the adherence of the City and, perhaps, the County to guiding principles of democratic governance.
8. This mechanism of voter suppression extends further to the fact that the City 's General Plan 2040 now states that their resolution is effective immediately upon the date of adoption.as opposed to the legally required 30 day period . Our understanding is that the Elections Code does not allow a referendum of a resolution that is immediately effective. Any resolution adopting a legislative approval is not allowed to become effective for 30 days.
9. It is clearly stated in the County of Napa's DEIR and Housing Element that its own development of the Ghisletta Parcels is contingent upon the City's Annexation of these parcels. This is a crucial aspect to moving forward.
10. Recent Napa Valley Register reportage of a Letter from Attorney Kevin Teague to City of Napa's Attorney, Michael Barrett, dated 09.09.2022 seems to insist upon the re-zoning, annexation and subsequent development of the Ghisletta

O-1-3



properties based on questionable legal arguments. Given the notable cross current between the City and County in regard to Mr. Teague's involvement in this proposal, we believe the County to be aware of the contents of this letter and how they bear on the approval of this Foster Road section of the Housing Element and DEIR.

KNGG recognizes that County Supervisors Dillon and Wagenknacht are long time supporters of the proposed annexation/development of these Ghisletta Parcels and have worked tirelessly toward their approval for the better part of 15 years.

We hope that both Supervisors will now see the wisdom of their re-consideration in light of newly surfaced critical factors, i.e. there is no need develop these parcels during this time frame, the critical uncertainties engulfing such a irrevocable decision, the revelation of the active West Napa Fault+, extraordinary high risk and dangerous factors which likely will prove prohibitive to any development let alone affordable/ low-income housing, the insidious segregation and lack of social equity and racial justice that is baked into this specific locative proposal.

DEIR

The proposed findings contained in the DEIR is that conversion of farmland and other indirect adverse impacts on Agriculture allowed by the proposed Housing Element for Foster Road are seen as unavoidable or at the of little consequence. This is inaccurate.

The DEIR's claim that Housing development pressures will force the conversion of farmland speaks of a willful abdication of the County's land use planning duties and responsibilities. This includes re-inscribing disavowed planning practices of (sub) urban sprawl which require re-zoning/up-zoning current use designations for this prime **AGW and open space**. To do so speaks to an unacceptable level of repugnancy, as these parcels are of high-risk, contain considerable uncertainties, disproportionate dense housing and, regrettably, seems to speak of disavowed environmental racism. Such Housing development, is inappropriate to such a singular location and is required to be equitably and fairly disseminated throughout the entire county – not sequestered into a high-risk massing of compromised adjacent parcels

O-1-3

O-1-4

Designating these parcel(s) now for higher intensity mixed use in this Housing Element eliminates a significant tool and deprives the County (along with the City) of the necessary agency and instrumentality that it would otherwise have available to it. A **Greenbelt/AGW** designation would allow the County and the City to exercise an unencumbered vision, determinative control and the ability to effectively guide any proposed development at these sites in the future on a clearly mandated, discretionary "as-needed " basis.

O-1-4

KNGG has continually raised a number of significant environmental impacts that could result from the conversion of the Gateway Parcels aka the "Ghisletta Parcels" to a "Foster Road (Mixed Use)" designation. We understand that these are well-know to the County officials and staff for some time now and are available in both the County and the City's archives of public commentary.

O-1-5

The proposed DEIR/HE does not respond to the seriousness of the task at hand. That is to say, in this moment of critical uncertainty, the intention of the Housing Element remains a policy statement that expresses a collective vision of Housing in relation to the County's vision which evolves over a specific time frame. The foundation of any solid and aspirational Housing Element is informed by community values: how we all *wish* to grow and how we all *will* respond and accommodate the challenges before us through identified goals and objectives. Simply put, the Housing Element is pivotal to the collective future of the whole of Napa.

In the DEIR, these environmental impacts are not "*unavoidable* ," they can be mitigated and have alternatives – contrary to what has been repeatedly stated by County officials.

O-1-6

These "Unavoidable" impacts include: the elimination of important prime agricultural land (so designated by LAFCO), conflicts with existing Housing policies, urban sprawl, high-risk Alquist Priolo Zones, Flood Plains, Landslide Areas, Water Scarcity, dystopic levels of Air quality/pollution, Traffic and Greenhouse Gas Emissions, destruction of Native American Cultural/Archeological Sites, unacceptable levels of noise and light pollution, unnecessary reduction of the WUI, etc. due to the misguided, proposed

density of re-zoning, annexation, up-zoning and development planned for this compromised, high risk site(s).

O-1-6



O-1-7

Unfortunately, the County fails to provide any evidence of unavoidability; it could accept the City's Planning Commission's recommendation to designate their sphere of influence remain **AGW** or to be preserved **Greenbelt**. If the County were to follow the path of the City, it becomes circular and unproductive reasoning to contend that the designation of Foster Road could not be changed because then it would not be the same plan.

O-1-8

The repeated and regrettable response to these serious comments is that there is no specific project planned at this time and there is no way to project such impacts. It is difficult not to believe this to be anything but a deflective statement. This response is also legally invalid, for several reasons, including.

1. *"When a comment raises a significant environmental issue, the lead agency must address the comment "in detail giving reasons why" the comment was "not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice." (The Flanders Foundation v. City of Carmel-by-the-Sea (2012) 202 Cal.App.4th 603, 615, citation to CEQA Guidelines, § 15088, subd. (c).)*

O-1-8

Most unfortunately, the County has provided only unsupported, conclusory responses that lack the required good faith reasoned analysis.

Approving this DEIR and Housing Element plan slating these properties for large-scale residential/commercial development (the largest in the history of Napa) would seem to demonstrate a pattern of willful disregard of state-mandated restrictions in RZIs. This is especially true of the recently revealed active West Napa Fault (2015).

Experts have been warning for decades that unimaginably large earthquakes (once in 300 years). are overdue for the entire West Coast from Seattle to Southern California on a number of active faults with appendages to the West Napa Fault. The fact is that zoning for massive housing development in earthquake zones-without state geologist approval – (which the state geologist himself indicates will not be forthcoming)-teeters on an uncomfortably close assumption of liability. This is needless and, inexplicably, willingly assumed by both the County and City. Obviously, this will pose a significant economic burden to all of the citizens of Napa - not to mention the horrific effects on any possible future residents of FOSTER ROAD and the surrounding neighborhoods.

O-1-9

The city's own GPAC survey indicate overwhelming opposition to developing these parcels...

O-1-10

Obviously, there are powerful development forces pressing on the annexation and development of these Ghisletta properties, but KNGG suggests this is the *Emperor's new clothes* as **there is no there there**. The State itself is providing an eject button for both the County and the City. This AP is a sufficiently large hook to hang its legal hat on – it should declare that the assumption of liability for developing in these areas is far too great to assume such a risk.

O-1-10

It would no longer fall to the County nor the City that all previous promises and commitments are now invalidated by this new information. The County and the city would be able to avoid the inevitable and fractious legal conflicts that rezoning these parcels for massive development will ignite. A further suggestion is to direct the County attorney to rule that this is fiscally and materially irresponsible for the County - to wisely step out of the way Each Supervisor could lay claim to have fought a good fight. perhaps this approach would save all Supervisors from even having to vote such an approval – resulting in a big relief for us all.

Moreover, again, the County's response fails to comply with CEQA's requirements to study the whole of a project. The Housing Element/DEIR includes specific details regarding development proposed for the *Foster Road* area, even developing policies specific to this area to accommodate an uncharacteristically dense development of 100 units of low-income housing on a 5 acre site within a larger 24 acres site of the Ghisletta parcels. This indicates undertaking a significant step committing the County to the project upon annexation by the City .

O-1-11

And all of which provides more than adequate information to allow for an introductory assessment of impacts associated with this dramatically increased intensity of development. Urban Planning Forecasting tools/models are plentiful and easily available. They yield substantive information and data-sets that would prove instrumental in evaluating Environmental impacts. Although the County's DEIR has been more forthcoming, specifically to the present of an active West Napa EQ Fault (which runs thru these parcels), both entities have failed to include any such evaluative modeling/forecasting in this DEIR for the FOSTER ROAD, thus ensuring the up-zoning of this private property and the subsequent increase in valuations for the

O-1-12

property owner. Further, and most regrettably, any such County approval will inscribe dis-avowed environmental and segregated housing practices in apparent violation of Fair Housing Policies



O-1-12

Most unfortunately, the County continues to violate CEQA by repeatedly failing to address the impacts associated with this *Foster Road Mixed Use* development in the DEIR. An irrevocable loss of prime agricultural land. Section 15126.2(c) of the CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project. Specifically, Section 15126.2(c)

The County could simplify this situation by simply removing and/or not approving this section of the DEIR and Housing Element. A Master Plan is not required by a designation of **Greenbelt/AGW**.

O-1-13

As part of the County's DEIR approval, the County must arrive at findings that are contained in and based upon a finalized DEIR

The proposed finding contained in the latest DEIR is that: conversion of farmland and other indirect adverse impacts on agriculture allowed by the proposed General Plan 2040 are unavoidable. (See "City of Napa General Plan Update Final Environmental Impact Report," September 2022, pp. 1-2, 2-12, 2-13, 3-1-3-5, https://napa2040.com/s/NapaGPU_Admin_FEIR_Sept2022.pdf, and attached.)

The only evidence provided to support the conclusion of "unavoidability" in the DEIR findings is that development pressures will likely overrule the good intentions of the written policies. This finding speaks to sleight of hand conclusions based upon speculation and bias and, unfortunately, is not supported by factual evidence.

Further, an approval by the County to not retain **AGW or designate preserved Greenbelt** t may also be a cause of internal inconsistencies within the General Plan itself and its aspirational goals to preserve open space and attain climate resiliency and regeneration within this time frame.

O-1-14

KNGG's proposal to mitigate the effects of Greenhouse Gas Emissions, Air Quality, Traffic, Noise and Environmental Justice issues is rather straightforward.

1. **Honor, Accept and Inscribe** the City of Napa's Planning Commission's Recommendation for **Greenbelt and/or retain the current AGW** Designation for these Gateway Parcels by removing this proposal from the County's DEIR and Housing Element;

O-1-15

2. **Require** the County of Napa to:

First, develop and complete in-fill housing within the City of Napa's core and the County Islands, re-adapt existing sites on transit corridors and industrial/commercial/corporate parks parcels slated for site reclamation, such as Napa Pipe and governmentally-owned properties such as the Napa State Hospital, and golf courses... In so doing, this in itself would definitively mitigate environmental factors such as Greenhouse Gas Emissions/AQ and the effects of Global Warming.prior to other development.

As you must realize, and as recommended by Plan Bay Area 2050, it's infinitely preferable to densify an already urbanized area, such as the Soscol transit Corridor, to minimize transportation and infrastructure demands, rendering them concentrated and a deterrence to automobile usage and parking real estate.

O-1-16

To provide the mix of housing needs along these identified in-fill corridors FIRST, thus offering a much needed regenerative incentive for the energetic revitalization of these corridors, neighborhoods, strip malls and corporate parks. Many of these single-story shopping centers along the identified corridors truly are fallow and businesses failing or shuttered – falling into blight and reflecting poorly on the County's renown.

Smaller Developers/owners would be viewed as partners and incentivized using the once-in-lifetime state and federal funding to create vibrant mixed use corridors. Such an alternative plan would not be additive of more cars, air, noise, and light pollution to the edges of the city. Rather, it would rightly focus the housing in already urbanized areas, not further creating sprawl and resulting in a segregated and marginalized environment at the rural urban interface of the Gateway to the world famous Napa Valley-one of the world's most impressive tourist and economic drivers – second only to Disneyland.

Overriding Considerations

The issue of Overriding Considerations was raised during the City's Planning Commission meeting on 09.01.2022. To this point, our understanding was that the City Council may only adopt a statement of overriding considerations if substantial evidence is in hand. **It was and is not. The County needs to be made aware of this inaccurate unsubstantiated claim.**

Following two + years of persistent questioning and stonewalling, the City's Planning Staff finally revealed information on the state's RHNA housing requirements on 09.01.2022. Point in fact, the re-zoning, annexation, upzoning, and development of the Gateway parcels **are not necessary** to fulfill the RHNA numbers housing requirements as has been declared by the City of Napa's



[City of Napa Planning Commission Meeting, 09.01.2022 -CLIP](#)

KNGG notes that the City of Napa is in agreement with the County to take on the burdensome lion share of housing development. There are already identified more than adequate in-fill housing units to satisfy these requirements - forecast through the next 2-3 Tier 1 RHNA cycles. Simply put there is no need to re-zone/up-zone and annex these high risk parcels laden with deep uncertainties, for Housing Development , other than to fulfill the long-standing request of the Property owner(s) of the Ghisletta Parcels.

RHNA

KNGG understands that RHNA circulates in 8 year cycles, however:

1. Unlike other Bay Area municipalities the County of Napa has inexplicably not appealed these RHNA numbers, as this fundamental concern was considered:

HCD's RHNA determination has been independently found to be in error and the audit should consider arguments by other regional agencies such as the Southern California Association of Governments. Moreover, there remain significant unanswered questions related to the data analysis in PBA50.

Many agencies have consistently requested jurisdiction-level data to better understand the assumptions, analysis and conclusions that make up PBA50. Cities and counties within the Bay Area are being burdened with excessively high RHNA numbers – even without potential double counting errors from HCD.

The RHNA methodology should address development feasibility for jurisdictions by including an allocation cap, especially under current circumstances where it will take time for developers to prepare housing project plans and funding packages in recession conditions.

The concern is some jurisdictions potentially failing to meet their market rate housing targets, subsequently being subject to the permit streamlining requirements of SB 35, and then these jurisdictions losing control over local land use decisions four years into the RHNA cycle.

Regional Growth Strategies Mapping and Modeling Accuracy.

Mapping, modeling results, and associated assessments of development potential underlie the regional growth pattern in the Plan Bay Area 2050 Final Blueprint. Accuracy in the regional growth strategies mapping and modeling is fundamental if 2050 Households is used as the RHNA methodology baseline.

2. As indicated above, the State itself has recently issued a relatively scathing report on both the inaccuracy and the inadequacy of reliable evidence for these RHNA numbers and forecasting;

On March 17, Michael S. Tilden, the Acting California State Auditor, [issued a blistering critique of the Department of Housing and Community Development \(HCD\) and its Regional Housing Needs Assessments \(RHNA\)](#).

***The Auditor found problems in the HCD methodology that may have inflated RHNA requirements by hundreds of thousands of housing units.** The Auditor concludes that “The Department of Housing and Community Development must improve its processes to ensure that communities can adequately plan for housing.”*



In his letter to the Governor and legislative leaders, the Auditor also states, "Overall, our audit determined that HCD does not ensure that its needs assessments are accurate and adequately supported. ...This insufficient oversight and lack of support for its considerations risks eroding public confidence that HCD is informing local governments of the appropriate amount of housing they will need."

3. The verified decreasing population forecasting of the State; stands in stark contrast to the inaccurate figures used by consultants preparing the DEIRs.
4. By way of example of historical inaccuracies, the high level of inaccuracies of historical data forecasting, i.e. population for Napa was forecast to be 250,000 in 2020 by the City years ago;

It is highly improbable that RHNA numbers will be an issue in the interim years until 2040. In the unlikely event a need arises the County and City have a number of discretionary measures that could be effectively deployed, such as the General Amendment used with the annexation of NapaPipe.

With this in mind, we advocate that the County change the language of the DEIR to specify and require priority development first in the already urbanized corridors within the County (not the SOI) to produce the number of RHNA units anticipated in order to reduce sprawl and advance climate resiliency and regeneration. In so doing, this will reduce the particulate matter, greenhouse gas emissions and advance levels of clean air quality. Without question, developing the existing main corridors with existing infrastructures/systems and focus areas will provide more of the much-needed housing stock options, prove cost-efficient, revitalize neighborhoods and supporting new and existing businesses.

- KNGG has repeatedly noted that the City of Napa's own 2015 Napa Housing Element identified at least 51 sites (reasonably accommodating over 1550 housing units) for in-fill housing site equitably situated throughout the City. Most of these sites, if any at all, have not yet been developed. This number itself would yield high % of the ABAG current demand for housing.
- It appears that the DEIR seemingly has not been populated with specific mixed use housing and housing numbers, other than the initial 100 low income units.



Most unfortunately, this omission speaks to a continued disservice to the residents of Napa and to the future sustainable housing, public good and climate resiliency of our region.



O-1-18

Issues of Social Justice and Equity

Certainly, these are privately held lands and their owners - as any of us - are entitled to realize whatever profit is in keeping with the (high) market valuation of Prime Agriculture lands. While highly valued for Agriculture, these parcels are deeply compromised, replete with uncertainties, and high-risk for residential and commercial development. That said, the elephant in the room is that these are Prime Agriculture lands, once treasured for their multi-faceted value to the City of Napa, appear to be the sacrificial lamb in a disingenuous ploy to up-zone and develop (affordable/low-income) housing. That ploy itself speaks to an unacceptable degree of environmental racism and ghetto-ization and may be viewed as an updated form of 21st century red-lining.

O-1-19

Affordable housing needs to be (and can be) integrated throughout the City of Napa - in every corner where each of us lives. Affordable/Workforce housing should not be situated entirely within one area of the City. The draft Napa General Plan 2040 proposal indicates that well over 300% of all new housing is slated for the development of the Ghisletta and Horseman's Association parcels and represents approximately 5% of the City of Napa's population.

But the City of Napa's Planning Commission's recommendation of **Greenbelt/AGW** Designation for these parcels has assured the citizens of all of Napa that affordable and mixed-income housing will be built throughout all of the SAFE and affordable sites already identified by the City as urban infill - and this speaks to 21st century "smart growth directives" and, of course, to principles of social justice and racial equity .

The proposed FOSTER ROAD (perhaps unintentionally) covertly segregates people of lower income (often people of color) by proposing an annexation ensuring development that will create an entire new city in Southwest Napa . This City will not-



offer these residents the same amenities and privileges associated with housing spread throughout the County of Napa (as it should be legally), such as in neighborhoods such as Browns Valley and Alta Vista, etc.

It is incumbent upon the County to deliver equitable housing that would offer everyone (not matter race, class or gender) the ability to afford or to even secure a mortgage and enjoy the same financial appreciation on their investment. And to ensure that residents live in relative comfort and safety from the West Napa Fault Line, the Flood Plains and the Landslide areas - not to mention constant rupture of services of water lines, gas lines, gas emissions and other pollutions from Hwy 29 by way of the cumulative effects of an additional anticipated 3000 people + commercial ventures and transient consumers/workers.

Each resident of Napa deserves a quality of life that does not speak to dystopic existence for ourselves and our neighbors throughout all of Napa.

Conversely, developers will soon discover that it is way too expensive to build on such a high risk site - a site that the property/developer interests seem far too eager to offload onto the county's ability to re/up-zone for their significant profit only to then find that low income and affordable housing is way too costly to build won't be able to built such housing for an affordable price despite augmented funding sources. Case in point is Napa Pipe whereas the City has an agreement for a minimum of 140 affordable housing units are to be built. Recent reportage indicates that number has now been cut in half.

As the California State Geologist recently mentioned, compromised, high risk sites like the Ghisletta parcels are good for one of two things: **Greenbelt/AGW** or *Golf courses*. We believe there to be existing and beneficial alternatives which the County (nor the City) has yet identified) KNGG is submitting to the City by 10.18.2022.

Unlike Napa Pipe (similar in scale) the Ghisletta parcels are considered Prime Agricultural Lands by LAFCO (a state agency) - These Ghisletta parcels are not *Superfund* sites or industrial wastelands begging for welcome reclamation like Napa Pipe.



O-1-19

O-1-20

Gateway Parcels designated Prime Agricultural Land the USDA (the basis of LAFCO determination - therefore subject to MEASURE J & MEASURE P)

ATCH 2

Unincorporated Areas Within City of Napa's Sphere of Influence

Island Vicinity	Surrounded By City of Napa	Total Acres	Total Parcels	Developed Parcels	Estimated Population	Public Water Service (%)	Public Sewer Service (%)	Prime Agriculture	Subject to Measure P
Vest Pueblo/ Linda Vista	100	87.4	543	538	1399	98	100	No	No
Vest Pueblo/ West Park	100	10.1	19	18	47	68	100	No	No
rowns Valley/ Kingston	100	14.8	11	10	26	55	22	No	No
Vest F/ Solano	100	6.7	13	13	34	100	100	No	No
errace/ Wyatt	100	1.6	6	6	16	50	100	No	No
errace/ Mallard	100	2.2	3	3	8	0	100	No	No
ilkins/ Shetler	100	0.6	2	2	5	50	100	No	No
mola/ Parrish	93	32.0	213	208	541	97	100	No	No
ilverado/ Stonecrest	82	23.6	10	10	26	80	49	No	No
mola/ Tejas	71	5.3	16	16	42	81	100	No	No
hurtieff/ Hillside	70	2.5	3	2	5	0	100	No	No
illtop/ Griggs	56	6.0	4	3	8	75	100	No	Yes
evita/ Hilltop *	50	0.2	1	1	3	100	100	No	No
aratoga/ Capitola	100	3.6	4	3	8	0	100	Yes	No
hurtieff/ Cayetano	100	3.5	4	3	8	75	100	Yes	No
ilverado/ Saratoga	100	1.9	1	1	3	0	100	No	No
oster/ Grandview	81	7.6	6	6	16	83	0	No	Yes
edwood/ Lynn	79	7.1	16	14	36	88	0	Yes	Yes
asalt/ Kaiser	94	70.4	3	0	0	0	33	Yes	Yes
edwood/ Montana	76	8.1	4	4	10	100	17	No	Yes
enny/ Madrid	66	2.9	5	5	13	0	100	No	Yes
edwood/ Forest	59	22.7	23	21	55	78	100	Yes	Yes
ig Ranch/ Rosewood	55	66.3	12	9	23	0	100	Yes	No
oster/ Golden Gate	52	146.8	9	6	16	0	100	Yes	Yes
enny/ Imola	50	3.3	2	2	5	0	100	No	Yes
Napa State Hospital/ County Jail	35	348.4	5	4	1100	100	100	No	No
Totals	N/A	885.4	938	908	3450	17 Areas > 0%	24 Areas > 0%	7 Yes / 19 No	9 Yes / 17 No

3 areas meet Napa LAFCO's policy definition of "island" and are eligible for streamlined annexation
 3 areas do not meet the definition of "island" pursuant to Napa LAFCO policy
 Requires confirmation of % of perimeter surrounded by city/town

O-1-20

These parcels embody the City's of Napa's "Last Crop" of AG land - once they are gone they are gone and we will all be the poorer for it.

The County's DEIR and Housing Element proposes an irrevocable decision to develop prime AGW lands. To approve such a shameless proposal to develop these AGW parcels based on exceptional uncertainties, high-risk factors, exacerbating urban sprawl, further devastating the environment, publicly acknowledged inaccurate data points and forecasting numbers, 21st century redlining practices , etc., is more than unreasonable. And it appears to all be based upon the opportunistic and unsubstantiated predicate of Napa's voracious appetite for over development based upon "dumb" planning directives.

O-1-21

This speaks for itself – actually it shouts from the mountain tops-this **makes no sense and is irresponsible, if not unconscionable, to the citizens of all of Napa.**

Response to Napa Register Article, 09.18.2022

Napa City Council to weigh Foster Road zoning as general Plan process nears end by Edward Boothe

The references in the article are generalized but the article states "He also cites **California's Housing Element Law**, saying it would place the city in "legal jeopardy by failing to adequately identify housing sites."

Our understanding is that the Housing Element Law does require the City to identify adequate housing sites to meet their RHNA. As was finally disclosed by City Staff at the 09.01.2022 Planning Commission hearing:

The FOSTER ROAD /Ghisletta parcels are not required to meet the RHNA.

And that other identified sites will meet the required RHNA.

The article also states that Mr. Teague references **the Housing Crisis Act of 2019** regarding a "prohibition on any net loss in residential capacity," In response, the relevant section of the law states:

"This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity."

Further to this point, LAFCO states (*Countywide update on Housing and General Plan-10.04.2021*):

"Certain actions related to RHNAs are required of the local land use authorities, and certain other actions are strictly advisory. Specifically, jurisdictions are required to zone a sufficient amount of land to accommodate their respective RHNA totals. However, it is only advised that each of these agencies issue housing permits to accommodate their respective RHNA totals."

The KNGG response to Mr. Teague's claim is that the County (nor the City) would not be reducing residential capacity, **it would simply not be changing the current land use designation to a much denser FOSTER ROAD (Mixed Use)** - Moreover, the City is finally acknowledging and appropriately increasing residential capacity at other identified sites throughout the City proper, resulting in no net loss in residential capacity and this fact now needs to be fully recognized by the County.

O-1-22

Bias and Impartiality

To ensure the public's confidence in the impartiality of County Supervisors, the Council must avoid even the appearance of bias or prejudice in its decision-making process. In this situation it has been most unfortunate that, several County, LAFCO and other government officials, have made clear statements publicly and behind closed doors (emails) that the Ghisletta parcels would be developed with the significantly increased intensity of the *FOSTER ROAD (Mixed Use)* designation. It was often commonly referred to as a : "done deal" during the past decade this precluding the introduction of critical information seminal to arriving at a judicious decision today in 2022/23.

A number of the County's acts and statements were made prior to the County's review and consideration of the DEIR for the Project and prior to public hearings on the proposals, demonstrating pre-commitment, a lack of impartiality in decision-making, and thus the unacceptable probability of bias and strong-arming the system.

O-1-23

Referendum

KNGG and SFR have long enlisted support from residents, business and groups from around the City and County. As in 2007 the Save Foster Road group gathered approximately 5700 signatures for a referendum in response to the City Council voting to annex these parcels. The annexation was then dropped by the City and County of Napa.

If the DEIR and Housing Element was adopted as proposed with the inclusion of the *FOSTER ROAD (Mixed Use)* site instead of the current and recommended **AGW/ Greenbelt** designation a referendum and or Ballot Initiative could be brought once again – despite the City of Napa's efforts to derail the possibility of actualizing any possible referendum.

Summary

Napa is not a bedroom community – as it is iterated in the Mission of the City of American Canyon. That is not the mission of the County of Napa nor the City of Napa.

O-1-24

The possible up-zoning, annexation and development of Foster Road - these Gateway Parcels-cannot be seen as the tactical maneuvering of a chess game any longer – in order to covertly get this past the voices and agency of Napa residents.

For the better part of 75 years the County of Napa has carried out a mission of melding vision/foresight, sustainability and measured / reasoned responses to resolving the problems before us. This vision has been exceptional and only served to benefit both the County and City of Napa by greatly enriching and underwriting this renown world-class Agricultural area that we all treasure.

The proposed FOSTER ROAD (Mixed Use) does not to speak to these directives. It speaks to an “easy way out” that privileges privatized interests and a directive which will relinquish the progress and devastate the beauty generated by the wisdom of the last 75 years of our coveted AgG Preserve. **And the County does not need to do so.**

O-1-24

For the County to needlessly ensure developing high-risk multi-story, multi-family complexes, tract housing and the retro-sprawl of retail, gas stations, and parking lots on these view corridor properties is nothing more than an undeniable BLIGHT to the County's primary 's entry to the Napa Valley - and reputation. - It is exactly what citizens and tourists (the foundation of Napa's economy) do not want to see nor to experience upon arrival.

KNNGG requests that the County not to move forward with this misguided segment in the proposed DEIR for the FOSTER ROAD (Mixed Use). We request that the County honor and retain its current designation as **AGW** and/or adapt the City's Planning Commission's recommendation for a preserved **Greenbelt Designation.**

Again, for the County to approve the FOSTER ROAD (Mixed Use) would render an **irrevocable decision based on a lack of need, factual inaccuracies and critical uncertainties.** If nothing else, common sense and sound management practices dictate never predicating such a consequential decision on such a tenuous basis.

These parcels represent one of, if not the, the **"Last Crop"** of **Greenbelt/AGW land** (as currently zoned by the County of Napa). **Once it is gone – it is gone forever.** (think Joni Mitchell of the same vintage as the AG Preserve!)



Furthermore, and perhaps most disturbingly, such an approval would continue to unilaterally ignore the will of the people, the broad spectrum of high-risks and untethered development costs associated with these parcels, and inscribe disavowed planning and social practices with the proposed change in land use and zoning for these parcels in the FOSTER ROAD (Mixed Use) designation.

The City's Planning Commissioners took note as to how integral was the introduction of NEW critical information regarding RHNA numbers, the acknowledgement of Prime AG land designations and the rapid advance of the broad spectrum effects of Climate Change. These factors influenced their decision to reverse their earlier recommendation. They did so with integrity and without compunction.

It is our sincerest hope that you all will honor the implicit trust that we have placed in you to render recommendations that serve the whole of the County and its aspirational future well-being and sustainability.

" But the rest of the Bay Area sees a huge difference. If the EPA growth scenarios are correct, Napa Valley will be a regional oasis of agriculture 50 years from now.

"We're going to get squeezed," Morrison said. "Solano is going to be fairly developed, Sonoma's going to be fairly developed. Vallejo is like Oakland-level density."

Morrison can envision an alternative future for Napa County. Perhaps land grows far more valuable for home building than grape growing, political re-solve to protect agriculture wains and the agricultural preserve is swallowed by development.

"That's the choice," Morrison said. "We either fight really hard to keep what we have in terms of agriculture or we're absorbed into the Bay Area metropolitan region."

Ag preserve, totalitarian-ism and 'slip-shod semi-city' That's the same choice the county faced at the birth of the agricultural preserve in 1968. At that time, the idea of zoning 23,000 or so acres on the Napa Valley floor as protected agriculture proved controversial....

This was before Napa County's future as a prosperous Wine Country was assured, when some thought Napa Valley might go the way of Santa Clara Valley."

David Morrison, Director of Planning, Napa County, AG Preserve Success Touted, Napa Register, February 4, 2018

Respectfully submitted,

Christiane Robbins
On behalf of KNGG

Letter O-1 Response: Keep Napa’s Gateways Green, October 7, 2022

- O-1-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- O-1-2 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-1-3 This mainly concerns disagreement with actions taken by the City of Napa regarding the Foster Road Mixed-Use Area. These comments do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

The comment also claims that “the Ghisletta properties” are Prime Agriculture Land (as designated by LAFCO). See Response to Comment O-1-7 and O-1-20 regarding these claims.

- O-1-4 The comment disagrees with the Draft EIR’s conclusions related to conversion of farmland and other indirect adverse impacts. As noted in the Draft EIR, the Foster Road site contains Urban and Built-Up Land and Other Land as under the California Department of Conservation’s (CDOC) Farmland Mapping and Monitoring Program (FMMP) (Draft EIR p. 4.2-2). The Draft EIR evaluated impacts related to agricultural resources in accordance with the requirements of CEQA. The precise significance criteria used in Section 4.2 of the Draft EIR, and also in CEQA Guidelines Appendix G (II)(a) asks:

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 non-agricultural use?

As such, impacts are analyzed related to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) in the Draft EIR. Urban and Built-Up Land and Other Land are not included in the definition of agriculture within Public Resources Code Section 21060.1 and therefore are not the focus of the analysis of agriculture impacts under CEQA (Draft EIR p. 4.2-10).

With regard to the comment concerning potential indirect impacts, the Draft EIR analyzed the potential for impacts related to a conflict with existing zoning for agricultural use under Impact AGR-2 of the Draft EIR. While the Foster Road site contains existing agricultural zoning Agricultural Watershed (AW) and Urban Reserve Combination (:UR) district, the Foster Road site is within the City of Napa's Rural Urban Limit (RUL), which is an area of the unincorporated County long identified for annexation and development within the City of Napa. The City of Napa's General Plan Update anticipates this happening over time and proposes policies to govern planning, development, and future annexation. As part of the HEU, the 5-acre site would be rezoned to the Residential Multiple (RM) zoning district, and as such development of multi-family housing on the site would not conflict with zoning for agricultural use.

The Draft EIR also analyzed the potential for impacts related changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use under Impact AGR-3 of the Draft EIR. There is no Farmland in the vicinity of the Foster Road site, and the Right to Farm Ordinance and the County Code requirements regarding setbacks between agricultural and residential uses, also would protect agricultural uses in the vicinity of these sites from conversion to non-agricultural uses. Therefore, potential indirect impacts related to conversion of Farmland to non-agricultural use were found to be less than significant.

O-1-5 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

O-1-6 As discussed in Chapter 6 of the Draft EIR, potentially significant environmental impacts that would result from implementation of the HEU are evaluated in the various subsections of Chapter 4.0, *Environmental Setting, Impacts, and Mitigation Measures*, of this EIR. With implementation of standard conditions and requirements, and mitigation measures identified for each resource area significantly impacted, many of the potentially significant impacts resulting from implementation of the HEU would be reduced to a less than significant level. The impacts listed would remain significant and unavoidable even after mitigation: Aesthetics Impact AES-2; Air Quality Impacts AIR-2, and AIR-3; Cultural Resources Impacts CUL-1 and CUL-1.CU; GHG Impacts GHG-1, GHG-2, and GHG-1.CU; Noise Impacts NOI-3, NOI-4, and NOI-2.CU; Transportation Impact TRA-2; and Utilities and Service Systems Impacts UTL-2, UTL-3, UTL-2.CU, and UTL-3.CU (Draft EIR p. 6-1 – 6-2).

The comment does not identify specific issues with the analysis in the Draft EIR other than general assertions of inadequacy. The Draft EIR meets all requirements of

CEQA, including detailed analyses of potential direct, indirect, and cumulative impacts on the environment supported by a long list of references and exercise of appropriate methodologies and professional judgement, and provides enforceable mitigation measures for the significant impacts identified (Draft EIR Chapter 4).

- O-1-7 The comment includes a figure of unknown source illustrating that a parcel in the Foster Road housing site is “Prime Agricultural Land (CA Gov Code 56064).” The FMMP designations for the Foster Road site are Urban and Built-Up Land and Other Land (Draft EIR p. 4.2), and as such the site is not mapped as containing Prime Farmland. See also Draft EIR Figure 4.2-1 for the locations of Prime Farmland in Napa County.
- O-1-8 The comment alleges that “fails to provide any evidence of unavailability” due to impacts related to the Foster Road site. Significant and unavoidable impacts related to the Foster Road site include those related to historic architectural resources (Impacts CUL-1 and CUL-1.CU), GHG (Impacts GHG-1, GHG-2, and GHG-1.CU), VMT (Impact TRA-2), water supply (Impacts UTL-2 and UTL-2.CU), and wastewater capacity (Impacts UTL-3 and UTL-3.CU). The comment does not identify specific issues with the analysis in the Draft EIR other than general assertions of inadequacy. The Draft EIR meets all requirements of CEQA, including detailed analyses of potential direct, indirect, and cumulative impacts on the environment supported by a long list of references and exercise of appropriate methodologies and professional judgement, and provides enforceable mitigation measures for the significant impacts identified (Draft EIR Chapter 4).
- O-1-9 The comment claims that the West Napa Fault would adversely affect future residents at the Foster Road site. As discussed in the Draft EIR, none of the proposed housing sites are located on an active fault. However, due to the proximity to the West Napa fault, and the Huntington Creek-Berryessa and Green Valley fault systems, new developments proposed under the HEU would be subject to strong seismic ground shaking in the event of an earthquake originating from one of the previously mentioned fault zones. As required by California law, any new developments would be subject to the seismic design criteria of the California Building Code (CBC) and County building codes, which require that all improvements be constructed to withstand anticipated ground shaking from regional fault sources. Each new development would be required to obtain a site-specific geotechnical report prior to the issuance of individual grading permits; each new development would be required to retain a licensed geotechnical engineer to design new structures to withstand probable seismically induced ground shaking. The CBC standards and County codes require all new developments to be designed consistent with a site-specific, design-level geotechnical report, which would be fully compliant with the seismic recommendations of a California-registered professional geotechnical engineer. Adherence to the applicable CBC requirements and County codes would ensure that the proposed Project would not directly or indirectly cause

substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. (Draft EIR p. 4.7-18 – 4.7-19).

O-1-10 This comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

O-1-11 The comment alleges that the County “fails to comply with CEQA’s requirements to study the whole of a project” related to the Foster Road site. The Project Description in Chapter 3 of the Draft EIR complies with the requirements of CEQA.

It is also noted, as discussed in Draft EIR Chapter 1, *Introduction*, this EIR is a program EIR, as provided for in CEQA Guidelines Section 15168, and consistent with Section 15168(b) of the CEQA Guidelines, allows the County “to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts.” As a program EIR, this EIR analyzes potential impacts of development that would be allowed by the HEU without having site-specific development proposals in hand, and broadly considers proposed sites, their environmental setting, and potential impacts that could stem from their development.

Future discretionary actions that would be facilitated by the HEU’s adoption, such as those related to the development of housing, would be assessed to determine consistency with the analysis provided in this program EIR. Potential future actions would also be subject to the mitigation measures established in this program EIR unless superseded by a subsequent environmental document that is required to analyze significant environmental impacts not foreseen in this program EIR.

It is important to note that while the law requires the HEU to include an inventory of housing sites and requires the County to zone those sites for multifamily housing, the County is not required to actually develop housing on these sites. Future development on the identified sites will be up to the property owners and will be largely dependent on market forces and (in the case of affordable housing) available subsidies (Draft EIR p. 1-2).

O-1-12 See Response to Comment O-1-9 regarding the West Napa Fault.

O-1-13 The comments allege that there are significant and unavoidable agriculture impacts related to the Foster Road site. See Response to Comment O-1-4.

O-1-14 See Response to Comment O-3-31 regarding General Plan consistency.

- O-1-15 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-1-16 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-1-17 These comments mainly concerns disagreement with actions taken by the City of Napa regarding the Foster Road Mixed-Use Area. These comments do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-1-18 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-1-19 The comment contains assertions related social and/or economic considerations that the County may evaluate as part of its consideration of the merits of the proposed Project, but which are not required to be addressed under CEQA. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-1-20 The comment claims that the Foster Road site contains “Prime Agriculture Lands by LAFCO” and contains a chart of unknown origin as evidence with a row indicating “Foster/Golden Gate” and a column indicating “Prime Agriculture: YES”. As discussed in Response to Comment O-1-7 above, the FMMP designation for the Foster Road site are Urban and Built-Up Land and Other Land (Draft EIR p. 4.2), and as such the site is not mapped as containing Prime Farmland. A search of LAFCO’s website for resources regarding agriculture directs to the Maps page³⁰

³⁰ https://www.napa.lafco.ca.gov/r_maps.aspx

which contains a link to a map of “Napa County Important Farmland”.³¹ This is the FMMP for Napa County from 2016. While the Draft EIR references the most recent 2018 version of this map, the Foster Road site is designated as Urban and Built-Up Land and Other Land.

- O-1-21 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-1-22 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-1-23 This comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-1-24 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

³¹ https://www.napa.lafco.ca.gov/uploads/documents/NapaCounty_ImportantFarmland_2016.pdf

Friday, October 7th, 2022

Napa County Planning, Building, and Environmental Services Department
Attention: Trevor Hawkes, Project Manager
Email: Trevor.Hawkes@countyofnapa.org
1195 Third Avenue, Suite 210
Napa, CA 94559

Comments on Napa County Draft Environmental Impact Report

Dear Trevor Hawkes,

We are SaveHedgeside.com and we are a group of neighbors who live next to the Bishop property. We are writing to you regarding the Bishop site listed in the Housing Element Update (HEU), as there are numerous issues with developing high-density residential along rural Hedgeside Ave.

After reading through the Draft Environmental Impact Report (DEIR), here are the most immediate concerns:

- 1) Flooding [Special Flood Zone Risk]
- 2) Drought and Groundwater Conditions
- 3) Fire Evacuation and Insurance Affordability
- 4) Watershed Health
- 5) Rare, Threatened, Endangered or Species of Special Concern
- 6) Pedestrian Safety
- 7) Noise Pollution
- 8) Lack of Transportation / GHG Emissions
- 9) Unsafe Road Conditions
- 10) Project Alternatives

In each section, we have taken sections of the DEIR pertaining to my concerns and highlighted the issues we see, provided a summary of my concern (under "Summary"), as well as a list of questions we have about each specific concern (under "Questions").

1) Flooding

Note: To see images of past flooding of Milliken Creek, which runs adjacent to the Bishop site, see Image Appendix, Section 6.

A. *Special Flood Zone Risks*

O-2-1

O-2-2

“The Napa River has experienced serious flood events 21 times since 1862 (Napa County, 2022).” [pg 310, section 4.10]

Note: There is a major flooding in Napa approximately every 8 years (21 times over 160 years). It is likely that Napa is due for another major flood soon.

“As identified in Figure 4.10-2, Flood Zones, some of the sites proposed for residential development as part of the HEU (Bishop and Foster Road) are partially within special flood hazard zones.” [pg 329, section 4.10]

Note: The DEIR indicates that the Bishop site is located in a special flood hazard zone.

“In the absence of controls for development within flood zones, there is a risk that flood waters could be redirected to surrounding properties.” [pg 329, section 4.10]

Note: The DEIR expresses that there is potential added flooding risk for all homes surrounding the Bishop site.

“Consistent with Napa County requirements (Chapter 6.04.721 of the County Code) residential development would be subject to engineering review and must have the lowest floor, including basement, elevated to or above a level equal to the base flood elevation plus one foot of freeboard.” [pg 329, section 4.10]

Note: There is a requirement for building ‘above flood level’.

“...HEU’s implementation on stormwater runoff, erosion, and storm drainage and flooding would be less than significant. Mitigation: None required.” [pg 329, section 4.10]

Summary

There has not been adequate research done on the Bishop site in regards to flooding impact, specifically the damage that can potentially be inflicted on neighboring homes if a large hardscape project were developed next to Milliken Creek. With the Bishop site being located in a “special flood hazard zone,” there should be thorough studies done to communicate various potential impacts of flooding for the new HEU housing, the costs associated with mitigating the risks and special construction techniques, and the costs the potential new homeowners would be burdened with living in a flood risk area (i.e. flood insurance).

Questions

1. What additional measures and/or what specific construction techniques will be implemented to guarantee that flood waters on the Bishop site - a “special flood hazard zone” - will not be dispersed on to other homes due to a large hardscape project?
2. What is the cost difference of a HEU project that does need additional flood measures or specialized construction techniques versus a HEU project that does not? What does this look like when you break down the costs by number of houses built?

O-2-2

O-2-3

3. Can the county provide research to show that potential development of the Bishop site project will not increase flood insurance premiums for neighboring homes?
4. What is the calculated cost for flood insurance for those who would be potentially living on the Bishop site?
5. If the goal is to build affordable housing, would it be considered ethical to put these homes in an area where flooding could potentially impact the financial well being of these individuals if they were not able to afford adequate insurance protection?
6. Will the county be providing flood insurance protection for the affordable homes built on the Bishop site given its "special flood risk zone" status - if they are unable to obtain it themselves?



O-2-3

2) Drought and Groundwater Conditions

A. Wells and Groundwater Recharge

"Multi-family housing sites would not be reliant upon groundwater. As described in Section 4.16, Utilities, water supply for these projects would be provided from local municipal water districts and/or through State Water Project entitlements." [pg 328, section 4.10]

Note: The Bishop site does not have access to city water/waste utilities, and all neighboring homes rely on well/septic. The DEIR also states that the HEU sites would not be reliant on groundwater - so there must be utilities made available.

O-2-4

"Therefore, the HEU would not substantially deplete groundwater resources or substantially interfere with groundwater recharge." [pg 328, section 4.10]

Note: They are saying that there will not be a substantial depletion of groundwater to wells, nor will there be issues with groundwater recharge around the Bishop site.

Summary

There has not been sufficient research provided in the DEIR to conclude that 5 acres of hardscape on the Bishop site will not result in groundwater recharge issues for surrounding wells - if the homes nearby are not provided water and waste utilities as well. The statements in the DEIR assume that all sites have water and waste utilities nearby, while those who live near the Bishop site do not have access to wastewater utilities (all well and septic systems). Building wastewater utilities out to the Bishop site would be an expensive addition for the HEU project, compared to other HEU sites that have access to these utilities.

Questions

1. If city water and waste utilities are built to the Bishop site, would that also provide hookups for the homes nearby who are on well/septic systems? Why or why not?
2. If 5 acres of the Bishop field are covered by hardscape (asphalt, cement, homes, etc.), can the county provide sufficient research and a list of special construction



O-2-5

O-2-6

implementations that will be used to develop the site to prevent groundwater recharge issues for surrounding wells?

↑
O-2-6

3. How much would special 'groundwater recharge' construction implementations cost compared to the other sites where there are no issues/concerns concerning groundwater recharge for neighboring wells? And what does this look like when you break it down per house built?

O-2-7

B. Additional Costs for Water and Wastewater Utilities

"Multi-family housing sites would not be reliant upon groundwater. As described in Section 4.16, Utilities, water supply for these projects would be provided from local municipal water districts and/or through State Water Project entitlements." [pg 328, section 4.10]

O-2-8

Summary

It is indicated in the DEIR that multi-family housing would not be reliant on groundwater, so the only way the Bishop site would be developed is if the water and waste utilities were built all the way to the Bishop site. This also requires the capacity of the existing water/waste utilities in the area (the main wastewater utilities servicing the nearby area) to be expanded to handle the additional Bishop site households.

Questions

1. If the county is to expand water/waste utilities to the Bishop Site - and also expand capacity of existing water/waste utilities (that go out to Silverado Resort) - what would be the total additional cost to build this HEU site compared to all other sites listed in the DEIR?
2. What is the price difference per house built on the Bishop site, compared to a house built on a site that has access to existing water/waste utilities? Is there a steep increase to develop the Bishop site compared to other HEU sites?
3. How long would it take for the wastewater utilities to be upgraded and expanded to the Bishop site? Can the city provide a timeline for all neighboring homes?
4. What kind of issues would neighboring homes experience during these water and waste upgrades (for example: road closures or no access to driveways)?
5. Can those construction issues, like a road closure, impact fire or flood evacuation efforts? If so, what plan is in place to make sure people have a fast, and safe, evacuation route? And how will this be communicated with all properties in our district so that everyone is well informed on what to do in an emergency?
6. If the wastewater utilities are built out to the Bishop site, which neighboring properties would gain access to the city utilities, and where would the cut-offs be for a house to not gain access?
7. Have other entities expressed interest in the water and wastewater utilities in our area being expanded for their benefit - and who are those entities/businesses? Is there financial incentive beyond the potential Bishop site development?

O-2-9

O-2-10

O-2-11

8. Can David Morrison provide further explanation for his comments during the August 12, 2022 HEAC meeting where he mentions the county “will have to look at alternative means” if LAFCO or City of Napa Sanitation District does not approve building wastewater utilities out to the Bishop site? Is he saying that if they do not get the wastewater utilities, they will resort to building wells and septic systems to accommodate 100+ potential homes built on the Bishop site?
9. What studies are done on the level of groundwater available at the Bishop site? And is it possible that 100+ individual households using well systems - in an area dealing with drying wells - could potentially significantly deplete the groundwater to levels that would greatly affect neighboring properties?
10. Could depletion of groundwater also affect Milliken Creek habitats? If so, what would the impact be to the species who rely on the creek?

O-2-12

C. Well and Septic for HEU Project

Note: This exchange was taken from HEAC (Housing Element Advisory Committee) meeting on August 12, 2022. The meeting can be found at this link: <https://bit.ly/3Efg3EW>

At 53:30 Kellie Anderson is speaking:

"I'll give an example on the Hedgeside and Bishop sites - which, of course, require LAFCO or City of Napa Sanitation District approval for services - it then says in the document if we can't get LAFCO approval, we'll use wells and septic systems now. Realistically that's not going to happen, so I don't know why that was put in there. Do you think HCD is going to buy it? I mean that seems really disingenuous to me."

At 55:55 David Morrison starts answering Kellie Anderson's questions:

"I agree that wells and septic systems would not be an optimal outcome. It's not what we are trying to achieve here. There are requirements for the city to provide services to affordable housing projects and to prioritize those services, and that is something we would pursue with the city. We're also talking to the city separately, about the extension of sewer and water services to various sites... at the end of the day we also have to provide affordable housing and if we can't, if the city refuses to extend those services or acknowledge their legal requirements to do so, then we will have to look at alternative means. The need for housing will not go away."

O-2-13

Note: David Morrison did not shut down the idea that the Bishop site could potentially use well and septic for the HEU project - if they were not approved by LAFCO or Napa Sanitation District. "...if the city refuses to extend those services or acknowledge their legal requirements to do so, then we will have to look at alternative means."

"Multi-family housing sites would not be reliant upon groundwater. As described in Section 4.16, Utilities, water supply for these projects would be provided from local municipal water districts and/or through State Water Project entitlements." [pg 328, section 4.10]



Note: The DEIR states that the HEU sites would not be reliant upon groundwater (well and septic).

Summary

The DEIR and the statements of David Morrison during the HEAC meeting on August 12, 2022 do not align. The DEIR states that no groundwater would be used by the HEU projects, but Mr. Morrison says that the committee “will have to look at alternative means” if their requests are not met by LAFCO or city services. There are many homes neighboring the Bishop site that are experiencing issues with their wells drying up, and adding 100+ households in an area dealing with groundwater issues will further exacerbate the problem.

O-2-13

Questions

1. Can David Morrison provide further explanation for his comments during the August 12, 2022 HEAC meeting where he mentions “will have to look at alternative means” if LAFCO or City of Napa Sanitation District does not approve building wastewater utilities out to the Bishop site? Is he saying that if they do not get the wastewater utilities, they will resort to building wells and septic systems to accommodate 100+ potential homes built on the Bishop site? Or did this mean that they will need to consider other potential HEU sites?
2. What studies are done on the level of groundwater available at the Bishop site? And is it possible that 100+ individual households using well systems - in an area dealing with drying wells - could potentially significantly deplete the groundwater to levels that would greatly affect neighboring properties?
3. Could depletion of groundwater also affect Milliken Creek habitats? If so, what would the impact be to the species who rely on the creek?

O-2-14

3) Fire Evacuation and Insurance Affordability

A. Evacuation and Fire Safety

“Once constructed, residential development allowed by the HEU would not physically alter or encroach onto roads that provide for emergency access or evacuation, nor would they alter overall land uses in a way that could conflict with emergency response plans.”
[pg 482, section 4.17]

Note: According to the DEIR, development of a HEU site would not conflict with evacuation efforts or emergency response because it would not alter or encroach onto roads used for emergency access or evacuation.

O-2-15

“Residential development could incrementally increase traffic volumes on roads used for emergency evacuation, and as described above, Fehr & Peers completed an assessment of evacuation access and the potential for the project to impact evacuation access in the event of a wildfire scenario (Appendix E). Although the path of potential future wildfires is unknown, the assessment considered multiple potential evacuation scenarios. Fehr & Peers and the County of Napa identified eight critical evacuation

zones based on fire history and access constraints, and the Spanish Flat, Bishop, and Altamura housing sites would be located in one of the eight zones.” [pg 482, section 4.17]

Note: HEU project would increase the number of cars and thus the volume of traffic would increase in an emergency evacuation. There are 8 critical evacuation zones and only Bishop, Altamura, and Spanish Flat sites are in one of the eight zones. Foster Road and Imola are not in the critical evacuation zones.

“For the Northeast Napa area, where the Bishop and Altamura housing sites would be located, the current estimated time to evacuate the area, as well as additional areas that would be likely to evacuate under the worst-case scenario assumed for the analysis (Saint Helena, Calistoga, and Yountville), would be 4 hours and 43 minutes (4.71 hours) with a total vehicle demand evacuation and 1 hour and 53 minutes (1.88 hours) under a one vehicle per household evacuation.” [pg 483, section 4.17]

Note: Evacuation from the Bishop site - under the worst-case scenario - would take 4 hours and 43 minutes to evacuate the area if every car per household were driven, and almost 2 hours if only one car per household was driven.

“As also discussed in the evaluation, the Bishop and Altamura housing sites would add approximately 158 housing units, increasing the current evacuation demand from Northeast Napa, which is estimated as 1,377 households and 3,602 vehicles. In the evacuation scenario analyzed by Fehr & Peers, the revised evacuation demand created by the HEU would be 1,535 households (i.e. 1,377 + 158 new units) and 3,920 vehicles, and the evacuation demand from Northeast Napa would combine with demand from Spanish Flat and the hillside areas on the western shore of Lake Berryessa (estimated to include 604 households in total with implementation of the HEU). With the assumption that shelter in place would not be an option and that 100 percent of all dwelling units would be occupied and must evacuate, the analysis considered the additional time it would take to pass through a hypothetical “gateway” defined by the roadway capacity expressed in terms of vehicles per hour. Based on this analysis, the addition of 158 units would add to the time required to evacuate thru the “gateway” by approximately 30 minutes (0.51 hours) and 15 minutes (0.26 hours) if only one vehicle per household were to evacuate.” [pg 483-484, section 4.17]

Note: This study by Fehr & Peers looked at the added evacuation times in the event of a worse-case scenario. If both Bishop and Altamura are built, there would be a total of 158 new households and an estimated 318 cars (~2 cars per household). Fehr & Peers calculated through their analysis that if all existing cars evacuated, plus all the new HEU household cars, it would take more than 5 hours to evacuate (30 minute increase from 4h 43m, 10% increase in time). If only one car from every existing household plus only one car from all the new HEU households evacuated, it would take over 2 hours to evacuate (15 minute increase from 1h 53m, 13% increase in time).



“As stated previously, there are no established numerical standards or thresholds to determine if the amount of time required to evacuate an area is excessive or significant.”
[pg 484, section 4.17]

Note: There is no “standard” to determine if the evacuation times are too long.

“...the County has concluded that the estimated increase in evacuation times (if the opportunity sites are actually developed) under various conservative assumptions may warrant changes to the County’s evacuation plan, which is already updated on an as-needed basis, but would not substantially impair emergency response or evacuation for the following reasons:

1. As required by State law and the County’s policies, the County’s emergency response and evacuation plan(s) will be updated periodically to reflect changes in the County. These updates would reflect changes associated with additional development in the County made possible by implementation of the HEU and other cumulative development in the area. As with the County’s current plans, these updated plans would identify specific evacuation routes, procedures, and regulatory requirements that would need to be taken into consideration when determining whether or not future projects would impair implementation of the adopted emergency response and evacuation plan(s). It is important to note that, unrelated to CEQA, the Fehr & Peers analysis also included recommendations to improve evacuation times. These recommendations could be implemented into the County’s updated Safety Element, as applicable, and/or into future revisions to the County’s emergency response and evacuation plan(s).

2. Residential development proposed and constructed as a result of the HEU’s implementation would not cut off or otherwise modify any of the County’s evacuation routes. As stated previously, the County has established procedures concerning encroachments into public rights-of-way during construction, particularly for roadways that have been designated as evacuation routes. Nothing in the residential projects themselves or other cumulative projects would prevent or interfere with the County’s emergency response and evacuation plan(s) such that an evacuation would be substantially impaired or be unable to occur.

3. As determined in the AB 747 evacuation analysis and in the comparative evaluation of evacuation times with and without complete buildout of the HEU, the amount of time that would be added to evacuation times for areas of the County utilized worst-case assumptions and would not be substantial. Average evacuation times under these worst-case assumptions would increase by between 9 minutes and 30 minutes. Further, evacuation orders are typically issued in phases and/or by zones, with those who are closest to a fire being evacuated first, and those who are further from the fire being evacuated later. This is in contrast to the worstcase modeled scenarios, which conservatively assumed that all zones in a given large area would evacuate

O-2-15



simultaneously, which is not likely to occur. As such, actual evacuation times during a more likely zone-by-zone evacuation would likely be less than those modeled, reducing evacuation times accordingly. While no bright-line threshold exists to determine whether the modeled increases in evacuation times are substantially adverse, it is the County's determination that these times are reasonable under the modeled circumstances. Regardless, these potential increases still would not prevent or interfere with the County's emergency response and evacuation plan(s), such that an evacuation would be substantially impaired or unable to occur, and that is the central question to be applied in determining this impact." [pg 484-485, section 4.17]

Note: The county has determined that the increase in evacuation times for the Bishop and Altamura sites is not significant. There is a 30 minute increase if all cars evacuate (~5h and 15m total), and 15 minute increase for evacuating if only one car per household (~2h and 10m total). They cite: 1) the evacuation plan is always being updated and Fehr & Peers provided recommendations, 2) the HEU development won't modify evacuation routes, and 3) the county doesn't believe there is a significant amount of time added to the worst-case scenario because simultaneous evacuations are not common.

"In each instance, the housing sites – if developed and fully occupied – could add to the number of households evacuating in the event of a wildfire, and could thus increase traffic volumes along the roadways serving as evacuation routes. The increases in housing and traffic volumes would be small within the context of the surrounding area, and the operation of the project would therefore result in a less than significant impact on emergency evacuation." [pg 485, section 4.17]

Note: They note that there could be an increase in traffic volume on Hedgeside Ave (where the Bishop site would be accessed from), but they say that it's not a concern because it doesn't impact the greater surrounding area - it only impacts those that live in the immediate neighborhood.

"In addition, per Napa County Fire Code, the Napa County Fire Department Residential Development Guidelines and defensible space requirements, fire flow and water supply infrastructure may be installed if the housing sites are not located within a half mile of an existing municipal fire hydrant and clearing around the development site would occur to accomplish defensible space requirements." [pg 486, section 4.17]

Note: Fire flow and water supply infrastructure may be installed, and clearing around the development would occur to create defensible space.

"Development of housing in the County, particularly in or near very high fire hazard severity zones, those areas could increase the risk of wildfire by introducing new sources of ignition (i.e., vehicles and residents) into those areas. However, as a condition of approval, and pursuant to the California Building Code, California Fire Code, and the Napa Fire Code, Napa County Defensible Space Ordinance (see Section 4.17.3, above),



all development projects would be required to comply with requirements relating to emergency planning and preparedness, fire service features, building services and systems, access requirements, water supply, fire and smoke protection features, building materials, construction requirements, defensible space and vegetation management, and specific requirements for specialized uses involving flammable and hazardous materials.” [pg 488, section 4.17]

“The Northeast Napa Site... is adjacent to a VHFHSZ...” [pg 486, section 4.17]

Note: The Bishop site is adjacent to a ‘very high fire hazard severity zone’ (VHFHSZ) and the DEIR states that “those areas could increase the risk of wildfire by introducing new sources of ignition (i.e., vehicles and residents) into those areas.” They also mention there are many codes that must be followed in regards to things such as building materials and construction requirements. They did not provide what this would look like in the DEIR and if the cost would be significantly more to build as compared to sites that are not in or near a VHFHSZ.

O-2-15

Summary

Bishop, Altamura and Spanish Flat sites are in one of the eight critical evacuation zones, while Foster Road and Imola sites are not. There was a study done by Fehr & Peers to determine the impact that additional vehicles on the road would have during an evacuation - one scenario where all cars were evacuated and one scenario where only 1 car per household evacuated. However, there is no determined standard for what a good, or bad, evacuation time is and what is the allowable threshold for which the additional homes would impact the evacuation time. For example, there is an increase of 10% in evacuation time for 318 additional cars from Bishop and Altamura sites, and an increase of 13% in evacuation time for 158 cars from Bishop and Altamura sites.

The most glaring issue not researched nor addressed by the DEIR was the evacuation time impact for Hedgeside Ave. In the DEIR, they noted that a road like Hedgeside Ave could see “increase traffic volumes along the roadways serving as evacuation routes.” It is important for the DEIR to have thorough research for evacuation time on Hedgeside Ave, as this is 2-lane road with no protected left or right hand turn onto Monticello Road (the throughway out in an evacuation) and is sparsely populated. An influx of even just 100 additional cars evacuating from this small road would have significant impacts on the evacuation time for all current residents on Hedgeside - and the surrounding neighbors who rely on Hedgeside to access Monticello Road or Silverado Trail.

Questions

1. The HEU project would increase the number of cars currently located on Hedgeside Ave by over 200 cars (assuming 100+ housing units with 2 cars per unit, same as the Fehr & Peers study). What is the evacuation time that those living on Hedgeside Ave would experience in the event of an evacuation, when you compare the number of cars currently belonging to existing Hedgeside neighbors? For example: if someone living on

Hedgeside were evacuating, what would be the time from house to major throughway - such as Monticello Road or Silverado Trail?

2. Are the evacuation time estimates - for those living on Hedgeside Ave - going to see a large increase in evacuation time due to the number of households/cars generated by the potential HEU site? The study by Fehr and Peers lumped all of the Northeast Napa population into its evacuation study, versus comparing the direct Hedgeside neighbors that would be most impacted by the influx of cars from the Bishop site.
3. If the evacuation time is not acceptable, and jeopardizes the safety of all existing and new residences, what traffic control measures need to be taken to help with traffic flow out of Hedgeside Ave?
4. When they mention clearing around the HEU development site to make defensible fire space (section 4.17.5), what would that look like, or what would that entail, at the Bishop site? There are many tall, older trees that surround the property - so would trees like that be removed?
5. If surrounding trees are removed to create defensible space for fires, will that harm the Milliken Creek habitat? If so, will this cause harm to species such as the Western Pond Turtle (which falls under the CDFW California Species of Special Concern)?

O-2-15

O-2-16

B. Insurance Affordability

“The Fourth California Climate Change Assessment (Fourth Assessment), published in 2018... found that if GHG emissions continue to rise, the frequency of extreme wildfires burning over approximately 25,000 acres would increase by nearly 50 percent, and the average area burned statewide each year would increase by 77 percent, by the year 2100.” [pg 247, section 4.8]

Note: Wildfires are becoming more extreme every year as GHG emissions rise. It is expected that we will continue to see more fire activity in Napa due to our severe fire history.

“In the areas that have the highest fire risk, wildfire insurance is estimated to see costs rise by 18 percent by 2055 and the fraction of property insured would decrease (Westerling, 2018).” [pg 247, section 4.8]

Note: There will be noticeable increases in fire insurance costs, as well as a decrease in the number of those insured. This is 2018 data, published before the 2020 Napa fires.

“While we will support homeowners regardless of a property's fire risk, unlike traditional insurers, our goal is attrition. For most homeowners, the FAIR Plan is a temporary safety net – here to support them until coverage offered by a traditional carrier becomes available.” [website: <https://www.cfpnet.com/about-fair-plan>, Oct 2, 2022]

Note: The California FAIR Plan is a temporary safety net, and is not meant as a long term solution to fire insurance coverage. It also is not an assistance program for when you can not afford insurance.

O-2-17

Summary

There is a high probability that we will continue to see a rise in the severity of fires, unless there is a major world reversal in GHG (greenhouse gas) emissions. Napa has had several deadly fires in just the last 5 years (largest being 2017 and 2020) and the Fourth Assessment is saying we can expect more of this activity. The issue here is that the Fourth Assessment was done in 2018 and insurance increase figures are already trending well above the 'estimated' cost rise by 2055. Personally, we have seen a 10%+ increase in our fire insurance premium since 2021. We also experienced being dropped from our prior insurance provider once our house was finished being built in 2021 (we purchased it in 2019). They cited that the 2020 fires near St. Helena, along with our proximity to the 2017 fires (approx. 0.85 miles away - same as the Bishop site) as being too much of a fire risk for them to take on. Building 'affordable homes' in our area is not only high risk (according to our prior fire insurance provider), but may also not be truly affordable given the astronomical insurance rates we, and our neighbors near the Bishop site, are experiencing.

O-2-17

Questions

1. Are insurance rates - such as fire and flood - considered in the HEU site decision?
2. Does each HEU site have an expected insurance cost (home, flood, fire, etc.) that the new potential homeowners would experience? What is the expected insurance rates for these homes in the various HEU sites - including the Bishop site?
3. If the Bishop site were developed, and a new homeowner living there was not able to afford fire insurance, how would the county address this issue? Would there be assistance provided to these new home owners and how much would this cost taxpayers?
4. What materials will the potential development at Bishop site use to be more fire resistant? For other sites that do not require special fire retardant materials, what would be the price difference to build? What would the breakdown per house built look like?
5. For those neighboring the Bishop site - will they experience an increase in fire insurance premiums (for example: premiums increase because of more building development in the area)? If so, what measures will the county do to help mitigate this issue?

4) Watershed Health

A. Pollution to Well Water Source

"To accomplish such construction, heavy equipment such as bulldozers, graders, earth movers, heavy trucks, trenching equipment and other machinery is likely to be used. Such machinery could contribute pollutants to stormwater runoff in the form of sediment and other pollutants such as fuels, oil, lubricants, hydraulic fluid, or other contaminants. Additionally, site work could result in conditions of runoff. Sediment, silt, and construction debris, if mobilized during construction could be transported to receiving waters such as the Napa River or its tributaries. Degradation of water quality could occur and affect

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beneficial uses of these water bodies (see Table 4.10-2). In the absence of runoff controls, exceedances of water quality standards could result.” [pg 326, section 4.10]

Note: Construction can lead to pollutants in our groundwater (fuels, oil, lubricants, hydraulic fluid, etc), affecting the quality of our well water source and the health of Milliken Creek.

Summary

Although some pollution can occur when construction is taking place and measures can be taken to mitigate potential issues as best as possible, the issue of car pollution runoff (such as fuels, oil, lubricants, hydraulic fluid etc.) has not been addressed in the DEIR. Because the Bishop site is located next to Milliken Creek, and there is no storm drain nor sidewalks to collect runoff from cars, these pollutants will seep into the ground and affect neighboring well water quality and potentially degrade Milliken Creek health. It is paramount that there be proper research done on the potential watershed health impact of hundreds of additional cars driving daily on Hedgeside Ave to access the Bishop site.

Questions

1. Because the Bishop site is adjacent to Milliken Creek, what steps and procedures will be taken to ensure that construction has the least possible impact on the health of our watershed?
2. What is the current ‘water quality standard’ for areas neighboring the Bishop site in regards to our well water quality? For example, contaminants in parts per million (PPM). And what would the acceptable increase in contaminates be?
3. What research has been done to see the potential impact of car pollution to watershed health near the Bishop site? If it has not been done, when will the city provide a comprehensive report to show the potential pollution impacts and mitigation efforts in place?

5) Rare, Threatened, Endangered or Species of Special Concern

A. List of Endangered Species - Milliken Creek Western Pond Turtle and Napa Bluecurls

“In accordance with the requirements of CESA, an agency reviewing a project within its jurisdiction must determine whether any state-listed endangered or threatened species could be present in the study areas. The agency also must determine whether the project could have a potentially significant impact on such species. In addition, the department encourages informal consultation on any project that could affect a candidate species.” [pg 143, section 4.4]

Note: The sites must determine if there are any state-listed endangered or threatened species that could be present in the area.

“No state listed species are expected in the HEU project area.” [pg 144, section 4.4]

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Note: They are saying they don't 'expect' state-listed endangered or threatened species in the Bishop site location, but there is no observational study or research to back this up - specifically along Milliken Creek.

"Policy CON-21: The County shall initiate and support efforts relating to the identification, quantification, and monitoring of species biodiversity and habitat connectivity throughout Napa County. [Implemented by Action Item CON NR-5]" [pg 147, section 4.4]

Note: The County will initiate and support identification, quantification, and monitoring of species biodiversity and habitat connectivity.

"Portions of the HEU project sites include suitable habitat for the following species and are within the species' known range:"

Note: Reorganized below for better reading.

CNPS California Rare Plant Rank of 1B.2 - rare, threatened, or endangered throughout the species' range

1. Greene's narrow-leaved daisy
2. Napa bluecurls
3. Narrow-anthered brodiaea

CDFW California Species of Special Concern

1. Western pond turtle
2. American badger
3. Western red bat
4. Townsend's big eared bat

Protected by CFGC 3503 and the MBTA

5. Osprey and white-tailed kite

Low Medium Species by WBWG

1. Yuma myotis

Note: Neighbors along Hedgeside Ave have spotted Western Pond Turtles along Milliken Creek and crossing Hedgeside Ave.

"All species mentioned above meet the definition for rare and endangered species under CEQA and have a potential to occur within or near portions of the HEU project sites."

Note: The DEIR is mentioning that any animals listed above have the potential to occur on or near HEU project sites, but there no list or study in the DEIR to indicate if any of these species are present at the HEU sites.

"Potential habitat for Napa bluecurls is present along Atlas Peak Road west of Silverado Country Club." [pg 150, section 4.4]



Note: Both Altamura and Bishop sites are west of Silverado Country Club.

“Construction at the Imola site and Northeast Napa site could directly affect known western pond turtle (WPT) populations and upland habitat for this species... However, if any construction activities or heavy machinery were to harm any WPT that could stray onsite, this would result in a potentially significant impact.” [pg 156, section 4.4]

Note: Northeast Napa site is Bishop and Altamura. The rest of the paragraph discusses issues at the Imola site, but does not talk about Bishop or Altamura issues regarding harm to the Western Pond Turtle (WPT).

“Before construction activities begin, a qualified biologist shall conduct western pond turtle surveys at the Imola site.” [pg 156, section 4.4]

Note: There is no mention of a biologist conducting surveys at the Bishop or Altamura site, where WPTs live along Milliken Creek - just next to the Bishop site.

“No operational activities associated with the HEU project sites are expected to western pond turtles and are not directly impacted by development once construction has concluded; therefore, operational impacts would be less than significant. [pg 157, section 4.4]

Note: The DEIR states that the HEU project sites will not impact WPT populations, once construction is finished, therefore the impact is less than significant.

Summary

The DEIR has not done a deep dive into the Milliken Creek habitat to determine if there are any rare, threatened, endangered or species of special concern near or on the Bishop site. Milliken Creek runs directly along the Bishop site, where Western Pond Turtles - a CDFW California Species of Special Concern - live and have been noted by several Hedgeside neighbors. There are also potentially CNPS California Rare Plants that live in the area, specifically the Napa bluecurls (as noted in the DEIR). It is important that a survey be conducted at Milliken Creek near the Bishop site to determine the habitat and the status of the wildlife. It appears that the DEIR has made note of the Western Pond Turtle at Imola, and has a plan for mitigating issues, but has made no such note for the Bishop site. Another key component missing from the DEIR is the issue of added traffic along Hedgeside Ave, where the Western Pond Turtle has been spotted crossing the road - and unfortunately at times, being hit by cars. It is imperative that there be research conducted on how added traffic along Hedgeside Ave would potentially impact the Western Pond Turtle populations, a CDFW California Species of Special Concern.

Questions

1. Has there been a recent study or observation done to track the species habitat along Milliken Creek - and most specifically, which are currently present in the waterway

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adjacent to the Bishop site? Do any of those species qualify as rare, endangered, threatened or of special concern?

2. Why were mitigation efforts specified for the Imola site for the Western Pond Turtle, but the Bishop site had none?
3. For CDFW California Species of Special Concern, such as the Western Pond Turtle, what measures and protections are in place to mitigate any issues that may arise with the development of the Bishop site, as well as after construction is completed (mainly regarding excess traffic harming turtles crossing the road)?

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6) Pedestrian Safety

Notes:

- For images related to walking/biking routes to the nearest grocery store or bus stop, see [Image Appendix, Section 1](#).
- For images related to Pedestrian Facilities on Monticello Road, see [Image Appendix, Section 2](#).
- For images related to Pedestrian Facilities on Hedgeside Ave, see [Image Appendix, Section 3](#).
- For images related to Pedestrian Facilities on Hedgeside Ave 'Blind Curve', see [Image Appendix, Section 4](#).

A. Lack of Pedestrian Facilities

“The Napa Countywide Pedestrian Plan (2016) is intended to guide pedestrian planning in the region. The Pedestrian Plan describes the existing setting for pedestrians in unincorporated County areas, as well as within individual jurisdictions in Napa County. The Pedestrian Plan describes unincorporated areas as predominantly rural, with limited pedestrian infrastructure and few marked crosswalks at intersections, including within the unincorporated neighborhoods of Angwin, Berryessa Estates, Berryessa Highlands, Big Ranch Road, Coombsville, Deer Park, Lake Berryessa (Moskowite Corners, Pope Creek, and Spanish Flat), Silverado and the South County Industrial Areas.” [pg 411, section 4.15]

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Note: We live in an “unincorporated area” (Silverado) with “limited pedestrian infrastructure and few marked crosswalks at intersections.”

Summary

There is little discussion about the Napa Countywide Pedestrian Plan from 2016 mentioned in the DEIR. Pedestrian safety is important and currently inadequate along Hedgeside Ave and Monticello Road. In order for someone to reach the nearest bus stop, they need to walk nearly 2 miles alongside speeding, narrowly paved shoulder roads (Hedgeside and Monticello) in the dirt.

Questions

1. Does the Napa Countywide Pedestrian Plan (NCPD) include, or present information, that pertains to pedestrian plans around the Bishop site?
2. If there are no plans in place by the NCPD to develop any pedestrian facilities near the Bishop site, what plans will be in place to ensure the Bishop site area has adequate pedestrian facilities?
3. Is there a possibility that the Bishop site area, particularly Hedgeside Ave and/or Monticello Road, will not develop pedestrian facilities? And if not - why?
4. If there are plans to develop pedestrian facilities along Hedgeside Ave and/or Monticello Road, how much would that cost taxpayers to build?
5. Historically, what has been the number of pedestrian accidents, compared to volume of traffic, alongside Hedgeside Ave?
6. What plans will be in place to address pedestrian safety at the 'blind curve', where there is no sidewalk access nor proper shoulder space to be safely distanced from cars? If the county does develop pedestrian facilities here, would that mean the county would need to rip out trees and take away land from neighboring properties?
7. What plans are in place to provide safe pedestrian access along the bridge over Milliken Creek? There is currently no sidewalk access nor proper shoulder space to be safely distanced from cars, and so the only way that would be accomplished is by widening the bridge. What would be the estimated cost to widen the bridge?

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B. Parking Impeding Pedestrian Access/Safety

“Policy CIR-14: Developers of new land uses shall provide adequate parking or demonstrate that adequate parking exists to meet their anticipated parking demand and shall not provide excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site’s capacity. Consideration of shared parking opportunities is encouraged.” [pg 417, section 4.15 ‘Napa County General Plan]

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Note: The Napa County General Plan (NCGP) states that newly developed land must provide adequate parking for the anticipated number of cars that will access the site, but not too many that it would stimulate unnecessary car usage.

Summary

There has not been a communication of the amount of cars that would be expected at the Bishop site (Fehr & Peers study under ‘Fire’ estimated 318 cars between Bishop and Altamura), and the number of parking spaces that would be generated for this site. Also, it is not out of the question to assume that these calculations, no matter how well documented/researched it is, could have overflow parking to the surrounding neighborhood. The issue here is that the study and planning for overflow has not been conducted for the Bishop site and could have potentially deadly consequences to pedestrian safety for everyone living on Hedgeside - because there is limited road shoulder space and no sidewalks on Hedgeside Ave.

Questions

1. How many cars per household does the city or county anticipate will be needed for each HEU home built? What documentation can confirm that the estimate is well thought out for those who will be living in these homes?
2. How many excess parking spaces will be available for the Bishop Site, in the case that there are more cars than anticipated in the plan? And how is the amount of excess spaces calculated?
3. Because there are no sidewalks on Hedgeside Ave, will there be 'No Parking' signs along Hedgeside Ave to allow for adequate shoulder space for pedestrian and bike safety? If there won't be an implementation of 'No Parking' space on Hedgeside Ave, what plans are in place to make pedestrian and bike safety a reality for everyone - including children and pets - who would be potentially living on Hedgeside?
4. As asked above regarding the Napa Countywide Pedestrian Plan (NCPP), are there other predominantly rural areas/neighborhoods where pedestrian facilities are being developed? Are any of those places nearby other sites in the running for the HEU project?

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7) Noise Pollution

A. Hedgeside Road Noise Impact

"...only roadways near potential HEU development sites where existing volumes are published by Caltrans were examined in detail. These roadways are Monticello Road and Imola Avenue. The results of the vehicular traffic noise modeling effort for these roadways is summarized in Table 4.12-10 and reflect potential roadway noise increase associated with the Bishop, Altamura and Imola opportunity sites. However, there are a number of other roadways adjacent to other opportunity sites for which data is not available and the potential impacts cannot be evaluated quantitatively at the programmatic level of the HEU." [pg 364, section 4.12]

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Note: The DEIR only has data for Monticello Road and Imola Road in regards to traffic volumes. There is no data available for Hedgeside Ave noise (the road that will be accessed by the Bishop development) and so they are indicating here that the potential impacts cannot be evaluated.

"Because the impact to roadways that would be used to access the Spanish Flat and Foster Road sites cannot be quantified at a project-level of detail, the noise impact along roadways use to access these sites is conservatively identified as potentially significant." [pg 365, section 4.12]

Note: They are unable to access data for Spanish Flat and Foster Road sites, so they have conservatively estimated the noise impact as "potentially significant."

"According to Caltrans, a 3 dB increase in noise is considered barely perceptible to the average human and, in lieu of the any applicable policies in the General Plan with

respect to transportation noise, this analysis applies a 3 dBA increase as a significant impact.” [pg 365, section 4.12]

Note: Any noise increase of 3 dB is listed as “significant impact” in the General Plan.

Summary

There is no noise pollution data or research for Hedgeside Ave where the Bishop site is to be accessed from. They also do not have data for Spanish Flat and Foster Road sites, but they listed the noise impact as “potentially significant.” If this is true, then it would also mean that Hedgeside Ave noise should also be listed as “potentially significant,” rather than being attributed to Monticello Road data.

Questions

1. What research will be conducted to test the impact of noise pollution on Hedgeside Ave to make sure that the sound will not surpass 3 dBA (“potentially significant”)?
2. Will the study and research that is conducted at Hedgeside Ave also be conducted in the same manner as Spanish Flat and Foster Roads to ensure that all sites receive adequate data on noise pollution impacts?
3. If there are “potentially significant” (above 3dB) sound increases to those neighboring the Bishop site, what next steps are in place to address this issue? What would be acceptable and not acceptable? For example, if sound levels were to increase by 100%, would that be “unacceptable?”
4. If public transportation is expanded to Hedgeside Ave - for example, a bus stop - what noise impacts would public transportation create on Hedgeside Ave and where would the bus stop be located?

8) Lack of Transportation / GHG Emissions

A. Access to Public Transportation & GHG Emissions

“Policy CIR-4: Consistent with the County’s and region’s greenhouse gas emission reduction goals, the County will seek to increase the supply of affordable multi-unit housing concentrated in proximity to employment centers, services, and transportation hubs to decrease private drive-alone automobile trips.” [pg 415, section 4.15 ‘Napa County General Plan’]

Note: The Napa County General Plan (NCGP), Policy CIR-4 says that they “will seek to increase the supply of affordable multi-unit housing” near employment centers, services, and transportation to decrease drive-alone trips.

“Policy CIR-3: Consistent with urban-centered growth policies in the Agricultural Preservation and Land Use Element, new residential and commercial development shall be concentrated within existing cities and towns and urbanized areas, particularly within Priority Development Areas (PDAs), where higher population densities can have access

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to utilize transit services and pedestrian and bicycle facilities.” [pg 415-416, section 4.15 ‘Napa County General Plan’]

Note: NCGP wants new residential and commercial development concentrated in existing cities/towns/urban areas where there is access to public transportation and pedestrian/bike facilities.

Summary

If the goal of the Napa County General Plan (NCGP) is to decrease greenhouse gas emissions and preserve green/agricultural lands by building new development in existing cities, towns, and urbanized areas - then it would be against the NCGP to remove agricultural land to build high density housing in a rural areas with no safe pedestrian or bicycle facilities, no access to transit services, no close proximity to employment centers, and no existing utilities for water and waste. Each element listed above requires tens, maybe even hundreds, of millions of taxpayer dollars to build out, with little benefit for the overall community. There does need to be an increase in the availability of affordable homes in California, but there also needs to be great consideration for where these homes are built to make living more affordable, while simultaneously improving quality of life. The NCGP has a lot of consideration for building in places to give people the best opportunities, whereas the HEU has the odd requirement of building in ‘unincorporated’ Napa - creating an incongruence with what Napa county has stated they want to do with regards to new development.

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Questions

1. If the Bishop site is developed, how will the county provide safe and reliable transportation hubs? Will a bus stop be built along Hedgeside Ave and how many times per day will the bus be available?
2. As mentioned before under ‘Pedestrian Safety,’ what plans does the county have in place to develop proper biking facilities not only along Hedgeside Ave, but also along Monticello Road?
3. If the county does develop bike facilities along Hedgeside Ave and Monticello Road, what would be the total taxpayer cost for this project? And where would the bike facilities extend to?
4. Hedgeside Ave has a ‘blind curve’ on the road, which is a hazard to not only pedestrians, but bikes as well. This blind curve has a very narrow shoulder for pedestrians, but has an inadequate shoulder for bikes (almost none). What study must be done to ensure that the ‘blind curve’ is adequate for bike safety?
5. Are there other ‘blind curves’ in Napa that have been addressed before and what was the outcome of bike safety in those areas? Did accidents decrease?
6. Are there other sites listed on the HEU where there are plans to build bike facilities? Or are there other sites listed on the HEU where existing bike facilities exist?

9) Unsafe Road Conditions

Note: For pictures related to the left hand turn at Hedgeside Ave and Monticello Road, see [Image Appendix, Section 5](#).

A. Unprotected Left Hand Turn onto Hedgeside

Note: There was no mention of the unprotected left hand turn at the intersection of Monticello Road and Hedgeside Ave in the DEIR. Under the Fehr & Peers study for fire evacuation estimates, they did expect ~2 cars per household and if there are over 100 units built at the Bishop site - we can guess there will be 200 additional cars traveling Hedgeside Ave every day. Many of these cars, like our neighbors, access Hedgeside by making an unprotected left hand turn from Monticello Road to Hedgeside Ave - and unprotected left and right hand turns out of Hedgeside Ave onto Monticello Road. The issue is there is no middle lane to make the left turn from Monticello to Hedgeside, which makes the left-hand turning car block traffic until they have space to turn left. This results in rear-ending accidents and backed up traffic along Monticello.

Summary

There is a great concern for the unprotected left hand turn many of us have to make from Monticello Road onto Hedgeside Ave. On Monticello Road, there is no middle turn lane to prevent rear-end accidents (which some neighbors have experienced) and there is no stop sign or light to protect someone making a left hand turn onto Hedgeside Ave. With an influx of 200+ cars on Hedgeside, it is imperative that the county make upgrades to Monticello Road to accommodate the amount of new traffic, but this will come at a steep cost to taxpayers and surrounding neighbors if Monticello Road needs widening. Monticello Road is quite busy and the addition of a stop-sign could be problematic to the flow of traffic during rush hours or an evacuation.

Questions

1. Knowing the influx of cars that will be driving along Hedgeside Ave, what studies or research needs to be conducted to make sure this intersection does not become a bottleneck for Monticello Road (when people attempt a left-hand turn)?
2. What is the added cost to the Bishop site development if changes are required to accommodate the number of people making a complete stop on Monticello Road to turn left onto Hedgeside?
3. Is there a chance that a 3-way stop sign will be added to accommodate those who turn left on Hedgeside Ave? Will this create bottlenecks that sometimes appear on Monticello Road and Silverado Trail?
4. Will there be bottlenecks on Hedgeside Ave during rush hour times (for example: 8-9AM) for those turning onto Monticello Road with no protected right or left hand turn? Monticello Road is the main throughway to the city of Napa, and an increase of over 200 cars on rural Hedgeside Road is going to pose problems for those getting to work or taking kids to school.

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10) Project Alternatives

A. Issues with Bishop Site

“CEQA also requires that an environmentally superior alternative be selected from among the alternatives. The environmentally superior alternative is the alternative with the fewest or least severe adverse environmental impacts.” [pg 492, section 5.1]

Note: According to this, Bishop and Spanish Flats have the “fewest or least severe adverse environmental impacts” according to the DEIR research.

“Sites included in the County’s current housing element were considered for inclusion in the Housing Element Update and were eliminated from consideration because the sites have not developed in past years and would be unlikely to be accepted by HCD. Some of the sites are also located within high fires severity zones.” [pg 495, section 5.2]

Note: Other sites were removed from the HEU list because they have “not developed in past years and would be unlikely to be accepted by HCD” and are located within high fire severity zones.

“Another site across Monticello Road to the southeast of the Bishop and Altamura sites was considered for inclusion in the housing sites inventory and eliminated from consideration due to the lack of proximity to wastewater infrastructure.” [pg 495, section 5.2]

Note: There was a site located near Monticello Road that was excluded because it was not close to wastewater infrastructure. The Bishop site is also located away from wastewater infrastructure and will require wastewater utilities to be built out to the property (approx. 1/4th of a mile from Monticello Road).

“Alternative 2: Reduced Program Alternative. This alternative would update the County’s Housing Element in the same manner as the proposed HEU, but would eliminate the Altamura, Foster Road, and Imola Avenue sites from the housing sites inventory. No General Plan or zoning changes would be pursued to accommodate multi-family housing on these sites, the land use and zoning designations currently in place would continue, and any development on the sites would be subject to policies and standards that currently exist. Only the Spanish Flat and Bishop housing sites would be designated for multi-family development under this alternative.” [pg 495-496, section 5.2]

Note: The first alternative is to have “No Project,” while the second alternative is to only have “Spanish Flat and Bishop housing sites.”

Summary

The Bishop and Spanish Flat sites for the HEU developments were designated as having “the fewest or least severe adverse environmental impacts” according to the DEIR. However, it seems there has not been adequate enough research done for the Bishop site to determine that



it has the least, or fewest, environmental impacts as compared to the other HEU sites. It is also noted that other sites were dropped from the HEU list due to lack of proximity to wastewater utilities and location in or around high fire severity zones - which are all challenges that the Bishop site presents.

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Questions

1. What does “lack of proximity to wastewater infrastructure” specifically mean? What specific distance to wastewater utilities does a site need to be under to be considered for the HEU?
2. There was another site near Monticello Road that was removed from the HEU list of sites because of “the lack of proximity to wastewater infrastructure.” What specific site was this and how far was it located from wastewater utilities? Is it greater than the distance that the Bishop site is from existing wastewater utilities?
3. What does “located within high fires severity zones” specifically mean? What specific zone are they describing when talking about sites listed in the previous Existing Housing Element (page 495)?
4. If the Bishop site is adjacent to a ‘very high fire hazard severity zone’ (VHFHSZ - mentioned on page 486), would that not also be similar in fire danger to “high fires severity zones”?

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We fully support the Napa County General Plan (NCGP) goal of decreasing greenhouse gas (Policy CIR-4) and preserving our agricultural/green lands (Policy CIR-3) by developing new residential homes in areas that provide opportunities and support existing city infrastructure. Having close access to public transportation, job opportunities, schools, grocery stores, and safe pedestrian and biking facilities is not only important for healing our environment and putting our tax dollars to efficient use, but for the safety and well being of our community.

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Napa County needs homes and it is imperative that we see homes developed in areas that lift the community up and present positive impacts to new homeowners. Compared to the other HEU listed sites, the Bishop site poses several issues that require millions of dollars to address and fix (pedestrian and bike facilities and wastewater utilities), many problems that were overlooked (like flooding and fire evacuation bottlenecks), or simply not addressed in the DEIR (like the endangered Napa Bluecurls).

Please consider removing the Bishop site from the HEU list.

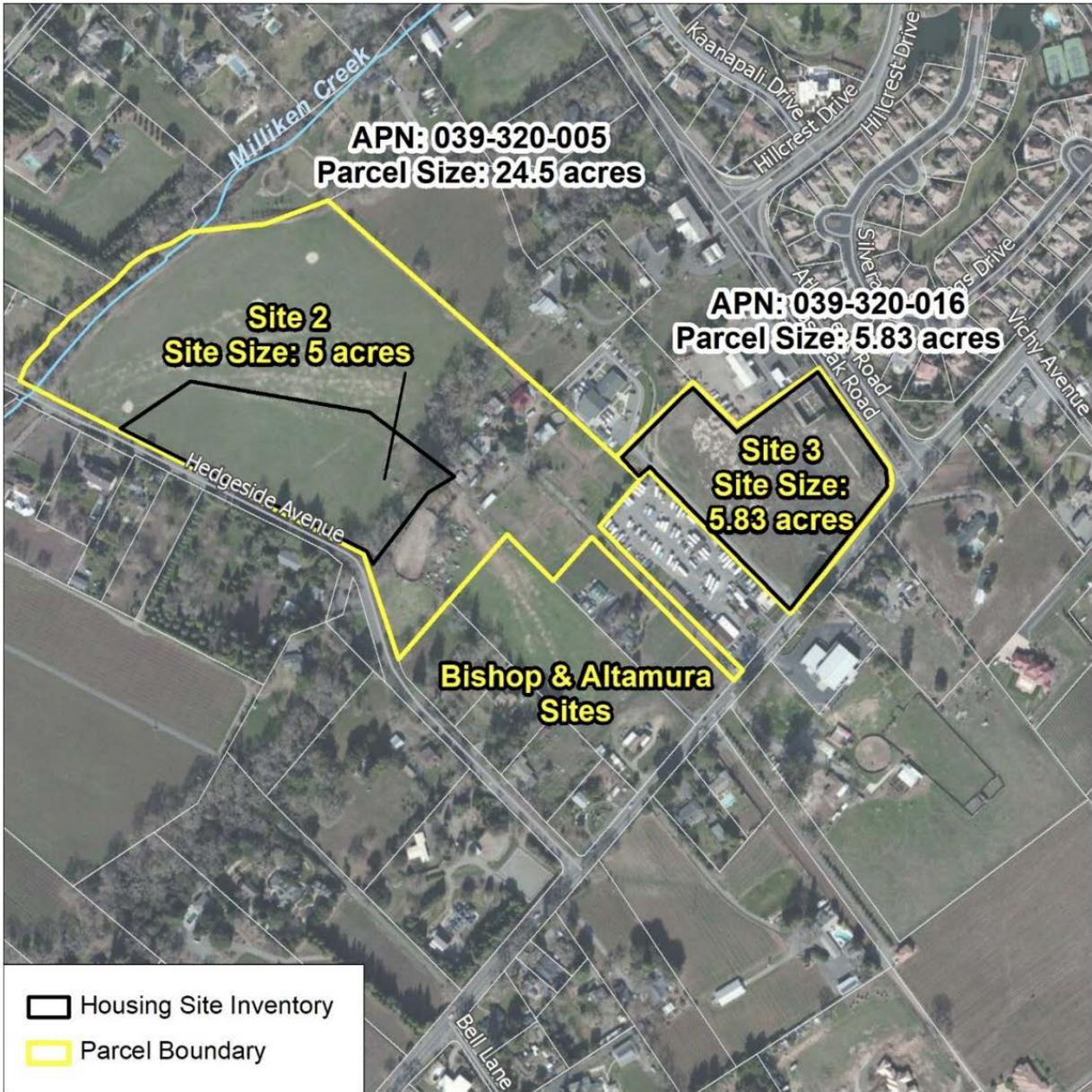
Sincerely,

SaveHedgeside.com
A Neighborhood Group

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0. Site Location



SOURCE: ESA, 2022

Napa County Housing Element Update

0A. Bishop Site Location

This image was pulled from the DEIR [pg 61, section 3]. The Bishop site, which is 5 acres, will be accessed from Hedgeside Ave (according to the Housing Site Inventory outline in black above).



0B. Bishop North End of Field

Taken on 10.4.2022. This is the north end of the Bishop field which runs adjacent to Milliken Creek.



0C. Bishop Middle of Field

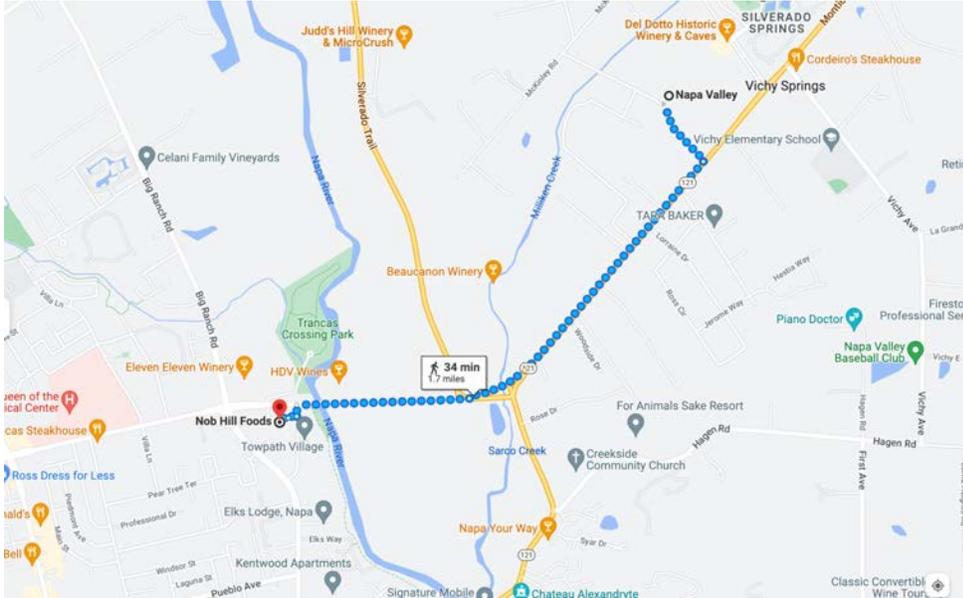
Taken on 10.4.2022. This is the middle of the Bishop field.



0D. Bishop South End of Field

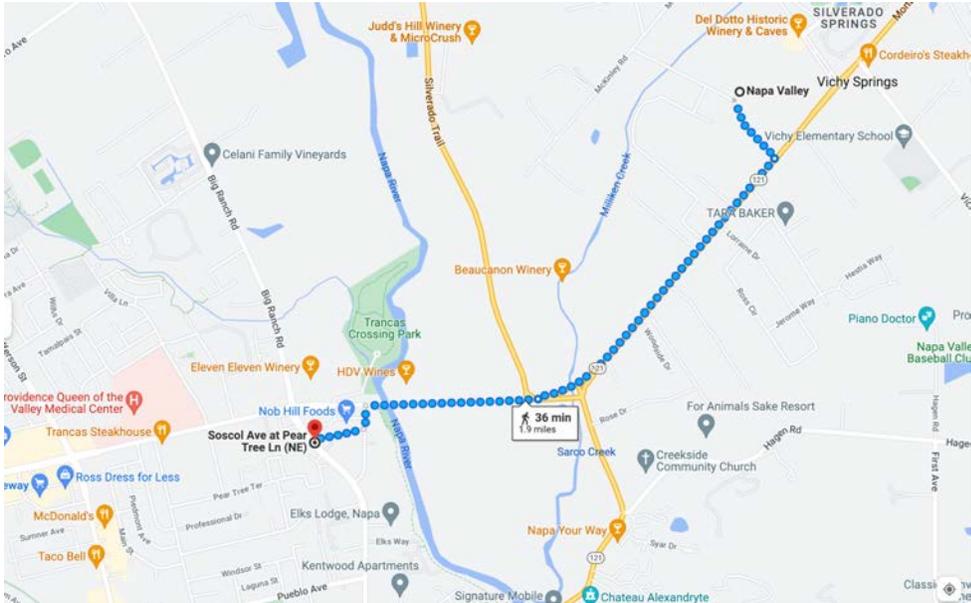
Taken on 10.4.2022. This is the south end of the Bishop field. This is right next to the 'Blind Curve' on Hedgeside Ave.

1. Distance from Bishop Site to Nearest Grocery Store and Bus Stop



1A. Nearest Grocery Store

The nearest grocery store from the Bishop site to Nob Hill Foods is 1.7 miles away.



1B. Nearest Bus Stop

The nearest bus stop from the Bishop site to Nob Hill Foods is 1.9 miles away.

Both data points are sourced from Google Maps in 2022.

2. Monticello Road - No Pedestrian or Bike Facilities



2A. Photo of No Sidewalks

Monticello Road facing west on 10.4.2022. There are no sidewalks and there are insufficient bike lanes.



2B. Photo of Narrow Bike Shoulder

A car traveling west on Monticello Road on 10.4.2022. There is minimal space for the car to pass a bike with the required minimum of 3 feet (California law). This creates dangerous conditions for those who rely on a bike for work, groceries, school, or accessing the bus stop.

3. Hedgeside Ave - No Pedestrian or Bike Facilities



3A. No Pedestrian or Bike Facilities Adjacent to Bishop Site

Hedgeside Ave facing south, adjacent from the proposed Bishop site on 10.4.2022. There are no sidewalks. The right side of the road (when facing south) provides little shoulder space to walk, but is uneven and not suitable for children/strollers. Bikes have no protection/facilities.



3B. No Pedestrian or Bike Facilities at 'Blind Curve'

Hedgeside Ave facing north at the 'blind curve' on 10.4.2022. There is no pedestrian walking space at the 'blind curve,' which is a dangerous situation for pedestrians, as well as bikes who have no shoulder space. This is not suitable nor safe for children/strollers.



3C. No Pedestrian or Bike Facilities on Hedgeside Ave

Hedgeside Ave facing south on 10.4.2022. There are no sidewalks or shoulder space for pedestrians to walk. There are also no bike facilities.



3D. No Pedestrian or Bike Facilities at Milliken Creek bridge

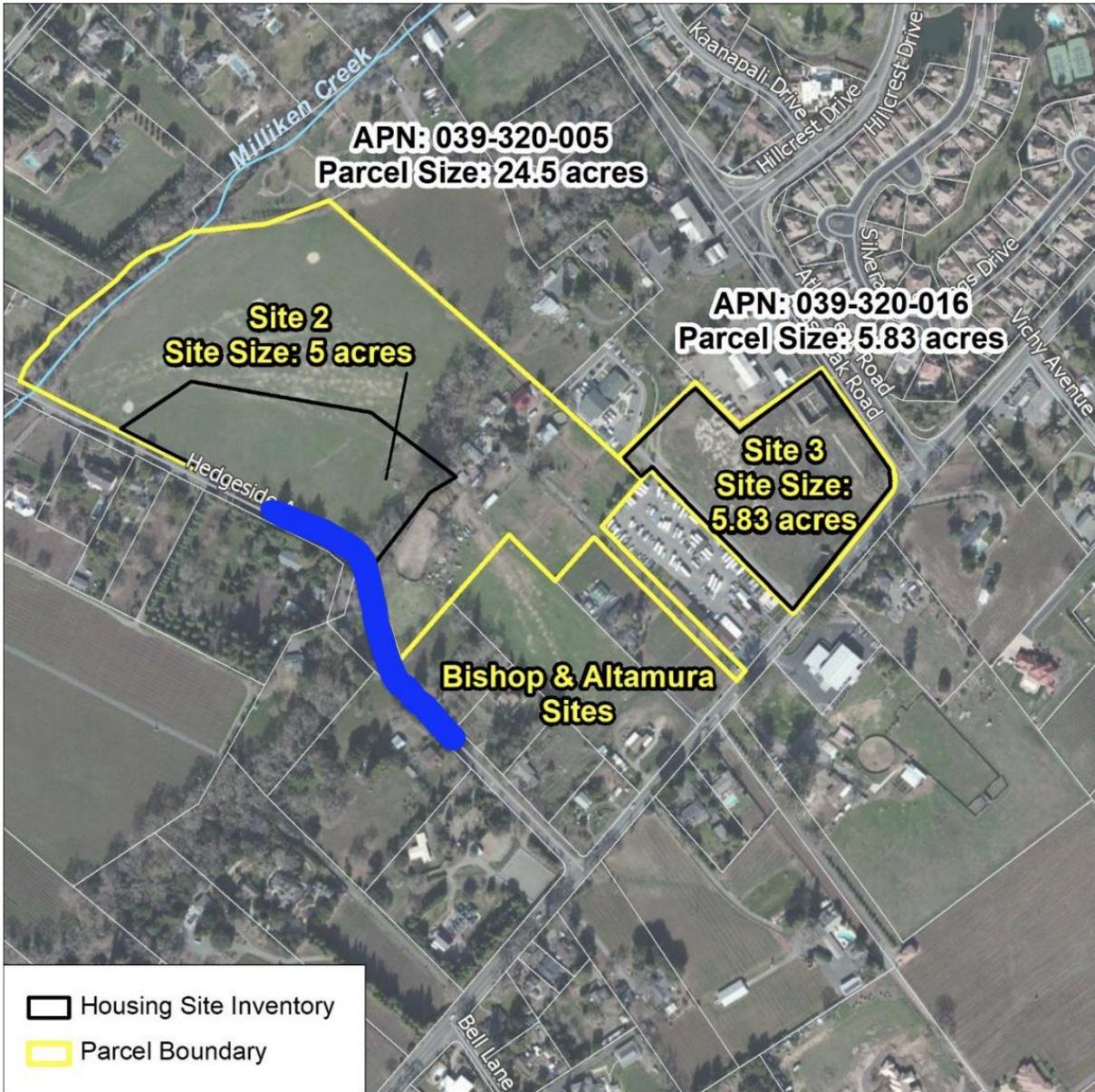
Hedgeside Ave facing north and looking over Milliken Creek bridge on 10.4.2022. There are no sidewalks or shoulder space for pedestrians to walk. There are also no bike facilities.



3E. No Pedestrian or Bike Facilities on Hedgeside Ave, Approaching Monticello Road

Hedgeside Ave facing south and looking towards Monticello Road on 10.4.2022. There are no sidewalks or shoulder space for pedestrians to walk. There are also no bike facilities.

4. Hedgeside Ave 'Blind Curve' Concerns



SOURCE: ESA, 2022

Napa County Housing Element Update

4A. 'Blind Curve' Location

The BLUE line highlights the location of the 'blind curve' on Hedgeside Ave - as drawn on the DEIR site location image [pg 61, section 3].



4B. Facing South - Start of Blind Curve

Standing in the middle of the road and facing south on 10.4.2022. This is blind corner view from the start of the curve. There is a blind corner noticeable from the middle of the road, which poses dangers for pedestrians (adults, but especially children), bikes, animals, and even other cars.



4C. Facing South - Middle of Blind Curve

Standing in the middle of the road and facing south on 10.4.2022. This is blind corner view from the middle of the curve. The blind corner is quite noticeable/sharp from the middle of the road, which poses dangers for pedestrians (adults, but especially children), bikes, animals, and even other cars.



4D. Facing North - Start of Blind Curve

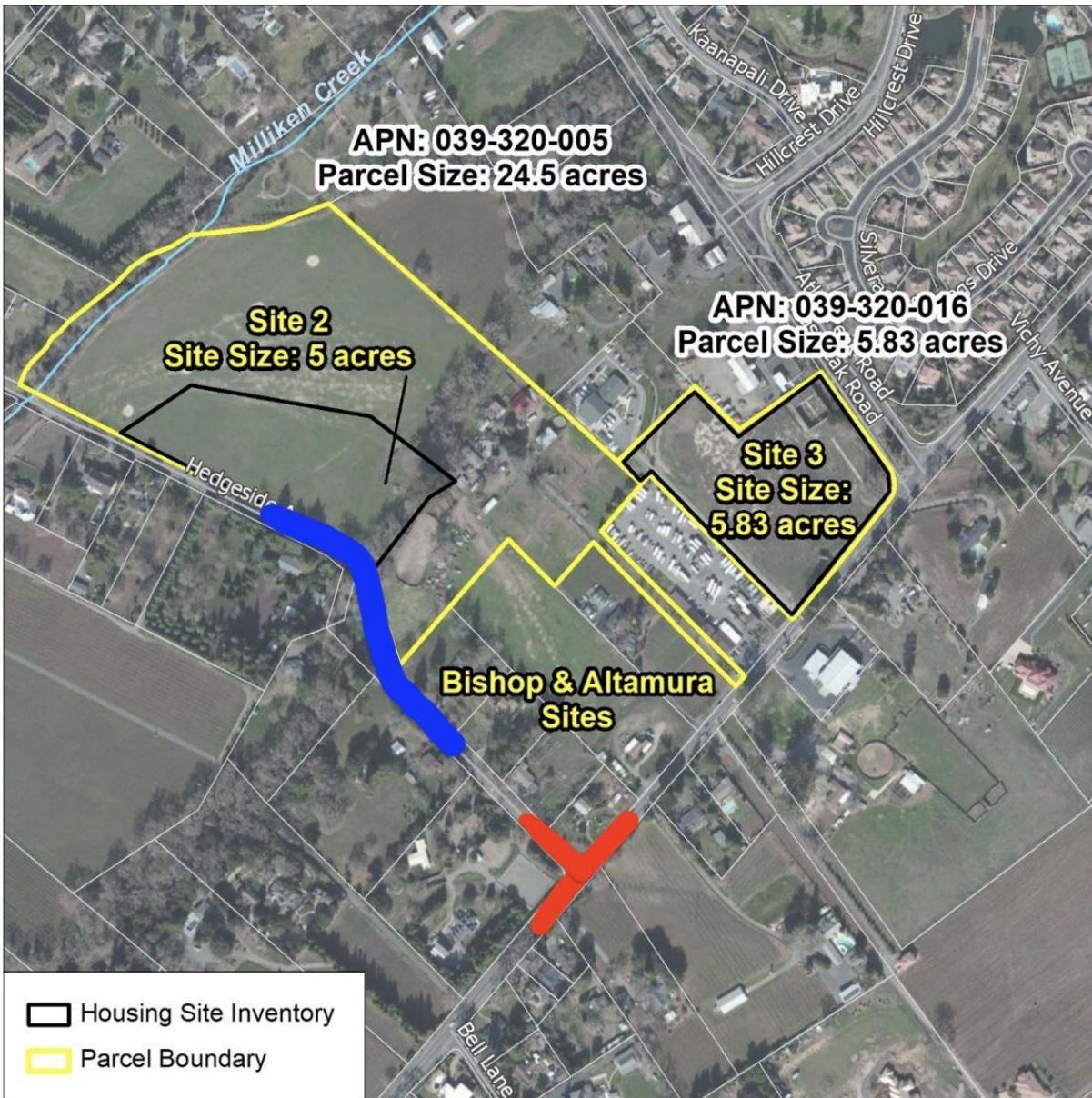
Standing in the middle of the road and facing north on 10.4.2022. This is blind corner view from the start of the curve. There is a blind corner noticeable from the middle of the road, which poses dangers for pedestrians (adults, but especially children), bikes, animals, and even other cars.



4E. Facing North - Middle of Blind Curve

Standing in the middle of the road and facing north on 10.4.2022. There is blind corner view from the middle of the curve. The blind corner is quite noticeable/sharp from the middle of the road, which poses dangers for pedestrians (adults, but especially children), bikes, animals, and even other cars.

5. Monticello Road and Hedgeside Intersection Concerns



SOURCE: ESA, 2022

Napa County Housing Element Update

5A. Unprotected Left Turn on Monticello

The RED line highlights the location of the unprotected intersection of Monticello Road and Hedgeside - as drawn on the DEIR site location image [pg 61, section 3]. There is no light signal, no middle turn lane, and there is only 1 stop sign for those turning onto Monticello from Hedgeside. To turn left onto Hedgeside from Monticello, you must stop all traffic behind you and wait to turn left, with cars typically traveling 45+ MPH.



5B. Photo of Unprotected Left Turn on Monticello

This is a photo, taken on 10.4.2022, of the area where left hand turns are made onto Hedgeside Ave. As you can see, there is no middle lane for someone to pull over to turn left - and there is no shoulder to drive around a car waiting to turn left - which results in cars backing up on Monticello Road.



5C. Photo of Damage from Unprotected Left Turn on Monticello

Taken on 10.4.2022, this is a photo of a fence along a property where the unprotected left hand turn from Monticello Road and Hedgeside Ave is. It appears that this fence has undergone damage from a potential accident at this intersection, likely from the left hand turn.

6. Milliken Creek and Flooding



5A. Photo of Milliken Creek, Facing West From Bridge

Taken on 10.4.2022. This is Milliken Creek. This is the condition of the water flow typically.



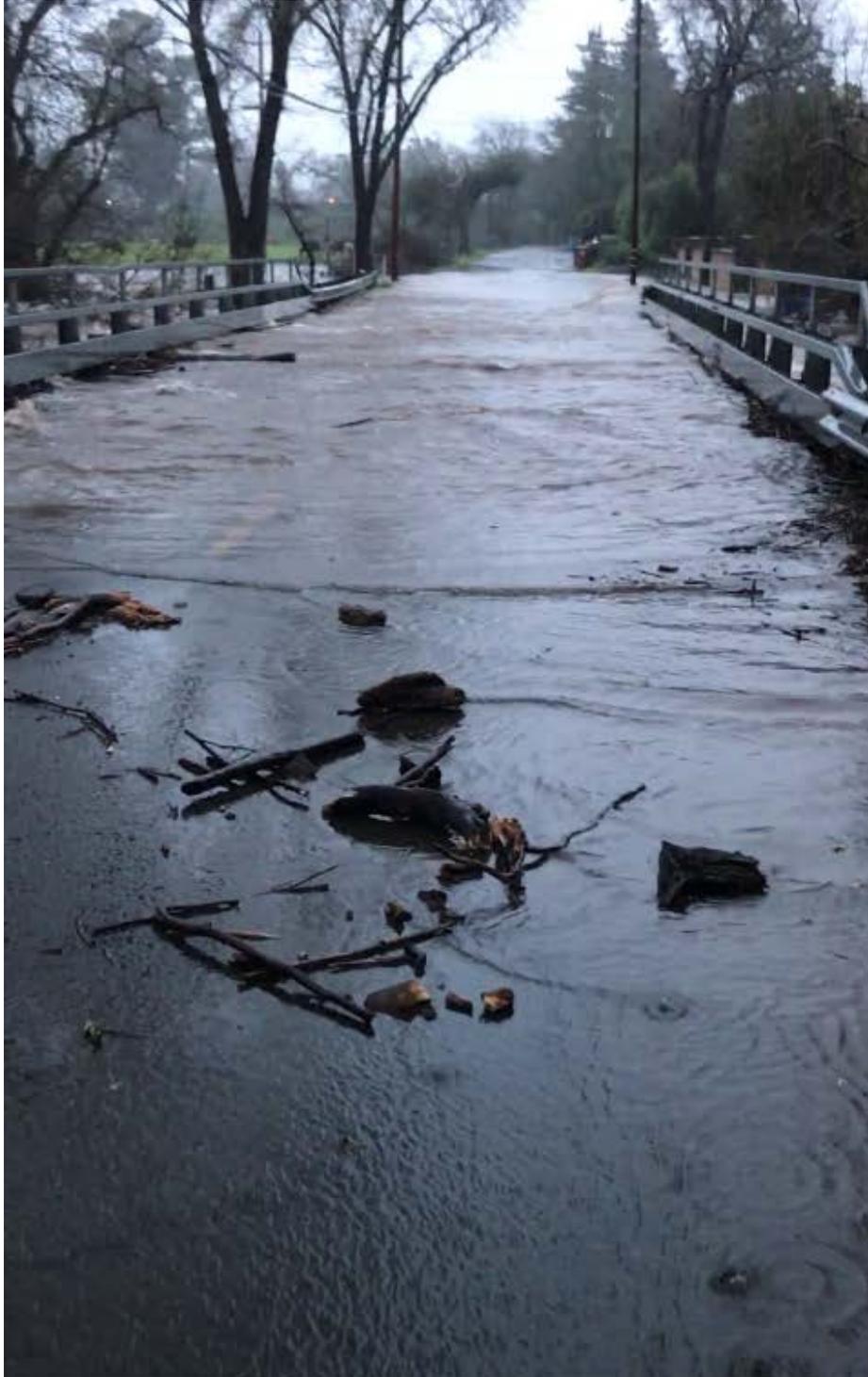
5B. Photo of Milliken Creek, Facing East From Bridge

Taken on 10.4.2022. This is Milliken Creek. This part of the creek runs adjacent to the north end of the Bishop site. This is the condition of the water flow typically.



5C. Photo of Milliken Creek, Flooding on 1.8.2017 - Looking West

Taken in 2017 by a neighbor on Hedgeside. This is Milliken Creek during a heavy rain. You can see it sweeping away a tree in the middle there (it is leaning left). There were two heavy periods of rain during this time (January and February)



5D. Photo of Milliken Creek, Flooding Over Bridge on 2.7.2017 - Looking South

Taken in 2017 by a neighbor on Hedgeside. This is Milliken Creek during a heavy rain. You can see the water flow is over the bridge and there is flooding on the Bishop field (upper left hand corner).



5E. Photo of Milliken Creek, Flooding From Home on 2.7.2017

From a neighbor's property, who lives adjacent to Milliken Creek. The water is rushing in the background (upper right hand corner) and the water levels come right up to the home (at the grass). The neighbor also experienced soaked floors inside of the house.

6. Rare, Threatened, Endangered or Species of Special Concern



Search for California native plants by name

ADVANCED SEARCH

Napa Bluecurls
Trichostema ruygtii

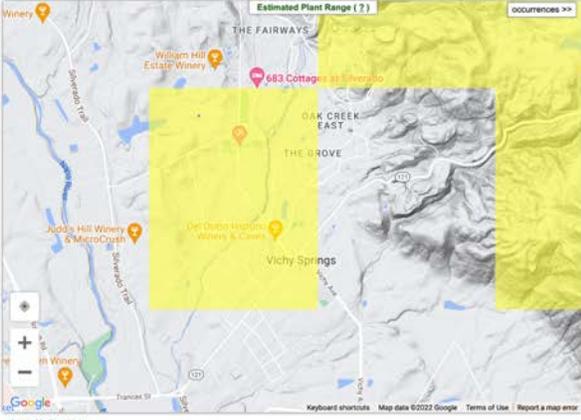


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[About Napa Bluecurls \(Trichostema ruygtii\)](#) [Nurseries Carry This Plant](#) [Add to My Plant List](#)

Trichostema ruygtii, with the common name Napa bluecurls, is a species of flowering plant in the mint family. It was first described to science in 2006. The plant is endemic to California in the northern San Francisco Bay Area, where it is known from the southern Mayacamas Mountains, in Napa County and into western Solano County. Its habitats include chaparral, oak woodland, mixed evergreen forest, and vernal pools in grasslands. *Trichostema ruygtii* is an annual herb that grows under 5 decimetres (1.6 ft) in height. The stems and lanceolate leaves have short hairs. The flowers are a pale lavender in color. Its bloom period is June to October. The species is threatened by agriculture and development. *Trichostema ruygtii* is listed as a Critically endangered species on the California Native Plant Society Inventory of Rare and Endangered Plants.



HOME > ALL PLANTS FOR CALIFORNIA > TRICHOSTEMA RUYGTII | PREVIOUS NEXT
 Estimated Plant Range (7)
 occurrences >>

6A. Location of Napa Bluecurls - Highlighted in Yellow by CalScape (California Native Plant Society)

“*Trichostema ruygtii*, with the common name Napa bluecurls, is a species of flowering plant in the mint family. It was first described to science in 2006. The plant is endemic to California in the northern San Francisco Bay Area, where it is known from the southern Mayacamas Mountains, in Napa County and into western Solano County. Its habitats include chaparral, oak woodland, mixed evergreen forest, and vernal pools in grasslands. *Trichostema ruygtii* is an annual herb that grows under 5 decimetres (1.6 ft) in height. The stems and lanceolate leaves have short hairs. The flowers are a pale lavender in color. Its bloom period is June to October. The species is threatened by agriculture and development. *Trichostema ruygtii* is listed as a Critically endangered species on the California Native Plant Society Inventory of Rare and Endangered Plants.” [website: <https://calscape.org/Trichostema-ruygtii-/>], date: 10.6.22]

Napa bluecurls <i>Trichostema ruygtii</i>	--/--/1B.2	Chaparral, cismontane woodland, valley and foothill grassland, vernal pool, wetland. Often in open, sunny areas. 30-680 meters.	Moderate. Suitable open grassland habitat is present within the Northeast Napa project sites. CNDDB occurrence approximately 0.7 miles north of the 1806 Monticello Road site (occurrence #16).
--	------------	---	--

6B. Location of Napa Bluecurls - As Indicated in DEIR Table 4.4-1

As indicated in the DEIR, there are potential Napa bluecurls located at the Bishop site. “Potential habitat for Napa bluecurls is present along Atlas Peak Road west of Silverado Country Club.” [pg 150, section 4.4] This mention, along with the highlighted map from the California Native Plant Society, indicates that more research and mitigation efforts need to be

done for the Bishop site to protect this Critically endangered species. This plant is already classified as “threatened by agriculture and development” and it seeks to have its survivability threatened by more development in its limited habitat.

Western pond turtle <i>Actinemys marmorata</i>	--/SSC/--	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation <6,000' in elevation. Require basking area and upland habitat for egg laying (sandy banks and open, grassy fields)	High. Reported in pond habitat approximately 1,000 feet southeast of the Imola site (CNDDDB occ. #1338).
---	-----------	--	---

6B. Location of Western Pond Turtle - As Indicated in DEIR Table 4.4-1

This table fails to indicate the presence of the Western Pond Turtle at the Bishop site, when the DEIR states, “Construction at the Imola site and Northeast Napa site could directly affect known western pond turtle (WPT) populations and upland habitat for this species.” The Northeast Napa site is the Bishop Site which is next to Milliken Creek - where several neighbors have seen WPTs.

Letter O-2 Response: SaveHedgeside.com, October 7, 2022

- O-2-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- O-2-2 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.
- O-2-3 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter, regarding financial considerations such as flood insurance costs. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-2-4 See Master Response 1, *Water Service*. See also Master Response 8, *Bishop Housing Site – Sewer Service*.
- O-2-5 The comment regarding municipal utility service for existing residents does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-2-6 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.
- O-2-7 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter, regarding financial considerations such as construction costs. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-2-8 See Master Response 1, *Water Service*. See also Master Response 8, *Bishop Housing Site – Sewer Service*. Regarding comments related to infrastructure capacity related improvements, these were studied in Draft EIR Section 4.16, *Utilities and Service Systems*, which determined that impacts related to the construction of new or expanded utility infrastructure would be less than significant (Draft EIR p. 4.16-19 – 4.16-22).
- O-2-9 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter, regarding financial considerations. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-2-10 Regarding a timeframe for wastewater utility improvements, this comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA

Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

Regarding construction and potential driveway access for existing residents, as discussed in the Draft EIR, the County requires the preparation of construction traffic management plans that minimize temporary obstruction of traffic during site construction (Draft EIR p.4.15-30). These construction traffic management plans take into account access to existing driveways and emergency vehicle ingress and egress.

- O-2-11 The comment regarding municipal utility service for existing residents and businesses does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- O-2-12 See Master Response 1, *Water Service*, in Section 3.2 of this chapter. See also Master Response 8, *Bishop Housing Site – Sewer Service*.
- O-2-13 See Master Response 1, *Water Service*, in Section 3.2 of this chapter. See also Master Response 7, *Bishop Housing Site – Sewer Service*.
- O-2-14 See Master Response 1, *Water Service*, in Section 3.2 of this chapter. See also Master Response 7, *Bishop Housing Site – Sewer Service*.
- O-2-15 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- O-2-16 According to the *Napa County Defensible Space Guidelines*, “defensible Space” means the area around a structure with a minimum distance of a 100-foot radius or to the property line, whichever is less, in which combustible vegetation and other prohibited materials must be treated, cleared, or reduced to slow the spread of fire to and from the structure. The obligations under Napa County Code Chapter 8.36 pertaining to maintenance of defensible space around any structure include the obligation a buffer within 30 feet of any structure and a reduced fuel zone that extends to a minimum distance of 100 feet away from a structure or to the property line adjacent to the structure if less than 100 feet from the structure.³² As discussed in Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, the 5-acre upland Bishop site is offset from the creek by more than 200 feet, allowing ample space for defensible space without impacting Milliken Creek.
- O-2-17 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter, regarding financial considerations such as fire and flood insurance costs. The comment will be

³² Napa County and CalFIRE, 2021. *Napa County Defensible Space Guidelines*, May 2021.
<https://www.countyofnapa.org/DocumentCenter/View/20532/Defensible-Space-Guidelines-PDF---Updated-in-2021#:~:text=Provide%20at%20least%20100%20feet,feet%20from%20the%20any%20structure.>

included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

- O-2-18 Concerning potential water quality impacts on Milliken Creek due to construction, potential impacts were studied in Section 4.10, *Hydrology and Water Quality*, of the Draft EIR. Construction projects that disturb one or more acres of ground disturbance, such as potential development on the Bishop site, would be required to obtain coverage under the NPDES Construction General Permit. Preparation of a Stormwater Pollution Prevention Plan (SWPPP) that includes specific best management practices (BMPs) designed to prevent sediment and pollutants from contacting stormwater from moving off site into receiving waters, such as Milliken Creek, along with its implementation during construction, is required to comply with the NDPEs Construction General Permit. Moreover, development projects implemented under the HEU would be subject to controls and requirements described in the Napa County Stormwater Management and Discharge Control Ordinance (Chapter 6.28 of the Napa County Municipal Code). This code specifies that an erosion and sediment control plan be prepared for such projects, subject to County engineering review and approval (Draft EIR p. 4.10-22).
- O-2-19 See Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, in Section 3.2 of this chapter.
- O-2-20 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- O-2-21 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter, regarding the preparation of a Traffic Impact Study (TIS), consistent with the Napa County TIS Guidelines, which would address concerns relating to parking for future development at the Bishop site.³³ This comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088.
- O-2-22 See Master Response 5, *Bishop Housing Site – Noise Concerns*, in Section 3.2 of this chapter.
- O-2-23 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- O-2-24 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter, regarding the preparation of a TIS, consistent with the

³³ Napa County, 2021. Napa County TIS Guidelines, January 2021.
<https://www.countyofnapa.org/DocumentCenter/View/2514/Napa-County-Traffic-Impact-Study-Guidelines-PDF?bidId=>

Napa County TIS Guidelines, which would address concerns relating to turning movements on Hedgeside Avenue.

- O-2-25 The comment claims that the Spanish Flat and Bishop sites would have the fewest environmental impacts and should have been eliminated in the Reduced Program Alternative. See Response to Comment O-3-48 for information related to a hypothetical alternative where the Spanish Flat and Bishop housing sites are eliminated.
- O-2-26 The comment questions why another site on Monticello was considered for analysis and determined not to be feasible, when the Bishop site would require infrastructure extension. As discussed in the Draft EIR another site across Monticello Road to the southeast of the Bishop and Altamura sites was considered for inclusion in the housing sites inventory and eliminated from consideration due to the lack of proximity to wastewater infrastructure (Draft EIR p. 5-6). The County determined in its site-selection process, that the length of potential wastewater extension to serve that site reduced the viability for affordable housing. As such, it was determined not to be feasible.

The comment also asks about fire severity zones related to alternatives that were considered but rejected. As discussed in the Draft EIR, sites included in the County's current housing element were considered for inclusion in the Housing Element Update and were eliminated from consideration because the sites have not developed in past years and would be unlikely to be accepted by HCD. Some of the sites are also located within high fire severity zones (Draft EIR p. 5-6).

As defined in Section 4.17, as part of its Fire Resources Assessment Program (FRAP), CalFire has mapped areas of significant fire hazards throughout the state. The maps classify lands into fire hazard severity zones, based on a hazards scoring system that takes into account localized factors such as fuel loading, slope, fire weather, and other relevant considerations, including areas where winds have been identified as a major cause of wildfire spread. Substantial areas of the County have been designated by the FRAP as a Very High Fire Hazard Severity Zone and large areas are also designated as High Fire Hazard Severity Zones.

While the Bishop site is located adjacent to a Very High Fire Hazard Severity Zone, the sites that were considered for analysis but rejected were within either Very High Fire Hazard Severity Zones or High Fire Hazard Severity Zones.

- O-2-27 This is a general comment that includes closing remarks and serves to provide a summary of the more specific comments which are responded to in detail above.

Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be

included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

- O-2-28 This comment attaches a series of images intended to support comments raised in the letter above. See Responses to Comments O-2-1 through O-2-27 above for comments to specific issues raised.

THE FOUNDATION FOR RESPONSIBLE DEVELOPMENT’S COMMENT LETTER

Napa County Planning, Building, and Environmental Services Department
Attn: Trevor Hawkes, Project Manager (Trevor.Hawkes@countyofnapa.org)
1195 Third Avenue, Suite 210
Napa, CA 94559

Re: Comments on Draft Napa County Housing Element Update and Draft Environmental Impact Report

Dear Mr. Hawkes:

I am writing you on behalf of the Foundation for Responsible Development (Foundation). The Foundation is a collection of individuals residing and working within the County of Napa (County) dedicated to ensuring the County identifies appropriate sites for the development of lower income housing through enforcement of California’s Housing Element Law and the California Environmental Quality Act.

O-3-1

We thank you for the opportunity to submit comments concerning the County’s: (i) Draft 2023-2031 Housing Element Update (the Project)¹; and (ii) Draft Environmental Impact Report (DEIR) for its Draft Housing Element Update. We write to express our concerns about the Project, including the County’s failure to: (i) prepare an adequate housing sites inventory analysis; (ii) properly analyze and mitigate the Project’s environmental effects; (iii) consider the whole of the Project (i.e, improperly piecemealing analysis of the Housing Plan Update and specific sites identified for development therein); (iv) analyze inconsistencies between the Project and General Plan; and (v) analyze a reasonable range of feasible Project alternatives. Our objections and comments follow.

BACKGROUND

On August 9, 2022, the County released its Housing Community Development Review Draft of its 2023-2031 Housing Element (i.e., Sixth Cycle planning period). Since the Draft Housing Element Update’s release, the County has been continuing to engage the public, community stakeholders, and County decisionmakers in an effort to gather input concerning the draft. (See Draft Housing Element Update (DHE), pp. 16, 23-24.) The County expects the California Department of Housing and Community Development (HCD) to submit comments on the draft in early November 2022. (DHE, p. 23.) The draft will then be further revised in response to the comments and input received before being presented to the County Board of Supervisors for adoption. (DHE, pp. 23-24.) It is our understanding the County is targeting a December 2022, or early January 2023, adoption date. (DHE, p. 24.)

O-3-2



¹ We understand the initial comment period for the Draft Housing Element Update closed on July 25, 2022. Nonetheless, we are submitting our comments concerning the draft here, given that: the County (i) has not held its final public hearing on the draft; and (ii) is still engaging in the process of accepting input and revising the draft (e.g., via the Napa County Housing Element Advisory Committee, stakeholder engagement, public outreach, HCD, etc.).

The Draft Housing Element Update provides that the Association of Bay Area Governments (ABAG) initially allocated the County a total Regional Housing Needs Allocation (RHNA) of 1,014 units in December 2021. On March 17, 2022, the County’s RHNA was reduced to 106 units, with ABAG’s approval of the County’s request for transfers to incorporated jurisdictions. (DHE, pp. 54, 200.) Of those 106 units, the County is required to dedicate 61 units to lower income households. (DHE, p. 200.)

To meet its allocation of 61 RHNA units for lower income households, the County prepared a “Sites Inventory” that identifies non-vacant² parcels that will be rezoned to accommodate development. (DHE, p. 233.) The County plans to rezone each site to “require a minimum density of 20 dwelling units per acre so the sites would accommodate housing affordable to lower income households.” (*Id.*; see also DHE, pp. 240-41.) Specifically, the Sites Inventory identified five (5) sites in four (4) geographic regions purportedly capable of accommodating the development of 458 units:

- **Spanish Flat:** 100 units
- **Northeast Napa**
 - **Bishop:** 100 units
 - **Altamura:** 58 units
- **Imola Avenue:** 100 units
- **Foster Road:** 100 units.

(DHE, pp. 233, 258.) The County claims its inventory “exceeds the remaining outstanding RHNA for very low- and low-income households of 61 units” by a “surplus” or “buffer” of 397 units. (DHE, pp. 243, 273.) As discussed below, it is unclear to the Foundation why the County believes such a substantial buffer is realistic given: (i) the fact that it fell well short of meeting its 5th Cycle RHNA allocation for lower income households; and (ii) current market conditions.

Of particular concern here is the proposed Bishop site. The Bishop site is a 5-acre portion of a 24.5-acre parcel (APN 039-320-005) located at 1806 Monticello Road included in the Site Inventory to provide housing to lower income families. (DHE, p. 252.) However, the site is currently not connected to any water, wastewater, or dry utility services, which would require installation of costly infrastructure improvements and separate approvals by one or more government agencies, among other issues. (DHE, pp. 226, 251-52.) It lacks adequate access to bicycle and pedestrian facilities and public transportation. (DEIR 4.15-4-6.) It is located adjacent to a Very High Fire Hazard Zone (DEIR 4.17-2) and within a special flood hazard zone (DEIR 4.10-6). It has the potential to result in significant environmental impacts, including to protected plant and animal species. (See DEIR 4.4-22, 4.4-7.) And it does not appear that the County has made contact with the owner of the site to gauge if he/she has a concrete interest in developing housing. (*Compare* DHE, pp. 243, 252 to DHE, pp. 249, 253, 257.)

² The County considers the Spanish Flat, Bishop, Altamura, and Imola Avenue sites to be “non-vacant” for the purposes of California’s Housing Element Law. (DHE, pp. 249-256.)

On August 23, 2022, the County released for comment the Draft Environmental Impact Report for its Draft Housing Element Update.

↑ O-3-2

DISCUSSION

A. The Draft Housing Element Update Violates California’s Housing Element Law.

Under California’s Housing Element Law, (Gov. Code §§ 65580 *et seq.*), certain local governments must pass, as part of their general plans, a housing element that makes adequate provisions for the housing needs of all income groups, including accommodating the local government’s share of the RHNA. In 2017, the Legislature passed Assembly Bill (AB) 1397, which amended California’s Housing Element Law, specifically Government Code sections 65580, 65583, and 65583.2. AB 1397’s purpose is to strengthen the obligation of local governments to identify in their housing elements an adequate supply of sites available to meet their housing needs for all income levels (e.g., very low and low-income). (Gov. Code § 6550, subd. (g).)

O-3-3

A local government’s housing element must specifically show how it will meet its RHNA allocation. (Gov. Code §§ 65583, subds. (a)(3), (c)(1), 65583.2, subd. (a).) It must include an inventory of land currently available for residential development. (Gov. Code §§ 65583, subd. (a)(3), 65583.2, subds. (a)-(c).) If this is inadequate to meet its allocation, it must identify additional land it can rezone to make it available. (Gov. Code § 65583, subd. (c)(1).) To that end, a local government’s sites inventory must identify

. . . land ***suitable and available*** for residential development, including vacant sites and sites having ***realistic and demonstrated potential*** for redevelopment during the planning period to meet the locality’s housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites.

(Gov. Code § 65583, subd. (a)(3) [emphasis added].) The inventory of identified sites must also be capable of being “developed for housing ***within the planning period***[.]” (*Id.* at § 65583.2, subd. (a) [emphasis added].) Additionally, the parcels included in the site inventory:

. . . ***must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development*** or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development.

(*Id.* at § 65583.2, subd. (b)(5)(B) [emphasis added].) Based on this information, “a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period[.]” (Gov. Code § 65583.2, subd. (c).) “The inventory shall specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing.” (*Ibid.*)

↓

Here, the County’s Draft Housing Element Update violates California’s Housing Element Law for reasons that include the following: (i) it fails to adequately explain how the County will meet the No Net Loss rule; (ii) it includes parcels in its Sites Inventory that are not “adequate” for development of lower income housing; and (iii) it fails to adequately analyze the likelihood that each parcel identified in the Sites Inventory will be developed during the planning period.

O-3-3

1. The County’s Draft Housing Element Update Fails to Adequately Explain How It Will Satisfy the No Net Loss Rule.

California’s Housing Element Law requires, as part of the analysis of available sites, a local government to calculate the projected residential development capacity of the sites identified in the housing element that can be realistically be achieved. (Gov. Code § 65583.2, subd. (c); see also Gov. Code §§ 65580, subd. (f), 65583, subd. (c).) According to the HCD’s Housing Element Site Inventory Guidebook (HCD Guidebook),³ the No Net Loss requirement requires a local government to identify “sufficient adequate sites to be available at all times throughout the RHNA planning period to meet a jurisdiction’s remaining unmet housing needs for each income category.” (HCD Guidebook, p. 22 [emphasis in original]; see Gov. Code § 6583.) To ensure that adequate housing capacity at all income levels exists in the housing element throughout the planning period, HCD recommends that “the jurisdiction create a buffer in the housing element inventory of at least 15-30% more capacity than required, especially for capacity to accommodate the lower income RHNA.” (HCD Guidebook, p. 22.) Here, the Draft Housing Element Update fails to include an adequate analysis concerning how it will satisfy the No Net Loss rule.

O-3-4

The Draft Housing Element Update provides:

[I]ncluding the State controlled Imola site, the available land inventory summary offers additional sites in Spanish Flat, Foster Road, and Northeast of Napa for the production of very low- and low-income housing. These sites are capable of producing 483 units, which exceeds the remaining outstanding RHNA for very low- and low-income households of 61 units by a surplus of 422 sites.

(DHE, p. 243.) However, this “surplus” or “buffer” was reduced to 397 units with the County’s removal of the Big Ranch Corner (25 units) site from the Sites Inventory. (DHE, p. 20.) The County’s assumption that it will have an adequate buffer is not supported by substantial evidence.

As above, the County’s RHNA allocation for the 6th Cycle is 106 units. (DHE, p. 232.) Of those 106 units, 61 must be dedicated to very-low and low-income families. (*Id.*) Applying HCD’s recommended buffer of 15-30% would require the County to plan for the development of between 70.15 and 79.3 units dedicated to lower income households. The County did not.

The County anticipates that the parcels identified in its Sites Inventory can and will accommodate a total of 458 lower income households. (DHE, p. 233.)⁴ The County’s approach suggests that it

³ On June 10, 2020, the California Department of Housing and Community Development, Division of Housing Policy Development released its “Housing Element Site Inventory Guidebook Government Code Section 65583.2.”

⁴ The County also anticipates the development of another 72 accessory dwelling units (ADU) during the planning period, 16 of which will accommodate lower income households. However,

expects all sites to be redeveloped to accommodate 100 percent lower income housing during the 6th Cycle (i.e., it equates maximum theoretical capacity with realistic capacity, which are two very different things). (See DHE, pp. 242-43.) This is unrealistic given the statistics from the County’s 5th Cycle, as well as current market conditions.

For example, the County admits that during its 5th Cycle RHNA it “[fell] short of its objectives in the production [of] housing units affordable to extremely low-, very low-, and low-income households.” (DHE, p. 32.) Specifically, during its 5th Cycle: (i) the County met only 25 percent of its RHNA allocation for lower income households; and (ii) only 11 percent of the total housing developed in Napa County accommodated lower income families. (DHE, p. 30.) The County admits that this trend is likely due to constraints in the local housing market and the fact that the County “cannot require that all of the housing developed on the sites be affordable to lower-income households.” (DHE, p. 233.) Instead, can generally only require that “15 percent of housing units developed on these sites be affordable for lower-income households.” (DHE, pp. 233; see also DHE, pp. 43, 45; DEIR 3-19.)

Now, for the County’s 6th Cycle, *over half* of its RHNA allocation is dedicated to the development of housing for lower income families. Thus, given the information presented above, substantial evidence does not support the County’s conclusion that it will have a sufficient buffer to satisfy the No Net Loss rule. It is likely that the County will be vulnerable to mid-cycle rezoning, which is a costly process in terms of time, money, and political will.

2. The Bishop Site Is Not Adequate For Development of Lower Income Housing.

The HCD Guidebook provides that a local government’s housing element must identify sites that are “adequate” to accommodate lower income housing. (HCD Guidebook, p. 9; see Gov. Code §§ 65583, 65583.2, subd. (c); DHE, p. 244.) “Adequate” in this context means a site that is

... available for immediate development, which is located within reasonable access to public agencies and transportation services; will not require unusually high site development costs; has available public services and facilities; is consistent with the General Plan designation and site zoning so as to permit development of, conversion to or use of, a shelter or transitional housing without undue regulatory approval; and is consistent with applicable parking requirements, fire regulations and design standards.

(*Hoffmaster v. City of San Diego* (1997) 55 Cal.App.4th, 1098, 1112-13.) Additional factors include “environmental considerations,” “developer interest, proposed specific-plan development, potential for subdivision, the jurisdiction’s role or track record in facilitating lot splits, or other

the County failed to adequately analyze whether it is realistic to assume any will accommodate lower income families, including by providing any information whatsoever concerning the number of ADU units that were dedicated to lower income families during the 5th Cycle. (DHE, pp. 232-233, 236.) Typically, ADUs are attached to single-family homes, which house moderate and above-moderate-income households. (See DHE, pp. 233, 242.)

O-3-4

O-3-5

information that can demonstrate to HCD the feasibility of the site for development.” (HCD Guidebook, pp. 3, 17.)

Specifically, as to public utilities, the parcels identified in the sites “inventory, including any parcels identified for rezoning, [must] have sufficient water, sewer, and dry utilities available and accessible to support housing development or . . . in time to make housing development realistic during the planning period.” (HCD Guidebook, p. 7; see also Gov. Code § 65583.2, subd. (b)(5)(B).) “Dry utilities include, at minimum, a reliable energy source that supports full functionality of the home and could also include access to natural gas, telephone and/or cellular service, cable or satellite television systems, and internet or Wi-Fi service.” (*Id.* at pp. 7-8.) If sufficient utilities are “not possible, the site is not suitable for inclusion in the site inventory or in a program of action identifying a site for rezoning.” (*Id.* at p. 8.) Here, the Draft Housing Element Update’s inclusion of the Bishop site, among others, in its Sites Inventory was improper for reasons that include the following.⁵

O-3-5

Lack of Sufficient Public Utilities. The Draft Housing Element Update provides that the “County undertook its site selection process by closely examining areas of the unincorporated County with access to water and wastewater utilities.” (DHE, p. 234.) Following its examination, the County concluded that there would be sufficient water supply and wastewater capacity to serve the Bishop site. (DHE at pp. 251-52.) This conclusion is not supported by substantial evidence and appears to conflict with the information provided in the DEIR and elsewhere.

Lack of Water Supply. The DEIR found that the Bishop site, once developed, may not have sufficient water supplies available to serve the site, and any reasonably foreseeable future development during normal, dry and multiple dry years. (DEIR 4.16-22-23.) Specifically, the DEIR provides that the Bishop site would obtain water services from the City of Napa, where City water can only be “provided upon approval of the City Council.” (DEIR 4.16-24.) Although, “water infrastructure is located nearby,” the City did not include the Bishop site in its update to its Urban Water Management Plan (UWMP), a “key supply planning document[] for municipalities and water purveyors in California.” (DEIR 4.16-11, 4.16-23.) Nor did the City of Napa specify whether it could meet the site’s water supply demand. (DEIR 4.16-23.) Instead, before water can be supplied to the site, the City of Napa must prove that the “extension of water service is to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory.” (DHE, p. 226.) The County’s failure to adequately analyze whether the Bishop site will have an adequate water supply is especially troubling given the effects of climate change and the persistent drought conditions plaguing California, generally, and the Bay Area, specifically.

O-3-6

Lack of Wastewater Capacity. The DEIR also found that the Bishop site may not have adequate “wastewater treatment capacity to serve the site’s projected demand in addition to the provider’s existing commitments.” (DEIR 4.16-24-25.) Specifically, the DEIR provides: “it is not certain that [Napa Sanitation District (NapaSan)] would determine that it has adequate capacity to serve the projected demand under the [Draft Housing Element Update] in addition to the provider’s existing commitments.” (DEIR 4.16-25.)

⁵ Many of the other parcels identified in the Sites Inventory suffer from the same defects.

Lack of Dry Utilities. Neither the Draft Housing Element Update nor the DEIR provides any analysis whatsoever. Instead, the DEIR merely provides: “New meter and service connections for electricity, natural gas, and telecommunications services would be coordinated with the provider at the time new development is proposed.” (DEIR 4.16-21.) This is insufficient.

O-3-6

In sum, the County violated California’s Housing Element Law by failing to adequately analyze whether the Bishop site would have “sufficient water, sewer, and dry utilities supply available.” Instead, the County is improperly deferring that determination to the future by mandating that the site developer submit evidence to the County that adequate utilities will be available. (See DEIR 4.16-23-25.)

Lack of Access to Public Services and Facilities. The location of the Bishop site raises additional fair housing concerns. For example, the Draft Housing Element Update failed to adequately analyze whether the Bishop site will have access to bicycle and pedestrian facilities and public transportation services sufficient to meet the needs of lower income households (e.g., access to grocery stores, shops, jobs, schools, etc.). (DHE at pp. 174-75, 220, 269.) Information presented in the DEIR and elsewhere indicates it will not. (See DEIR 4.15-4-6.)⁶ For example, the Napa Vine does not service the Bishop site; the closest stop is approximately two (2) miles away via busy Highway 121, which also lacks pedestrian facilities. And although Vichy Elementary School is in close proximity to the Bishop site, other schools, such as Redwood Middle School and Napa High School are located several miles away. Likewise, the closest grocery store is also nearly two (2) miles away. Those lower income families at the proposed Bishop site without personal transportation will likely struggle to access basic necessities.

O-3-7

Safety Concerns & High Development Costs.⁷ The Bishop site is located adjacent to a Very High Fire Hazard Zone (DEIR 4.17-2) and within a special flood hazard zone (DEIR 4.10-6). As to wildfire hazards, the County acknowledges that the “hotter and dryer conditions expected with climate change will make forests more susceptible to extreme wildfires.” (DEIR 4.8-3.) In addition to raising substantial safety concerns, the County acknowledges that the difficulty and cost of obtaining fire insurance and other insurance “can be an indirect constraint on the maintenance and production of housing.” (DHE, p. 229; see also DEIR 4.8-3 [“In the areas that have the highest fire risk, wildfire insurance is estimated to see costs rise by 18 percent by 2055 and the fraction of property insured would decrease”].)

O-3-8

Lack of Developer Information. In contrast to other sites identified in the Sites Inventory, the County makes only a vague reference to the owner of the Bishop site’s interest in having his property rezoned to accommodate the development of lower income residential housing. (Compare DHE, pp. 243, 252 to DHE, pp. 249, 253, 257.) Additional concrete assurances from

O-3-9

⁶ The Foundation notes that Nap County only recommends the construction of new bus facilities where the “development is located on an existing bus route.” (DHE 220.) Here, there is no existing bus route within the vicinity of the Bishop site.

⁷ As addressed below in Sections B(2)-(3) and (5), the Bishop site poses numerous environmental and general plan consistency concerns that will also likely decrease the likelihood that it is adequate for inclusion in the Sites Inventory.

the owner regarding his interest in developing the site are necessary to ensure the site is appropriate for inclusion in the Sites Inventory.

O-3-9

Given the above, the evidence does not support the conclusion that the Bishop site was properly included in the Draft Housing Element Update's Sites Inventory.

3. The Draft Housing Element Update Failed to Adequately Analyze the Bishop and Imola Avenue Sites' Likelihood of Development.

According to the HCD Guidebook, a sites inventory must include an analysis of the "likelihood of residential development," which is "based on the rate at which similar parcels were developed during the previous planning period." (HCD Guidebook, pp. 20-21; see also Gov. Code §§ 65583, subd. (a)(3), 65583.2, subd. (c).) The methodology must include: (i) a jurisdiction's "past experience with converting existing uses to higher density residential development;" (ii) "current market demand for the existing use;" and (iii) an "analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development." (Gov. Code § 65583.2, subd. (g)(1).) The analysis can also include a comparison of the "proportion of parcels in the previous housing element's site inventory that were developed during the previous planning period." (HCD Guidebook, p. 21.) The HCD Guidebook thus makes it abundantly clear that local governments must identify enough realistic capacity (i.e., sites that have a likelihood of development) to accommodate the RHNA target. The Draft Housing Element Update failed to satisfy this requirement.

O-3-10

Bishop Site. The County failed to include a realistic analysis of the "likelihood of residential development" "based on the rate at which similar parcels were developed during the previous planning period." (See DHE, pp. 234-258.) Specifically, the County failed to analyze the rate at which non-vacant property rezoned to Residential Multiple (RM)⁸ in the County's unincorporated areas, located within a special flood hazard zone (DEIR 4.10-6) and adjacent to a Very High Fire Hazard Zone (DEIR 4.17-2), was developed to accommodate lower income households. The additional factors identified above (e.g., lack of access public utilities, facilities, and services) likely also tend to decrease the likelihood that the Bishop site will be developed. As above, the County admits that during its 5th Cycle: (i) it met only 25 percent of its RHNA allocation for lower income households; and (ii) only 11% of total development accommodated low-income families. (DHE, p. 30.) Despite these troubling statistics, the County provides no information whatsoever regarding the specifics of the parcels that were actually developed during the County's 5th Cycle to accommodate lower income households. Accordingly, it is impossible to realistically determine the likelihood the Bishop site will be developed.

Imola Avenue Site. The Draft Housing Element's analysis concerning the likelihood that the Imola Avenue site will be developed to accommodate lower income housing is also deficient. The HCD Guidebook provides: "Sites controlled by exempt entities can be used to accommodate RHNA when *documentation can be provided* that demonstrates the likelihood that the planned housing will be developed within the current RHNA/housing element cycle." (HCD Guidebook,

⁸ The Foundation also notes that the RM zoning designation allows for the development of single family homes "by right." (DHE, 205.) As such, it is unclear why the County believes that rezoning the parcels identified in the Sites Inventory will encourage development of lower income housing.

p. 6 [emphasis added].) Here, the Draft Housing Element Update provides no documentation whatsoever supporting its assertion that the Imola Avenue site is “likely to develop with housing affordable to lower income households during the planning period.” (DHE, p. 239.) Regardless, even if the State made the Imola Avenue site available, its likelihood of development cannot realistically be determined because: (i) it falls outside the County’s jurisdiction (see DHE, 254-55); and (ii) the County lacks sufficient data concerning its suitability for multi-family residential development (See DHE, pp. 265, 267). As further evidence the Imola Avenue site is improper for inclusion in the Sites Inventory, the Napa Pipe Site, another previously State-owned parcel included in the County’s 5th Cycle, failed to be developed for lower income housing during the planning period. (DHE, p. 237.)

O-3-10

It is troubling that the County’s draft Housing Element Update lacks a sufficient analysis of its inventoried parcels’ likelihood of development. We find this requirement of the utmost importance because it compels the local agency to reconcile its housing element with realistic development trends and projections.

B. The DEIR Fails to Comply With CEQA.

The Foundation has carefully reviewed the August 2022 DEIR for the draft Napa County Housing Element Update and has identified a number of significant inadequacies, inconsistencies, and other errors. These concerns are described in more detail below. The Foundation urges the County to revise the DEIR to address these inadequacies, inconsistencies, and errors to comply with CEQA. Moreover, given the scope of the needed revisions, the new information added to the DEIR will almost certainly constitute “significant new information” requiring recirculation of the DEIR. (See Pub. Resources Code § 21092.1; CEQA Guidelines, § 15088.5.⁹)

O-3-11

The Foundation hopes that the County will carefully revise the DEIR to address the serious concerns identified by the Foundation and other members of the public, and circulate a revised DEIR that meets the requirements of CEQA. The Foundation looks forward to reviewing the revised and recirculated DEIR and working with the County to ensure the goals, policies, and requirements of CEQA are satisfied.

1. Improper Piecemealing.

CEQA defines a “project” as the “whole of an action” that may result in either a direct or reasonably foreseeable indirect change in the physical environment. (CEQA Guidelines, § 15378(a); see also CEQA Guidelines, § 15378(c) [“The term ‘project’ does not mean each separate governmental approval.”].) This broad definition ensures that all the project’s environmental impacts are properly considered, and it prevents agencies from engaging in “piecemealing” by splitting a single large project into smaller ones to avoid disclosing or evaluating the environmental impacts of the entire project. (See *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1223 [an agency engages in “improper piecemealing” by failing to evaluate the impacts of other actions that its proposed project “legally compels or practically presumes”].)

O-3-12

The DEIR is clear that the County is committing to rezoning properties to facilitate development of the specific projects identified in the Draft Housing Element Update. (See, e.g., DEIR 3-8 [“the HEU would identify sites appropriate for development of multifamily housing, and the County

⁹ The CEQA Guidelines can be found at 14 Cal. Code Regs., §§ 15000, *et seq.*

would rezone those sites as necessary to meet the requirements of State law.”]; 3-21 [explaining the County would rely on this EIR to adopt an ordinance “amending the City’s zoning ordinance and the City’s zoning map to reflect the location and density of land uses” called for in the Draft Housing Element Update].) However, the DEIR consistently fails to disclose and analyze the foreseeable impacts associated with adopting the Draft Housing Element Update and amending the County’s Zoning Code to authorize the developments identified in the Draft Housing Element Update, particularly the handful of discrete multi-family projects that are described in detail.

O-3-12

The narrow scope of environmental analysis provided in the DEIR constitutes improper piecemealing. The County cannot claim that additional review will occur sometime in the future to avoid performing the analysis that CEQA requires in the DEIR. Rather, the EIR must evaluate all reasonably foreseeable consequences of the Draft Housing Element Update, including updates to the Zoning Code and the development of the handful of multi-family projects identified in the Draft Housing Element Update. (See *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 396 [EIR must analyze effects that are a reasonably foreseeable consequence of the agency’s action and which would likely change the scope or nature of the project’s environmental effects].)

This flaw in the DEIR is particularly troubling given that many of these projects may escape further CEQA review. As the County no doubt knows, the California Legislature has in recent years passed many bills that either limit the CEQA review process for qualifying affordable housing projects or exempt those projects from CEQA altogether (e.g., through an exemption or by requiring ministerial project approvals, which are exempt from CEQA). (See, e.g., Pub. Resources Code §§ 21178, *et seq.* [SB-7], 21080.51 [SB-1289].) And the Legislature is likely to pass even more exemption, streamlining, and “by right” development bills in the coming legislative session. Thus, there is a strong possibility that this Draft Housing Element Update will facilitate the development of one or more large multi-family housing projects that would never undergo full project-level CEQA review. This makes it even more critical that the DEIR fully evaluate the foreseeable environmental impacts associated with the Draft Housing Element Update since there may never be an opportunity to correct this oversight.

2. The DEIR Failed to Analyze the Project’s Cumulative Impacts.

The DEIR’s cumulative impacts analysis is based on a fundamental misunderstanding of the County’s obligations under CEQA. In short, the DEIR provides only a cumulative impacts assessment for those impacts that are determined to be potentially significant, or significant and unavoidable at the program-level. There is no support for this approach. CEQA is clear that an EIR must evaluate *all* of a project’s potential cumulative impacts. (See CEQA Guidelines, § 15130.) And while an agency need not provide an extended discussion of cumulative impacts when a project’s incremental effects are not “cumulatively considerable,” it must at least “briefly describe its basis for concluding that the incremental effect is not cumulative considerable.” (CEQA Guidelines, § 15130(a).) The DEIR fails to meet this basic test.

O-3-13

Moreover, the law does not allow an agency to simply assume that a project’s incremental contribution is not cumulatively considerable simply because its “project-level” impacts are less than significant. Nor may an agency assume that cumulative impacts are insignificant because the project’s contribution to those impacts would be relatively small. (See *Kings Cnty. Farm Bureau v. City of Hanford* (2009) 221 Cal.App.3d. 692, 718.) The DEIR violates both of these rules. The

cumulative impacts analysis often assumes that the Project’s incremental contribution to cumulative impacts is not cumulatively considerable solely because its project-level impacts are less than significant. Indeed, it appears the DEIR entirely omits discussion of cumulative impacts where project-level impacts are found to be less than significant. The DEIR also frequently insinuates that cumulative impacts cannot be significant because the Project’s incremental contribution is so small. This is improper.

O-3-13

The DEIR must be revised to evaluate cumulative impacts across all resource areas. And if the agency does not believe an “extended discussion” is needed because the Project’s incremental contribution to cumulative impacts is not cumulatively considerable, then the EIR must briefly describe the basis for that conclusion. The Foundation urges the County to carefully review each of the cumulative impacts discussions to ensure they meet these basic CEQA requirements.

3. The DEIR Failed to Identify and Analyze the Project’s Significant Environmental Effects.

The Foundation has identified a number of concerns regarding the DEIR’s analysis of the Project’s potential environmental impacts in Chapter 4. These deficiencies are described below and organized by resource category. However, given the length and complexity of the DEIR and the relatively short public review period, we expect that other errors exist beyond those identified below. We urge the County to carefully review the entire DEIR in light of the comments below to ensure that all errors are addressed in future drafts.

O-3-14

a. Aesthetics.

The DEIR acknowledges that aesthetic impacts may be significant if the Draft Housing Element Update sites would “substantially degrade the existing visual character or quality of public views of the site and its surroundings.” (DEIR 4.1-10.) The DEIR also states that the Foster Road site “may be visible to drivers on nearby SR 29, as are adjacent, developed areas.” (DEIR 4.1-9.) Nevertheless, the DEIR confusingly claims that “the proposed housing sites are not located in areas where they can be seen from long distances, so they would not impair a scenic vista.” (DEIR 4.1-9.) There is no analysis or evidence to support that assertion, and the fact that the Foster Road site is visible from SR 29 suggests this is inaccurate. The DEIR should be revised to provide additional evidence and analysis to support this finding.

O-3-15

The DEIR also concludes that multi-family housing would not “substantially degrade existing visual character” because surrounding areas are already developed (e.g., housing, commercial, or institutional uses). The DEIR fails to explain the logic behind this reasoning. It is obvious that existing visual character of a community—even a community with reasonable development already present—can be degraded by additional, more intensive development. The DEIR should explain why new development that is significantly different from other surrounding uses (e.g., dispersed single-family homes and open space) cannot degrade the existing visual character of the community. In addition, the cumulative impacts analysis reaches the same conclusion for the same reasons, and this too should be updated to identify the substantial evidence and reasoning that supports the DEIR’s findings.

O-3-16

Lastly, the DEIR assumes that compliance with vague and unspecified “additional site planning” requirements would eliminate cumulative impacts associated with developing the entire Foster

O-3-17

Road area. (DEIR 4.1-12.) CEQA does not allow agencies to rely on compliance with future, yet-to-be-determined standards to find that impacts are less than significant. (See CEQA Guidelines, § 15126.4.) If anything, compliance with those planning requirements should be considered mitigation, in which case the site planning requirements must be identified and described (e.g., by providing performance standards and methods to achieve those standards) and required as a condition of approval for any future development of the Draft Housing Element Update sites.

O-3-17

b. Agriculture and Forestry Resources.

The DEIR identifies the Bishop site as designated “Farmland of Local Importance,” and various General Plan policies and County ordinances speak to the importance of preserving farmland, and especially designated farmland, to the greatest extent possible. The DEIR nevertheless refuses to evaluate impacts associated with the proposed conversion of farmland, all because the site is not mapped pursuant to the “Farmland Mapping and Monitoring Program” as “Farmland.” This conclusion rests on a mischaracterization of the law. The term “agricultural land” is defined in Public Resources Code section 21060.1 in order to clarify the direction provided under Public Resources Code section 21095, which directs the Resources Agency to develop an amendment for an “optional methodology” to evaluate impacts to agricultural resources. Moreover, even if agricultural lands identified in CEQA Guidelines Appendix G can be construed as limited to mapped “Farmland,” Appendix G does not provide an exhaustive list of issues agencies must evaluate in the CEQA process. There is no reason to assume impacts are less than significant here simply because the Farmland of Local Importance on the Bishop site is not “Farmland.” In fact, Appendix G section II(b) requires agencies to consider whether the project would “[c]onflict with existing zoning for agricultural use,” which is far broader than conversion of “Farmland” under Appendix G section II(a). Given this unfounded reliance on a technical definition of “Farmland,” the DEIR fails to adequately explain, on the basis of substantial evidence, why eliminating “Farmland of Local Importance” cannot be considered a potentially significant effect.

O-3-18

c. Air Quality.

The DEIR fails to explain how it calculates daily VMT increases associated with build out of the Draft Housing Element Update. (See DEIR 4.3-19.) A footnote in Table 4.3-6 states the “VMT data provided by Fehr & Peers, and represents VMT on all County roads.” However, agencies cannot simply point to the totality of unspecified technical reports to comply with the basic information and public participation goals of CEQA. The DEIR must, at a minimum, explain how those figures were calculated and point to specific areas of the technical appendices that support the DEIR’s calculations and analysis. This same flawed analysis is carried forward in the DEIR’s Transportation analysis (see DEIR 4.15-21 to -24), which must also be revised to comply with CEQA.

O-3-19

The DEIR also fails to explain how PM concentrations are twice as high for a site that is much further from SR 121 (Foster Rd. site; 420 feet west of 121) than the site that is much closer to SR 121 (Altamura Site - 50 feet from 121). (See DEIR 4.3-23.) This discrepancy should also be explained. The agency’s attempt to reference the entirety of Appendix B to support “the values at these locations” is also insufficient to meet CEQA’s informational and public participation standards.

O-3-20

Turning to the cumulative impacts discussion, Impact AIR-1.CU is flawed in at least two respects. First, this measure fails to address development at any sites beyond the Altamura site. In fact, it does not even address the Imola Avenue site, the Foster Road site, or the Bishop site. Second, Impact AIR-1.CU breezily asserts that cancer risk and annual PM concentrations “are not expected to rise substantially” (DEIR 4.3-26), but there is no support for that assertion. In fact, the DEIR acknowledges that there would be an approximate 8% increase due to the Draft Housing Element Update. The DEIR must make some attempt to explain why an 8% increase is not significant—especially given the DEIR already discloses that at least one site (Foster Road) already exceeds the established risk thresholds.

O-3-21

d. Biological Resources.

At the outset, the “Regulatory Setting” discussion in this section is inadequate because there is no discussion of California Species of Special Concern (SSC) or the California Native Plant Protection Act. This discussion is important given the presence of SSC and other native plant species on several proposed sites.

O-3-22

The DEIR acknowledges that construction at the Imola Avenue and Bishop sites “could directly affect known western pond turtle (WPT) populations and upland habitat for this species.” (DEIR 4.4-22.) Yet despite acknowledging these potentially significant impacts, the DEIR makes no meaningful attempt to explain the extent or magnitude of those impacts. Instead, the DEIR assumes that implementation of Mitigation Measure (MM) BIO-4 will sufficiently avoid those impacts. However, that MM is inadequate, as explained in more detail below. And even if that MM were not fatally flawed, the DEIR is still deficient insofar as it fails to provide any evidence or analysis to explain how it would avoid obvious impacts to WPT. The DEIR must be revised to perform an adequate analysis of impacts to WPT and to devise effective and enforceable mitigation measures that would actually avoid or lessen those impacts.

O-3-23

Next, the DEIR claims that sensitive habitats are less likely to occur on Draft Housing Element Update sites because a majority of those sites are “on parcels that are already predominantly developed.” (DEIR 4.4-23.) It is entirely unclear how the EIR reaches the conclusion that sensitive habitats are less likely to occur on sites that were previously developed. Moreover, it is perplexing how the DEIR can fairly characterize the Draft Housing Element Update sites as “developed” given that one of the main reasons the Draft Housing Element Update sites are proposed for residential development is the fact that they *are not* currently developed. This flawed assumption renders the entire analysis under Impact BIO-2 fundamentally deficient for purposes of CEQA. Furthermore, there is no evidence (e.g., surveys or studies) to support the assertion that no sensitive habitats are present on the sites. The DEIR must be revised to identify sensitive habitats present on the handful of sites proposed for development in the Draft Housing Element Update and the potential impacts to those habitats. And once that analysis is provided, the DEIR should also extend MM BIO-5 to all of the proposed Draft Housing Element Update sites and all sensitive habitats, not just valley oak woodlands, to ensure impacts are properly mitigated..

O-3-24

Furthermore, as to Operations (DEIR 4.4-24), the DEIR casually asserts that “all policies in the Napa County General Plan’s Conservation element would reduce the likelihood of any impacts to sensitive habitats or communities from occurring from development of housing under the Draft Housing Element Update program.” This analysis is not sufficient for the purposes of CEQA. This finding of no significant impacts must be supported by substantial evidence, and mere

O-3-25

conjecture—such as speculating that compliance with unspecified General Plan Policies will reduce impacts—is not sufficient. Moreover, it is questionable how the DEIR reaches this conclusion when the sites called for in the Draft Housing Element Update are inconsistent with numerous policies outlined in the current General Plan’s Conservation Element. Needless to say, it is improper to assume that compliance with those policies will avoid impacts while simultaneously advancing projects that will not comply with those policies.

O-3-25

Relatedly, the DEIR claims that Draft Housing Element Update “is consistent with the goals and policies of the Conservation Element in the General Plan to preserve and protect biological resources” (DEIR 4.4-26), while simultaneously acknowledging that development of the sites may result in permanent loss of valley oak woodland (as well as other sensitive habitat or species, including Napa bluecurl, that may be identified once the necessary surveys are performed). The DEIR cannot simply assert that the Draft Housing Element Update is consistent with goals and policies in light of this clear inconsistency. (See e.g., Goal CON-6 and Policies CON-10, CON-13, CON-16, CON-18, CON-19.) And given the robust conservation policies and goals in the General Plan, the DEIR’s short, one-paragraph discussion of the Draft Housing Element Update’s conflicts with those goals and policies is entirely deficient.

e. Cultural Resources & Tribal Cultural Resources.

The DEIR fails to identify a reasonable set of feasible mitigation measures despite acknowledging potentially significant impacts to known historic and cultural resources. The DEIR identifies potential historic and cultural sites at several of the Draft Housing Element Update sites (DEIR 4.5-20), and acknowledges that removal or alteration of those structures would be a significant impact (DEIR 4.5-21). However, the only proposed mitigation measure is MM CUL-1, which requires documentation of those resources but otherwise allows their complete destruction or alteration. This type of mitigation is insufficient given the wide array of other feasible mitigation measures that could be adopted, such as requiring incorporation of all or parts of these historical resources into the future development, configuring new development in a manner that does not alter existing historical resources, and many more. The DEIR’s constrained analysis and unimaginative mitigation measures are inconsistent with CEQA, which affirmatively requires agencies to devise and incorporate all feasible mitigation measures to avoid or reduce significant impacts, including impacts to historic and cultural resources.

O-3-26

The DEIR also improperly defers analysis of impacts to archaeological resources, and improperly defers mitigation of those foreseeable impacts. Given there are only a handful of sites specifically identified for future development in the Draft Housing Element Update, the County cannot plausibly claim that it was impractical to perform the analysis needed to evaluate foreseeable impacts associated with development of those sites (e.g., the analysis called for in MM CUL-2) in this DEIR. CEQA does not allow agencies to defer evaluation of foreseeable environmental impacts to some unspecified future date. The County must revise the DEIR to adequately evaluate baseline conditions, including the presence of archaeological resources, analyze the potential impacts to those resources from development of the Draft Housing Element Update sites, and then impose feasible mitigation measures (e.g., pre-construction surveys and removal) in connection with the adoption of this Draft Housing Element Update.

O-3-27

Further, the DEIR concludes that impacts to tribal cultural resources would be less than significant after implementation of MMs CUL-2 and CUL-3. As explained below, however, MM CUL-2 is

O-3-28

fundamentally flawed because it improperly defers formulation of effective mitigation measures and therefore cannot be relied upon to conclude that these impacts will be less than significant. More importantly, there is no analysis or evidence to support the DEIR’s conclusory assertion that those mitigation measures would actually avoid impacts. This type of cursory analysis is inconsistent with CEQA’s basic informational and public participation requirements. The DEIR’s analysis of cumulative impacts (Impact CUL-1.CU) also suffers from the same flaws mentioned above insofar as it fails to identify other feasible mitigation measures that would avoid or reduce cumulative impacts.

O-3-28

f. Hazards and Hazardous Materials.

The DEIR acknowledges that three sites, Spanish Flat, Bishop Road, and Altamura sites, are in close proximity to sites with known hazardous materials concerns, largely due to leaking underground storage tanks. (DEIR 4.9-1 to 4.9-2.) Yet nowhere does the DEIR attempt to evaluate the potential impacts associated with this close proximity to known hazardous waste sites. It is highly likely that several of these sites have caused soil and groundwater contamination that have migrated to the Draft Housing Element Update sites, and therefore it is likely development of those sites could entail health risks during both construction and operation of the Project sites. The DEIR must explain, by way of substantial evidence, why those impacts are not potentially significant. Merely assuming that closure of those sites is sufficient to avoid potential impacts is not sufficient for the purposes of CEQA.

O-3-29

g. Hydrology and Water Quality.

The DEIR insists that compliance with requirements of the Napa County Code would avoid impacts relating to flood hazards and inundation of buildings. (See, e.g., DEIR 4.10-25, 4.10-26.) However, there is no analysis or explanation as to why compliance with the County Code is sufficient. Further, the DEIR states that compliance with these regulatory requirements “and all associated [Best Management Practices] (BMPs) would be sufficient to control impacts,” yet fails to identify any such BMPs, does not require the implementation of such BMPs as mitigation measures, and does not provide any explanation as to how these unspecified BMPs would avoid or reduce impacts. This does not meet CEQA’s informational adequacy and public participation goals. Moreover, the DEIR repeatedly states that “Chapter 6.04.721 of the County Code” controls residential development in special flood hazard zones, but the County Code does not contain a Chapter 6.04, nor does it contain a section 6.04.721. The provision the DEIR appears to refer to is County Code section 16.04.720. The DEIR should be updated to accurately reflect the County Code, which is readily available online.

O-3-30

h. Land Use and Planning.

As explained in more detail below, the DEIR fails to adequately evaluate inconsistencies with regulations, standards, and policies included in the current General Plan, including the General Plan’s Housing Element. The DEIR tries to justify this glaring error on the grounds that any such changes or inconsistencies “by definition . . . would not conflict” with the existing policies. (DEIR 4.11-10.) CEQA does not allow this type of approach. A principal purpose of CEQA’s land use impact analysis is to identify inconsistencies with *existing* plans and policies. Thus, to the extent the Draft Housing Element Update seeks to change or alter policies in a way that is inconsistent with existing policies, CEQA requires that those inconsistencies be disclosed. Moreover, CEQA also demands that an EIR evaluate whether those inconsistencies may result in a significant

O-3-31

environmental impact. The DEIR attempts to bypass this critical analysis by conflating *proposed* policies with *existing* policies. There is no authority for that position.

The DEIR must be revised to disclose *all* potential inconsistencies between the proposed Draft Housing Element Update and the current General Plan (including the General Plan’s goals and policies), Zoning Code, and other relevant regulations and ordinances adopted for the purpose of avoiding or mitigating an environmental effect. After disclosing those inconsistencies, the DEIR must then evaluate whether those inconsistencies may result in a significant effect on the environment. The unsupported approach taken in this DEIR is particularly troubling given the nature of the Draft Housing Element Update. The analysis the DEIR seeks to avoid is critical for the General Plan process so the public and decisionmakers can understand the scope of the changes proposed in the Draft Housing Element Update and whether those changes may result in potentially significant effects. Only then can the County make an informed decision on the merits of the Draft Housing Element Update.

O-3-31

i. Noise and Vibration.

The DEIR’s noise analysis is fatally flawed in several respects. First, the DEIR completely fails to make any meaningful attempt to describe baseline noise conditions at the proposed Draft Housing Element Update sites. The omission of this relevant information renders the remaining analysis inadequate from the start. The DEIR must be revised to provide this information so the public and decisionmakers can understand the foreseeable noise impacts associated with these projects.

O-3-32

The DEIR attempts to “quantify construction-related noise exposure at the nearest sensitive land uses” by looking at noise generated by “the two loudest pieces of equipment” operating within 50 feet of a sensitive receptor. (DEIR 4.12-12.) This analysis is flawed because it only looks at the use of a single piece of equipment in isolation. As anyone who has lived near a construction project well knows, multiple pieces of equipment often operate simultaneously, and those pieces of equipment can have cumulative noise impacts. The DEIR’s analysis completely ignores this commonsense proposition and does not provide any analysis of noise impacts associated with multiple pieces of heavy equipment operating simultaneously—a situation that will inevitably occur at each site. The DEIR must be revised to provide this type of analysis.

O-3-33

In addition, the DEIR’s noise analysis fails to make any attempt to determine whether the use of the construction equipment, either operated in isolation or simultaneously, would result in a “substantial temporary or permanent increase in ambient noise levels in the vicinity of the project.” This oversight is particularly remarkable since that is exactly the type of analysis CEQA demands. (See DEIR 4.12-12.) Instead, the DEIR merely asserts that impacts will not be significant because the County Code (which is incorrectly referred to as the “Municipal Code” in the DEIR) “specifically exempts construction noise.” (DEIR 4.12-13.) This sort of conclusory analysis is plainly inadequate. Whether noise increases violate existing *legal requirements* (which are clearly inadequate to protect human health and safety) is an entirely separate matter from whether those increases will have a *significant environmental impact* for purposes of CEQA. According to the DEIR’s analysis, a 100+ dB increase would not be significant so long as it occurs between 8 a.m. and 8 p.m. on weekdays. There is no support for that conclusion, especially since the DEIR makes zero attempt to provide a reasonable estimate of temporary or permanent increases in ambient

O-3-34

noise levels in the vicinity of any of the Draft Housing Element Update sites. The DEIR must be revised to provide a complete analysis of foreseeable noise impacts. ↑ O-3-34

The DEIR’s analysis of vibration impact is also likewise flawed. The DEIR relies on Caltrans’ *Transportation and Construction Vibration Guidance Manual* to determine whether impacts are significant, explaining that the “damage threshold for historic and some older buildings is 0.25 PPV (in/sec).” (DEIR 4.12-14.) The DEIR then concludes that impacts will not be significant because construction activities “would be well below the threshold of 0.25 PPV.” (DEIR 4.12-14.) But Table 4.12-9 contradicts this conclusion, stating that the use of Large Bulldozers (0.35 PPV), Auger Drill Rigs (0.35 PPV), and Loaded Trucks (0.30 PPV) at 50 feet all exceed the significance threshold. It is unclear whether those figures are a typo or miscalculation, but in any event the DEIR must be updated to provide an accurate and comprehensible analysis. O-3-35

Next, the DEIR’s analysis fails to evaluate whether stationary noise sources (Impact NOI-3) would violate “applicable standards of other agencies” beyond the local general plan and noise ordinance (both of which are almost certainly inadequate to protect human health and safety given their incongruity with state and federal standards). As explained in the DEIR, the federal Noise Control Act identifies sound levels that should be met in order to protect public health. (See DEIR 4.12-5.) Those standards are far lower than either the general plan or noise ordinance standards. Yet the DEIR makes no attempt to evaluate or estimate whether noise increases below local noise requirements but *above* the standards set forth in the Noise Control Act (and other relevant state and federal standards) would occur. Instead, the DEIR incorrectly assumes that impacts would not be significant because the County Code (again incorrectly referred to as a “Municipal Code”) “establishes maximum noise levels at the nearest residential properties.” (DEIR 4.12-15.) The DEIR must be revised to perform the analysis CEQA requires, and, additionally, the DEIR may not improperly defer this analysis for the Draft Housing Element Update sites it intends to rezone (and thereby facilitate development). O-3-36

Finally, the DEIR’s analysis of cumulative noise and vibration impacts suffers from the same flaws identified above relating to the analysis of Project-level impacts. The cumulative noise analysis must also be revised to correct those deficiencies. O-3-37

j. Utilities and Service Systems.

The DEIR’s discussion of impacts to existing utility systems is inadequate. In discussing Impact UTL-1, the DEIR claims that implementation of the Draft Housing Element Update “would not require or result in the relocation or construction of *new or expanded*” utility systems, including water, wastewater treatment, and storm water drainage systems. (DEIR 4.16-19.) However, just two paragraphs later the DEIR acknowledges that the Draft Housing Element Update “proposes a program that would provide County support for infrastructure improvements needed to supply proposed housing sites.” (DEIR 4.16-19.) In other words, the Draft Housing Element Update itself acknowledges that the proposed developments will require “new or expanded” utility systems. The DEIR makes no meaningful attempt to evaluate the extent of the new or expanded systems, nor whether those expansions would be a significant effect. CEQA requires more. O-3-38

Further compounding this error, the DEIR also states that development of the Bishop, Altamura, Imola Avenue, and Foster Road sites “would require rehabilitating a section of the sewer main and undertaking improvements to decrease peak wet weather flows.” (DEIR 4.16-21.) Of course, ↓ O-3-39

“rehabilitation” of a sewer main constitutes the construction of new or expanded wastewater systems. The DEIR must be revised to reflect this as a potentially significant impact and impose necessary mitigation. Furthermore, while this analysis assumes that a “policy” adopted by NapaSan may reduce impacts, it makes no meaningful attempt to analyze whether compliance with that policy would actually avoid or reduce this impact. This too is insufficient under CEQA.

O-3-39

If that was not enough, the DEIR assumes that construction of identified capacity increases and related projects (which as explained above is a significant impact that must be disclosed in the DEIR) would not present “unusual significant environmental impact[s].” (DEIR 4.16-21.) Again, CEQA does not allow this sort of fact-free analysis. (See Pub. Resources Code § 21082.2, CEQA Guidelines, §15064.) If the County wishes to conclude that construction of those projects will not have significant impacts, it must set forth the substantial evidence supporting that determination and provide some form of intelligible analysis supporting that determination.

k. Wildfires.

The DEIR acknowledges that the Bishop and Altamura sites are located “adjacent to a [Very High Fire Hazard Safety Zone]” (DEIR 4.17-16), which in and of itself is compelling evidence that the Draft Housing Element Update would “exacerbate wildfire risks” by moving development adjacent to a location known for high fire risks, thereby increasing the risk of wildfires. The DEIR attempts to downplay this obvious conclusion by listing a variety of regulations and laws that purportedly would avoid potentially significant impacts, including the entire California Building Code, California Fire Code, Napa Fire Code, and Napa County Defensible Space Ordinance. This sort of conclusory analysis does not meet the requirements of CEQA. While CEQA does allow agencies to rely on compliance with existing laws and regulations to find that impacts are less than significant, a DEIR must still provide some meaningful explanation for *why* that is the case. It is not enough for a DEIR to identify a voluminous set of laws and regulations and then claim those are sufficient. The DEIR must identify relevant portions of those laws and regulations and then explain why they are likely to substantially lessen or avoid these obvious risks.

O-3-40

3. The DEIR Failed to Properly Mitigate the Project’s Significant Environmental Effects.

Several of the MMs identified in the DEIR fail to comply with the requirements of CEQA. Those MMs include:

MM AIR-1. This measure is flawed because it fails to provide any analysis or substantial evidence to support the conclusion that implementation of BMPs would substantially lessen or avoid potentially significant impact levels. Indeed, unlike MM AIR-2, MM AIR-1 does not require that implementation ensure dust impacts are reduced to LTS. This basic oversight renders MM AIR-1 illusory and inadequate for the purposes of CEQA.

O-3-41

MM BIO-4. The DEIR acknowledges that construction at the Imola Avenue, Bishop, and Altamura sites “could directly affect known western pond turtle (WPT) populations and upland habitat for this species.” (DEIR 4.4-22.) Yet despite acknowledging these potentially significant impacts, MM BIO-4 does not apply to the Bishop and Altamura sites. This renders MM BIO-4 inadequate to mitigate potentially significant impacts. MM BIO-4 is also inadequate for a variety of other reasons. First, there are no assurances that MM BIO-4 will actually reduce impacts

O-3-42

because the measure only requires relocation of WPT identified on site during an initial preconstruction survey. There is no discussion of how MM BIO-4 would avoid or mitigate impacts associated with the permanent loss of known habitat. Second, MM BIO-4 does not include any ongoing monitoring to ensure that relocated turtles survive and successfully adapt to their new locations, which suggests that this measure may be ineffective to actually avoid or reduce impacts to WPT. Lastly, MM BIO-4 only requires a single pre-construction survey, but does not require ongoing monitoring for presence of WPT or any additional surveys during later grading or construction-related activities. Given that WPT can easily return to the sites once relocated, this MM is insufficient to ensure impacts will actually be avoided throughout the construction and operation of the projects.

O-3-42

MM CUL-2. The DEIR improperly defers mitigation by deferring identification of feasible “treatment measures to avoid, minimize, or mitigate any potential impacts to the resource” to some uncertain point in the future. CEQA does not allow this approach. To the extent an agency wishes to defer formulating the “specific details” of a mitigation measures like the DEIR does for MM CUL-2, the agency must comply with the specific requirements of CEQA Guidelines section 15126.4(a)(1)(B). MM CUL-2 fails to comply with any of those standards, and is therefore improper.

O-3-43

MM TRA-1. This measure is insufficient and illusory. MM TRA-1 seeks to achieve a “15% reduction compared to the unmitigated VMT estimated” for proposed multi-family developments, and includes a number of possible trip reduction strategies. (DEIR 4.15-25 to -28.) However, the DEIR then acknowledges that those strategies are “unlikely to mitigate the program’s impact to a less than significant level.” (DEIR 4.15-28.) CEQA requires more. Given the availability of many well-known strategies to reduce VMT, it is not sufficient for the County to apply insufficient mitigation measures and then claim impacts are “unavoidable.” At a minimum, the County should revise MM TRA-1 to require a 15% reduction in all instances, and should incorporate future monitoring requirements in the event the TDM plans do not actually achieve the 15% during project operation.

O-3-44

MM UTL-1 & MM UTL-2. These measures are inadequate. The DEIR repeatedly claims that impacts may be unavoidable because connection to utility services is subject to review and approval by other agencies, such as the City of Napa or NapaSan. (See, e.g., 4.16-28.) The County appears to take the position that it cannot ensure impacts are less than significant because it has no authority over those utility connections. This is incorrect. The County will need to issue additional approvals for the vast majority of these projects, at which time it will have the ability to independently evaluate whether the evidence submitted by the project sponsor shows that the project will not entail a significant effect (regardless of whether the separate utility agency or municipality is willing to serve the project). Accordingly, MMs UTIL-1 and UTL-2 must be revised to reflect this discretionary authority, e.g., by requiring sponsors to submit sufficient evidence that connection to utility systems will not entail a significant impact. The fact that a utility provider will serve the project is not sufficient justification for the County to shirk its mandatory obligation under CEQA to identify potentially significant effects and impose feasible mitigation measures.

O-3-45

4. The DEIR Failed to Discuss Inconsistencies Between the Project and the County’s Current and Proposed Updated General Plan.

Under the CEQA Guidelines, an environmental impact report (EIR) “shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans.” (CEQA Guidelines, §15125, subd. (d).) An “applicable” plan is a plan that has *already been adopted* and thus legally applies to a project. (*Chaparral Greens v City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145. fn. 7 [“applicable” plan within meaning of Guidelines, § 15125, subd. (d) is plan that has already been adopted and thus legally applies to project; draft plans need not be evaluated].) This is because a general plan that is in draft form is not “legally applicable, or enforceable, as to a particular project.” (*Chaparral Greens*, 50 Cal.App.4th at 1143, fn. 7.) The “adoption of a general plan, which is by its nature tentative and subject to change[.]” (*Id.* at 1143.) Here, the DEIR fails as a document to inform decisionmaking because it does not: (i) discuss inconsistencies between the Project and either the County’s current General Plan or proposed updated General Plan; or (ii) identify which updates to the County’s General Plan are meant to cure any apparent inconsistencies resulting from the Project, among other issues.

O-3-46

For example, the DEIR failed to discuss numerous inconsistencies between the Project (here, its Housing Element Update, including rezoning of five (5) sites for housing development) and the County’s current General Plan. For example, the County’s decision to rezone the Bishop site for immediate development conflicts with several General Plan Policies and Goals, including Policy CC-1 and Goal AG/LU-1, -3-5, because the site consists of grazing land and Farmland of Local Importance.¹⁰ Other inconsistencies abound but are too numerous to detail here.

The DEIR also improperly assumes, without any analysis whatsoever, that amendments made to its current General Plan (e.g., to its Housing Element, Safety Element, 2020 Napa County Multi-Jurisdictional Hazard Mitigation Plan) would eliminate any potential inconsistencies. (DEIR, 4.11-10 [“Because these zoning and policy changes are part of the Housing Element Update, by definition the Project would not conflict with them, and the analysis does not consider inconsistency with existing plan policies or codes to necessarily be indicative of significant environmental impacts”], 4.11-12-13.) However, this assumption cannot be verified because the DEIR does not specify what goals, policies, and programs are being updated in response to each component of the Project that produces the inconsistency. (*Napa Citizens for Honest Gov’t v. Napa Cnty. Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 379 [“If the Updated Specific Plan will frustrate the General Plan’s goals and policies, it is inconsistent with the County’s General Plan unless it also includes definite affirmative commitments to mitigate the adverse effect or effects”]; *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90, 103 [finding a violation of CEQA because the circulation and land use elements were internally inconsistent and contradictory].)

There are additional flaws concerning the DEIR’s general plan consistency analysis. For example, the DEIR provides that “changes to the County’s Housing Element may necessitate changes to

¹⁰ In fact, the DEIR identifies only two (2) inconsistencies with applicable plans, none of which concern the County’s General Plan: (i) the project-generated transportation reduction requirements of CEQA Guidelines section 15064.3, subdivision (b) (DEIR 6-2, 4.15-23); and (ii) the “VMT requirement stipulated in the BAAQMD’s GHG thresholds” (DEIR 4.8-30; see also 4.8-34).

land use designations, maps, or policy language” in other elements of its General Plan, and zoning map and ordinance, but does not identify what those changes may be. (DEIR, 3-7.) Additionally, the DEIR improperly assumes that it need only discuss inconsistencies that result in “[a]dverse physical effects on the environment that could result from implementation of the Project.” (DEIR, 4.11-12; see *Lighthouse Field Beach Rescue v City of Santa Cruz* (2005) 131 Cal.App.4th 1170 [inconsistency between a proposed project and an applicable plan is a legal determination, not a physical impact on the environment; inconsistency with land use controls is one factor to consider in determining whether a project has a significant effect]; *Joshua Tree Downtown Bus. Alliance v County of San Bernardino* (2016) 1 Cal.App.5th 677, 695.)

O-3-46

In sum, the DEIR fails as an informational document because it does not properly identify and discuss inconsistencies between the Project and its current and proposed updated General Plan.

5. The DEIR Failed to Analyze a Reasonable Range of Feasible Alternatives.

CEQA includes very specific requirements regarding the selection and evaluation of project alternatives. (See CEQA Guidelines, §§ 15126, subd. (f), 15126.6.) The California Supreme Court has repeatedly emphasized the importance of a robust alternatives analysis, explaining that “the mitigation and alternatives discussion forms the core of the EIR.” (*In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1162; see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564 (Goleta); Pub. Resources Code §§ 21001, subd. (g), 21002.1, subd. (a), 21061.)

“In determining the nature and scope of alternatives to be examined in an EIR, . . . local agencies shall be guided by the doctrine of ‘feasibility.’” (*Goleta*, 52 Cal.3d at 565; see Pub. Resources Code § 21002.) Feasible, for purposes of CEQA review, mean “‘capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.’” (*Goleta*, 52 Cal.3d at 565, quoting Pub. Resources Code § 21061.1; CEQA Guidelines, § 15364.) The CEQA Guidelines further explain that an EIR must “‘[d]escribe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, and evaluate the comparative merits of the alternatives.’” (CEQA Guidelines, § 15126, subd. (d).) Ultimately, the range of alternatives analyzed must be adequate to “foster informed decisionmaking and public participation.” (CEQA Guidelines, § 15126.6(a); see *Mann v. Community Redev. Agency* (1991) 233 Cal.App.3d 1143, 1151 [an EIR should provide “enough of a variation to allow informed decisionmaking”]; *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal. 3d 376, 404 [“An EIR’s discussion of alternatives must contain analysis sufficient to allow informed decision making”].)

O-3-47

Stated simply, an “EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project, or to the location of the project, which: (1) offer substantial environmental advantages over the project proposal (Pub. Resources Code, § 21002); and (2) may be ‘feasibly accomplished in a successful manner’ considering the economic, environmental, social and technological factors involved.” (*Goleta*, 52 Cal.3d at 566, citing Pub. Resources Code § 21061.1; CEQA Guidelines, § 15364.) Despite its critical importance, the DEIR does not comply with CEQA’s requirements for a robust and comprehensive alternatives analysis.

Here, the DEIR identifies only two alternatives: (i) No Project; and (ii) Reduced Program Alternative. (DEIR 5-6.) The County quickly dismissed the “No Project” alternative because it

“would not meet any of the objectives of the [Housing Element Update][.]” (DEIR 5-7.) Thus, for all intents and purposes, the DEIR analyzed only one “feasible” alternative. This is insufficient given facts presented here.

The DEIR provides that the Reduced Program Alternative “would update the County’s Housing Element in the same manner as the proposed [Housing Element Update], but would eliminate the multi-family housing sites at the Altamura site in Northeast Napa, the Foster Road site, and at the Imola Avenue site.” (DEIR 5-7.) Accordingly, the Sites Inventory under the Reduced Program Alternative would include only the (i) Spanish Flat and (ii) Bishop sites. (DEIR 5-8.) The DEIR reasons that:

This alternative was selected for analysis because it would lessen the [Housing Element Update’s] impacts to various environmental topic areas which were determined in this EIR to be significant and unavoidable, even with mitigation. By removing the Imola Avenue site, significant and unavoidable impacts to aesthetics, air quality, and noise would no longer be attributable to the housing element update. By removing the Altamura and Foster Road housing sites, significant and unavoidable impacts to cultural resources would also be avoided, as there are age-eligible buildings within these sites that may constitute historic resources.¹¹ By removing all of these sites, significant and unavoidable impacts to utilities and service systems, including water supply and wastewater treatment capacity would be lessened, as these sites would no longer require services subject to the review and approval of other agencies.

(DEIR 5-8.) The DEIR’s reasoning is hard to follow.

For example, the Reduced Project Alternative excluded the Imola Avenue site from the Sites Inventory, not because it would actually lessen the Project’s potentially significant impacts, but merely because it is located on land controlled by the state of California and not subject to County zoning regulations. (DEIR 5-3-5.)

Moreover, as to potentially significant Project-related impacts,¹² the DEIR fails to adequately explain how the elimination of the Foster Road and Altamura sites would lessen or avoid any of the Project’s significant environmental impacts. (DEIR 5-13-18.) Instead, the DEIR merely provides that the Foster Road and Altamura sites “would not be designated for multi-family housing resulting in less development potential than with the proposed [Housing Element Update].” However, this same fact would be true of the County analyzed a reduced program alternative that eliminated other proposed housing sites. Shockingly, in some instances the DEIR concludes that despite removal of the Foster Road and Altamura sites, the “impacts of the Reduced

¹¹ The DEIR provides that the Bishop and Spanish Flat sites may also have the potential to significantly impact cultural resources, subject to a specific evaluation. (See DEIR 4.5-20.)

¹² This includes impacts to Aesthetic, Agriculture and Forestry Resources, Air Quality, Biological Resources, Energy, Geology, Soils, Paleontological and Mineral Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise and Vibration, Population and Housing, Public Services and Recreation, Transportation, Utilities and Service Systems, and Wildfire.

Program Alternative would . . . be similar to that of the proposed [Housing Element Update].”
Thus, the inclusion of only a single reduced program alternative fails to “foster informed decisionmaking and public participation” in compliance with CEQA. (CEQA Guidelines, § 15126.6, subd. (a).)

O-3-47

Instead, the DEIR should analyze a range of reduced program alternatives, including alternatives that consist of eliminating different combinations of the housing sites, e.g., (1) Foster Road and Bishop, (2) Bishop and Altamura, (3) Bishop and Foster Road. (4) Bishop and Spanish Flat. (5) Foster Road and Spanish Flat, (6) Spanish Flat and Altamura, etc.). For example, eliminating the Bishop site could result in reducing or eliminating the Project’s potential significant environmental impacts to: (i) biological resources (e.g., Western Pond Turtle, Napa bluecurls) (DEIR 4.4-22, 4.4-7); (ii) air quality (DEIR 4.3-23-24); (iii) historical resources (DEIR 4.5-20-22); (iv) GHG (DEIR, 4.8-30-34); and (v) utilities and service system (DEIR 4.16-22-25).¹³ Likewise, eliminating the Spanish Flat site could similarly result in reducing or eliminating more or more Project-related potentially significant environmental impacts.

O-3-48

Thus, in order to comply with CEQA’s requirements for a robust and comprehensive alternatives analysis and foster informed decisionmaking and public participation, we ask that the County analyze a broader range of feasible, reduced program alternatives.

Thank you again for the opportunity to comment on this matter which is extremely important to the Napa community.

O-3-49

Sincerely,



Ashley Sherwani
of THE FOUNDATION FOR RESPONSIBLE DEVELOPMENT

¹³ It bears noting that a complete analysis of the pros and cons of the various reduced program alternatives cannot be completed at this time given the DEIR’s failure to properly identify and analyze the Project’s potentially significant impacts, as discussed above.

Letter O-3 Response: The Foundation for Responsible Development, October 7, 2022

O-3-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.

O-3-2 The comment generally contains a description of the proposed HEU, citing portions of the Draft HEU, and questions how realistic the proposed “buffer” of housing units is. Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

The comment then goes on to provide concerns regarding the Bishop housing site in particular, citing existing conditions as described in the Draft EIR. These are considered general comments that serves to introduce the more specific comments that are responded to below. As such, no further response is provided.

O-3-3 The comment alleges that the Draft HEU violates the State’s Housing Element Law. The comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

O-3-4 The comment alleges that the Draft HEU fails to explain consistency with no net loss provisions. The comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

O-3-5 The comment alleges that the Bishop site is not adequate for development of lower income housing and not suitable for inclusion in the County’s HEU. Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

- O-3-6 See Master Response 1, *Water Service*, in Section 3.2 of this chapter. See also Master Response 7, *Bishop Housing Site – Sewer Service*.

The impact under CEQA for utilities infrastructure, including that for electricity, natural gas,³⁴ and telecommunications, is if implementation of the HEU would require or result in the relocation or construction of new or expanded utility infrastructure, the construction or relocation of which could cause significant environmental effects. The Draft EIR found that overall, the potential improvements or extension of utility infrastructure to serve development as a result of the HEU would be installed primarily in existing roadways and utility rights-of-way. Aside from short-term construction disturbance, no unusual or further environmental impacts would be generated beyond those identified elsewhere in this Draft EIR for overall construction activity for the project. As such, the implementation of the HEU would not require or result in the relocation or construction of new or expanded utility infrastructure, such that significant environmental effects would occur. As such impacts were found to be less than significant (Draft EIR p. 4.16-19 – 4.16-22).

The comment then alleges that the County is improperly deferring that determination to the future by mandating that the site developer submit evidence to the County that adequate utilities will be available. The comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088.

- O-3-7 The comment raises concerns over the viability of affordable housing at the Bishop site due to lack of services. The comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

- O-3-8 The alleges that safety concerns and high development costs would preclude affordable development from occurring at the Bishop site. Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU. See also Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter regarding wildfire concerns.

³⁴ It is noted that, per Mitigation Measure GHG-1, all new residential development proposed as part of the HEU shall be designed to be 100 percent electric with no natural gas infrastructure for appliances, including water heaters, clothes washers and dryers, HVAC systems, and stoves.

- O-3-9 The comment alleges that the Bishop site should not be included in the HEU due to lack of developer interest information. The comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088.
- O-3-10 The comment alleges that the Draft HEU failed to adequately analyze the Bishop and Imola Avenue sites' likelihood of development. The comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088.
- O-3-11 This is a general comment and does not identify specific issues other than general assertions of inadequacy and serves to introduce more specific comments that are responded to below.

Regarding the statement that the Draft EIR should be revised and recirculated, while information has been added to the Draft EIR in response to comments and as City-initiated updates (see Chapter 4 of this document), no significant new information (e.g., as defined in CEQA Guidelines Section 15088.5 as information leading to identification of a new significant impact or a substantial increase in the severity of an impact) has been identified since publication of the Draft EIR and, consequently, there is no basis for the Foundation's request that the Draft EIR be recirculated. See also Response to Comment 9, *Recirculation of the Draft EIR*, in Section 3.2 of this chapter.

- O-3-12 “Improper piecemealing occurs ‘when the purpose of the reviewed project is to be the first step toward future development’ or ‘when the reviewed project legally compels or practically presumes completion of another action.’” (*East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 293.) The analysis in the Draft EIR is consistent with these legal standards. As discussed in Draft EIR Chapter 1, Introduction, this EIR is a program EIR, as provided for in CEQA Guidelines Section 15168, and consistent with Section 15168(b) of the CEQA Guidelines, allows the County “to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts.” As a program EIR, this EIR analyzes potential impacts of development that would be allowed by the HEU without having site-specific development proposals in hand, and broadly considers proposed sites, their environmental setting, and potential impacts that could stem from their development.

Future discretionary actions that would be facilitated by the HEU's adoption, such as those related to the development of housing, would be assessed to determine consistency with the analysis provided in this program EIR. Potential future actions would also be subject to the mitigation measures established in this program EIR

unless superseded by a subsequent environmental document that is required to analyze significant environmental impacts not foreseen in this program EIR.

It is important to note that while the law requires the HEU to include an inventory of housing sites and requires the County to zone those sites for multifamily housing, the County is not required to actually develop housing on these sites. Future development on the identified sites will be up to the property owners and will be largely dependent on market forces and (in the case of affordable housing) available subsidies (Draft EIR p. 1-2).

O-3-13 The comment does not identify specific issues with the cumulative analysis in the Draft EIR other than general assertions of inadequacy. An analysis of cumulative impacts follows the project-specific impacts and mitigation measures evaluation in each section in Chapter 4 of the Draft EIR, and starts by describing the geographic context in which cumulative impacts are analyzed. Each of the topic area sections in the Draft EIR analyze the cumulative impacts that could result due to the Project when combined with cumulative projects that occur in the vicinity. The Draft EIR meets all requirements of CEQA, including detailed analyses of potential direct, indirect, and cumulative impacts on the environment supported by a long list of references and exercise of appropriate methodologies and professional judgement, and provides enforceable mitigation measures for the significant impacts identified (Draft EIR Chapter 4).

O-3-14 This is a general comment and does not identify specific issues other than general assertions of inadequacy, and serves to introduce more specific comments that are responded to below.

An EIR that is submitted to State Clearinghouse for review, as the Draft EIR for the Project was, is required to undergo a review period of at least 45 days. The State CEQA Guidelines state “[t]he public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances” (State CEQA Guidelines Section 15105(a)). Lead and responsible agencies may use their discretion to extend such time periods to allow for additional public review and comments in accordance with these standards.

Accordingly, the County issued a Notice of Availability (NOA) of the Draft EIR on August 23, 2022, announcing the availability of the Draft EIR for public review and comment. The NOA noticed a 45-day public review and comment period on the Draft EIR, starting Tuesday August 23, 2022, ending on Friday October 7, 2022. During the public review and comment period on the Draft EIR, a public hearing at the Napa County Planning Commission was also held on Wednesday, October 5, 2022. Late comments were also received through October 11, 2022 and were accepted and are responded to in this document.

O-3-15 The comment questions the conclusions of the analysis related to aesthetics. The commenter misinterprets the conclusion under Impact AES-1 in the Draft EIR. The

Draft EIR states: “development of new multifamily housing allowed by the Project would not be visible from long distances *so as* to disrupt a scenic vista” (emphasis added). As discussed in the Draft EIR, the Foster Road site, which can be seen from SR 29, is adjacent to other, developed areas, and thus would not represent a noticeable change to views from the highway (Draft EIR p. 4.1-9).

- O-3-16 The comment also questions the conclusions of the analysis related to aesthetics, alleging that existing visual character of a community – even a community with reasonable development already present – can be degraded by additional, more intensive development.

Changes in the visual character or quality of a site are typically perceived subjectively and reactions vary by individual. As explained in the Draft EIR, development on multifamily housing sites would also occur in areas where there is already development (e.g., housing, commercial, or institutional uses) nearby. With the possible exception of the Imola site, all sites would be subject to development standards included in Municipal Code Section 18.104.060 (for sites rezoned RM) or Section 18.82.040 (for sites rezoned ACHD), and would therefore be limited to 35 feet in height, the same height limit applied to structures in agricultural and residential areas of the County. As such, while new development would be noticeable to those most familiar with the area, it would not substantially degrade existing visual character (Draft EIR p. 4.1-10).

With regard to cumulative impacts, other development in the County would be subject to development standards that would limit visual impacts, and thus the Draft EIR found that it would not combine with this project-specific cumulative impact to result in a cumulatively significant impact (Draft EIR p. 4.1-13).

- O-3-17 The comment questions the cumulative aesthetics analysis related to the Foster Road area, and reliance on future standards that could apply. The cumulative analysis considers if a potential cumulative impact related to a substantial adverse effect on a scenic vista exists, and if one does, would the proposed HEU’s impact be cumulatively considerable. The Draft EIR cited policies in the City of Napa’s Draft General Plan that would apply to the Foster Road area in the context of a cumulative project that could combine with the proposed HEU to result in a cumulative impact. It is noted that the City of Napa 2040 General Plan was adopted in October 2022. As such, policies LUCD 23-1 and LUCD 23-4 are now adopted as part of the City’s General Plan. As such, as noted in the Draft EIR, with this attention to design and the proximity of existing development that is already visible from SR 29, the cumulative impact would be considered less than significant.

- O-3-18 The comment questions the analysis of agricultural resources related to the Bishop site. As noted in the Draft EIR, the Bishop site contains Farmland of Local Importance and Other Land as under the California Department of Conservation’s (CDOC) Farmland Mapping and Monitoring Program (FMMP) (Draft EIR p. 4.2-2).

The Draft EIR evaluated impacts related to agricultural resources in accordance with the requirements of CEQA. The precise significance criteria used in Section 4.2 of the Draft EIR, and also in CEQA Guidelines Appendix G (II)(a) asks:

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 non-agricultural use?

As such, impacts are analyzed related to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) in the Draft EIR. Farmland of Local Importance is not included in the definition of agriculture within Public Resources Code Section 21060.1; therefore, this category of land is not the focus of the analysis of agriculture impacts under CEQA (Draft EIR p. 4.2-10).

With regard to the comment concerning potential conflicts with agricultural zoning, the Draft EIR analyzed the potential for impacts related to a conflict with existing zoning for agricultural use under Impact AGR-2 of the Draft EIR. The County's Zoning Ordinance contains two agricultural zoning designations: the Agricultural Watershed (AW) district and the Agricultural Preserve (AP) district. The Bishop site is located within the Residential Country (RC) district, and as such, the proposed HEU would not conflict with existing zoning for agricultural use at this site (Draft EIR p. 4.2-10 – 4.2-11).

- O-3-19 The comment questions the source of the VMT information used in the air quality analysis. Appendix D, Vehicle Miles Traveled Analysis, of the Draft EIR is the basis for the VMT information provided in Section 4.3, *Air Quality*, and the VMT figures reported, and the assumptions and associated methodologies are contained within Appendix D. The commenter's has similar comments related to the transportation section and the source of VMT information. As clearly stated in Section 4.15, *Transportation*, an analysis of changes in VMT that would result from the HEU was prepared by Fehr & Peers and is included as Appendix D (Draft EIR p. 4.15-21).
- O-3-20 The comment questions the discrepancy between PM concentrations at the two housing site locations near SR 121 and the efficacy of Appendix B supporting these calculations. As discussed in the Draft EIR, health risk data developed by BAAQMD from major roadways and highways was obtained to characterize the risk from State Route 121 for both the Altamura and Foster Road sites (Draft EIR p. 4.3-23). Differing traffic volumes along roadways in the vicinity largely contribute to the difference between the risk values at these two sites. Appendix B contains graphics showing the Altamura and Foster Road housing sites, and their respective annual PM concentrations and cancer risk values due to rail, major streets, and highways in the vicinity at the specified point within the site.
- O-3-21 The comment claims that the analysis of cumulative air quality Impact AIR-1.CU is flawed. The analysis evaluated the Altamura and Foster Road sites, as they would be

the closest of the sites to a major source of TACs (SR-121) and would have the highest potential cumulative risk at a new receptor (residence) on those sites. Therefore, the analysis at the Altamura and Foster Road sites represents the worst-case scenario. The analysis showed that the existing cancer risk levels from SR-121 at the Altamura site is 3.9 in one million, and at the Foster Road site is 8.4 in one million. The annual average PM_{2.5} concentration is 0.08 ug/m³ at the Altamura site and 0.16 ug/m³ at the Foster Road site. Residential development at the Foster Road site that is closer than 420 feet could exceed the BAAQMD project-level threshold of 10 in one million or 0.3 ug/m³.

Even if the existing plus project cancer risk and PM_{2.5} concentration values were to double with development on either of the sites, they would still not approach the BAAQMD cumulative significance thresholds of 100 in one million cancer risk or 0.8 ug/m³ annual average PM_{2.5} concentration, so an 8 percent increase would not exceed the cumulative threshold. The project-level analysis in impact AIR-3 concluded a significant and unavoidable impact based on this. However, the cumulative threshold is not likely to be exceeded under cumulative conditions.

O-3-22 The comment states that the regulatory setting discussion for biological resources is inadequate because it does not discuss “California Species of Special Concern” and the Native Plant Protection Act. Each of these categories was considered in defining special-status and protected species considered in the Draft EIR. Specifically, Draft EIR p. 4.4-4 states that special-status species considered in the analysis specifically included California Species of Special Concern and Plants listed as rare or endangered under the California Native Plant Protection Act (California Fish and Game Code [CFG] Section 1900 et seq.). Otherwise, this comment does not pertain to the adequacy, accuracy, or completeness of the Draft EIR’s analysis of the Project’s physical environmental impacts and thus does not require further response.

O-3-23 The comment repeats the Draft EIR impact statement that western pond turtles (WPT) could be encountered within upland habitat the Imola Avenue and Bishop sites, and requests that the analysis describe the magnitude of the impact and provide evidence of how impacts to this species would be lessened or avoided by mitigation. The CNDDDB describes WPT from the artificial Lake Camille, about 1,000 feet southeast of the Imola Avenue site (CDFW, 2022). WPT often thrive in such managed ponds and natural creeks, and are also reported in the Napa River, approximately 1 mile west of the Bishop site. While WPT are not reported by the CNDDDB from Milliken Creek, which is west of the Bishop site, from an abundance of caution it was posited that this species could be present in the creek and could wander onto the site. WPT mostly remain in immediate proximity to aquatic habitat such as Lake Camille and Milliken Creek; however, could make seasonal excursions into neighboring upland habitats when nesting in the spring. Overall, there is a low likelihood that WPT individuals or nesting areas would be encountered at either the Imola Avenue and Bishop sites, or elsewhere on HEU sites. WPT nesting habitat, which includes sandy banks near water or in fields with friable soils, is likely absent

from the Imola Avenue and Bishop sites and no impacts to nesting areas are anticipated. However, for both sites there is a remote, but non-zero chance that adult or juvenile WPT could roam onto project sites. If this were to occur, Mitigation Measure BIO-4 would avoid and reduce potential impacts to WPT. Surveys for WPT and the associated relocation of individual turtles by a qualified biologist are commonly performed to avoid and minimize impacts to this species. See also Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, in section 3.2 of this chapter.

- O-3-24 The commenter is correct that the Draft EIR inadvertently asserted that the Northeast Napa sites, Imola Avenue site, and Foster Road site were predominantly developed; however, the analyses to determine the potential presence and distribution of regulated sensitive natural communities remains valid. Each of the analyzed sites predominantly supports grazed or managed non-native annual grasslands, with no riparian habitat or other sensitive habitats. Valley oak woodlands, which occur on the Spanish Flat site, are the only sensitive natural community identified during the site analysis. In response to the comment, the discussion of sensitive natural communities on Draft EIR p. 4.4-23 is revised as follows (new text is underlined; deleted text is in ~~strike through~~):

Other Sensitive Natural Communities

Construction

The majority of HEU project sites (i.e., Northeast Napa sites, Imola Avenue site, Foster Road site) would occur on parcels that are already predominantly disturbed and/or subject to ongoing uses such as community events, dry farming, and cattle grazing developed, where sensitive habitats are less likely to occur.

- O-3-25 The comment disagrees with a statement that Project operations, if performed consistent with the Napa County General Plan’s Conservation element, would reduce operational impacts to sensitive natural communities. Because project operations would not involve earthwork or ground disturbance within valley oak woodlands, no operational impacts are anticipated to sensitive natural communities in the HEU planning area (i.e., valley oak woodlands at the Spanish Flat site). While numerous Napa County General Plan goals and policies were cited in the comment, only policy CON-24 (*Maintain and improve oak woodland habitat*), which was not referenced, is relevant to operational impacts to valley oak woodland habitat. As required by Mitigation Measure BIO-5, the replanting of valley oak woodlands coupled with regular maintenance and monitoring over a period of 5 years would ensure that impacts to this sensitive natural community is reduced to less than significant during the operational phase of the project.
- O-3-26 The comment alleging that the mitigation for potential historic architectural resources is insufficient and additional measures should be applied to reduce impacts. As noted in the analysis in the Draft EIR, the General Plan includes “policies and implementation programs designed to identify and protect architectural historic

resources. For example, General Plan Policy CC-26.5 requires that when discretionary projects involve potential historic architectural resources an evaluation of the eligibility of the potential resources for inclusion in the National Register and the California Register be completed by a qualified architectural historian. Listed or eligible resources require an evaluation of the proposal by a qualified preservation architect to determine compliance with the Secretary of the Interior's Standards (SOIS). If the project does not comply with the Secretary of the Interior's Standards, modifications to the project design are developed for consideration" (Draft EIR p. 4.5-21). Under the proposed HEU, individual projects are still subject to discretionary CEQA review to determine consistency with the analysis provided in this program EIR and all other regulatory policies and regulations. This includes identification of resources, consideration of project modifications to incorporate the historic resource into the project, and other possible mitigations measures as presented in the comment. Consideration of these mitigations would occur on a project-by-project basis as required by CEQA. As such, the HEU's Program EIR identified additional mitigation that should be applied where historic architectural resources are present. It does not encompass, nor is the analysis required to include the entire range of project-specific mitigations that might be considered for individual projects submitted under the HEU.

- O-3-27 The comment alleges that the Draft EIR improperly defers analysis of impacts to archaeological resources, and improperly defers mitigation of those foreseeable impacts. The Draft EIR fully complies with requirements for mitigation, as provided in State CEQA Guidelines, by providing mitigation measures that either require very specific action or actions with predictable results, or include clear performance standards (i.e., required results) that would be accomplished through a mix of required measures and, in some cases, a menu of additional measures that are outlined in the measure.

In the case of Mitigation Measure CUL-2, *Cultural Resources Review Requirements*, the measure requires all projects with ground-disturbance in areas designated as having a moderate to high cultural resources sensitivity to be reviewed by an archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology, in collaboration with culturally-affiliated Native American tribes, and any potential cultural resources identified, that may also be considered tribal cultural resources, would be evaluated and treated appropriately.

Specifically, if the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project, a pedestrian survey must be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one has not been completed within the previous five years. Additionally, if the County determines that a cultural resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, Mitigation Measure CUL-2 requires that

additional mitigation be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. In coordination with a SOIS-qualified archaeologist and any potential culturally-affiliated Native American tribe(s), preservation in place may include, but is not limited to: (1) planning construction to avoid archaeological sites, (2) deeding archaeological sites into permanent conservation easements, (3) capping or covering archaeological sites with a layer of soil before building on the sites, and (4) planning parks, greenspace, or other open space to incorporate archaeological sites.

As such, the cultural review requirements included in Mitigation Measure CUL-2 are sufficient to address potential impacts to archaeological and tribal cultural resources. Additionally, as the EIR is a program EIR, the mitigation is suitable as a program-wide mitigation measure, taking into account the variability in site conditions

O-3-28 The comment further questions the suitability of Mitigation Measure CUL-2 to address potential impacts to tribal cultural resources. See Response to Comment O-3-27 above regarding the requirements and adequacy of Mitigation Measure CUL-2.

With regard to tribal cultural resources, specifically, Mitigation Measure CUL-2 requires that California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Napa County for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (culturally-affiliated Native American tribes) be notified of the proposed project and provided the preliminary findings of the records search and survey results if the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project. Following collaboration with the culturally-affiliated Native American tribe(s) and the County, a SOIS-qualified archaeologist would be required to prepare a cultural resources inventory report to submit to the County and the culturally-affiliated Native American tribe(s) for review. The report would include the results of the background research and survey, and recommend additional actions, as needed, including subsurface testing, a cultural resources awareness training, and/or monitoring during construction.

If avoidance of the potential resources is not feasible, the County shall consult with the culturally-affiliated Native American tribe(s) (if the resource is Native American-related) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).

As discussed in the Draft EIR, Implementation of Measures CUL-2 and CUL-3 would establish protocol to identify, evaluate, and address any potential impacts to

previously unknown tribal cultural resources. With implementation of these mitigation measures, any potential impacts to tribal cultural resources would be reduced to a less than significant level (Draft EIR p. 4.5-27).

The comment also alleges that the Draft EIR's analysis of cumulative impacts on historic architectural resources (Impact CUL-1.CU) also suffers from the same flaws mentioned in Comment O-3-26. Refer to Response to Comment O-3-26 regarding this comment.

O-3-29 The comment alleges that an evaluation of the potential impacts associated with close proximity to known hazardous waste sites for the Spanish Flat, Bishop, and Altamura housing sites is not included in the Draft EIR. As explained in Section 4.9.2, *Environmental Setting, Spanish Flat*, the Regional Water Quality Control Board (RWQCB) closed the Spanish Flat case for this site on June 21, 2022, indicating that the RWQCB is satisfied that this site no longer poses a risk to people or the environment. For the Bishop Road site, as explained in Section 4.9.2, *Environmental Setting, 1806 Monticello Road*, the Regional Water Quality Control Board (RWQCB) closed the 1806 Monticello Road case for this site on June 21, 1990, indicating that the RWQCB is satisfied that this site no longer poses a risk to people or the environment. For the Altamura site, as explained in Section 4.9.2, *Environmental Setting, 1011 Atlas Peak Road*, the Napa County Department of Environmental Management closed the case for this site on April 13, 2009, indicating that the County is satisfied that this site no longer poses a risk to people or the environment. The closure of the case for this site means that the source of contamination has been removed, soil samples were collected and tested for the leaked chemicals, and the residual concentrations of chemicals, if any, were below regulatory action levels. The regulatory agencies used the information generated from the investigation and cleanup actions as substantial evidence that demonstrates that the sites do not pose a risk to people or the environment.

O-3-30 The comment includes concerns related to flood hazards and inundation of buildings. See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.

Regarding the comment about an incorrect reference to County Chapter 6.04 pertaining to Floodplain Management, the following text has been corrected on p. 4.10-25 of the Draft EIR to address this editorial error (new text is underlined):

Consistent with Napa County requirements (Chapter 16.04.721 of the County Code) residential development would be subject to engineering review and must have the lowest floor, including basement, elevated to or above a level equal to the base flood elevation plus one foot of freeboard. The floodplain administrator shall be provided the elevation relative to MSL of the lowest floor, including basement, certified by a registered professional engineer or surveyor on FEMA form 81-31 prior to issuance of a certificate of occupancy. Residential development and redevelopment would also

be subject to County riparian setback requirements, which would help to prevent impediments to the conveyance of floodwaters within the floodway.

Similarly, the following text has been corrected on p. 4.10-26 of the Draft EIR to address this editorial error (new text is underlined):

As described under Impact HYD-3 and depicted in Figure 4.10-2, Flood Zones, portions of the Bishop and Foster Road proposed sites are partially within a special flood hazard zone. The Spanish Flat, Altamura, and Imola Avenue housing sites are not located within flood hazard zones and would have no impact related to release of pollutants due to project inundation due to being located in a flood hazard zone. As described in the regulatory setting, Napa County has well defined code requirements to manage development within special flood hazard areas. Consistent with Napa County requirements (Chapter 16.04.721 of the County Code) residential development would be subject to engineering review and must have the lowest floor, including basement, elevated to or above a level equal to the base flood elevation plus one foot of freeboard. The floodplain administrator shall be provided the elevation relative to MSL of the lowest floor, including basement, certified by a registered professional engineer or surveyor on FEMA form 81-31 prior to issuance of a certificate of occupancy. Residential development and redevelopment would also be subject to County riparian setback requirements, which would help to prevent impediments to the conveyance of floodwaters within the floodway.

- O-3-31 The comment alleges that the Draft EIR fails to adequately evaluate inconsistencies with regulations, standards, and policies included in the current General Plan, including the General Plan’s Housing Element, and requests that the Draft EIR be revised to disclose all potential inconsistencies between the proposed Draft Housing Element Update and the current General Plan. As discussed in the Draft EIR, while an EIR may provide information regarding land use and planning issues, CEQA does not consider inconsistency with land use plans and policies to be a physical effect on the environment unless the plan or policy was adopted for the purpose of avoiding or mitigating a significant environmental effect. Adverse physical effects on the environment that could result from implementation of the Project, including the changes to land use addressed in this section, are evaluated and disclosed in the appropriate technical sections of this EIR (Draft EIR p. 4.11-12).

The comment does not raise any specific policy adopted for the purpose of avoiding or mitigating a significant environmental effect that the proposed HEU would be inconsistent with. As such, no further response is required.

Conflicts with a General Plan also do not inherently result in a significant effect on the environment within the context of CEQA. As stated in Section 15358(b) of the State CEQA Guidelines, “[e]ffects analyzed under CEQA must be related to a physical change.” Section 15125(d) of the Guidelines states that EIRs shall discuss any inconsistencies between the proposed project and applicable General Plans.

However, as noted in the Draft EIR, because the proposed zoning and policy changes are part of the HEU (and thereby the General Plan), by definition the Project would not conflict with them, and the EIR analysis does not consider inconsistency with existing plan policies or codes to necessarily be indicative of significant environmental impacts (Draft EIR p. 4.11-10).

- O-3-32 The comment relates to the perceived lack of baseline noise conditions in the Draft EIR. It should be noted that Table 4.12-1 on page 4.12-5 of the Draft EIR provides quantitative data for existing noise levels documented along major roadways within the County. Further, Table 4.12-10 on page 4.12-17 of the Draft EIR provides existing traffic-related noise levels along roadways for which traffic volumes are publicly available and compares them to predicted future noise levels with implementation of the HEU.

Since publication of the Draft EIR, a Level of Service (LOS) study has been prepared for seven intersections within the study areas. These data were used to update the transportation noise analysis in a revised Table 4.12-10 and a new Table 4.12-11 in this FEIR and include roadway noise volumes for existing (2022) conditions based on traffic counts. See Chapter 4, *Errata to the Draft EIR*.

- O-3-33 The comment contends that the analysis of construction noise impact within the Draft EIR is flawed because the analysis only considers the noise generated by a single piece of construction equipment.

The commenters assertion that the analysis only considers the noise generated by a single piece of construction equipment is incorrect. Page 4.12-13 of the Draft EIR specifically states that the General Assessment methodology of the Federal Transit Administration's (FTA) *Transit Noise and Vibration Impact Assessment Manual*³⁵, was applied which assumes the simultaneous operation of the two noisiest pieces of equipment results in a property line. This manual was developed for determining significant noise and vibration impacts for transit projects and while it is not a regulation, it is one of the few federal sources that suggest both a methodology and criteria for assessing construction noise impacts. Therefore, the construction noise impact analysis of the Draft EIR did not only consider simultaneous operation of multiple pieces of construction equipment, but the assessment technique is consistent with industry standards for such analysis.

- O-3-34 The comment contends that the analysis of construction noise impact within the Draft EIR is flawed because the analysis fails to determine whether the use of the construction equipment would result in a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project but, rather, relies on the

³⁵ U.S. Department of Transportation, Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, accessed May 12, 2021.

exemption of the County Code to dismiss the potential for significant construction-related noise impacts.

The commenters assertion that the analysis does not consider the quantitative increase in construction-related noise is incorrect. Page 4.12-13 of the Draft EIR specifically states that the General Assessment methodology of the Federal Transit Administration's (FTA) *Transit Noise and Vibration Impact Assessment Manual*³⁶, was applied and that the FTA noise impact criteria used to assess construction noise impacts on residential uses is 90 dBA during daytime hours and 80 dBA during nighttime hours. While it is not a regulation, this manual it is one of the few federal sources that suggest both a methodology and criteria for assessing construction noise impacts, in lieu of local standards. Therefore, the construction noise impact analysis of the Draft EIR did not only consider the quantitative contribution of construction noise, but the assessment technique is consistent with industry standards for such analysis.

- O-3-35 The comment contends that the analysis of construction vibration impact within the Draft EIR is flawed because the values in Table 4.12-9 indicate that the use of Large Bulldozers (0.35 PPV), Auger Drill Rigs (0.35 PPV), and Loaded Trucks (0.30 PPV) at 50 feet all exceed the significance threshold and that while it is unclear whether those figures are a typo or miscalculation, the DEIR must be updated to provide an accurate and comprehensible analysis.

The commenter is correct. The values presented in Table 4.12-9 of the Draft EIR for vibration levels at a distance of 50 feet are in error. As a result, the text of the third column of Table 4.12-9 on page 4.12-15 of the Draft EIR have been revised to accurately present the appropriate vibration values at 50 feet, which, once corrected, now demonstrate that construction-related vibration levels would be below the applicable significance threshold.

The following table has been revised on p. 4.12-15 of the Draft EIR (new text is underlined; deleted text is in ~~strike through~~):

**TABLE 4.12-9
VIBRATION LEVELS FOR CONSTRUCTION EQUIPMENT**

Equipment	PPV (in/sec) ^a	
	At 25 Feet (Reference)	At 50 feet
Large Bulldozer	0.089	<u>0.350.031</u>
Auger Drill Rig	0.089	<u>0.350.031</u>
Loaded Trucks	0.076	<u>0.300.027</u>
Jackhammer	0.035	<u>0.140.012</u>

³⁶ U.S. Department of Transportation, Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, accessed May 12, 2021.

Equipment	PPV (in/sec) ^a	
	At 25 Feet (Reference)	At 50 feet

NOTES:

a. Vibration amplitudes for construction equipment assume normal propagation conditions and were calculated using the following formula: $PPV (equip) = PPV (ref) \times (25/D)^{1.1}$ where:

PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance

PPV (ref) = the reference vibration level in in/sec from pp. 31–33 and Table 18 of the Caltrans Vibration Guidance Manual, as well as Table 12-2 of the FTA’s Noise and Vibration Guidance Manual

D = the distance from the equipment to the receiver

SOURCES: Caltrans, *Transportation and Construction Vibration Guidance Manual*, April 2020, pp. 29–34, <http://www.dot.ca.gov/hq/env/noise/publications.htm>, accessed on December 21, 2021; FTA, *Transit Noise and Vibration Impact Assessment Manual*, September 2018, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, accessed December 21, 2021.

O-3-36 The comment contends that the analysis of operational noise impacts within the Draft EIR is flawed because it fails to evaluate whether stationary noise sources would violate “applicable standards of other agencies.” Specifically, the comment is concerned that the standards of the federal Noise Control Act presented on page 4.12-5 of the Draft EIR were not applied, but instead, the analysis applied the standards of the Napa County Code.

It should be noted that the analysis of stationary source noise impacts on pages 4.12-15 and 4.12-16 of the Draft EIR addresses both the County Code requirements and, for the Imola Avenue site, which is outside the jurisdiction of the County, State of California standards. The federal standard referred to in the comment presented on page 4.12-5 of the Draft EIR (55 dBA, Ldn, exterior) are actually less conservative than Napa County standards (45 to 50 Leq exterior). Regardless, the intent of Appendix G of the *CEQA Guidelines with respect to generation of noise is to apply the applicable regulation of the given jurisdiction*. Application of standards of other agencies would only be pertinent if the local jurisdiction did not have an applicable standard or if a lead agency or special district has established specific standard to a unique source.

With respect to references to the “municipal code”, a text revision has been added to change all such references to “County code”. See below and Chapter 4, *Errata to the Draft EIR*, for more detail.

The following text has been revised on p. 4.12-10 of the Draft EIR (new text is underlined; deleted text is in ~~strickthrough~~):

Napa County ~~Municipal~~ Code

The Napa County ~~Municipal~~ Code includes regulations associated with noise. Within Title 8 Health and Safety specifically, Chapter 8.16 details a noise policy that is meant to protect the peace and well-being of Napa County residents from excessive and unnecessary noise. **Table 4.12-6** summarizes the maximum permissible exterior noise levels by receiving land use established in Section 8.16.070.

The following text has been revised on p. 4.12-13 of the Draft EIR (new text is underlined; deleted text is in ~~striketrough~~):

Therefore, for most housing sites under the HEU, likely construction equipment operations would operate within the constraints of County Municipal Code Section 8.16.080(B)(2) and impacts associated with future construction activities conflicting with local noise standards would be less than significant.

The following text has been revised on p. 4.12-15 of the Draft EIR (new text is underlined; deleted text is in ~~striketrough~~):

Section 8.16.070 Exterior noise limits of the Napa County ~~Municipal~~ Code establishes maximum noise levels at the nearest residential properties, presented in Table 4.12-4 above. However, the Imola Avenue site is State-owned and would not be subject to County review or regulations. Therefore, for most housing sites under the HEU the County Code standards for residential uses would be measured at the housing unit in areas subject to noise levels in excess of the desired levels to implement the purpose of Policy CC-38 of the General Plan and impacts associated with future stationary noise sources conflicting with local noise standards would be less than significant.

The following text has been revised on p. 4.12-20 - 4.12-21 of the Draft EIR (new text is underlined; deleted text is in ~~striketrough~~):

Therefore, while an unlikely potential exists for construction projects under the HEU and other foreseeable development to occur simultaneously and in proximity to one another, construction equipment operations would operate within the constraints of County Municipal Code Section 8.16.080 as well as within the construction noise criterion of the FTA, and impacts associated with future construction activities conflicting with local noise standards or applicable standards of other agencies would be **less than significant**.

The following text has been revised on p. 4.12-21 of the Draft EIR (new text is underlined; deleted text is in ~~striketrough~~):

At the present time, the type, size, and the location of any air handling equipment may be associated with housing developed under the HEU is unknown. As discussed in Impact NOI-2, Policy CC-36 of the General Plan prohibits residential and noise-sensitive activities to be located near noise levels that exceed the County's standards. Section 8.16.070 of the Napa County ~~Municipal~~ Code establishes maximum noise levels at the nearest residential properties.

- O-3-37 The comment raises concern that the comment raised above in Comments O-3-32 through O-3-37 also should apply to the DEIR's analysis of cumulative noise and vibration impacts.

Comment O-3-32 asks for additional baseline information setting. Since publication of the Draft EIR, a LOS study has been prepared for seven intersections within the study areas. These data were used to update the estimates of existing transportation noise levels in a revised Table 4.12-10 and a new Table 4.12-11 using roadway noise volumes for existing (2022) conditions based on traffic count. For the purposes of a cumulative analysis, the new Table 4.12-11 contains the baseline roadway noise levels for year 2040 without the project.

Comments O-3-33 and O-3-34 raised concerns that the analysis of construction noise only considered noise generated by a single piece of construction equipment and relies on the exemption of the County Code to dismiss the potential for significant construction-related noise impacts. As stated above in response to this comment, the construction noise impact analysis of the Draft EIR did not only consider simultaneous operation of multiple pieces of construction equipment, but the assessment technique is consistent with industry standards for such analysis. The analysis of cumulative construction noise impacts relied not only on the exemption of construction activity from noise standards of the County Code during daytime hours but also on the quantitative criterion established by FTA. Therefore, the cumulative construction noise analysis properly addressed the potential for significant cumulative construction noise impacts.

Comment O-3-35 raised concern that values in Table 4.12-9 indicate that some pieces of equipment would exceed the significance thresholds or vibration. As discussed above, the text of the third column of Table 4.12-9 on page 4.12-15 of the Draft EIR have been revised to accurately present the appropriate vibration values at 50 feet. These revisions help support the less-than-significant finding in the analysis of potential cumulative vibration impacts on page 4.12-21 of the Draft EIR.

Comment O-3-36 raised concern that the analysis of operational noise impacts within the Draft EIR did not consider whether stationary noise sources could violate “applicable standards of other agencies, specifically, the standards of the federal Noise Control Act presented on page 4.12-5 of the Draft EIR. The assessment of cumulative stationary source impacts on pages 4.12-20 and 4.12-21 of the Draft EIR identified a potential significant and unavoidable impact from stationary sources because the County can only monitor and enforce mitigation measures within its jurisdiction. Because the Imola Housing site is outside of the County’s jurisdiction and may be subject to applicable standards of other agencies, a potential significant and unavoidable impact was identified.

O-3-38 The comment questions the analysis of utilities and whether potential new or expanded facilities were adequately analyzed. The impact under CEQA for utilities infrastructure is if implementation of the HEU would require or result in the relocation or construction of new or expanded utility infrastructure, the construction or relocation of which could cause significant environmental effects. The Draft EIR found that overall, the potential improvements or extension of utility infrastructure to

serve development as a result of the HEU would be installed primarily in existing roadways and utility rights-of-way. Aside from short-term construction disturbance, no unusual or further environmental impacts would be generated beyond those identified elsewhere in this Draft EIR for overall construction activity for the project. As such, the implementation of the HEU would not require or result in the relocation or construction of new or expanded utility infrastructure, such that significant environmental effects would occur. As such impacts were found to be less than significant (Draft EIR p. 4.16-19 – 4.16-22).

O-3-39 The comment continues to question the adequacy of the utilities analysis alleging that potential impacts of rehabilitation of a section of the sewer main and improvements to decrease peak wet weather flows for connections to NapaSan infrastructure were not studied. As discussed in Response to Comment O-3-38 above, a significant utilities impact would only occur if the construction or relocation of new or expanded utility infrastructure could cause significant environmental effects. The Draft EIR discloses the potential need for new and/or expanded NapaSan sewer infrastructure to support development. However, the Draft EIR determined that necessary infrastructure would be installed primarily in existing roadways and utility rights-of-way and aside from short-term construction disturbance, no unusual or further environmental impacts would be generated beyond those identified elsewhere in this Draft EIR for overall construction activity for the project (Draft EIR p. 4.16-19 – 4.16-22). As such, impacts related to the construction or relocation of new or expanded utility infrastructure was determined to be less than significant.

O-3-40 The comment claims that development on the Bishop and Altamura sites would exacerbate fire risks by moving development adjacent to a location known for high fire risks, thereby increasing the risk of wildfires. As described in the Draft EIR, the HEU could have a significant impact on the environment if it would exacerbate wildfire risks due to slope, prevailing winds, and other factors, *and* thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire (emphasis added).

While the Draft EIR acknowledges that development of housing in each of these areas could increase the risk of wildfire by introducing new sources of ignition (i.e., vehicles and residents) into those areas during both construction and operation, pursuant to the California Building Code, California Fire Code, and the Napa Fire Code, Napa County Defensible Space Ordinance (as presented in Section 4.17.3 of the Draft EIR), all development projects would be required to comply with requirements relating to emergency planning and preparedness, fire service features, building services and systems, access requirements, water supply, fire and smoke protection features, building materials, construction requirements, defensible space and vegetation management, and specific requirements for specialized uses involving flammable and hazardous materials. Each of the code requirements outlined above have been developed over many decades to reduce the risks associated with wildfire.

The implementation of these standard requirements would reduce impacts associated with accidental ignitions emanating from project sites and would also reduce impacts associated with wildfires encroaching onto project sites from adjacent areas (Draft EIR p. 4.17-16).

See also Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter, related to this topic.

- O-3-41 The comment claims that Mitigation Measure AIR-1 is flawed because it fails to provide any analysis or substantial evidence to support the conclusion that implementation of BMPs would substantially lessen or avoid potentially significant impact levels. The mitigation for fugitive dust is derived from the BAAQMD’s *CEQA Air Quality Guidelines*. For fugitive dust emissions, BAAQMD staff recommends following the current BMPs approach which has been a pragmatic and effective approach to the control of fugitive dust emissions. Studies have demonstrated (Western Regional Air Partnership, U.S.EPA) that the application of BMPs at construction sites have significantly controlled fugitive dust emissions. Individual measures have been shown to reduce fugitive dust by anywhere from 30 percent to more than 90 percent. BAAQMD explains that in the aggregate, BMPs will substantially reduce fugitive dust emissions from construction sites. These studies support BAAQMD staff’s recommendation that projects implementing construction best management practices will reduce fugitive dust emissions to a less than significant level.³⁷
- O-3-42 The comment is correct that Mitigation Measure BIO-4 (western pond turtle) inadvertently excluded a portion of the “Northeast Napa sites”, specifically, the Bishop site, from preconstruction biological surveys to identify WPT on the site. WPT are not expected to occur at the Altamura site, which is not located adjacent to Millikan Creek or other water bodies that might support WPT. In response to the comment, Mitigation Measure BIO-4 on Draft EIR pg. 4.4-22 is revised as follows:

Mitigation Measure BIO-4: Avoid and Minimize Impacts to Western Pond Turtle.

Before construction activities begin, a qualified biologist³⁸ shall conduct western pond turtle surveys at the Imola site and Bishop site. Upland areas shall be examined for evidence of nests as well as individual turtles. The project biologist shall be responsible for the survey and for the relocation of turtles, if needed. Construction shall not proceed until a reasonable effort has been made to identify and relocate turtles, if present, a biologist with the appropriate authorization and

³⁷ Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. Available online: https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

³⁸ The term “qualified biologist” refers to an individual who has at least a minimum education and qualifications that may include a 4-year degree in a biological sciences or other specific field and training and/or experience surveying, identifying, and handling the subject species. This individual differs from a “Service-approved biologist” in that the qualified biologist may only handle species that are not listed as threatened or endangered by the USFWS. The Service-approved biologist is authorized to relocate such species.

prior approval from CDFW shall move turtles and/or eggs to a suitable location or facility for incubation, and release hatchlings into the creek system the following autumn.

The comment additionally requests that the measure be revised to provide ongoing monitoring of WPT at relocation sites to ensure that they successfully adapt to their new locations, and states that the single preconstruction survey required by Mitigation Measure BIO-4 is insufficient to avoid impacts to WPT that may wander onto a site during project construction or operations. It is important to note that any WPT that wander onto the Bishop site would be arriving from Milliken Creek, and those on the Imola site would hail from Lake Camille. Hence, relocation of WPT to nearby or adjacent aquatic habitat would not negatively impact individual turtles that might be found on these HEU sites. Generally, for project sites such as the Imola site and Bishop site where the likelihood of encountering WPT is considered remote, the California Department of Fish and Wildlife expects that a single preconstruction survey immediately prior to initial earthmoving is adequate to reduce impacts to this species. Once construction is underway, it is anticipated that any wandering turtles would avoid construction areas, including during the operational phase of the project when the areas would support new neighborhoods. No additional mitigation is needed beyond that proposed in Mitigation Measure BIO-4.

- O-3-43 The comment alleges that Mitigation Measure CUL-2 and improperly defers mitigation. See Response to Comment O-3-27 above.
- O-3-44 The comment alleges that Mitigation Measure TRA-1 is insufficient and that a 15% VMT reduction should be required in all instances. Mitigation Measure TRA-1 requires that a Transportation Demand Management (TDM) Program be developed for each housing site to identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. The TDM Program is required to be designed to achieve a 15% reduction compared to the unmitigated VMT estimated for the proposed project, as required to meet thresholds identified by OPR.

However, as explained in the Draft EIR, based on the number of low and moderately effective potential trip reduction strategies (shown in Draft Table 4.15-4), a TDM program would likely not result in a 15 percent reduction in VMT, nor would it reduce VMT to more than 15 percent below regional values. The potential effectiveness of strategies is based on potential site group density, access to transit, and nearby destinations within walking or bicycling distance. Due to the contextual nature of the sites which require longer travel distances to, for example, employment centers and services, and low availability of transit options, the TDM measures are unlikely to mitigate the program's impact to a less than significant level. Therefore, the impact was determined to remain significant and unavoidable (Draft EIR p. 4.15-28).

O-3-45 The comment claims that Mitigation Measures ULT-1 and UTL-2 are inadequate. Mitigation Measure UTL-1 would require that subsequent projects submit evidence to the County that sufficient water supply is available and Mitigation Measure UTL-2 would require that subsequent projects submit evidence to the County that adequate wastewater treatment capacity is available. These requirements directly correlate to the appropriate CEQA threshold for each topic, as the fact that a utility provider indicating that it will serve the proposed project inherently supports the determination that sufficient water supplies and adequate wastewater treatment capacity would be available. However, since the provision of water services and wastewater treatment services are subject to review and approval by another agency (i.e., are not under the control of the County), the impacts would remain significant and unavoidable.

O-3-46 The comment alleges again that the Draft EIR fails to adequately evaluate inconsistencies with regulations, standards, and policies included in the current General Plan, including the General Plan's Housing Element. See Response to Comment O-3-31 pertaining to this same issue.

Additionally, the comment claims that there are inconsistencies with General Plan including Policy CC-1 (preservation of open space) and Goal AG/LU-1 (preserving agricultural uses), Goal AG/LU -3 (support the economic viability of agriculture), and Goal AG/LU-5 (compatible uses and agriculture), because the Bishop site consists of grazing land and Farmland of Local Importance. Potential impacts under CEQA related to agriculture were analyzed in Section 4.2, *Agriculture and Forestry Resources*, of the Draft EIR. See also Response to Comment O-3-18 regarding the analysis of agricultural resources in the Draft EIR. It is noted that analysis related to potential CEQA impacts related to Goal AG/LU-5 is included in Section 4.2 of the Draft EIR under Impact AGR-2, which explains that local policies and ordinances, such as Napa County's Right to Farm Ordinance, protect agricultural uses from conflict with adjacent development and residential uses (Draft EIR p. 4.2-10).

The County will ultimately determine the proposed Project's overall consistency on balance with the applicable goals and policies, as part of the decision to approve or reject the proposed HEU. As discussed in the Draft EIR, while an EIR may provide information regarding land use and planning issues, CEQA does not consider inconsistency with land use plans and policies to be a physical effect on the environment unless the plan or policy was adopted for the purpose of avoiding or mitigating a significant environmental effect. Adverse physical effects on the environment that could result from implementation of the Project, including the changes to land use addressed in this section, are evaluated and disclosed in the appropriate technical sections of this EIR (Draft EIR p. 4.11-12).

O-3-47 The comment alleges that the Draft EIR fails to adequately explain how the elimination of the Foster Road and Altamura sites would lessen or avoid any of

the Project’s significant environmental impacts. As described in that Draft EIR, the Reduced Program Alternative was selected for analysis because it would lessen the HEU’s impacts to various environmental topic areas which were determined in this EIR to be significant and unavoidable, even with mitigation. By removing the Imola Avenue site, significant and unavoidable impacts to aesthetics, air quality, and noise would no longer be attributable to the housing element update. By removing the Altamura and Foster Road housing sites, significant and unavoidable impacts to cultural resources would also be avoided, as there are age-eligible buildings within these sites that may constitute historic resources. By removing all of these sites, significant and unavoidable impacts to utilities and service systems, including water supply and wastewater treatment capacity would be lessened, as these sites would no longer require services subject to the review and approval of other agencies (Draft EIR p. 5-8).

- O-3-48 The comment claims that the Draft EIR should have analyzed a range of reduced program alternatives, including alternatives that consist of eliminating different combinations of the housing sites.

Section 15126.6(a) states that “an EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.” Section 15126.6(f) describes a “rule of reason,” stating that an EIR “set forth only those alternatives necessary to permit a reasoned choice,” and “the EIR need examine in detail only the ones that the Lead Agency determines could feasibly attain most of the basic objectives of the project.” An EIR is not required to consider alternatives to a component of a project, but only alternatives to the project *as a whole*. (See State CEQA Guidelines Section 15126.6(a); *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 993.) Variations of the same alternative are also not required; “what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.” (*Residents Ad Hoc Stadium Comm. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286; see also *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 355-56 [rejecting need to analyze every variation on the alternative continuum for housing project].)

Using the commenters own example, if an alternative was developed eliminating the Spanish Flat and Bishop sites, all of the significant and unavoidable impacts attributable to the Imola Avenue site would remain. Only significant and unavoidable impacts related to transportation noise (HEU-related and cumulative) would be avoided under this scenario, meaning 14 of the 16 significant and unavoidable impacts would continue to occur. As such, the Reduced Program Alternative analyzed in the Draft remains sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned, consistent with the CEQA Guidelines and case law on the subject.

O-3-49 This is a general comment that includes concluding remarks. As such, no specific response is required.

From: [Steve Matthiasson](#)
To: [MeetingClerk](#); [Hawkes, Trevor](#)
Cc: tom@gamblefamilyvineyards.com; anne.cottrell@lucene.com; tkscottco@aol.com; [Morrison, David](#)
Subject: Skyline Park is not a good location for affordable housing
Date: Sunday, September 25, 2022 2:07:42 PM

[External Email - Use Caution]

I'm writing in regard to potential affordable housing to be located within Skyline Park. I am in full agreement that Napa County desperately needs more affordable housing. I was first made aware of our state mandate 15 years ago when I was on the Farm Bureau Board, and the problem has gotten worse since then. However Skyline Park is not an appropriate location for any new use that weakens such a special and fragile resource for our community.

Skyline Park serves a wide diversity of Napa community members, and we don't have a viable alternative for the wide range of outdoor recreation opportunities that Skyline Park provides with any of our other Napa County parks. Therefore asking to locate the affordable housing elsewhere in the county and not at the park is not a matter of "NIMBYism," but a simply pointing out the fact that any action that weakens Skyline Park represents taking something from all members of the entire Napa Valley community, not just nearby neighbors of the park.

I understand the challenges of locating affordable housing in Napa County, but locating housing at Skyline Park raises more than traffic, property value, or viewshed concerns, it constitutes a "taking" of a portion of a recreational facility that is enjoyed by the entire community. The County of Napa should be focused on preserving Skyline Park rather than diminishing it.

Thank you very much, Steve Matthiasson, Napa community member, co-owner of Matthiasson Family Vineyards, and employer of 17 residents of Napa County.

I-1-1

Letter I-1: Steve Matthiasson, September 25, 2022

I-1-1 See PC Comment Response 2, *Parks and Recreation (Skyline Park)*, in Section 3.4 of this chapter related to comments concerning Skyline Park.

See also Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter, regarding opinions on the merits of the proposed HEU. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

From: [MeetingClerk](#)
To: [Hawkes, Trevor](#)
Subject: FW: public comment on the Draft HEU discussion
Date: Tuesday, September 27, 2022 1:17:59 PM
Attachments: [image001.png](#)

Please see below from Dan Hurst.

Alexandria Quackenbush
Administrative Secretary I
Planning, Building and Environmental Services
County of Napa 1195 Third Street, Suite 210 Napa, CA 94559
Alexandria.Quackenbush@countyofnapa.org



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From: Dan Hurst <dfromn@att.net>
Sent: Tuesday, September 27, 2022 1:12 PM
To: MeetingClerk <MeetingClerk@countyofnapa.org>
Subject: public comment on the Draft HEU discussion

[External Email - Use Caution]

Good afternoon, regarding the Draft HEU discussion at the HEAC meeting on September 27, 2023:

It concerns me that the DEIR seems deficient in considering some serious issues with regard to the Bishop site (one of the sites being considered for rezoning by Napa County). I know that the 5 acres in question floods regularly and the DEIR seems to minimize this issue. I went to the Napa County website and checked the parcel report for the Bishop property, parcel #039-320-005-000, and it states clearly that "the parcel falls within the FEMA flood zone". I am familiar with the Bishop property and the 5 acres in question are adjacent to Milliken Creek and there is a deep swale that runs across the south border of the 5 acres. The entire open field where the 5 acres are located is the lowest part of the entire parcel so if there is flooding on the parcel it will be at its worst on the 5 acres being considered. If the flooding is mitigated by raising and sloping the 5 acres it will certainly exacerbate the flooding on neighboring properties and Hedgeside Avenue will experience worse flooding, possibly trapping residents of the 5 acres.

I-2-1



Also on the parcel report for the Bishop property it states that "Potential archeological sites may occur in this general area". If this is true on the 5 acres it could cause delays and expense.



I-2-1

Another issue is that on the parcel report it states that "the parcel falls within a water deficient area". If a well or wells are considered for the 100+ residences it will put existing wells in the neighborhood in increased risk of failure.

I-2-2

There are other issues that residents of the area in question communicated to the county that the DEIR missed or minimized, the presence of several endangered or threatened species in the area, fire risk, fire insurance premiums that are high and consistently increasing and more.

I-2-3

Thank you for your time,
Dan Hurst

Letter I-2: Dan Hurst (1), September 27, 2022

- I-2-1 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.
- I-2-2 See Master Response 1, *Water Service*, in Section 3.2 of this chapter.
- I-2-3 See Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, and Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter. See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter, regarding financial considerations such as fire and flood insurance costs. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

Monday, October 3rd, 2022

Trevor Hawkes
Project Planner
1195 3rd St #210
Napa, CA 94559

Dear Trevor Hawkes,

My name is Eric Ewig and I am a neighbor of the Bishop property. I am writing to you regarding the Bishop site listed in the Housing Element Update (HEU), as there are numerous issues with developing high-density residential along rural Hedgeside Ave.

I-3-1

After reading through the Draft Environmental Impact Report (DEIR), here are my most immediate concerns:

1. **EXAMPLE Pedestrian and Biking Safety:** There is inadequate pedestrian and biking safety along Hedgeside Ave and Monticello Road (which you would take to access public transportation). In the DEIR, there is no mention of the lack of facilities at the Bishop site, nor any mention of whether or not safe pedestrian and biking facilities would be built. I am greatly worried there will be deadly consequences if pedestrian and biking facilities are not built - especially with hundreds of more people moving into the neighborhood with small children and pets. What plans are in place to develop pedestrian and biking facilities at the Bishop site? And how much will that cost the county or city to do? Are there other HEU sites that do not require pedestrian and biking facilities to be built?
2. **EXAMPLE Groundwater Supply:** The DEIR states, "Multi-family housing sites would not be reliant upon groundwater" [pg 328, section 4.10]. However, during the August 12, 2022 HEAC meeting, David Morrison stated that, "...if the city refuses to extend those services or acknowledge their legal requirements to do so, then we will have to look at alternative means." I am concerned that if the Bishop site were to be developed using well and septic systems, there will be significant consequences to the health and level of groundwater in our neighborhood. This would cause serious issues with our wells, as none of us are connected to city wastewater infrastructure. Is it true that the county can decide to develop the Bishop site using well and septic systems? If so, what studies and research must be conducted to ensure that our wells will not be impacted - nor the health of Milliken Creek (adjacent to the Bishop site)? If there will be wastewater utilities built to the Bishop site, how much will that cost taxpayers in total? And what other neighboring properties will have access to the new wastewater utilities?
3. **EXAMPLE Fire Evacuations:** In the DEIR, there was research presented by Fehr & Peers on the evacuation impacts that a new HEU development would have in 8 critical evacuation zones. Only Bishop, Altamura, and Spanish Flat sites are in one of the eight zones (Foster Road and Imola are not). In the DEIR, they noted that a road like Hedgeside Ave could see "increase traffic volumes along the roadways serving as

I-3-2

I-3-3

I-3-4

evacuation routes" [pg 485, section 4.17]. It is important for the DEIR to have thorough research for evacuation time on Hedgeside Ave, as this is narrow 2-lane road with no protected left or right hand turn onto Monticello Road (the throughway out in an evacuation) and is currently sparsely populated. An influx of 200 additional cars evacuating from this small road would have significant impacts on the evacuation time for all current residents on Hedgeside - and the surrounding neighbors who rely on Hedgeside to access Monticello Road or Silverado Trail. The HEU project would potentially increase the number of cars currently located on Hedgeside Ave by over 200 cars (assuming 100+ housing units with 2 cars per unit, same as the Fehr & Peers study). What is the evacuation time that those living on Hedgeside Ave would experience in the event of an evacuation, compared to existing conditions? For example: If someone living on Hedgeside were evacuating, what would be the time from house to major throughway - such as Monticello Road or Silverado Trail? How would the county account for gridlock that could occur on Hedgeside Ave because of the large amount of cars present on this small road? If the evacuation time is not acceptable, and jeopardizes the safety of all existing and new residences, what traffic control measures need to be taken to help with traffic flow out of Hedgeside Ave?

I-3-4

I support the Napa County General Plan (NCGP) goal of decreasing greenhouse gas (Policy CIR-4) and preserving our agricultural/green lands (Policy CIR-3) by developing new residential homes in areas that provide opportunities and support existing city infrastructure. Having close access to public transportation, job opportunities, schools, grocery stores, and safe pedestrian and biking facilities is not only important for healing our environment and putting our tax dollars to efficient use, but for the safety and well being of our community.

I-3-5

Napa County needs homes and it is imperative that we see homes developed in areas that lift the community up and present positive impacts to new homeowners. Compared to the other HEU listed sites, the Bishop site poses several issues that require millions of tax dollars to fix, and many problems that were overlooked, or simply not addressed, in the DEIR.

Please consider removing the Bishop site from the HEU list.

Sincerely,

Eric Ewig

Letter I-3: Eric Ewig, October 3, 2022

- I-3-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-3-2 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-3-3 See Master Response 1, *Water Service*, in Section 3.2 of this chapter.
- I-3-4 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-3-5 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

From: [Janice Ballard](#)
To: [Hawkes, Trevor](#); planningcommissionsclerk@countyofnapa.org
Subject: Fwd: Planning commission:
Date: Tuesday, October 4, 2022 1:45:12 PM

[External Email - Use Caution]

----- Forwarded message -----

From: **Todd Ballard** <handytb@hotmail.com>
Date: Tue, Oct 4, 2022 at 1:41 PM
Subject: Planning commission:
To: <janiceballard51@gmail.com>

Planning commission:

I want to address public transportation and access to the Hedgeside site. As is mentioned numerous times in the 'Draft' EIR public transportation should be in close proximity to the site.

After visiting all three sites, it is obvious to me that the Skyline and Foster road sites are much more accessible to public transportation. The existing Napa Vine bus system, has a number of routes servicing the greater Imola Ave. area. Seemingly, only minor modifications would be needed to facilitate these sites.

Conversely, there is no public transportation service either to Monticello avenue or Hedgeside avenue. Closest service is Silverado Plaza, approximately 2 mi away. Furthermore, if you've done your site inspections, you would realize that the access to Hedgeside avenue off, Monticello is precarious. Turning left (while heading north) can be a challenge. Once you've negotiated that turn you now face a blind S-turn a hundred yards down Hedgeside. This turn is notorious. The neighborhood knows this and takes great caution when approaching this particular section of Hedgeside. If you are walking or riding a bike, you must be on guard, as you approach this section. There are no sidewalks, which increases the danger. So, I ask you... how would residents (of the Bishop site) seek public transportation? By walking this dangerous section of Hedgeside to access Monticello? How do you plan to address this? Have there been impact studies done? I close by restating, The skyline and Foster road sites are much closer and safer to public transportation than the Bishop site. Please remove this precarious property from your plan. Thank you.

Todd Ballard

I-4-1

Letter I-4: Todd Ballard, October 4, 2022

- I-4-1 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter, regarding opinions on the merits of the proposed HEU and each proposed housing site. See also Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

From: [Janice Ballard](#)
To: planningcommissionsclerk@countyofnapa.org
Cc: [Hawkes, Trevor](#)
Subject: Re: Rezoning for high density housing Bishop Ranch
Date: Tuesday, October 4, 2022 4:32:40 PM

[External Email - Use Caution]

I sent this email a couple of days ago. I wanted to make sure you saw it.
Thank you,
Janice

On Mon, Oct 3, 2022 at 4:34 PM Janice Ballard <janiceballard51@gmail.com> wrote:

To whom this may concern,

After reading the EIR, these are comments and questions I have for you to address:

Fire Safety/Evacuations

As we all know, this site is in a high risk fire area. A 100+ increase in households on our narrow Hedgeside road will add hundreds of cars to a fire evacuation, thus putting many of us in an unsafe situation.

- What studies are being done to ensure that we have adequate traffic safety in the event of a fire evacuation? As the road currently is, there are only unprotected left-hand and right-hand turns that will already be flooded in traffic by those traveling from the Silverado Resort (and above) areas.
- Will there be a study done to show if there is an increase in fire risk for those that currently live on Hedgeside? If there is high-density residential built in a currently open field, will that pose a higher fire insurance premium for those who already pay an exorbitant amount each year?

I-5-1

Fire Insurance Affordability

Due to the numerous fires in Napa County over the years, we have all experienced a significant increase in insurance premiums - some of us even being dropped from our insurance.

I-5-2



- If the goal is to build affordable housing, is it responsible to build homes in high fire risk areas where insurance is not affordable and puts these new home owners at risk of losing everything?
- From the Draft Environmental Impact report: "*In the areas that have the highest fire risk, wildfire insurance is estimated to see costs rise by 18 percent by 2055 and the fraction of property insured would decrease*" (page 247, data was from 2018). This data is inaccurate as neighbors on Hedgeside have already seen premiums go beyond this, and thus is not reflective with current data.

Janice and Todd Ballard

Letter I-5: Janice Ballard, October 4, 2022

- I-5-1 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-5-2 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter, regarding financial considerations. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

Tuesday, October 4rd, 2022

Trevor Hawkes
Project Planner
1195 3rd St #210
Napa, CA 94559

Dear Trevor Hawkes,

This is Brandon and Lorri Sax. We live at 1133 Hedgeside Ave. Our home is located across the street from the Bishop Property and runs along the side of Milliken creek. We are writing to you regarding the Bishop site listed in the Housing Element Update (HEU), as there are numerous issues with developing high-density residential along rural Hedgeside Ave.

I-6-1

After reading through the Draft Environmental Impact Report (DEIR), here are my most immediate concerns:

1. **Pedestrian, Biking Safety, Entering from Monticello:** There is inadequate pedestrian and biking safety along Hedgeside Ave and Monticello Road (which you would take to access public transportation). In the DEIR, there is no mention of the lack of facilities at the Bishop site, nor any mention of whether or not safe pedestrian and biking facilities would be built. I am greatly worried there will be deadly consequences if pedestrian and biking facilities are not built - especially with hundreds of more people moving into the neighborhood with small children and pets. What plans are in place to develop pedestrian and biking facilities at the Bishop site? And how much will that cost the county or city to do? Are there other HEU sites that do not require pedestrian and biking facilities to be built?
2. **Driveway Safety With Increased Traffic:** There are several houses east of the Bishop property that have trouble getting out of their driveway due to the blind curve located on Hedgeside Ave. Every time they enter or leave their driveways, it is extremely risky - even without the additional 200 cars that will be potentially present at the Bishop high-density development. How will the county make sure that these driveways are better protected with the increase in potential traffic along Hedgeside Ave? Would it be possible that the county would need to make modifications to the road to insure it is safe? If road modifications would need to be made, would neighbors lose part of their properties and would that also require removal of the old neighborhood trees? Would the county also be required to widen the bridge on Hedgeside Ave? How much would road widening cost the city or county and how long would neighbors on Hedgeside Ave be inconvenienced? Would road construction also cause problems with fire evacuation, in the case of an emergency?
3. **Safety at Monticello Road and Hedgeside Ave:** When entering Hedgeside Ave while headed east on Monticello Road, you must stop in the traffic lane to make a left hand turn. There is no center lane to pull into to avoid being rear-ended or holding up traffic. I (Lorri) have been rear-ended in the past when attempting to make an unprotected left

I-6-2

I-6-3

I-6-4



hand turn onto Hedgeside. I have also heard many stories of neighbors experiencing close rear-end calls when drivers don't notice them stopped to make a left hand turn onto Hedgeside. If the Bishop site is developed, there will be 200+ more cars a day having to take an unprotected left hand turn - without a center lane - to get onto Hedgeside Ave. This can be extremely dangerous for all and can also contribute to traffic backups along Monticello Road. What plans are in place to make the unprotected left hand turn onto Hedgeside Ave (from Monticello) more safe? Will a light be installed at that intersection? What about a center lane to create a space for people to turn left without backing up traffic on Monticello Road? Would those neighbors on Monticello Road have to give over their property to make way for a wider Monticello Road? How much would it cost taxpayers to properly modify Monticello Road at Hedgeside Ave to make way for 200 additional cars that would be using the road due to the new Bishop development? Are there any other HEU sites that would require as much road modification to accommodate the influx of cars due to the HEU development? If so, which sites will require road modifications and construction?

I-6-4

- 4. Milliken Creek Flooding Concerns:** One thing that has not been discussed is the DEIR is the activity that Milliken Creek experiences in the wintertime. Milliken Creek is not a creek in the heavy rain - it becomes an active, high-flowing river and is extremely dangerous. We have experienced it ripping out trees, carrying debris down river, and even raging over the bridge on Hedgeside Ave, while it floods surrounding houses and the Bishop pasture. What plans are in place to study and research the impact of Milliken Creek on the potential Bishop development? Has the county included the potential issues and dangers of Milliken Creek into its decision for including the Bishop site? How will adventurous children be kept safe from drowning when Milliken Creek is raging? And even in the summertime, how will the county protect the natural habitat of Milliken Creek with children playing in the area - as the DEIR stated, there are Western Pond Turtles living at Milliken Creek (a CDFW California Species of Special Concern that requires protections be in place). When accounting for the dangers and species protections that must take place at Milliken Creek, what does the county plan to implement and how much will that cost taxpayers in total?

I-6-5

- 5. Groundwater Supply:** The DEIR states, "Multi-family housing sites would not be reliant upon groundwater" [pg 328, section 4.10]. However, during the August 12, 2022 HEAC meeting, David Morrison stated that, "...if the city refuses to extend those services or acknowledge their legal requirements to do so, then we will have to look at alternative means." I am concerned that if the Bishop site were to be developed using well and septic systems, there will be significant consequences to the health and level of groundwater in our neighborhood. This would cause serious issues with our wells, as none of us are connected to city wastewater infrastructure. Is it true that the county can decide to develop the Bishop site using well and septic systems? If so, what studies and research must be conducted to ensure that our wells will not be impacted - nor the health of Milliken Creek (adjacent to the Bishop site)? If there will be wastewater utilities built to the Bishop site, how much will that cost taxpayers in total? And what other neighboring properties will have access to the new wastewater utilities? The reason I am concerned is that we have neighbors digging a well right now - that is costing them thousands of

I-6-6

dollars - as their wells have run dry and that means the whole neighborhood is at risk. There is not enough ground water to support 100+ units at the Bishop site..

I-6-6

6. **Fire Evacuations:** We were here during the 2017 fires and saw first hand the chaos of people fleeing the area. We saw the abandoned cars that were left to burn so they could get out. I bring this up because in the DEIR, there was research presented by Fehr & Peers on the evacuation impacts that a new HEU development would have in 8 critical evacuation zones. Only Bishop, Altamura, and Spanish Flat sites are in one of the eight zones (Foster Road and Imola are not). In the DEIR, they noted that a road like Hedgeside Ave could see “increase traffic volumes along the roadways serving as evacuation routes” [pg 485, section 4.17]. It is important for the DEIR to have thorough research for evacuation time on Hedgeside Ave, as this is narrow 2-lane road with no protected left or right hand turn onto Monticello Road (the throughway out in an evacuation) and is currently sparsely populated. An influx of 200 additional cars evacuating from this small road would have significant impacts on the evacuation time for all current residents on Hedgeside - and the surrounding neighbors who rely on Hedgeside to access Monticello Road or Silverado Trail. The HEU project would potentially increase the number of cars currently located on Hedgeside Ave by over 200 cars (assuming 100+ housing units with 2 cars per unit, same as the Fehr & Peers study). What is the evacuation time that those living on Hedgeside Ave would experience in the event of an evacuation, compared to existing conditions? For example: If someone living on Hedgeside were evacuating, what would be the time from house to major throughway - such as Monticello Road or Silverado Trail? How would the county account for gridlock that could occur on Hedgeside Ave because of the large amount of cars present on this small road? If the evacuation time is not acceptable, and jeopardizes the safety of all existing and new residences, what traffic control measures need to be taken to help with traffic flow out of Hedgeside Ave? By choosing the Bishop site for the HEU development, the county will be putting lives at risk by adding 200+ cars on Hedgeside Ave. This extra traffic will be critical for small, rural Hedgeside Ave evacuating, but even just the sheer volume of people displaced by fires will require tremendous services to accommodate them during an evacuation. Can our nearby safe centers take in an influx of 100+ additional households if our area evacuates? I firmly believe there are safer sites to build than the Bishop site - especially Foster Road and Imola sites that were not included in the Fehr & Peers study because they are not in a critical evacuation zone (according to the study).

I-6-7

We are in **full** support of low income housing. We own 4 low income housing units that we have agreed to keep low income for 30 years to help out our local community. What has also been bothering us is that we have heard that there is a possibility that once the Bishop site is developed, there is no deed restriction to keep the homes built there “affordable/low income.” Is this true? Is it true that after some time, when the property is rezoned, a developer can make units of any income level? Would the county really allow more “luxury” homes to be built, when affordability is a key issue we are trying to solve here?

I-6-8

We also support the Napa County General Plan (NCGP) goal of decreasing greenhouse gas (Policy CIR-4) and preserving our agricultural/green lands (Policy CIR-3) by developing new residential homes in areas that provide opportunities and support existing city infrastructure. Having close access to public transportation, job opportunities, schools, grocery stores, and safe pedestrian and biking facilities is not only important for healing our environment and putting our tax dollars to efficient use, but for the safety and well being of our community.

Because you told us in a meeting you would pay a site visit, but to our knowledge this has NOT happened yet, I am attaching pictures for you to see Hedgeside Ave. It is imperative that you see what it looks like before you make this decision to develop any HEU project here. This area here is not conducive to what you are planning and requires millions of extra tax dollars to develop and make safe, and it simply does not make sense why the Bishop site is being considered. The costs to build wastewater, add dry utilities, widen streets, add pedestrian facilities, add biking facilities, add bus services, implement expensive construction methods to defend against flood and fire - all while not being close to grocery stores, schools, parks, and places of job opportunities... with all the added safety concerns with fire and flood. I feel like my anxiety is going through the roof.

Napa County needs homes and it is imperative that we see homes developed in areas that lift the community up and present positive impacts to new homeowners. Compared to the other HEU listed sites, the Bishop site poses several issues that require millions of tax dollars to fix, and many problems that were overlooked, or simply not addressed, in the DEIR.

Please consider removing the Bishop site from the HEU list.

Sincerely,

Lorri and Brandon Sax
1133 Hedgeside Ave.

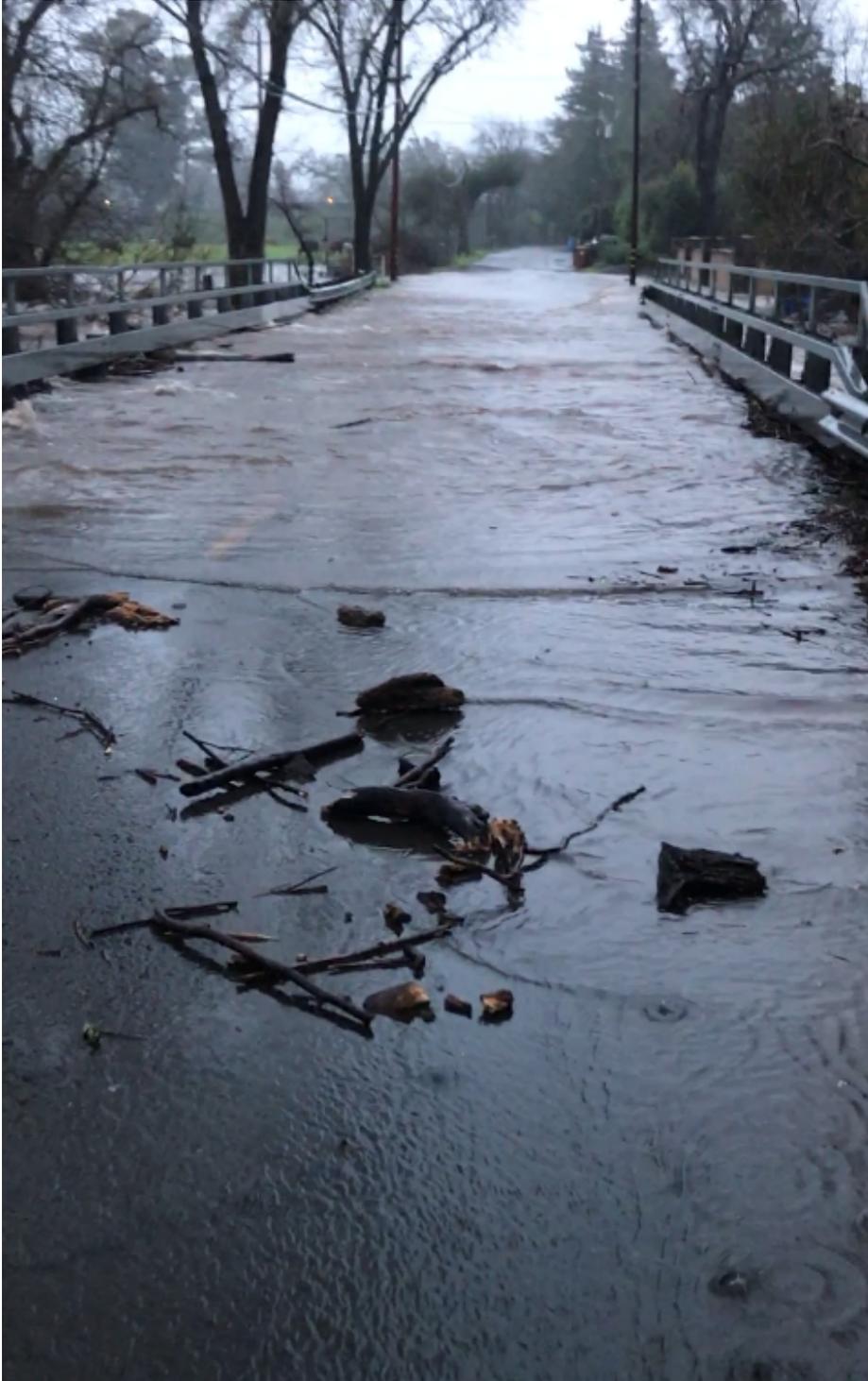
(see photos of Milliken Creek flooding and Hedgeside Ave below)

Milliken Creek Flooding - Photo Evidence #1



1-8-2017. From our front house deck. You can see the creek taking down the tree in the middle.
Note: We had this in January and February of 2017

Milliken Creek Flooding - Photo Evidence #2



2-7-2017 From the bridge on Hedgeside Ave, looking south. You can see the water rushing over the bridge and the flood water (upper left hand corner) entering the Bishop property.

Milliken Creek Flooding - Photo Evidence #3



2-7-2017. From my property along Milliken Creek. You can see the water rushing in the background, and the water coming up to my home (the flood water coming up to the grass). During this rain it actually soaked the floor inside the house. Also came in door.

Milliken Creek Flooding - Photo Evidence #4



2-9-2017. From my property along Milliken Creek, looking from my pool. You can see the water rushing in the background. The next photo is what it looks like typically (non-rainy times).

Milliken Creek Flooding - Photo Evidence #5



10-4-2022. From my property along Milliken Creek. This is what Milliken Creek typically looks like from my pool (the photo I shared above is when it rains).



10-4-2022



10-4-2022 water today at the bridge

Letter I-6: Lorri and Brandon Sax, October 4, 2022

- I-6-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-6-2 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-6-3 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-6-4 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-6-5 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter. See also Master Response 6, *Bishop Housing Site – Biological Resources Concerns*.
- I-6-6 See Master Response 1, *Water Service*, in Section 3.2 of this chapter.
- I-6-7 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-6-8 The comment requesting additional details on affordability requirements does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- Typically, the County cannot require more than 15 or 20 percent of housing to be affordable to lower income households on privately developed sites in accordance with County Code Chapter 18.107, and most housing affordable to lower income households requires substantial local, state, and federal subsidies. Also, while State law requires the Housing Element to include an inventory of housing sites and requires the County to appropriately zone sites for multifamily housing, the County would not actually develop or construct housing on these sites. Future development on identified sites would be at the discretion of individual property owners and would be largely dependent on market forces and in the case of affordable housing, on available funding and/or other incentives (Draft EIR p. 3-19 – 3-20).
- I-6-9 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

Tuesday, October 4rd, 2022

Trevor Hawkes Project Planner 1195 3rd St #210 Napa, CA 94559

Dear Trevor Hawkes,

I am Rob La Monica I live at 1105 Hedgeside Ave. almost directly across the street from the Bishop Property and our house runs along the side of the creek. We are writing to you regarding the Bishop site listed in the Housing Element Update (HEU), as there are numerous issues with developing high-density residential along rural Hedgeside Ave. After reading through the Draft Environmental Impact Report (DEIR), here are my most immediate concerns:

I-7-1

1. Pedestrian and Biking Safety: There is inadequate pedestrian and biking safety along Hedgeside Ave and Monticello Road (which you would take to access public transportation). In the DEIR, there is no mention of the lack of facilities at the Bishop site, nor any mention of whether or not safe pedestrian and biking facilities would be built. I am greatly worried there will be deadly consequences if pedestrian and biking facilities are not built - especially with hundreds of more people moving into the neighborhood with small children and pets. What plans are in place to develop pedestrian and biking facilities at the Bishop site? And how much will that cost the county or city to do? Are there other HEU sites that do not require pedestrian and biking facilities to be built? Also, along with foot traffic being an issue, there are several houses east of the Bishop property that have trouble getting out of their property now, (along the blind, deadly curve) what will it be like for them when there is 150 - 200 more cars? They are at risk now. If you widen the street and add sidewalk, curb and gutter, you will need to remove many trees along the way and widen the very narrow bridge. What costs would this entail? What about a left turn only lane on Monticello to enter Hedgeside? I was rear ended there already, what will it be like with 200 more cars a few times a day? It seems to us there has to be a better, less costly place to build. There is so much infrastructure you would need to do before you even start.

I-7-2

2. Groundwater Supply: The DEIR states, "Multi-family housing sites would not be reliant upon groundwater" [pg 328, section 4.10]. However, during the August 12, 2022 HEAC meeting, David Morrison stated that, "...if the city refuses to extend those services or acknowledge their legal requirements to do so, then we will have to look at alternative means." I am concerned that if the Bishop site were to be developed using well and septic systems, there will be significant consequences to the health and level of groundwater in our neighborhood. This would cause serious issues with our wells, as none of us are connected to city wastewater infrastructure. Is it true that the county can decide to develop the Bishop site using well and septic systems? If so, what studies and research must be conducted to ensure that our wells will not be impacted - nor the health of Milliken Creek (adjacent to the Bishop site)? If there will be wastewater utilities built to the Bishop site, how much will that cost taxpayers in total? And what other neighboring properties will have access to the new wastewater utilities? We have neighbors digging a well right now that will cost them thousands of dollars as they have run dry. There is not enough ground water to support that many units.

I-7-3

3. Fire Evacuations: In the DEIR, there was research presented by Fehr & Peers on the evacuation impacts that a new HEU development would have in 8 critical evacuation zones. Only Bishop, Altamura, and Spanish Flat sites are in one of the eight zones (Foster Road and Imola are not). In the DEIR, they noted that a road like Hedgeside Ave could see “increase traffic volumes along the roadways serving as evacuation routes” [pg 485, section 4.17]. It is important for the DEIR to have thorough research for evacuation time on Hedgeside Ave, as this is narrow 2-lane road with no protected left or right hand turn onto Monticello Road (the throughway out in an evacuation) and is currently sparsely populated. An influx of 200 additional cars evacuating from this small road would have significant impacts on the evacuation time for all current residents on Hedgeside - and the surrounding neighbors who rely on Hedgeside to access Monticello Road or Silverado Trail. The HEU project would potentially increase the number of cars currently located on Hedgeside Ave by over 200 cars (assuming 100+ housing units with 2 cars per unit, same as the Fehr & Peers study). What is the evacuation time that those living on Hedgeside Ave would experience in the event of an evacuation, compared to existing conditions? For example: If someone living on Hedgeside were evacuating, what would be the time from house to major throughway - such as Monticello Road or Silverado Trail? How would the county account for gridlock that could occur on Hedgeside Ave because of the large amount of cars present on this small road? If the evacuation time is not acceptable, and jeopardizes the safety of all existing and new residences, what traffic control measures need to be taken to help with traffic flow out of Hedgeside Ave.

I-7-4

We have heard that there is a possibility that once these are developed and sold there is no guarantee they will stay low income. Is this true?? We also support the Napa County General Plan (NCGP) goal of decreasing greenhouse gas (Policy CIR-4) and preserving our agricultural/green lands (Policy CIR-3) by developing new residential homes in areas that provide opportunities and support existing city infrastructure. Having close access to public transportation, job opportunities, schools, grocery stores, and safe pedestrian and biking facilities is not only important for healing our environment and putting our tax dollars to efficient use, but for the safety and well being of our community. Napa County needs homes and it is imperative that we see homes developed in areas that lift the community up and present positive impacts to new homeowners. Compared to the other HEU listed sites, the Bishop site poses several issues that require millions of tax dollars to fix, and many problems that were overlooked, or simply not addressed, in the DEIR. Please consider removing the Bishop site from the HEU list.

I-7-5

Sincerely,

Rob La Monica

Rob La Monica

Letter I-7: Rob La Monica, October 4, 2022

- I-7-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-7-2 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-7-3 See Master Response 1, *Water Service*, in Section 3.2 of this chapter.
- I-7-4 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-7-5 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

From: [Randy](#)
To: [Hawkes, Trevor](#)
Subject: Draft housing element update
Date: Tuesday, October 4, 2022 11:08:33 AM

[External Email - Use Caution]

Trevor,

I sent the below email months ago and never received a reply from you? I'd like my comments to be seriously considered when you make your choice for the housing. Monticello Road has already become a major roadway traveled daily, by both tourists as well as locals, making my pulling out from Bell lane even more dangerous.

I'd appreciate acknowledgment of this letter and hopefully you've reconsidered making this area of Napa more dangerous than ever!

Regards,
Randy Principe
1048 Bell Lane
Napa, CA
707-337-1850

Trevor,

Please include my below comments for the 2022 Housing Element Update.

I'm opposed to re-zoning the "Bishop Site" becausetraffic is already making my pulling out from my street (Bell Lane) to make a left turn onto Monticello VERY dangerous. There are times I've been forced to make a right turn only to have to turn around to go the way I wanted to. I've almost been hit by contractors flying by and parents taking their kids to Vichy as they rush past Bell Lane.

Adding more traffic to an already busy road only makes me more fearful as a senior citizen driving from my house just down to the supermarket.

Additionally I do not have city water or sewer service but you can find a way to provide these services for these units being planned? Then I would like the same opportunity with the same cost they are paying for these services.

Regards,
Randy Principe
1048 Bell Lane
Napa, CA. 94558
707-337-1850
Rjp5384@gmail.com

Sent from my iPhone

I-8-1

I-8-2

Letter I-8: Randy Principe, October 4, 2022

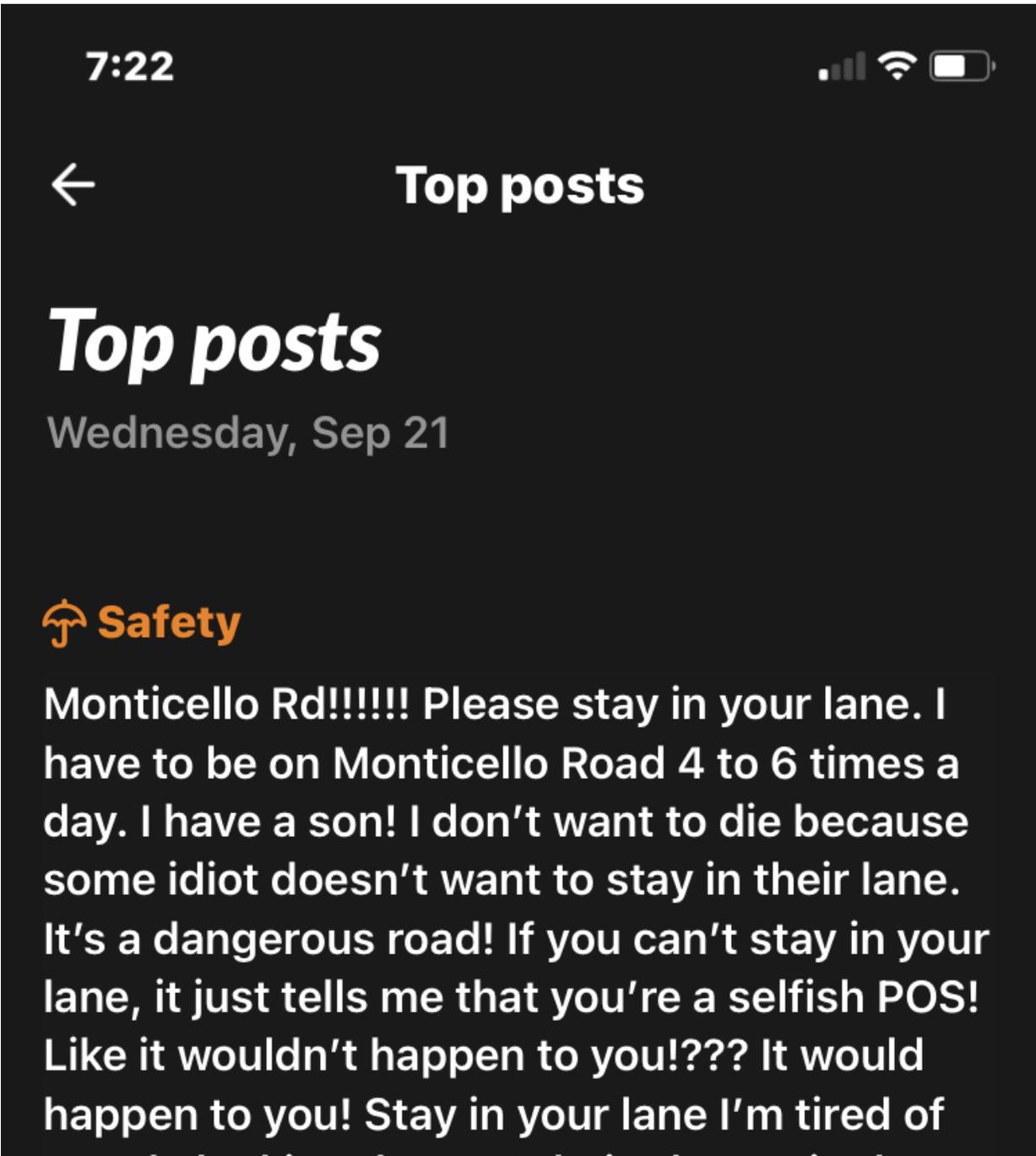
- I-8-1 Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3. See also Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter, regarding the preparation of a Traffic Impact Study (TIS), consistent with the Napa County TIS Guidelines, which would address concerns relating to future transportation infrastructure for future development at the Bishop site.
- I-8-2 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

From: [Tony DeGennaro](#)
To: [Hawkes, Trevor](#)
Subject: Draft housing element update
Date: Tuesday, October 4, 2022 11:12:04 AM
Attachments: [IMG_3402.PNG](#)

[External Email - Use Caution]

Dear Trevor, please see the enclosed note. This was posted on nextdoor describing the horrible traffic on Monticello road. This was not related to the upcoming housing development planning. This just demonstrates how horrible this would impact traffic, children and our community. This will be a problem going forward. Please consider when making a final decision. Thank you,
Laurie Principe,
150 Canyon Dr.
Napa, Ca 94558

I-9-1



people looking down at their phones in the wrong lane coming down Monticello Road as if nothing ever will ever happen to them. I don't wanna die from somebody's stupidity! Stay in your lane!!!! It's that simple! Every single time I'm on that road somebody's coming towards me and guess what???? I'm the driver, so I'm the one that will die or worse get thrown off the cliff and my son too! No one cares if you're late to work, be a grown up and be responsible

  23

 Like

 14



Home



Discover



Post



For Sale



18

Notification

Sent from my iPhone

Letter I-9: Laurie Principe, October 4, 2022

- I-9-1 Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3. See also Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.

Monday, October 3rd, 2022

Trevor Hawkes
Project Planner
1195 3rd St #210
Napa, CA 94559

Dear Trevor Hawkes,

My name is John Fruehe and I am a neighbor of the Bishop property. I am writing to you regarding the Bishop site listed in the Housing Element Update (HEU), as there are numerous issues with developing high-density residential along rural Hedgeside Ave.

I-10-1

After reading through the Draft Environmental Impact Report (DEIR), here are my most immediate concerns:

1. **Pedestrian and Biking Safety:** There is inadequate pedestrian and biking safety along Hedgeside Ave and Monticello Road (which you would take to access public transportation). In the DEIR, there is no mention of the lack of facilities at the Bishop site, nor any mention of whether or not safe pedestrian and biking facilities would be built. I ride my bike regularly on Hedgeside and it's dangerously narrow and unsuitable enough with limited traffic today, so I am greatly worried there will be deadly consequences if pedestrian and biking facilities are not built - especially with hundreds of more people moving into the neighborhood with small children and pets.
2. **Groundwater Supply:** The DEIR states, "Multi-family housing sites would not be reliant upon groundwater" [pg 328, section 4.10]. However, during the August 12, 2022 HEAC meeting, David Morrison stated that, "...if the city refuses to extend those services or acknowledge their legal requirements to do so, then we will have to look at alternative means." I am concerned that if the Bishop site were to be developed using well and septic systems, there will be significant consequences to the health and level of groundwater in our neighborhood. It is widely known that groundwater levels have plummeted in Napa in recent years, with many neighborhoods having to truck in water. As to sewer, we can't even get on the City system so why would you allow a new neighborhood to access the City wastewater system. Is it true that the county can decide to develop the Bishop site using well and septic systems? If so, what studies and research must be conducted to ensure that our wells will not be impacted - nor the health of Milliken Creek (adjacent to the Bishop site)? If there will be wastewater utilities built to the Bishop site, how much will that cost taxpayers in total? And what other neighboring properties will have access to the new wastewater utilities? If they get access, we should get access. We've been without it for over 70 years.
3. **Fire Risk and Evacuations:** This property is in the WUI and represents a high fire risk. It's overgrown in all directions and this pasture (beautiful open space) serves as an important buffer

I-10-2

I-10-3

I-10-4

to the surrounding neighborhoods like mine. In the DEIR, there was research presented by Fehr & Peers on the evacuation impacts that a new HEU development would have in 8 critical evacuation zones. Only Bishop, Altamura, and Spanish Flat sites are in one of the eight zones (Foster Road and Imola are not). In the DEIR, they noted that a road like Hedgeside Ave could see "increase traffic volumes along the roadways serving as evacuation routes" [pg 485, section 4.17]. It is important for the DEIR to have thorough research for evacuation time on Hedgeside Ave, as this is narrow 2-lane road with no protected left or right hand turn onto Monticello Road (the throughway out in an evacuation) and is currently sparsely populated. An influx of 200 additional cars evacuating from this small road would have significant impacts on the evacuation time for all current residents on Hedgeside - and the surrounding neighbors who rely on Hedgeside to access Monticello Road or Silverado Trail. The HEU project would potentially increase the number of cars currently located on Hedgeside Ave by over 200 cars (assuming 100+ housing units with 2 cars per unit, same as the Fehr & Peers study). What is the evacuation time that those living on Hedgeside Ave would experience in the event of an evacuation, compared to existing conditions? For example: If someone living on Hedgeside were evacuating, what would be the time from house to major throughway - such as Monticello Road or Silverado Trail? How would the county account for gridlock that could occur on Hedgeside Ave because of the large amount of cars present on this small road? If the evacuation time is not acceptable, and jeopardizes the safety of all existing and new residences, what traffic control measures need to be taken to help with traffic flow out of Hedgeside Ave? The reality is, it can take 5-10 minutes on an average week day afternoon to exit Lorraine onto Monticello. This is only going to get worse and more dangerous as folks barrel down the hill.

I-10-4

I support the Napa County General Plan (NCGP) goal of decreasing greenhouse gas (Policy CIR-4) and preserving our agricultural/green lands (Policy CIR-3) by developing new residential homes in areas that provide opportunities and support existing city infrastructure. Having close access to public transportation, job opportunities, schools, grocery stores, and safe pedestrian and biking facilities is not only important for healing our environment and putting our tax dollars to efficient use, but for the safety and well being of our community. Let's building closer to downtown where transit and infrastructure supports the growth, not in a tinderbox with a river running down the middle. This spot is an accident waiting to happen.

I-10-5

Napa County needs homes and it is imperative that we see homes developed in areas that lift the community up and present positive impacts to new homeowners. Compared to the other HEU listed sites, the Bishop site poses several issues that require millions of tax dollars to fix, and many problems that were overlooked, or simply not addressed, in the DEIR.

Please remove the Bishop site from the HEU list.

Sincerely,



John Fruehe
1021 Ross Circle
Napa CA 94558

Letter I-10: John Fruehe, October 6, 2022

- I-10-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-10-2 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-10-3 See Master Response 1, *Water Service*, in Section 3.2 of this chapter.
- I-10-4 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-10-5 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

Email Subject Line: Housing Element/Safety Element DEIR Comment
Email: trevor.hawkes@countyofnapa.org

Monday, October 3rd, 2022

Trevor Hawkes
Project Planner
1195 3rd St #210
Napa, CA 94559

Dear Trevor Hawkes,

My name is First and Last and I am a neighbor of the Bishop property. I am writing to you regarding the Bishop site listed in the Housing Element Update (HEU), as there are numerous issues with developing high-density residential along rural Hedgeside Ave.

I-11-1

After reading through the Draft Environmental Impact Report (DEIR), here are my most immediate concerns:

1. **EXAMPLE Pedestrian and Biking Safety:** There is inadequate pedestrian and biking safety along Hedgeside Ave and Monticello Road (which you would take to access public transportation). In the DEIR, there is no mention of the lack of facilities at the Bishop site, nor any mention of whether or not safe pedestrian and biking facilities would be built. I am greatly worried there will be deadly consequences if pedestrian and biking facilities are not built - especially with hundreds of more people moving into the neighborhood with small children and pets. What plans are in place to develop pedestrian and biking facilities at the Bishop site? And how much will that cost the county or city to do? Are there other HEU sites that do not require pedestrian and biking facilities to be built?
2. **EXAMPLE Groundwater Supply:** The DEIR states, "Multi-family housing sites would not be reliant upon groundwater" [pg 328, section 4.10]. However, during the August 12, 2022 HEAC meeting, David Morrison stated that, "...if the city refuses to extend those services or acknowledge their legal requirements to do so, then we will have to look at alternative means." I am concerned that if the Bishop site were to be developed using well and septic systems, there will be significant consequences to the health and level of groundwater in our neighborhood. This would cause serious issues with our wells, as none of us are connected to city wastewater infrastructure. Is it true that the county can decide to develop the Bishop site using well and septic systems? If so, what studies and research must be conducted to ensure that our wells will not be impacted - nor the health of Milliken Creek (adjacent to the Bishop site)? If there will be wastewater utilities built to the Bishop site, how much will that cost taxpayers in total? And what other neighboring properties will have access to the new wastewater utilities?
3. **EXAMPLE Fire Evacuations:** In the DEIR, there was research presented by Fehr & Peers on the evacuation impacts that a new HEU development would have in 8 critical

I-11-2

I-11-3

I-11-4



evacuation zones. Only Bishop, Altamura, and Spanish Flat sites are in one of the eight zones (Foster Road and Imola are not). In the DEIR, they noted that a road like Hedgeside Ave could see “increase traffic volumes along the roadways serving as evacuation routes” [pg 485, section 4.17]. It is important for the DEIR to have thorough research for evacuation time on Hedgeside Ave, as this is narrow 2-lane road with no protected left or right hand turn onto Monticello Road (the throughway out in an evacuation) and is currently sparsely populated. An influx of 200 additional cars evacuating from this small road would have significant impacts on the evacuation time for all current residents on Hedgeside - and the surrounding neighbors who rely on Hedgeside to access Monticello Road or Silverado Trail. The HEU project would potentially increase the number of cars currently located on Hedgeside Ave by over 200 cars (assuming 100+ housing units with 2 cars per unit, same as the Fehr & Peers study). What is the evacuation time that those living on Hedgeside Ave would experience in the event of an evacuation, compared to existing conditions? For example: If someone living on Hedgeside were evacuating, what would be the time from house to major throughway - such as Monticello Road or Silverado Trail? How would the county account for gridlock that could occur on Hedgeside Ave because of the large amount of cars present on this small road? If the evacuation time is not acceptable, and jeopardizes the safety of all existing and new residences, what traffic control measures need to be taken to help with traffic flow out of Hedgeside Ave?

I-11-4

I support the Napa County General Plan (NCGP) goal of decreasing greenhouse gas (Policy CIR-4) and preserving our agricultural/green lands (Policy CIR-3) by developing new residential homes in areas that provide opportunities and support existing city infrastructure. Having close access to public transportation, job opportunities, schools, grocery stores, and safe pedestrian and biking facilities is not only important for healing our environment and putting our tax dollars to efficient use, but for the safety and well being of our community.

I-11-5

Napa County needs homes and it is imperative that we see homes developed in areas that lift the community up and present positive impacts to new homeowners. Compared to the other HEU listed sites, the Bishop site poses several issues that require millions of tax dollars to fix, and many problems that were overlooked, or simply not addressed, in the DEIR.

Please consider removing the Bishop site from the HEU list.

Sincerely,

First and Last

Letter I-11: Parsons, September 3, 2022

- I-11-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-11-2 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-11-3 See Master Response 1, *Water Service*, in Section 3.2 of this chapter.
- I-11-4 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-11-5 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

Thursday, October 6th, 2022

Trevor Hawkes
Project Planner
1195 3rd St #210
Napa, CA 94559

Dear Trevor Hawkes,

Our names are Daljit Johl and Keith Donatto and we are neighbors of the Bishop property. We are writing to you regarding the Bishop site listed in the Housing Element Update (HEU), as there are many issues with developing high-density residential along rural Hedgeside Ave.

I-12-1

After reading through the Draft Environmental Impact Report (DEIR), below is a list of our immediate concerns:

1. Pedestrian Safety: There is inadequate pedestrian safety along Hedgeside Ave and Monticello Road (for access to public transportation). In the DEIR, there is no mention of the lack of facilities at the Bishop site, nor any mention of whether or not safe pedestrian and biking areas would be built. We are deeply concerned there will be deadly consequences, especially with hundreds more individuals moving into the neighborhood, some with small children and pets. What plans are in place to develop pedestrian and biking facilities at the Bishop site? And how much will that cost the county or city? Are there other HEU sites that do not require pedestrian and biking facilities to be built?
2. Groundwater Supply: The DEIR states, "Multi-family housing sites would not be reliant upon groundwater" [pg 328, section 4.10]. However, during the August 12, 2022 HEAC meeting, David Morrison stated that, "...if the city refuses to extend those services or acknowledge their legal requirements to do so, then we will have to look at alternative means." We are concerned that if the Bishop site were to be developed using well and septic systems, there will be significant consequences to the health and level of groundwater in our neighborhood, which is already in shortage. This would cause serious issues with our wells, as none of us are connected to the city's wastewater infrastructure. Is it true that the county can decide to develop the Bishop site using well and septic systems? If so, what studies and research should be conducted to ensure that our wells will not be impacted - nor the health of Milliken Creek (adjacent to the Bishop site)? If there will be wastewater utilities built for the Bishop site, how much will it cost taxpayers? Also, what other neighboring properties will have access to the new wastewater utilities?
3. Fire Evacuations: In the DEIR, there was research presented by Fehr & Peers on the evacuation impacts that a new HEU development would have in 8 critical evacuation zones. Only Bishop, Altamura, and Spanish Flat sites are in one of the eight zones (Foster Road and Imola are not). In the DEIR, they noted that a road like Hedgeside Ave could see "increase traffic volumes along the roadways serving as evacuation routes" [page 485, section 4.17]. It is important for the DEIR to have thorough research for

I-12-2

I-12-3

I-12-4



evacuation time on Hedgeside Ave, as this is narrow 2-lane road with no protected left or right hand turn onto Monticello Road (the throughway out in an evacuation) and is currently sparsely populated. An influx of 200 additional cars evacuating from this small road would have significant impacts on the evacuation time for all current residents on Hedgeside - and the surrounding neighbors who rely on Hedgeside to access Monticello Road or Silverado Trail. The HEU project would potentially increase the number of cars currently located on Hedgeside Ave by over 200 cars (assuming 100+ housing units with 2 cars per unit, same as the Fehr & Peers study). What is the evacuation time that those living on Hedgeside Ave would experience in the event of an evacuation, compared to existing conditions? How would the county account for gridlock that could occur on Hedgeside Ave because this small road is used by so many cars? If the evacuation time is not acceptable and jeopardizes the safety of all existing and new residences, what traffic control measures need to be taken to help with traffic flow out of Hedgeside Ave?

I-12-4

We support the Napa County General Plan (NCGP) goal of reducing greenhouse gas (Policy CIR-4) and preserving our agricultural/green lands (Policy CIR-3) by developing new residential homes in areas that provide opportunities and support existing city infrastructure. Having easy access to public transportation, job opportunities, schools, grocery stores, and safe pedestrian and biking facilities is not only important for healing our environment and putting our tax dollars to efficient use, but for the safety and well-being of our community.

I-12-5

Napa County needs homes and it is imperative that we see homes developed in areas that lift up the community and present positive impacts to new homeowners. Compared to the other HEU listed sites, the Bishop site poses several issues that require millions of tax dollars to fix, with many problems that were overlooked, or simply not addressed, in the DEIR.

Please consider removing the Bishop site from the HEU list.

Sincerely,

Daljit Johl and Keith Donatto

Letter I-12: Daljit Johl and Keith Donatto, October 6, 2022

- I-12-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-12-2 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-12-3 See Master Response 1, *Water Service*, in Section 3.2 of this chapter.
- I-12-4 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-12-5 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

Trevor,

Please include my comments into the record for the 2022 Housing Element update and additional comments on the Draft Environmental Impact Report:

I respectfully request that the “Bishop site” be removed from consideration for rezoning to RM from the 2022 housing update for a myriad of reasons including traffic, fire safety, Greenhouse gas emissions, flooding, biological resources, and the other concerns outlined in previous letters.

I-13-1

The DEIR does not adequately identify and analyze the significant environmental impacts:

The loss of farmland is not accounted for in the DEIR, and is in direct conflict with the napa county general plan goals of preserving farmland and open space. This should be analyzed in the DEIR and mitigation measures offered.

I-13-2

Serious deficiencies exist in the analysis of the biological resources:

I’ve mentioned before the existence of western Pond turtle on the Bishop project site, and neighboring properties. Western Pond turtle has been seen in the project area and nesting has occurred adjacent to the project area. The year round flows in Milliken Creek and beaver dam on the project site support habitat for Western Pond Turtle, and the project site is important nesting area that needs to be protected or mitigated for. No mitigation plan exists for the Bishop site, nor adequate discussion about the sensitive resource. Discussion about other sensitive/endangered species on the project site such as Steelhead trout, white tailed Kite, Tricolored blackbird, Swainson’s Hawk, Golden Eagle, San Pablo Song Sparrow, Burrowing owls, and many other threatened or endangered species are not acknowledged in the DEIR. Some sites show specific mitigation plans, and this was overlooked for the Bishop site.

I-13-3

The DEIR fails to account for growth inducing impacts:

The Bishop site development if it were to move forward would represent a growth inducing impact (see LAFCO response to HEU) where the groundwater deficient MST has prevented growth of properties in this area. Adding City water capacity and Napa San sewer capacity to the area is a growth inducing impact that is not adequately addressed in this DEIR. The property owner seeks to do additional housing development beyond this project, and this is not accounted for in the DEIR. Increasing sewer capacity would also “unlock” development potential for the area. Traffic impacts, environmental impacts, noise, and all other impacts do not include analysis related to the growth inducing impacts.

I-13-4

The DEIR fails to analyze viable alternatives:

The “no project” EIR is not viable (per the county) and as such another alternative should be looked at. Because the State has zoning jurisdiction over skyline park and is expected to develop this property into housing anyways, the EIR should not attempt to apply state rules for unavoidable impacts. If sound can be mitigated to be less than significant on all other county sites it can be mitigated for on the Imola site. If the County buys Skyline Park, (which the county is in negotiation to purchase) presumably all of the concerns about that site can then be mitigated. As such, removing this site from the list of viable alternatives is a mistake. Other alternatives should be presented and evaluated so their true impacts can be determined. Combinations of other properties Altamura and Foster Rd, Imola and Spanish flat, etc. this would result in a more complete EIR that weighs all of the potential impacts more equally.

I-13-5

The DEIR fails to analyze the cultural resources on the Bishop site. Native American remnants exist onsite and on neighboring properties. Some discussion is warranted about mitigation for this CEQA impact.

I-13-6

Current investigation is occurring on the Bishop site about unpermitted buildings, as well as above ground fuel tanks that do not or historically have not had any secondary containment. Pending the results of this investigation by County Code enforcement, the DEIR should recognize if hazardous materials/spills exist onsite and whether or not mitigation would be required prior to developing anything on this parcel. Water quality and environmental health

I-13-7

In addition to my prior concerns, there is the item of the Milliken Reservoir Dam and its potential danger to the proposed new residents on hedgeside avenue.

The Milliken Reservoir Dam was built in 1924 and was designed without a spillway. In 1998 it was brought to the attention of the Board of Supervisors by Dean Smith, an engineer at the Division of Dam Safety that severe damage to the upper portion of the structure would cause the Dam to fail in an earthquake, and under normal operation if the dam height was not lowered and capacity reduced.

I-13-8

The 2009 Safety Element of the general plan offers guidance for future projects (and the Bishop site clearly does not meet these requirements).

Policy SAF-3:

The County shall evaluate all potential safety hazards when considering general plan amendments, rezoning, or other project approvals (including but not limited to new residential developments, roads, highways, etc)

Does the Bishop site meet the requirements of Policy SAF-3? If so, how is this addressed in light of the flooding issue and potential dam breach?

Is the Bishop site in fact within the “inundation area” mapped by the County? Given that the site already floods from current normal rainfall, the inundation area must include this site. How would this project mitigate for this risk? Will there be a warning system? Will there be a dam breach action plan for this development, like a tsunami exit plan? Who will be there to remove disabled residents in the event of a flood or inundation in this low-lying area? Similar to our concerns with evacuation in floods and fires, a Dam breach would have mere minutes for safe evacuations, could this be achieved? If not, isn’t this a clear and present danger for a future large-scale development on this site?

From the General Plan Safety Element:

The County supports and will promote intergovernmental cooperation among local, state and federal public agencies to reduce known hazards and further define uncertain hazards. In particular, the County will work to develop cooperative working relationships with agencies having responsibility for flood and fire protection. Individuals and businesses should have access to up-to-date information and be able to make informed decisions about potential safety hazards and the level of risk they are willing to accept.



Action Item SAF-2.1:

Participate in local, regional, and state education programs regarding fire, flood, and geologic hazards.

The County shall evaluate potential safety hazards when considering General Plan Amendments, rezonings, or other project approvals (including but not limited to new residential developments, roads or highways, and all structures proposed to be open to the public and serving 50 persons or more) in areas characterized by:

- 1) Slopes over 15 percent,*
- 2) Identified landslides,*
- 3) Floodplains,*
- 4) Medium or high fire hazard severity,*
- 5) Former marshlands, or*
- 6) Fault zones*

Encourage intergovernmental and regional cooperation directed toward providing for a continuing high level of public services and coordination of services during a disaster.

The County shall cooperate with other local jurisdictions to develop intra-county evacuation routes to be used in the event of a disaster within Napa County.

Planning and outreach should recognize that Napa County may be cut off from surrounding areas following a natural disaster and may need to be self-sufficient in terms of providing emergency services, information, and support to residents and businesses.

The County supports and encourages the development of individual self-reliance in the wake of a disaster and supports and encourages individual, family, and community disaster plans.

Putting so many new residents in harms way is counter to the Action Item SAF-2.1 and the items in the safety element. How would the DEIR address this? "Self-reliance" is not a tool that is appropriate when considering a site for such high-density housing with limited options for evacuation, especially in the face of all but imminent failure of the Milliken dam over the lifespan of this development. Did we not learn from the Oroville Dam incident and the evacuation of 200,000 people along the feather river? Damage estimates were in the billions for that failure.

From the Safety Element:

Promoting a flood safer community, promoting an earthquake safer community, promoting a fire safer community, promoting a technological and biological safer community, Reducing impacts from flooding.

Reducing impacts of earthquakes. Minimizing the task of wildfire at the urban interface.

Improving the County's ability to mitigate technological hazards and agricultural Threats.

Action Item SAF-38.1:

Provide staffing and other resources as necessary to regularly update and implement the Napa Operational Area Hazard Mitigation Plan (NOAHMP). Consider new information regarding climate change and the expected severity and/or frequency of weather events in updates to the NOAHMP.

The County supports the use of communication technologies to get information to other agencies and the public during emergencies, including:

Cellular telephone systems in Napa County should be designed to allow their use in emergency situations.

Does the DEIR address how the Bishop site integrates with the NOAHMP?

I-13-8

I-13-9

When emergencies arise, cell phones typically do not work in our area (fires in 2017, 2020 for example), will buses be standing by for evacuations?

Putting a development in a flood plain, at below an aging and failing dam, does not integrate well with the goals of the safety element to “promote a flood safer community”.

I-13-9

From the Safety Element:

The review of new proposed projects in a floodway as mapped on the County's Flood Insurance Rate Maps (FIRM3 (Figure SAF-3) shall include an evaluation of the potential flood impacts that may result from the project. This review shall be conducted in accordance with the County's FEMA approved Flood Plain Management Ordinance, incorporated herein by reference, and at minimum include an evaluation of the project's potential to affect flood levels on the Napa River; the County shall seek to mitigate any such effects to ensure that freeboard on the Napa River in the area of the Napa River Flood Protection Project is maintained.

I-13-10

How will future residents qualify for flood insurance? does this site conform to the goals of the FEMA flood plain management ordinance, if so, please highlight how this proposed project will mitigate for the flood and inundation risks?

Policy SAF-26:

Development proposals shall be reviewed with reference to the dam failure inundation maps in order to determine evacuation routes.

Where is the evacuation route for Hedgeside Avenue? As others have stated before, exiting west on Monticello Rd is not an option due to repeated flooding of Milliken Creek at 121, as well as the Napa River. Exits from Hedgeside are blocked at Milliken Creek during flooding, Vichy avenue is often closed at Sarco Creek during flooding, rockslides, landslides are all common during flood events on 121 headed towards Berryessa. In the event of dam inundation, residents in Silverado will be trapped as well as new residents along hedgeside avenue. Is this addressed in the DEIR? Putting so many new residents at risk is problematic and in violation of the goals of the general plan and more specifically the items in the safety element.

I-13-11

Policy SAF-27:

Dam and levee maintenance is considered by the County to be the responsibility of the owner/operator of each dam and/or levee. The County will support other agencies in their efforts to ensure that proper maintenance and repairs are accomplished.

What role will the County play in ensuring that proper upgrades to the Milliken Dam are carried out by the City of Napa? Will the City of Napa be liable in the event of a Dam failure? In the event of Injury, death, or property damage, will the County be liable for damages for approving this project in a known hazard area?

This nearly 100 year-old Dam should be seriously considered with regard to the proposed rezoning of this site. The People downstream of this dam chose their homes and workplaces without considering too carefully the consequences of a failure and breach of the Dam. We rarely have the luxury to make decisions with such esoteric priorities. Whether residents realize it or not, they put their trust in engineers, operators, regulators in charge of the dam to keep them safe and sound against disaster.

This trust can be broken very easily, as the Oroville dam disaster in 2017 highlights perfectly; anyone who's work effects public safety has a responsibility to put that safety of residents and future residents above all else.



I-13-11





I-13-11

Image of the Dam being topped in 2016, despite the “relief holes”. Under a very normal winter, the safeguards put in place did not achieve their goals. As climate change is predicted to increase rainfall amounts in atmospheric rivers, this will continue to occur very frequently, continuing to put the people downstream in jeopardy.

Thank you for hearing my comments about the DEIR.

Sincerely,

Garrett Buckland

Letter I-13: Garrett Buckland, October 7, 2022

- I-13-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-13-2 See Response to Comment O-3-46 pertaining to general plan consistency and agriculture. See also Response to Comment O-3-18 regarding the analysis of agricultural resources in the Draft EIR.
- I-13-3 See Master Response 6, *Bishop Housing Site – Biological Resources Concerns*.
- I-13-4 Growth inducing impacts were analyzed in Chapter 6 of the Draft EIR. The areas under consideration for new housing sites under the HEU have some degree of existing development or are adjacent to developed areas. Urban services and infrastructure like roadways, utilities, and public services police and fire protection are already established in the vicinities. Although on-site infrastructure improvements would need to be constructed to facilitate development in those areas, development of the housing sites for residential uses would only require a connection to existing services. Consequently, implementation of the HEU would not induce unplanned growth in the County or broader area due to extension of urban services or infrastructure (Draft EIR p. 6-5).
- I-13-5 See PC Comment Response 3, *Alternatives*, in Section 3.4 of this chapter.
- I-13-6 Potential impacts on cultural and tribal cultural resources were analyzed in Section 4.5 of the Draft EIR. Implementation of Mitigation Measures CUL-2 and CUL-3 would require a SOIS qualified archaeologist to conduct a review of discretionary projects, or projects near known cultural resources, or within archaeological sensitivity areas, prior to construction, the cessation of activities in the vicinity of finds, and tribal consultation when indigenous resources are inadvertently identified during project construction, which would reduce potential impacts related to archaeological and tribal cultural resources to less than significant levels.
- I-13-7 For the Bishop site, as explained in Section 4.9.2, *Environmental Setting, 1806 Monticello Road*, the Regional Water Quality Control Board (RWQCB) closed the 1806 Monticello Road case for this site on June 21, 1990, indicating that the RWQCB is satisfied that this site no longer poses a risk to people or the environment. The closure of the case for this site means that the source of contamination has been removed, soil samples were collected and tested for the leaked chemicals, and the residual concentrations of chemicals, if any, were below regulatory action levels. The regulatory agencies used the information generated from the investigation and cleanup actions as substantial evidence that demonstrates that the site does not pose a risk to people or the environment.

- I-13-8 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.
- I-13-9 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.
- I-13-10 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.
- I-13-11 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.

From: [Heidi Vivan](#)
To: [Hawkes, Trevor](#)
Subject: Re: Housing Element/Safety Element DEIR Comment
Date: Saturday, October 8, 2022 8:44:49 AM

[External Email - Use Caution]

Dear Mr. Hawkes,

Thank you for much for your response yesterday in letting us know you received our letter. We sent another edited one minutes after within the time frame.

I've included an edited copy below and we'd appreciate you switching this one out with the initial one from which you responded. We apologize for the inconvenience.

Please confirm and we deeply appreciate your consideration in this very concerning matter.

Best Regards,

Dario and Heidi

On Fri, Oct 7, 2022 at 2:52 PM Heidi Vivan <37heidiv@gmail.com> wrote:

On Fri, Oct 7, 2022 at 2:48 PM Heidi Vivan <37heidiv@gmail.com> wrote:

Dear Mr. Hawkes,

Our names are Dario and Heidi Vivan and we are neighbors of the Bishop property. We are writing to you regarding the Bishop site listed in the Housing Element Update (HEU), as there are numerous issues with developing high-density residential along rural Hedgeside Ave.

After reading through the Draft Environmental Impact Report (DEIR), here are our most immediate concerns:

Pedestrian and Bike Utilities: There is absolutely no safe pedestrian and biking facilities along Hedgeside Ave and Monticello Road. There is no mention in the DEIR if there is any intention to build these facilities, which I believe is highly important to encourage less single-automobile trips. Reducing car usage and encouraging bike or public transportation will help us reduce greenhouse gas emissions - which has been a goal/initiative of the Napa County General Plan. I am growing more concerned that the lack of sidewalks and bike lanes will produce deadly consequences for the current and potential future neighbors. How can anyone with a stroller, small children, and pets feel safe walking along Hedgeside Ave when there are no facilities?

Are there other sites with more adequate pedestrian and bike facilities - and if so, what are those sites?

I-14-1

I-14-2

Groundwater Supply and Wastewater: “Multi-family housing sites would not be reliant upon groundwater” [pg 328, section 4.10] is what the DEIR states. What I find puzzling is that there has been discussion about the county potentially ‘skirting’ this need and using wells/septic for the 100+ new homes at the potential Bishop site, if wastewater utilities are not approved. Is it possible this can happen? I am concerned that if the Bishop site were to be developed using well and septic systems, there will be significant consequences to the health and level of groundwater in our neighborhood - and many neighbors would suffer the outcomes. There are many neighbors already spending thousands of dollars to address their dried up wells. I am also concerned about the impacts of constructing wastewater utilities out to the Bishop site, and the interruptions that would occur. Wastewater utilities are typically built underneath roadways, which would cause significant interruption for all those who use Hedgeside and Monticello road to get to town - and could potentially cause fire evacuation hazards if a fire were to occur as we are immediately adjacent to Very High Fire Hazard Severity Zone (VHFHSZ) (CalFire, 2007). Are there other HEU sites that require less wastewater infrastructure being built? Funds to build wastewater utilities are potentially available, but what would be the total cost for a project that requires not only an extension built to the Bishop Site, but also an expansion of the utilities that run up to Silverado Resort (which are at capacity)?

I-14-3

Fire Evacuation Bottlenecks: In the DEIR, Fehr & Peers presented information on the evacuation impacts that a new HEU development would have in 8 critical evacuation zones. Only Bishop, Altamura, and Spanish Flat sites are in one of the eight zones. Foster Road and Imola are not in a critical evacuation zone. What I found concerning is that in the DEIR, they noted that a road like Hedgeside Ave could see “increase traffic volumes along the roadways serving as evacuation routes” [pg 485, section 4.17]. If that is true, where is the study being done to look at the potential impact of hundreds of additional cars along Hedgeside Ave - in the event of an emergency evacuation? I highly believe that hundreds of cars added to this rural road is going to create bottlenecks and impact the timeliness in the event of an emergency.

I-14-4

Noise Pollution Concerns: In the DEIR it states that“...only roadways near potential HEU development sites where existing volumes are published by Caltrans were examined in detail.” [pg 364, section 4.12] This is concerning that noise pollution has not been examined in detail for Hedgeside Ave, when this is the road that will be accessed to reach the Bishop site. They also do not have data for Spanish Flat and Foster Road sites, but they listed the noise impact as “potentially significant.” If these sites are being listed as “potentially significant” in noise level change, then doesn’t that mean that Hedgeside Ave noise level changes should also be listed as “potentially significant,” rather than being attributed to Monticello Road data?

I-14-5

We support the Napa County General Plan (NCGP) goal of decreasing greenhouse gas (Policy CIR-4) and preserving our agricultural/green lands (Policy CIR-3) by developing new residential homes in areas that provide opportunities and support existing city infrastructure. Having close access to public transportation, job opportunities, schools, grocery stores, and safe pedestrian and biking facilities is not only important for healing our environment and putting our tax dollars to efficient use, but for the safety and well being of our community.

I-14-6

Napa County needs homes and it is imperative that we see homes developed in areas that lift the community up and present positive impacts to new homeowners. Compared to the



other HEU listed sites, the Bishop site poses several issues that require millions of tax dollars to fix, and many problems that were overlooked, or simply not addressed, in the DEIR.

Please highly consider removing the Bishop site from the HEU list.

Sincerely,

Dario and Heidi Vivan



I-14-6

Letter I-14: Heidi Vivan, September 3, 2022

- I-14-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-14-2 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-14-3 See Master Response 1, *Water Service*, in Section 3.2 of this chapter.
- I-14-4 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-14-5 See Master Response 5, *Bishop Housing Site – Noise Concerns*, in Section 3.2 of this chapter.
- I-14-6 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

From: [Parry Murray](#)
To: [Hawkes, Trevor](#)
Cc: [Parry Murray](#)
Subject: Housing Element/ Safety Element DEIR Master Comments List: Attention Trevor Hawkes
Date: Friday, October 7, 2022 3:00:30 PM

[External Email - Use Caution]

October 7, 2022.

Dear Trevor and staff,

I was fortunately able to listen to the last PC meeting this week while I worked from home and was especially pleased to hear the Napa Green presentation prior to hearing public comments on the Bishop site selected for consideration for affordable housing. How fitting an introduction to the following subject.

“The future is NOW” or “The future IS now” is a statement I hear often, and some are trying to actively heed new guidelines and standards, others not. What an opportunity we have here in Napa.

I-15-1

As someone who is actively familiar with various climate change efforts, programs and institutions dedicated to today’s alarming climate and ensuing planet destruction due to accelerating global warming, this presentation was a breath of fresh air (and hope) and most timely for Napa. This is not a theory to consider; it’s a mandate for survival and the only fair shot at helping to heal an ailing planet, which is suffering at every level around the world and calls for urgent action on everyone’s part, from individual, to community & community-planning, nationally and globally. There is neither time nor excuse to drag feet on changes that can be implemented right now. The State cannot mandate affordable housing and New Climate Change out of the same mouth without absorbing new paradigms to make that new housing fit into a greener vision.

As all of us neighbors have said, we’re not opposed to developing much needed affordable housing. Doing so in a most sensitive watershed, under serious drought conditions w/ depleted wells and dropping ground water levels, not to mention in a dangerous bottleneck region during emergency evacuations, etc, is beyond foolish. It’s negligent, dare I say criminally negligent, as State Climate mandates already negate use of such lands/ watersheds for such development where existing problems/ challenges would only be further exacerbated.

I-15-2

It’s a private AND public duty to heed new, urgent and necessary measures and guidelines to reduce, not increase, traffic and greenhouse emissions... reduce, not increase, public safety and welfare... and improve, not degrade, existing environmental conditions. We’re blue in the face from indicating and outlining obvious and real issues, even as potentially smarter resolutions are out there. There are EXISTING and NOTABLE safety hazards due to speeding vehicles, lack of pedestrian walkways, and well-experienced dire consequences during fire and flood situations which, at the current rate, only stand to increase.

I-15-3

You have witnessed an educated citizenry reach out to you in strong, earnest, well-reasoned opposition to short-sighted planning that bows to state pressure rather than lead by example. We count on your leadership to help address, not simply wash concepts over with DRAFT EIR’S in lieu of site-specific EIR’s. May you all take the time to re-listen to our neighbors’ concerns and testimony and ask for time from the “upper ups” to buy needed time for more thoughtful and reasoned development and, thus, avoid the “washing over” of serious, well-based objections, which only leads to poor planning and deferred remorse, nothing we imagine any of you really prefer to take ownership of, when there are better resolutions.

I-15-4

The lack of being heard is insulting and not what we expect from our elected officials. We ask you to join us in real resolution that better addresses choices designed to truly maximize improved outcome, socially and environmentally. Each of us has a responsibility to speak up for needed change, both in policy and practice. How about demanding a “moratorium” from the State on further mandated housing until some of the Napa Green/ climate goals can be implemented? Why remain stuck in older administrative MAZES that lead to further degradation on all levels?! There are choices, if we collectively choose and speak up for them.

I-15-5



I do NOT take lightly the violent, tragic and traumatic loss of two of our precious, beloved dogs on "Killer Curve" (within a period of 4 years) where we live directly across from the Bishop site. YES, these incidents were largely due to human error w/ gate safety latches left unlocked combined with the particular propensity of one dog to open that latch, allowing others to wander, aided by occasional digging under regularly reinforced fence lines... all challenges we believe we've conquered. And all this suffering occurred despite gallant and enormously appreciated efforts of neighbors to notify and/ or round up animals who only mis-stepped briefly... but that's ALL it took! A mis-step with no chance to dodge a speeding car/ truck and no warning/ ability to safely navigate animals out of harm's way. See this be a bellwether for future tragedy; pay heed. I suffer in deep remorse every single day. We fear even MORE what lies ahead should new massive development land in this already-strained rural community and critical watershed.

I-15-5

I have all but given up trying to take twin 4-year old grandchildren in a buggy since I have to regularly step way off to the side of the road, holding my breath, signaling drivers to slow down as many zoom past... and you want to add 250 cars coming and going along a road that has no designated walkway? Or add run-off into already poorly draining ditches... or congest traffic more... or dangerously trap people during evacuations? We're not making up the degree of challenge nor the degree of potentially harmful, deadly or costly outcome.

I-15-6

We could all wait for another fire or flood to see how much more compounded and tragic the consequences might be, etc... or we could sit up and pay attention at the planning and implementation level to halt senseless planning and start in on the new "Napa Green" concepts (among others) that propose to come up with truly lighter impact projects that improve carbon sequestration and do OUR PART to strive toward carbon net neutrality rights here IN our backyard, adding to intelligently planned projects on sites that more readily incorporate existing infrastructure. It's time. Do we really need any more proof? This is a perfect example of what NOT to do, so let's jointly maximize this time and ask for a moratorium in order to create and initiate policy and implementation of that new green map for Napa.

I-15-7

The future was actually yesterday, but we have this moment to do better today.

Yours truly, as one more concerned citizen wanting to make your job, and all of our lives, take a new, more mutually beneficial direction.

Parry Murray

1055 Hedgeside Ave.
Napa, CA 94558

PS, My husband already addressed the depleted well on our property and the groundwater loss as well as drainage issues surrounding us. He continues to record changes, as he has over several decades; let his testimony also stand for the record. Thank you.

I-15-8

Letter I-15: Parry Murray, October 7, 2022

I-15-1 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

I-15-2 See Master Response 1, *Water Service*, in Section 3.2 of this chapter. See also Master Response 4, *Bishop Housing Site – Flooding Concerns*. See also Master Response 2, *Wildfire and Emergency Evacuation*.

Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

I-15-3 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter. See also Master Response 2, *Wildfire and Emergency Evacuation*. See also Master Response 4, *Bishop Housing Site – Flooding Concerns*, regarding emergency evacuation related to flooding. Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

I-15-4 As discussed in Draft EIR Chapter 1, Introduction, this EIR is a program EIR, as provided for in CEQA Guidelines Section 15168, and consistent with Section 15168(b) of the CEQA Guidelines, allows the County “to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts.” As a program EIR, this EIR analyzes potential impacts of development that would be allowed by the HEU without having site-specific development proposals in hand, and broadly considers proposed sites, their environmental setting, and potential impacts that could stem from their development.

Future discretionary actions that would be facilitated by the HEU’s adoption, such as those related to the development of housing, would be assessed to determine consistency with the analysis provided in this program EIR. Potential future actions would also be subject to the mitigation measures established in this program EIR

unless superseded by a subsequent environmental document that is required to analyze significant environmental impacts not foreseen in this program EIR.

It is important to note that while the law requires the HEU to include an inventory of housing sites and requires the County to zone those sites for multifamily housing, the County is not required to actually develop housing on these sites. Future development on the identified sites will be up to the property owners and will be largely dependent on market forces and (in the case of affordable housing) available subsidies (Draft EIR p. 1-2).

I-15-5 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.

I-15-6 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter. See Master Response 4, *Bishop Housing Site – Flooding Concerns*, regarding drainage issues. See also Master Response 2, *Wildfire and Emergency Evacuation*.

Traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3.

I-15-7 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

I-15-8 See Master Response 1, *Water Service*, in Section 3.2 of this chapter, regarding groundwater. See Master Response 4, *Bishop Housing Site – Flooding Concerns*, regarding drainage issues.

Oct 4, 2022

To Whom it May Concern:

I am writing to you to express my concerns about the Draft Environmental Impact Report (DEIR) and my opposition to the high-density housing development proposed on Hedgeside Ave (Bishop property). I am asking for the Bishop's site along Hedgeside to be removed from the Housing Element Update and not rezoned Residential Multiple (RM). This letter specifically addresses my concerns about equity and inclusivity for Napa Valley citizens regarding selection of high-density housing sites and their affordability and accessibility for all in keeping with the spirit of the law, specifically Senate Bill (SB) 330, (Statutes of 2019) and later extending the sunset provision through SB 8 (Statutes of 2021). This letter also addresses my concerns that the DEIR is vague, inconsistent, and contradictory in the statements and assumptive outcomes.

I-16-1

Hedgeside Avenue and the surrounding community, including, but not limited to, Estee Avenue, McKinley Road, Atlas Peak Road, Hardman Avenue, Vichy Avenue, and Monticello Road, are rural family communities. Resources are slim to none in this rural area and based on Zillow reports my personal address on 1033 Hedgeside Ave has a walk score of 30 (car dependent) and a transit score of 0 (no nearby transit).

I-16-2

When SB 330 was passed, Housing Crisis Act of 2019, and subsequently amended in 2021 by SB 8, the Legislature was very specific with their intentions and declarations. Section 65589.5 of the Government Code (GC) was amended to read that the Legislature finds and declares all of the following. Key sections are pulled out for reference because they cannot be ignored, they include:

GC 65589.5. (a) (2) (H) When Californians have access to safe and affordable housing, they have more money for food and health care; they are less likely to become homeless and in need of government-subsidized services; their children do better in school; and businesses have an easier time recruiting and retaining employees.

GC 65589.5 (c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

While high-density housing and affordable housing intends to help solve one element of financial challenges, the purpose of the law has to be read in concert with other means – that there would be access to other important aspects of life: social quality of life being one of them. Food is a fundamental human need and influences health and quality of life. Access to affordable and nutritious food is a public health priority and requires broader, community-based interventions focused on addressing the social determinants of health and eliminating health disparities. While I completely appreciate that affordable housing must happen, preparation for it cannot dismiss the full accounting of elements essential for



individuals to thrive. This perspective begins in the early stages of planning for communities, especially high-density communities that depend on the wrap-around services to support healthful, thriving lives, including ones that achieve benefit economically, environmentally, and socially.

I serve on a working group for Healthy People 2030; a government organized effort to set goals and progress to building a healthier future for all. My perspective and comments are reflective of my personal experience and passion to bring healthy, affordable, accessible food to the tables of everyone in our great state and the community I live in. By doing this, we are also supporting our farmers and ranchers in the state and building local, resilient economies with a lens toward environmental stewardship and socially thriving communities.

Today in California, 1 in 5 individuals are food insecure. Napa county's food insecurity numbers are consist with this state average (source: [County Food Insecurity Rates - 2020 \(cafoodbanks.org\)](https://www.cafoodbanks.org/)).

The proposed high-density housing site of Bishop's (Hedgeside Ave) is a car dependent site. Currently, there is no public transit that would allow a person access to a grocery store. I would strongly encourage the Planning Department to assess the feasibility of the Bishop's site and address the following questions related to social well-being:

- How would this planning site achieve the social goals of food security, access to medical needs, including pharmacies, regular commute needs as a condition of employment? I don't see the current DEIR addressing the environmental impact related to this concern in sufficient detail for the Hedgeside site. Moreover, other sites identified in the housing plan have ease of transportation accessibility already constructed to meet the needs of individuals that accomplish access and equity goals.
- Has an evaluation of the criteria used to determine low-income status and access to supermarkets for this location been conducted? This includes measures of access to food including travel duration and mode to a supermarket of affordability, one that stocks ethnically diverse food options, and fresh, healthful food options.
- How does the proposed project on Hedgeside Avenue intend to address the transportation barrier for the high-density housing community? How will transportation measures be constructed without loss to the rural aesthetics of the community and impact to the environment, including several mature trees that line the roads of ingress and egress as well as watershed of the local community having Milliken Creek as a year round ecological waterway and habitat?

The 2020 report on Healthy People evaluated barriers to food access. Food access goals are benchmarked and tracked with the aim to decrease barriers and improve food security through access. Healthy People 2030 has an [objective](#) to reduce household food insecurity and hunger from 11.1% to 6.0% of households (national objective). In 2021, California had a national value of 9.9%. However, more work needs to continue as the California Association of Food Banks reports that 1 in 5 individuals, including children are food insecure. Healthy People reports identified barriers to food access, some include:

- Neighborhood conditions may affect physical access to food.¹⁷ For example, people living in some urban areas, rural areas, and low-income neighborhoods may have limited access to full-service supermarkets or grocery stores.¹⁸

I-16-2

I-16-3

I-16-4

- Convenience stores and small independent stores are more common in food deserts than full-service supermarkets or grocery stores.20 These stores may have higher food prices, lower quality foods, and less variety of foods than supermarkets or grocery stores.18 20 21
- Access to healthy foods is also affected by lack of transportation and long distances between residences and supermarkets or grocery stores.18
- Residents are at risk for food insecurity in neighborhoods where transportation options are limited, the travel distance to stores is greater, and there are fewer supermarkets.18
- Lack of access to public transportation or a personal vehicle limits access to food.18
- Groups who may lack transportation to healthy food sources include those with chronic diseases or disabilities, residents of rural areas, and some minority groups.17 18 22

I-16-4

Based on the barriers identified above, I would urge the Planning Department to fully assess whether this proposed rezoning and high-density building site is carrying out the legislative intent of SB 330 and SB 8 considering that it poses serious limitations to social wellbeing for residents who are car dependent, including directly limiting their access to food. I ask that you please provide the Housing Element Update solutions to the issues I raised above referencing the legislative intent and the questions I have posed.

Second, in addition to my concerns outlined above, the legislature was very specific in GC 65589.5 (c) to state, (in part), *that premature development of agriculture lands for urban uses have adverse effects on the availability of those lands for food and fiber production and on the economy of the state and...development should be guided away from agriculture lands.*

I-16-5

The DEIR misportrays the challenges of developing the Hedgeside property and more specifically dismisses several key issues that have been raised in public comment specific to fire risk and harm, flooding, ground water depletion, endangered species, natural habitat, and traffic among others specific to the Hedgeside site. More specifically, these issues raised are discussed in other sites, but are silent or only lightly touched upon for the Hedgeside location. There are many instances where the policies of the county are divergent to the conclusions reached in the DEIR regarding the Hedgeside location.

I-16-6

- Has the Planning Department done an extensive site search to evaluate other potential sites, including those that are underutilized, available for repurposing, and/or formerly zoned for housing development, yet the project(s) weren't completed?
- Has the Planning Department taken into consideration that the Bishop property site serves as an important natural and working land in Napa County? Specifically, the Bishop site is flanked on one side by Milliken Creek, which serves as an important year-round tributary, species habitat, and watershed, and is flanked on the west side by agriculture land (vineyards)? Working lands such as Bishop's site provide key benefits such as erosion control, carbon sequestration, and provides waterway buffers, especially during flooding events. The Bishop ranch has served as a working cattle ranch and grazing pasture for many decades.
- Several comments and photos have been brought to the attention of the County regarding flooding, yet the efforts to address these significant events are negligible in the report.

I-16-7

I-16-8

Natural and Working lands play an important role to meet California's ambitious goals of reducing greenhouse gas emissions needed to avoid the most catastrophic impacts of climate change. In order to do this, the State (of which, Napa is a predominate agricultural county) must increase its efforts to conserve, restore, and manage California's rangelands, farms, urban green spaces, wetlands, forests,

I-16-9

and soils. As such, consideration must be given to the proposed rezoning of the Bishop site on Hedgeside Avenue along with the high-density housing plan that would follow.

I am asking for the Bishop's site along Hedgeside to be removed from the Housing Element Update and not rezoned RM. This is not an appropriate location for a high-density housing project, especially when other sites identified in the plan pose fewer environmental challenges as this site does.

Thank you,

Natalie Greenberg
Resident, 1033 Hedgeside Avenue



I-16-9

Letter I-16: Natalie Greenberg, September 3, 2022

- I-16-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-16-2 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- I-16-3 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter, regarding the preparation of a Traffic Impact Study (TIS), consistent with the Napa County TIS Guidelines, which would address concerns relating to future transportation infrastructure for future development at the Bishop site. This comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088.
- Any potential transportation improvements would be subject to further review at the time they are identified and required to be constructed consistent with General Plan policies and the County Code as to not result in any more severe impacts than were identified in the Draft EIR.
- I-16-4 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- I-16-5 See Response to Comment O-3-18 regarding impacts related to agriculture for the Bishop site.
- I-16-6 This is a general comment and does not identify specific issues other than general assertions of inadequacy and does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088.

Regarding housing site selection, the County used the following screening criteria:

1. Sites must have access to existing or planned water, sewer, and other dry utilities with sufficient capacity available to support housing development; (Source: State requirement)
2. Sites must generally be between 0.5 and 10 acres in size; (Source: State requirement)

3. Sites must be located outside of areas designated Agricultural Resource or Agriculture, Watershed & Open Space as of September 28, 2007 (the date specified in Measure P, approved by the voters in November 2008). Notwithstanding this requirement, sites within an area designated Agricultural Resource or Agriculture, Watershed & Open Space may be identified for qualifying farmworker housing development and sites identified as an existing commercial establishment on General Plan Figure AG.LU-2: Location of Parcels Subject to Policy AG/LU-45 may be identified for redevelopment. (Source: Local requirement)

In addition, the County sought to identify sites that are:

4. Located outside of high and very high fire severity zones as designated (in State Responsibility Areas) or recommended (in Local Responsibility Areas) by CalFire.
5. Located outside of Zones A through D of the applicable Airport Land Use Compatibility Plan.
6. Proximate to transit routes and/or employment opportunities and services (e.g. schools, groceries).

Based on analysis of parcels in the unincorporated County meeting criteria 1-3 and addressing items 4-6 to the extent feasible, and based on the input from the County's Housing Element Advisory Committee (HEAC), other stakeholders, and interested members of the public, the HEU proposes to include the sites in the Housing Sites Inventory that are grouped in four distinct geographies: Spanish Flat, Northeast Napa, Imola Avenue, and Foster Road (Draft EIR p. 3-10 – 3-11).

I-16-7 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

See Response to Comment O-3-18 regarding impacts related to agriculture for the Bishop site. See also Master Response 6, *Bishop Housing Site – Biological Resources Concerns*.

I-16-8 See Master Response 4, *Bishop Housing Site – Flooding Concerns*, in Section 3.2 of this chapter.

I-16-9 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

Friday, October 7th, 2022

Napa County Planning, Building, and Environmental Services
Department Attention: Trevor Hawkes, Project Manager
Email: Trevor.Hawkes@countyofnapa.org
1195 Third Avenue, Suite 210
Napa, CA 94559

Comments on Napa County Draft Environmental Impact Report

Dear Trevor Hawkes,

My name is Karen Lynch and I am a neighbor of the Bishop property. I am writing to you regarding the Bishop site listed in the Housing Element Update (HEU), as there are numerous issues with developing high-density residential along rural Hedgeside Ave.

After reading through the Draft Environmental Impact Report (DEIR), here are my most immediate concerns:

- 1) Flooding [Special Flood Zone Risk]
- 2) Drought and Groundwater Conditions
- 3) Fire Evacuation and Insurance Affordability
- 4) Watershed Health
- 5) Rare, Threatened, Endangered or Species of Special Concern
- 6) Pedestrian Safety
- 7) Noise Pollution
- 8) Lack of Transportation / GHG Emissions
- 9) Unsafe Road Conditions
- 10) Project Alternatives

I-17-1

In each section, I have taken sections of the DEIR pertaining to my concerns and highlighted the issues I see, provided a summary of my concern (under "Summary"), as well as a list of questions I have about each specific concern (under "Questions).

1) Flooding

Note: To see images of past flooding of Milliken Creek, which runs adjacent to the Bishop site, see Image Appendix, Section 6.

A. Special Flood Zone Risks

"The Napa River has experienced serious flood events 21 times since 1862 (Napa County, 2022)." [pg 310, section 4.10]

Note: There is a major flooding in Napa approximately every 8 years (21 times over 160 years). It is likely that Napa is due for another major flood soon.

I-17-2



“As identified in Figure 4.10-2, Flood Zones, some of the sites proposed for residential development as part of the HEU (Bishop and Foster Road) are partially within special flood hazard zones.” [pg 329, section 4.10]

Note: The DEIR indicates that the Bishop site is located in a special flood hazard zone.

“In the absence of controls for development within flood zones, there is a risk that flood waters could be redirected to surrounding properties.” [pg 329, section 4.10]

Note: The DEIR expresses that there is potential added flooding risk for all homes surrounding the Bishop site.

“Consistent with Napa County requirements (Chapter 6.04.721 of the County Code) residential development would be subject to engineering review and must have the lowest floor, including basement, elevated to or above a level equal to the base flood elevation plus one foot of freeboard.” [pg 329, section 4.10]

Note: There is a requirement for building ‘above flood level’.

“...HEU’s implementation on stormwater runoff, erosion, and storm drainage and flooding would be less than significant. Mitigation: None required.” [pg 329, section 4.10]

I-17-2

Summary

There has not been adequate research done on the Bishop site in regards to flooding impact, specifically the damage that can potentially be inflicted on neighboring homes if a large hardscape project were developed next to Milliken Creek. With the Bishop site being located in a “special flood hazard zone,” there should be thorough studies done to communicate various potential impacts of flooding for the new HEU housing, the costs associated with mitigating the risks and special construction techniques, and the costs the potential new homeowners would be burdened with living in a flood risk area (i.e. flood insurance).

Questions

1. What additional measures and/or what specific construction techniques will be implemented to guarantee that flood waters on the Bishop site - a “special flood hazard zone” - will not be dispersed on to other homes due to a large hardscape project?
2. What is the cost difference of a HEU project that does need additional flood measures or specialized construction techniques versus a HEU project that does not? What does this look like when you break down the costs by number of houses built?
3. Can the county provide research to show that potential development of the Bishop site project will not increase flood insurance premiums for neighboring homes?
4. What is the calculated cost for flood insurance for those who would be potentially living on the Bishop site?
5. If the goal is to build affordable housing, would it be considered ethical to put these homes in an area where flooding could potentially impact the financial well being of these individuals if they were not able to afford adequate insurance protection?
6. Will the county be providing flood insurance protection for the affordable homes built on the Bishop site given its “special flood risk zone” status - if they are unable to obtain it themselves?

2) Drought and Groundwater Conditions

A. Wells and Groundwater Recharge

“Multi-family housing sites would not be reliant upon groundwater. As described in Section 4.16, Utilities, water supply for these projects would be provided from local municipal water districts and/or through State Water Project entitlements.” [pg 328, section 4.10]

Note: The Bishop site does not have access to city water/waste utilities, and all neighboring homes rely on well/septic. The DEIR also states that the HEU sites would not be reliant on groundwater - so there must be utilities made available.

“Therefore, the HEU would not substantially deplete groundwater resources or substantially interfere with groundwater recharge.” [pg 328, section 4.10]

Note: They are saying that there will not be a substantial depletion of groundwater to wells, nor will there be issues with groundwater recharge around the Bishop site.

Summary

There has not been sufficient research provided in the DEIR to conclude that 5 acres of hardscape on the Bishop site will not result in groundwater recharge issues for surrounding wells - if the homes nearby are not provided water and waste utilities as well. The statements in the DEIR assume that all sites have water and waste utilities nearby, while those who live near the Bishop site do not have access to wastewater utilities (all well and septic systems). Building wastewater utilities out to the Bishop site would be an expensive addition for the HEU project, compared to other HEU sites that have access to these utilities.

Questions

1. If city water and waste utilities are built to the Bishop site, would that also provide hookups for the homes nearby who are on well/septic systems? Why or why not? 2. If 5 acres of the Bishop field are covered by hardscape (asphalt, cement, homes, etc.), can the county provide sufficient research and a list of special construction implementations that will be used to develop the site to prevent groundwater recharge issues for surrounding wells?
3. How much would special ‘groundwater recharge’ construction implementations cost compared to the other sites where there are no issues/concerns concerning groundwater recharge for neighboring wells? And what does this look like when you break it down per house built?

B. Additional Costs for Water and Wastewater Utilities

“Multi-family housing sites would not be reliant upon groundwater. As described in Section 4.16, Utilities, water supply for these projects would be provided from local municipal water districts and/or through State Water Project entitlements.” [pg 328, section 4.10]

Summary

I-17-3

I-17-4

I-17-5

I-17-6

I-17-7

It is indicated in the DEIR that multi-family housing would not be reliant on groundwater, so the only way the Bishop site would be developed is if the water and waste utilities were built all the way to the Bishop site. This also requires the capacity of the existing water/waste utilities in the area (the main wastewater utilities servicing the nearby area) to be expanded to handle the additional Bishop site households.

I-17-7

Questions

1. If the county is to expand water/waste utilities to the Bishop Site - and also expand capacity of existing water/waste utilities (that go out to Silverado Resort) - what would be the total additional cost to build this HEU site compared to all other sites listed in the DEIR?
2. What is the price difference per house built on the Bishop site, compared to a house built on a site that has access to existing water/waste utilities? Is there a steep increase to develop the Bishop site compared to other HEU sites?
3. How long would it take for the wastewater utilities to be upgraded and expanded to the Bishop site? Can the city provide a timeline for all neighboring homes?
4. What kind of issues would neighboring homes experience during these water and waste upgrades (for example: road closures or no access to driveways)?
5. Can those construction issues, like a road closure, impact fire or flood evacuation efforts? If so, what plan is in place to make sure people have a fast, and safe, evacuation route? And how will this be communicated with all properties in our district so that everyone is well informed on what to do in an emergency?
6. If the wastewater utilities are built out to the Bishop site, which neighboring properties would gain access to the city utilities, and where would the cut-offs be for a house to not gain access?
7. Have other entities expressed interest in the water and wastewater utilities in our area being expanded for their benefit - and who are those entities/businesses? Is there financial incentive beyond the potential Bishop site development?
8. Can David Morrison provide further explanation for his comments during the August 12, 2022 HEAC meeting where he mentions the county "will have to look at alternative means" if LAFCO or City of Napa Sanitation District does not approve building wastewater utilities out to the Bishop site? Is he saying that if they do not get the wastewater utilities, they will resort to building wells and septic systems to accommodate 100+ potential homes built on the Bishop site?
9. What studies are done on the level of groundwater available at the Bishop site? And is it possible that 100+ individual households using well systems - in an area dealing with drying wells - could potentially significantly deplete the groundwater to levels that would greatly affect neighboring properties?
10. Could depletion of groundwater also affect Milliken Creek habitats? If so, what would the impact be to the species who rely on the creek?

I-17-8

I-17-9

I-17-10

I-17-11

C. Well and Septic for HEU Project

Note: This exchange was taken from HEAC (Housing Element Advisory Committee) meeting on August 12, 2022. The meeting can be found at this link: <https://bit.ly/3Efg3EW>

I-17-12

At 53:30 Kellie Anderson is speaking:

"I'll give an example on the Hedgeside and Bishop sites - which, of course, require LAFCO or City of Napa Sanitation District approval for services - it then says in the document if

we can't get LAFCO approval, we'll use wells and septic systems now. Realistically that's not going to happen, so I don't know why that was put in there. Do you think HCD is going to buy it? I mean that seems really disingenuous to me."

At 55:55 David Morrison starts answering Kellie Anderson's questions:

"I agree that wells and septic systems would not be an optimal outcome. It's not what we are trying to achieve here. There are requirements for the city to provide services to affordable housing projects and to prioritize those services, and that is something we would pursue with the city. We're also talking to the city separately, about the extension of sewer and water services to various sites... at the end of the day we also have to provide affordable housing and if we can't, if the city refuses to extend those services or acknowledge their legal requirements to do so, then we will have to look at alternative means. The need for housing will not go away."

Note: David Morrison did not shut down the idea that the Bishop site could potentially use well and septic for the HEU project - if they were not approved by LAFCO or Napa Sanitation District. "...if the city refuses to extend those services or acknowledge their legal requirements to do so, then we will have to look at alternative means."

"Multi-family housing sites would not be reliant upon groundwater. As described in Section 4.16, Utilities, water supply for these projects would be provided from local municipal water districts and/or through State Water Project entitlements."
[pg 328, section 4.10]

Note: The DEIR states that the HEU sites would not be reliant upon groundwater (well and septic).

Summary

The DEIR and the statements of David Morrison during the HEAC meeting on August 12, 2022 do not align. The DEIR states that no groundwater would be used by the HEU projects, but Mr. Morrison says that the committee "will have to look at alternative means" if their requests are not met by LAFCO or city services. There are many homes neighboring the Bishop site that are experiencing issues with their wells drying up, and adding 100+ households in an area dealing with groundwater issues will further exacerbate the problem.

Questions

1. Can David Morrison provide further explanation for his comments during the August 12, 2022 HEAC meeting where he mentions "will have to look at alternative means" if LAFCO or City of Napa Sanitation District does not approve building wastewater utilities out to the Bishop site? Is he saying that if they do not get the wastewater utilities, they will resort to building wells and septic systems to accommodate 100+ potential homes built on the Bishop site? Or did this mean that they will need to consider other potential HEU sites?
2. What studies are done on the level of groundwater available at the Bishop site? And is it possible that 100+ individual households using well systems - in an area dealing with drying wells - could potentially significantly deplete the groundwater to levels that would greatly affect neighboring properties?
3. Could depletion of groundwater also affect Milliken Creek habitats? If so, what would the impact be to the species who rely on the creek?

3) Fire Evacuation and Insurance Affordability

I-17-12

I-17-13

A. Evacuation and Fire Safety

“Once constructed, residential development allowed by the HEU would not physically alter or encroach onto roads that provide for emergency access or evacuation, nor would they alter overall land uses in a way that could conflict with emergency response plans.” [pg 482, section 4.17]

Note: According to the DEIR, development of a HEU site would not conflict with evacuation efforts or emergency response because it would not alter or encroach onto roads used for emergency access or evacuation.

“Residential development could incrementally increase traffic volumes on roads used for emergency evacuation, and as described above, Fehr & Peers completed an assessment of evacuation access and the potential for the project to impact evacuation access in the event of a wildfire scenario (Appendix E). Although the path of potential future wildfires is unknown, the assessment considered multiple potential evacuation scenarios. Fehr & Peers and the County of Napa identified eight critical evacuation zones based on fire history and access constraints, and the Spanish Flat, Bishop, and Altamura housing sites would be located in one of the eight zones.” [pg 482, section 4.17]

Note: HEU project would increase the number of cars and thus the volume of traffic would increase in an emergency evacuation. There are 8 critical evacuation zones and only Bishop, Altamura, and Spanish Flat sites are in one of the eight zones. Foster Road and Imola are not in the critical evacuation zones.

“For the Northeast Napa area, where the Bishop and Altamura housing sites would be located, the current estimated time to evacuate the area, as well as additional areas that would be likely to evacuate under the worst-case scenario assumed for the analysis (Saint Helena, Calistoga, and Yountville), would be 4 hours and 43 minutes (4.71 hours) with a total vehicle demand evacuation and 1 hour and 53 minutes (1.88 hours) under a one vehicle per household evacuation.” [pg 483, section 4.17]

Note: Evacuation from the Bishop site - under the worst-case scenario - would take 4 hours and 43 minutes to evacuate the area if every car per household were driven, and almost 2 hours if only one car per household was driven.

“As also discussed in the evaluation, the Bishop and Altamura housing sites would add approximately 158 housing units, increasing the current evacuation demand from Northeast Napa, which is estimated as 1,377 households and 3,602 vehicles. In the evacuation scenario analyzed by Fehr & Peers, the revised evacuation demand created by the HEU would be 1,535 households (i.e. 1,377 + 158 new units) and 3,920 vehicles, and the evacuation demand from Northeast Napa would combine with demand from Spanish Flat and the hillside areas on the western shore of Lake Berryessa (estimated to include 604 households in total with implementation of the HEU). With the assumption that shelter in place would not be an option and that 100 percent of all dwelling units would be occupied and must evacuate, the analysis considered the additional time it would take to pass through a hypothetical “gateway” defined by the roadway capacity expressed in terms of vehicles per hour. Based on this analysis, the addition of 158 units would add to the time required to evacuate thru the “gateway” by approximately 30 minutes (0.51 hours) and 15 minutes (0.26 hours) if only one vehicle per household were to evacuate.” [pg 483-484, section 4.17]

Note: This study by Fehr & Peers looked at the added evacuation times in the event of a worse-case scenario. If both Bishop and Altamura are built, there would be a total of 158 new households and an estimated 318 cars (~2 cars per household). Fehr & Peers calculated through their analysis that if all existing cars evacuated, plus all the new HEU household cars, it would take more than 5 hours to evacuate (30 minute increase from 4h 43m, 10% increase in time). If only one car from every existing household plus only one car from all the new HEU households evacuated, it would take over 2 hours to evacuate (15 minute increase from 1h 53m, 13% increase in time).

“As stated previously, there are no established numerical standards or thresholds to determine if the amount of time required to evacuate an area is excessive or significant.” [pg 484, section 4.17]

Note: There is no “standard” to determine if the evacuation times are too long.

“...the County has concluded that the estimated increase in evacuation times (if the opportunity sites are actually developed) under various conservative assumptions may warrant changes to the County’s evacuation plan, which is already updated on an as-needed basis, but would not substantially impair emergency response or evacuation for the following reasons:

1. As required by State law and the County’s policies, the County’s emergency response and evacuation plan(s) will be updated periodically to reflect changes in the County. These updates would reflect changes associated with additional development in the County made possible by implementation of the HEU and other cumulative development in the area. As with the County’s current plans, these updated plans would identify specific evacuation routes, procedures, and regulatory requirements that would need to be taken into consideration when determining whether or not future projects would impair implementation of the adopted emergency response and evacuation plan(s). It is important to note that, unrelated to CEQA, the Fehr & Peers analysis also included recommendations to improve evacuation times. These recommendations could be implemented into the County’s updated Safety Element, as applicable, and/or into future revisions to the County’s emergency response and evacuation plan(s).

2. Residential development proposed and constructed as a result of the HEU’s implementation would not cut off or otherwise modify any of the County’s evacuation routes. As stated previously, the County has established procedures concerning encroachments into public rights-of-way during construction, particularly for roadways that have been designated as evacuation routes. Nothing in the residential projects themselves or other cumulative projects would prevent or interfere with the County’s emergency response and evacuation plan(s) such that an evacuation would be substantially impaired or be unable to occur.

3. As determined in the AB 747 evacuation analysis and in the comparative evaluation of evacuation times with and without complete buildout of the HEU, the amount of time that would be added to evacuation times for areas of the County utilized worst-case assumptions and would not be substantial. Average evacuation times under these worst-case assumptions would increase by between 9 minutes and 30 minutes. Further, evacuation orders are typically issued in phases and/or by zones, with those who are closest to a fire being evacuated first, and those who are further from the fire being evacuated later. This is in contrast to the worstcase modeled scenarios, which



conservatively assumed that all zones in a given large area would evacuate simultaneously, which is not likely to occur. As such, actual evacuation times during a more likely zone-by-zone evacuation would likely be less than those modeled, reducing evacuation times accordingly. While no bright-line threshold exists to determine whether the modeled increases in evacuation times are substantially adverse, it is the County's determination that these times are reasonable under the modeled circumstances. Regardless, these potential increases still would not prevent or interfere with the County's emergency response and evacuation plan(s), such that an evacuation would be substantially impaired or unable to occur, and that is the central question to be applied in determining this impact." [pg 484-485, section 4.17]

Note: The county has determined that the increase in evacuation times for the Bishop and Altamura sites is not significant. There is a 30 minute increase if all cars evacuate (~5h and 15m total), and 15 minute increase for evacuating if only one car per household (~2h and 10m total). They cite: 1) the evacuation plan is always being updated and Fehr & Peers provided recommendations, 2) the HEU development won't modify evacuation routes, and 3) the county doesn't believe there is a significant amount of time added to the worst-case scenario because simultaneous evacuations are not common.

"In each instance, the housing sites – if developed and fully occupied – could add to the number of households evacuating in the event of a wildfire, and could thus increase traffic volumes along the roadways serving as evacuation routes. The increases in housing and traffic volumes would be small within the context of the surrounding area, and the operation of the project would therefore result in a less than significant impact on emergency evacuation." [pg 485, section 4.17]

I-17-14

Note: They note that there could be an increase in traffic volume on Hedgeside Ave (where the Bishop site would be accessed from), but they say that it's not a concern because it doesn't impact the greater surrounding area - it only impacts those that live in the immediate neighborhood.

"In addition, per Napa County Fire Code, the Napa County Fire Department Residential Development Guidelines and defensible space requirements, fire flow and water supply infrastructure may be installed if the housing sites are not located within a half mile of an existing municipal fire hydrant and clearing around the development site would occur to accomplish defensible space requirements." [pg 486, section 4.17]

Note: Fire flow and water supply infrastructure may be installed, and clearing around the development would occur to create defensible space.

"Development of housing in the County, particularly in or near very high fire hazard severity zones, those areas could increase the risk of wildfire by introducing new sources of ignition (i.e., vehicles and residents) into those areas. However, as a condition of approval, and pursuant to the California Building Code, California Fire Code, and the Napa Fire Code, Napa County Defensible Space Ordinance (see Section 4.17.3, above), all development projects would be required to comply with requirements relating to emergency planning and preparedness, fire service features, building services and systems, access requirements, water supply, fire and smoke protection features, building materials, construction requirements, defensible space and vegetation



management, and specific requirements for specialized uses involving flammable and hazardous materials.” [pg 488, section 4.17]

“The Northeast Napa Site... is adjacent to a VHFHSZ...” [pg 486, section 4.17]

Note: The Bishop site is adjacent to a ‘very high fire hazard severity zone’ (VHFHSZ) and the DEIR states that “those areas could increase the risk of wildfire by introducing new sources of ignition (i.e., vehicles and residents) into those areas.” They also mention there are many codes that must be followed in regards to things such as building materials and construction requirements. They did not provide what this would look like in the DEIR and if the cost would be significantly more to build as compared to sites that are not in or near a VHFHSZ.

Summary

Bishop, Altamura and Spanish Flat sites are in one of the eight critical evacuation zones, while Foster Road and Imola sites are not. There was a study done by Fehr & Peers to determine the impact that additional vehicles on the road would have during an evacuation - one scenario where all cars were evacuated and one scenario where only 1 car per household evacuated. However, there is no determined standard for what a good, or bad, evacuation time is and what is the allowable threshold for which the additional homes would impact the evacuation time. For example, there is an increase of 10% in evacuation time for 318 additional cars from Bishop and Altamura sites, and an increase of 13% in evacuation time for 158 cars from Bishop and Altamura sites.

I-17-14

The most glaring issue not researched nor addressed by the DEIR was the evacuation time impact for Hedgeside Ave. In the DEIR, they noted that a road like Hedgeside Ave could see “increase traffic volumes along the roadways serving as evacuation routes.” It is important for the DEIR to have thorough research for evacuation time on Hedgeside Ave, as this is 2-lane road with no protected left or right hand turn onto Monticello Road (the throughway out in an evacuation) and is sparsely populated. An influx of even just 100 additional cars evacuating from this small road would have significant impacts on the evacuation time for all current residents on Hedgeside - and the surrounding neighbors who rely on Hedgeside to access Monticello Road or Silverado Trail.

Questions

1. The HEU project would increase the number of cars currently located on Hedgeside Ave by over 200 cars (assuming 100+ housing units with 2 cars per unit, same as the Fehr & Peers study). What is the evacuation time that those living on Hedgeside Ave would experience in the event of an evacuation, when you compare the number of cars currently belonging to existing Hedgeside neighbors? For example: if someone living on Hedgeside were evacuating, what would be the time from house to major throughway - such as Monticello Road or Silverado Trail?
2. Are the evacuation time estimates - for those living on Hedgeside Ave - going to see a large increase in evacuation time due to the number of households/cars generated by the potential HEU site? The study by Fehr and Peers lumped all of the Northeast Napa population into its evacuation study, versus comparing the direct Hedgeside neighbors that would be most impacted by the influx of cars from the Bishop site.
3. If the evacuation time is not acceptable, and jeopardizes the safety of all existing and new residences, what traffic control measures need to be taken to help with traffic flow out of Hedgeside Ave?

4. When they mention clearing around the HEU development site to make defensible fire space (section 4.17.5), what would that look like, or what would that entail, at the Bishop site? There are many tall, older trees that surround the property - so would trees like that be removed?
5. If surrounding trees are removed to create defensible space for fires, will that harm the Milliken Creek habitat? If so, will this cause harm to species such as the Western Pond Turtle (which falls under the CDFW California Species of Special Concern)?

I-17-15

B. Insurance Affordability

“The Fourth California Climate Change Assessment (Fourth Assessment), published in 2018... found that if GHG emissions continue to rise, the frequency of extreme wildfires burning over approximately 25,000 acres would increase by nearly 50 percent, and the average area burned statewide each year would increase by 77 percent, by the year 2100.” [pg 247, section 4.8]

Note: Wildfires are becoming more extreme every year as GHG emissions rise. It is expected that we will continue to see more fire activity in Napa due to our severe fire history.

“In the areas that have the highest fire risk, wildfire insurance is estimated to see costs rise by 18 percent by 2055 and the fraction of property insured would decrease (Westerling, 2018).” [pg 247, section 4.8]

I-17-16

Note: There will be noticeable increases in fire insurance costs, as well as a decrease in the number of those insured. This is 2018 data, published before the 2020 Napa fires.

“While we will support homeowners regardless of a property's fire risk, unlike traditional insurers, our goal is attrition. For most homeowners, the FAIR Plan is a temporary safety net – here to support them until coverage offered by a traditional carrier becomes available.” [website: <https://www.cfpnet.com/about-fair-plan>, Oct 2, 2022]

Note: The California FAIR Plan is a temporary safety net, and is not meant as a long term solution to fire insurance coverage. It also is not an assistance program for when you can not afford insurance.

Summary

There is a high probability that we will continue to see a rise in the severity of fires, unless there is a major world reversal in GHG (greenhouse gas) emissions. Napa has had several deadly fires in just the last 5 years (largest being 2017 and 2020) and the Fourth Assessment is saying we can expect more of this activity. The issue here is that the Fourth Assessment was done in 2018 and insurance increase figures are already trending well above the ‘estimated’ cost rise by 2055. Personally, we have seen a 10%+ increase in our fire insurance premium since 2021. We also experienced being dropped from our prior insurance provider once our house was finished being built in 2021 (we purchased it in 2019). They cited that the 2020 fires near St. Helena, along with our proximity to the 2017 fires (approx. 0.85 miles away - same as the Bishop site) as being too much of a fire risk for them to take on. Building ‘affordable homes’ in our area is not only high risk (according to our prior fire insurance provider), but may also not be truly



affordable given the astronomical insurance rates we, and our neighbors near the Bishop site, are experiencing.

Questions

1. Are insurance rates - such as fire and flood - considered in the HEU site decision? 2. Does each HEU site have an expected insurance cost (home, flood, fire, etc.) that the new potential homeowners would experience? What is the expected insurance rates for these homes in the various HEU sites - including the Bishop site?
3. If the Bishop site were developed, and a new homeowner living there was not able to afford fire insurance, how would the county address this issue? Would there be assistance provided to these new home owners and how much would this cost taxpayers?
4. What materials will the potential development at Bishop site use to be more fire resistant? For other sites that do not require special fire retardant materials, what would be the price difference to build? What would the breakdown per house built look like?
5. For those neighboring the Bishop site - will they experience an increase in fire insurance premiums (for example: premiums increase because of more building development in the area)? If so, what measures will the county do to help mitigate this issue?

I-17-16

4) Watershed Health

A. Pollution to Well Water Source

“To accomplish such construction, heavy equipment such as bulldozers, graders, earth movers, heavy trucks, trenching equipment and other machinery is likely to be used. Such machinery could contribute pollutants to stormwater runoff in the form of sediment and other pollutants such as fuels, oil, lubricants, hydraulic fluid, or other contaminants. Additionally, site work could result in conditions of runoff. Sediment, silt, and construction debris, if mobilized during construction could be transported to receiving waters such as the Napa River or its tributaries. Degradation of water quality could occur and affect beneficial uses of these water bodies (see Table 4.10-2). In the absence of runoff controls, exceedances of water quality standards could result.” [pg 326, section 4.10]

Note: Construction can lead to pollutants in our groundwater (fuels, oil, lubricants, hydraulic fluid, etc), affecting the quality of our well water source and the health of Milliken Creek.

I-17-17

Summary

Although some pollution can occur when construction is taking place and measures can be taken to mitigate potential issues as best as possible, the issue of car pollution runoff (such as fuels, oil, lubricants, hydraulic fluid etc.) has not been addressed in the DEIR. Because the Bishop site is located next to Milliken Creek, and there is no storm drain nor sidewalks to collect runoff from cars, these pollutants will seep into the ground and affect neighboring well water quality and potentially degrade Milliken Creek health. It is paramount that there be proper research done on the potential watershed health impact of hundreds of additional cars driving daily on Hedgeside Ave to access the Bishop site.

Questions

1. Because the Bishop site is adjacent to Milliken Creek, what steps and procedures will be taken to ensure that construction has the least possible impact on the health of our watershed?
2. What is the current 'water quality standard' for areas neighboring the Bishop site in regards to our well water quality? For example, contaminants in parts per million (PPM). And what would the acceptable increase in contaminates be?
3. What research has been done to see the potential impact of car pollution to watershed health near the Bishop site? If it has not been done, when will the city provide a comprehensive report to show the potential pollution impacts and mitigation efforts in place?

I-17-17

5) Rare, Threatened, Endangered or Species of Special Concern A. List of Endangered Species - Milliken Creek Western Pond Turtle and Napa Bluecurls

"In accordance with the requirements of CESA, an agency reviewing a project within its jurisdiction must determine whether any state-listed endangered or threatened species could be present in the study areas. The agency also must determine whether the project could have a potentially significant impact on such species. In addition, the department encourages informal consultation on any project that could affect a candidate species." [pg 143, section 4.4]

Note: The sites must determine if there are any state-listed endangered or threatened species that could be present in the area.

"No state listed species are expected in the HEU project area." [pg 144, section 4.4]

I-17-18

Note: They are saying they don't 'expect' state-listed endangered or threatened species in the Bishop site location, but there is no observational study or research to back this up - specifically along Milliken Creek.

"Policy CON-21: The County shall initiate and support efforts relating to the identification, quantification, and monitoring of species biodiversity and habitat connectivity throughout Napa County. [Implemented by Action Item CON NR-5]" [pg 147, section 4.4]

Note: The County will initiate and support identification, quantification, and monitoring of species biodiversity and habitat connectivity.

"Portions of the HEU project sites include suitable habitat for the following species and are within the species' known range:"

Note: Reorganized below for better reading.

CNPS California Rare Plant Rank of 1B.2 - rare, threatened, or endangered throughout the species' range

1. Greene's narrow-leaved daisy
2. Napa bluecurls
3. Narrow-anthered brodiaea

CDFW California Species of Special Concern

1. Western pond turtle
2. American badger
3. Western red bat
4. Townsend's big eared bat

Protected by CFGC 3503 and the MBTA

5. Osprey and white-tailed kite

Low Medium Species by WBWG

1. Yuma myotis

Note: Neighbors along Hedgeside Ave have spotted Western Pond Turtles along Milliken Creek and crossing Hedgeside Ave.

"All species mentioned above meet the definition for rare and endangered species under CEQA and have a potential to occur within or near portions of the HEU project sites."

I-17-18

Note: The DEIR is mentioning that any animals listed above have the potential to occur on or near HEU project sites, but there no list or study in the DEIR to indicate if any of these species are present at the HEU sites.

"Potential habitat for Napa bluecurls is present along Atlas Peak Road west of Silverado Country Club." [pg 150, section 4.4]

Note: Both Altamura and Bishop sites are west of Silverado Country Club.

"Construction at the Imola site and Northeast Napa site could directly affect known western pond turtle (WPT) populations and upland habitat for this species... However, if any construction activities or heavy machinery were to harm any WPT that could stray onsite, this would result in a potentially significant impact." [pg 156, section 4.4]

Note: Northeast Napa site is Bishop and Altamura. The rest of the paragraph discusses issues at the Imola site, but does not talk about Bishop or Altamura issues regarding harm to the Western Pond Turtle (WPT).

"Before construction activities begin, a qualified biologist shall conduct western pond turtle surveys at the Imola site." [pg 156, section 4.4]

Note: There is no mention of a biologist conducting surveys at the Bishop or Altamura site, where WPTs live along Milliken Creek - just next to the Bishop site.

"No operational activities associated with the HEU project sites are expected to western pond turtles and are not directly impacted by development once construction has concluded; therefore, operational impacts would be less than significant. [pg 157, section 4.4]

Note: The DEIR states that the HEU project sites will not impact WPT populations, once construction is finished, therefore the impact is less than significant.



Summary

The DEIR has not done a deep dive into the Milliken Creek habitat to determine if there are any rare, threatened, endangered or species of special concern near or on the Bishop site. Milliken Creek runs directly along the Bishop site, where Western Pond Turtles - a CDFW California Species of Special Concern - live and have been noted by several Hedgeside neighbors. There are also potentially CNPS California Rare Plants that live in the area, specifically the Napa bluecurls (as noted in the DEIR). It is important that a survey be conducted at Milliken Creek near the Bishop site to determine the habitat and the status of the wildlife. It appears that the DEIR has made note of the Western Pond Turtle at Imola, and has a plan for mitigating issues, but has made no such note for the Bishop site. Another key component missing from the DEIR is the issue of added traffic along Hedgeside Ave, where the Western Pond Turtle has been spotted crossing the road - and unfortunately at times, being hit by cars. It is imperative that there be research conducted on how added traffic along Hedgeside Ave would potentially impact the Western Pond Turtle populations, a CDFW California Species of Special Concern.

I-17-18

Questions

1. Has there been a recent study or observation done to track the species habitat along Milliken Creek - and most specifically, which are currently present in the waterway adjacent to the Bishop site? Do any of those species qualify as rare, endangered, threatened or of special concern?
2. Why were mitigation efforts specified for the Imola site for the Western Pond Turtle, but the Bishop site had none?
3. For CDFW California Species of Special Concern, such as the Western Pond Turtle, what measures and protections are in place to mitigate any issues that may arise with the development of the Bishop site, as well as after construction is completed (mainly regarding excess traffic harming turtles crossing the road)?

6) Pedestrian Safety

Notes:

- For images related to walking/biking routes to the nearest grocery store or bus stop, see [Image Appendix, Section 1.](#)
- For images related to Pedestrian Facilities on Monticello Road, see [Image Appendix, Section 2.](#)
- For images related to Pedestrian Facilities on Hedgeside Ave, see [Image Appendix, Section 3.](#)
- For images related to Pedestrian Facilities on Hedgeside Ave 'Blind Curve', see [Image Appendix, Section 4.](#)

I-17-19

A. Lack of Pedestrian Facilities

"The Napa Countywide Pedestrian Plan (2016) is intended to guide pedestrian planning in the region. The Pedestrian Plan describes the existing setting for pedestrians in unincorporated County areas, as well as within individual jurisdictions in Napa County. The Pedestrian Plan describes unincorporated areas as predominantly rural, with limited pedestrian infrastructure and few marked crosswalks at intersections, including within the unincorporated neighborhoods of Angwin, Berryessa Estates, Berryessa Highlands, Big Ranch Road, Coombsville, Deer Park, Lake Berryessa (Moskowite

Corners, Pope Creek, and Spanish Flat), Silverado and the South County Industrial Areas.” [pg 411, section 4.15]

Note: We live in an “unincorporated area” (Silverado) with “limited pedestrian infrastructure and few marked crosswalks at intersections.”

Summary

There is little discussion about the Napa Countywide Pedestrian Plan from 2016 mentioned in the DEIR. Pedestrian safety is important and currently inadequate along Hedgeside Ave and Monticello Road. In order for someone to reach the nearest bus stop, they need to walk nearly 2 miles alongside speeding, narrowly paved shoulder roads (Hedgeside and Monticello) in the dirt.

Questions

1. Does the Napa Countywide Pedestrian Plan (NCPD) include, or present information, that pertains to pedestrian plans around the Bishop site?
2. If there are no plans in place by the NCPD to develop any pedestrian facilities near the Bishop site, what plans will be in place to ensure the Bishop site area has adequate pedestrian facilities?
 3. Is there a possibility that the Bishop site area, particularly Hedgeside Ave and/or Monticello Road, will not develop pedestrian facilities? And if not - why?
4. If there are plans to develop pedestrian facilities along Hedgeside Ave and/or Monticello Road, how much would that cost taxpayers to build?
5. Historically, what has been the number of pedestrian accidents, compared to volume of traffic, alongside Hedgeside Ave?
6. What plans will be in place to address pedestrian safety at the ‘blind curve’, where there is no sidewalk access nor proper shoulder space to be safely distanced from cars? If the county does develop pedestrian facilities here, would that mean the county would need to rip out trees and take away land from neighboring properties?
7. What plans are in place to provide safe pedestrian access along the bridge over Milliken Creek? There is currently no sidewalk access nor proper shoulder space to be safely distanced from cars, and so the only way that would be accomplished is by widening the bridge. What would be the estimated cost to widen the bridge?

I-17-19

B. Parking Impeding Pedestrian Access/Safety

“Policy CIR-14: Developers of new land uses shall provide adequate parking or demonstrate that adequate parking exists to meet their anticipated parking demand and shall not provide excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site’s capacity. Consideration of shared parking opportunities is encouraged.” [pg 417, section 4.15 ‘Napa County General Plan]

I-17-20

Note: The Napa County General Plan (NCGP) states that newly developed land must provide adequate parking for the anticipated number of cars that will access the site, but not too many that it would stimulate unnecessary car usage.

Summary

There has not been a communication of the amount of cars that would be expected at the Bishop site (Fehr & Peers study under ‘Fire’ estimated 318 cars between Bishop and

Altamura), and the number of parking spaces that would be generated for this site. Also, it is not out of the question to assume that these calculations, no matter how well documented/researched it is, could have overflow parking to the surrounding neighborhood. The issue here is that the study and planning for overflow has not been conducted for the Bishop site and could have potentially deadly consequences to pedestrian safety for everyone living on Hedgeside - because there is limited road shoulder space and no sidewalks on Hedgeside Ave.

Questions

1. How many cars per household does the city or county anticipate will be needed for each HEU home built? What documentation can confirm that the estimate is well thought out for those who will be living in these homes?
2. How many excess parking spaces will be available for the Bishop Site, in the case that there are more cars than anticipated in the plan? And how is the amount of excess spaces calculated?
3. Because there are no sidewalks on Hedgeside Ave, will there be 'No Parking' signs along Hedgeside Ave to allow for adequate shoulder space for pedestrian and bike safety? If there won't be an implementation of 'No Parking' space on Hedgeside Ave, what plans are in place to make pedestrian and bike safety a reality for everyone - including children and pets - who would be potentially living on Hedgeside?
4. As asked above regarding the Napa Countywide Pedestrian Plan (NCPP), are there other predominantly rural areas/neighborhoods where pedestrian facilities are being developed? Are any of those places nearby other sites in the running for the HEU project?

I-17-20

7) Noise Pollution

A. Hedgeside Road Noise Impact

"...only roadways near potential HEU development sites where existing volumes are published by Caltrans were examined in detail. These roadways are Monticello Road and Imola Avenue. The results of the vehicular traffic noise modeling effort for these roadways is summarized in Table 4.12-10 and reflect potential roadway noise increase associated with the Bishop, Altamura and Imola opportunity sites. However, there are a number of other roadways adjacent to other opportunity sites for which data is not available and the potential impacts cannot be evaluated quantitatively at the programmatic level of the HEU." [pg 364, section 4.12]

I-17-21

Note: The DEIR only has data for Monticello Road and Imola Road in regards to traffic volumes. There is no data available for Hedgeside Ave noise (the road that will be accessed by the Bishop development) and so they are indicating here that the potential impacts cannot be evaluated.

"Because the impact to roadways that would be used to access the Spanish Flat and Foster Road sites cannot be quantified at a project-level of detail, the noise impact along roadways use to access these sites is conservatively identified as potentially significant." [pg 365, section 4.12]

Note: They are unable to access data for Spanish Flat and Foster Road sites, so they have conservatively estimated the noise impact as “potentially significant.”

“According to Caltrans, a 3 dB increase in noise is considered barely perceptible to the average human and, in lieu of the any applicable policies in the General Plan with respect to transportation noise, this analysis applies a 3 dBA increase as a significant impact.” [pg 365, section 4.12]

Note: Any noise increase of 3 dB is listed as “significant impact” in the General Plan.

Summary

There is no noise pollution data or research for Hedgeside Ave where the Bishop site is to be accessed from. They also do not have data for Spanish Flat and Foster Road sites, but they listed the noise impact as “potentially significant.” If this is true, then it would also mean that Hedgeside Ave noise should also be listed as “potentially significant,” rather than being attributed to Monticello Road data.

Questions

1. What research will be conducted to test the impact of noise pollution on Hedgeside Ave to make sure that the sound will not surpass 3 dBA (“potentially significant”)?
2. Will the study and research that is conducted at Hedgeside Ave also be conducted in the same manner as Spanish Flat and Foster Roads to ensure that all sites receive adequate data on noise pollution impacts?
3. If there are “potentially significant” (above 3dB) sound increases to those neighboring the Bishop site, what next steps are in place to address this issue? What would be acceptable and not acceptable? For example, if sound levels were to increase by 100%, would that be “unacceptable?”
4. If public transportation is expanded to Hedgeside Ave - for example, a bus stop - what noise impacts would public transportation create on Hedgeside Ave and where would the bus stop be located?

8) Lack of Transportation / GHG Emissions

A. Access to Public Transportation & GHG Emissions

“Policy CIR-4: Consistent with the County’s and region’s greenhouse gas emission reduction goals, the County will seek to increase the supply of affordable multi-unit housing concentrated in proximity to employment centers, services, and transportation hubs to decrease private drive-alone automobile trips.” [pg 415, section 4.15 ‘Napa County General Plan’]

Note: The Napa County General Plan (NCGP), Policy CIR-4 says that they “will seek to increase the supply of affordable multi-unit housing” near employment centers, services, and transportation to decrease drive-alone trips.

“Policy CIR-3: Consistent with urban-centered growth policies in the Agricultural Preservation and Land Use Element, new residential and commercial development shall be concentrated within existing cities and towns and urbanized areas, particularly within Priority Development Areas (PDAs), where higher population densities can have access

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I-17-22

to utilize transit services and pedestrian and bicycle facilities.” [pg 415-416, section 4.15 ‘Napa County General Plan’]

Note: NCGP wants new residential and commercial development concentrated in existing cities/towns/urban areas where there is access to public transportation and pedestrian/bike facilities.

Summary

If the goal of the Napa County General Plan (NCGP) is to decrease greenhouse gas emissions and preserve green/agricultural lands by building new development in existing cities, towns, and urbanized areas - then it would be against the NCGP to remove agricultural land to build high density housing in a rural areas with no safe pedestrian or bicycle facilities, no access to transit services, no close proximity to employment centers, and no existing utilities for water and waste. Each element listed above requires tens, maybe even hundreds, of millions of taxpayer dollars to build out, with little benefit for the overall community. There does need to be an increase in the availability of affordable homes in California, but there also needs to be great consideration for where these homes are built to make living more affordable, while simultaneously improving quality of life. The NCGP has a lot of consideration for building in places to give people the best opportunities, whereas the HEU has the odd requirement of building in ‘unincorporated’ Napa - creating an incongruence with what Napa county has stated they want to do with regards to new development.

I-17-22

Questions

1. If the Bishop site is developed, how will the county provide safe and reliable transportation hubs? Will a bus stop be built along Hedgeside Ave and how many times per day will the bus be available?
2. As mentioned before under ‘Pedestrian Safety,’ what plans does the county have in place to develop proper biking facilities not only along Hedgeside Ave, but also along Monticello Road?
3. If the county does develop bike facilities along Hedgeside Ave and Monticello Road, what would be the total taxpayer cost for this project? And where would the bike facilities extend to?
4. Hedgeside Ave has a ‘blind curve’ on the road, which is a hazard to not only pedestrians, but bikes as well. This blind curve has a very narrow shoulder for pedestrians, but has an inadequate shoulder for bikes (almost none). What study must be done to ensure that the ‘blind curve’ is adequate for bike safety?
5. Are there other ‘blind curves’ in Napa that have been addressed before and what was the outcome of bike safety in those areas? Did accidents decrease?
6. Are there other sites listed on the HEU where there are plans to build bike facilities? Or are there other sites listed on the HEU where existing bike facilities exist?

9) Unsafe Road Conditions

Note: For pictures related to the left hand turn at Hedgeside Ave and Monticello Road, see [Image Appendix, Section 5](#).

A. Unprotected Left Hand Turn onto Hedgeside

Note: There was no mention of the unprotected left hand turn at the intersection of Monticello Road and Hedgeside Ave in the DEIR. Under the Fehr & Peers study for fire evacuation estimates, they did expect ~2 cars per household and if there are over 100 units built at the

I-17-23

Bishop site - we can guess there will be 200 additional cars traveling Hedgeside Ave every day. Many of these cars, like our neighbors, access Hedgeside by making an unprotected left hand turn from Monticello Road to Hedgeside Ave - and unprotected left and right hand turns out of Hedgeside Ave onto Monticello Road. The issue is there is no middle lane to make the left turn from Monticello to Hedgeside, which makes the left-hand turning car block traffic until they have space to turn left. This results in rear-ending accidents and backed up traffic along Monticello.

Summary

There is a great concern for the unprotected left hand turn many of us have to make from Monticello Road onto Hedgeside Ave. On Monticello Road, there is no middle turn lane to prevent rear-end accidents (which some neighbors have experienced) and there is no stop sign or light to protect someone making a left hand turn onto Hedgeside Ave. With an influx of 200+ cars on Hedgeside, it is imperative that the county make upgrades to Monticello Road to accommodate the amount of new traffic, but this will come at a steep cost to taxpayers and surrounding neighbors if Monticello Road needs widening. Monticello Road is quite busy and the addition of a stop-sign could be problematic to the flow of traffic during rush hours or an evacuation.

Questions

1. Knowing the influx of cars that will be driving along Hedgeside Ave, what studies or research needs to be conducted to make sure this intersection does not become a bottleneck for Monticello Road (when people attempt a left-hand turn)?
2. What is the added cost to the Bishop site development if changes are required to accommodate the number of people making a complete stop on Monticello Road to turn left onto Hedgeside?
3. Is there a chance that a 3-way stop sign will be added to accommodate those who turn left on Hedgeside Ave? Will this create bottlenecks that sometimes appear on Monticello Road and Silverado Trail?
4. Will there be bottlenecks on Hedgeside Ave during rush hour times (for example: 8-9AM) for those turning onto Monticello Road with no protected right or left hand turn? Monticello Road is the main throughway to the city of Napa, and an increase of over 200 cars on rural Hedgeside Road is going to pose problems for those getting to work or taking kids to school.

10) Project Alternatives

A. Issues with Bishop Site

“CEQA also requires that an environmentally superior alternative be selected from among the alternatives. The environmentally superior alternative is the alternative with the fewest or least severe adverse environmental impacts.” [pg 492, section 5.1]

Note: According to this, Bishop and Spanish Flats have the “fewest or least severe adverse environmental impacts” according to the DEIR research.

“Sites included in the County’s current housing element were considered for inclusion in the Housing Element Update and were eliminated from consideration because the sites have not developed in past years and would be unlikely to be accepted by HCD.

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Some of the sites are also located within high fires severity zones.” [pg 495, section 5.2]

Note: Other sites were removed from the HEU list because they have “not developed in past years and would be unlikely to be accepted by HCD” and are located within high fire severity zones.

“Another site across Monticello Road to the southeast of the Bishop and Altamura sites was considered for inclusion in the housing sites inventory and eliminated from consideration due to the lack of proximity to wastewater infrastructure.” [pg 495, section 5.2]

Note: There was a site located near Monticello Road that was excluded because it was not close to wastewater infrastructure. The Bishop site is also located away from wastewater infrastructure and will require wastewater utilities to be built out to the property (approx. 1/4th of a mile from Monticello Road).

“Alternative 2: Reduced Program Alternative. This alternative would update the County’s Housing Element in the same manner as the proposed HEU, but would eliminate the Altamura, Foster Road, and Imola Avenue sites from the housing sites inventory. No General Plan or zoning changes would be pursued to accommodate multi-family housing on these sites, the land use and zoning designations currently in place would continue, and any development on the sites would be subject to policies and standards that currently exist. Only the Spanish Flat and Bishop housing sites would be designated for multi-family development under this alternative.” [pg 495-496, section 5.2]

Note: The first alternative is to have “No Project,” while the second alternative is to only have “Spanish Flat and Bishop housing sites.”

Summary

The Bishop and Spanish Flat sites for the HEU developments were designated as having “the fewest or least severe adverse environmental impacts” according to the DEIR. However, it seems there has not been adequate enough research done for the Bishop site to determine that it has the least, or fewest, environmental impacts as compared to the other HEU sites. It is also noted that other sites were dropped from the HEU list due to lack of proximity to wastewater utilities and location in or around high fire severity zones - which are all challenges that the Bishop site presents.

Questions

1. What does “lack of proximity to wastewater infrastructure” specifically mean? What specific distance to wastewater utilities does a site need to be under to be considered for the HEU?
2. There was another site near Monticello Road that was removed from the HEU list of sites because of “the lack of proximity to wastewater infrastructure.” What specific site was this and how far was it located from wastewater utilities? Is it greater than the distance that the Bishop site is from existing wastewater utilities?
3. What does “located within high fires severity zones” specifically mean? What specific zone are they describing when talking about sites listed in the previous Existing Housing Element (page 495)?



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4. If the Bishop site is adjacent to a 'very high fire hazard severity zone' (VHFHSZ - mentioned on page 486), would that not also be similar in fire danger to "high fires severity zones"?

I-17-25

I fully support the Napa County General Plan (NCGP) goal of decreasing greenhouse gas (Policy CIR-4) and preserving our agricultural/green lands (Policy CIR-3) by developing new residential homes in areas that provide opportunities and support existing city infrastructure. Having close access to public transportation, job opportunities, schools, grocery stores, and safe pedestrian and biking facilities is not only important for healing our environment and putting our tax dollars to efficient use, but for the safety and well being of our community.

I-17-26

Napa County needs homes and it is imperative that we see homes developed in areas that lift the community up and present positive impacts to new homeowners. Compared to the other HEU listed sites, the Bishop site poses several issues that require millions of dollars to address and fix (pedestrian and bike facilities and wastewater utilities), many problems that were overlooked (like flooding and fire evacuation bottlenecks), or simply not addressed in the DEIR (like the endangered Napa Bluecurls).

Please consider removing the Bishop site from the HEU list.

Sincerely,

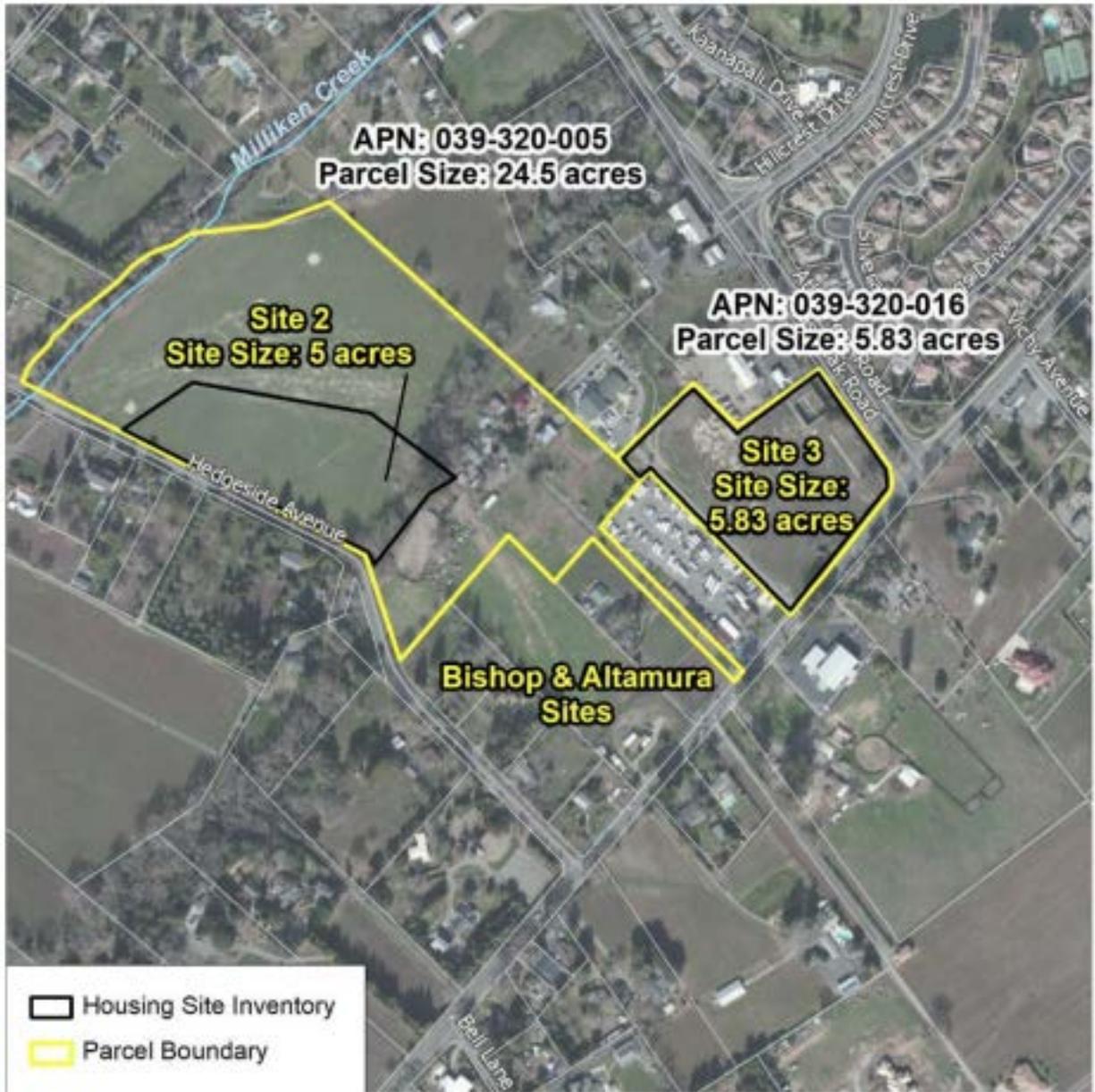
Karen Lynch

Image Appendix

Image Appendix 1 0. Site Location 3 0A. Bishop Site Location 3 0B. Bishop North End of Field 4 0C. Bishop Middle of Field 4 0D. Bishop South End of Field 5 1. Distance from Bishop Site to Nearest Grocery Store and Bus Stop 6 1A. Nearest Grocery Store 6 1B. Nearest Bus Stop 6 2. Monticello Road - No Pedestrian or Bike Facilities 7 2A. Photo of No Sidewalks 7 2B. Photo of Narrow Bike Shoulder 7 3. Hedgeside Ave - No Pedestrian or Bike Facilities 8 3A. No Pedestrian or Bike Facilities Adjacent to Bishop Site 8 3B. No Pedestrian or Bike Facilities at 'Blind Curve' 8 3C. No Pedestrian or Bike Facilities on Hedgeside Ave 9 3D. No Pedestrian or Bike Facilities at Milliken Creek bridge 9 3E. No Pedestrian or Bike Facilities on Hedgeside Ave, Approaching Monticello Road 10 4. Hedgeside Ave 'Blind Curve' Concerns 11 4A. 'Blind Curve' Location 11 4B. Facing South - Start of Blind Curve 12 4C. Facing South - Middle of Blind Curve 12 4D. Facing North - Start of Blind Curve 13 4E. Facing North - Middle of Blind Curve 13 5. Monticello Road and Hedgeside Intersection Concerns 14 5A. Unprotected Left Turn on Monticello 14 5B. Photo of Unprotected Left Turn on Monticello 15 5C. Photo of Damage from Unprotected Left Turn on Monticello 15 6. Milliken Creek and Flooding 16 5A. Photo of Milliken Creek, Facing West From Bridge 16 5B. Photo of Milliken Creek, Facing East From Bridge 16 5C. Photo of Milliken Creek, Flooding on 1.8.2017 - Looking West 17 5D. Photo of Milliken Creek, Flooding Over Bridge on 2.7.2017 - Looking South 18 5E. Photo of Milliken Creek, Flooding From Home on 2.7.2017 19

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0. Site Location



0A. Bishop Site Location

This image was pulled from the DEIR [pg 61, section 3]. The Bishop site, which is 5 acres, will be accessed from Hedgeside Ave (according to the Housing Site Inventory outline in black above).

0B. Bishop North End of Field

Taken on 10.4.2022. This is the north end of the Bishop field which runs adjacent to Milliken Creek.



0C. Bishop Middle of Field

Taken on 10.4.2022. This is the middle of the Bishop field.



0D. Bishop South End of Field

Taken on 10.4.2022. This is the south end of the Bishop field. This is right next to the 'Blind Curve' on Hedgeside Ave.



2A. Photo of No Sidewalks

Monticello Road facing west on 10.4.2022. There are no sidewalks and there are insufficient bike lanes.

2B. Photo of Narrow Bike Shoulder

A car traveling west on Monticello Road on 10.4.2022. There is minimal space for the car to pass a bike with the required minimum of 3 feet (California law). This creates dangerous conditions for those who rely on a bike for work, groceries, school, or accessing the bus stop.

3. Hedgeside Ave - No Pedestrian or Bike Facilities



3A. No Pedestrian or Bike Facilities Adjacent to Bishop Site

Hedgeside Ave facing south, adjacent from the proposed Bishop site on 10.4.2022. There are no sidewalks. The right side of the road (when facing south) provides little shoulder space to walk, but is uneven and not suitable for children/strollers. Bikes have no protection/facilities.



3B. No Pedestrian or Bike Facilities at 'Blind Curve'

Hedgeside Ave facing north at the 'blind curve' on 10.4.2022. There is no pedestrian walking space at the 'blind curve,' which is a dangerous situation for pedestrians, as well as bikes who have no shoulder space. This is not suitable nor safe for children/strollers.



3C. No Pedestrian or Bike Facilities on Hedgeside Ave

Hedgeside Ave facing south on 10.4.2022. There are no sidewalks or shoulder space for pedestrians to walk. There are also no bike facilities.



3D. No Pedestrian or Bike Facilities at Milliken Creek bridge

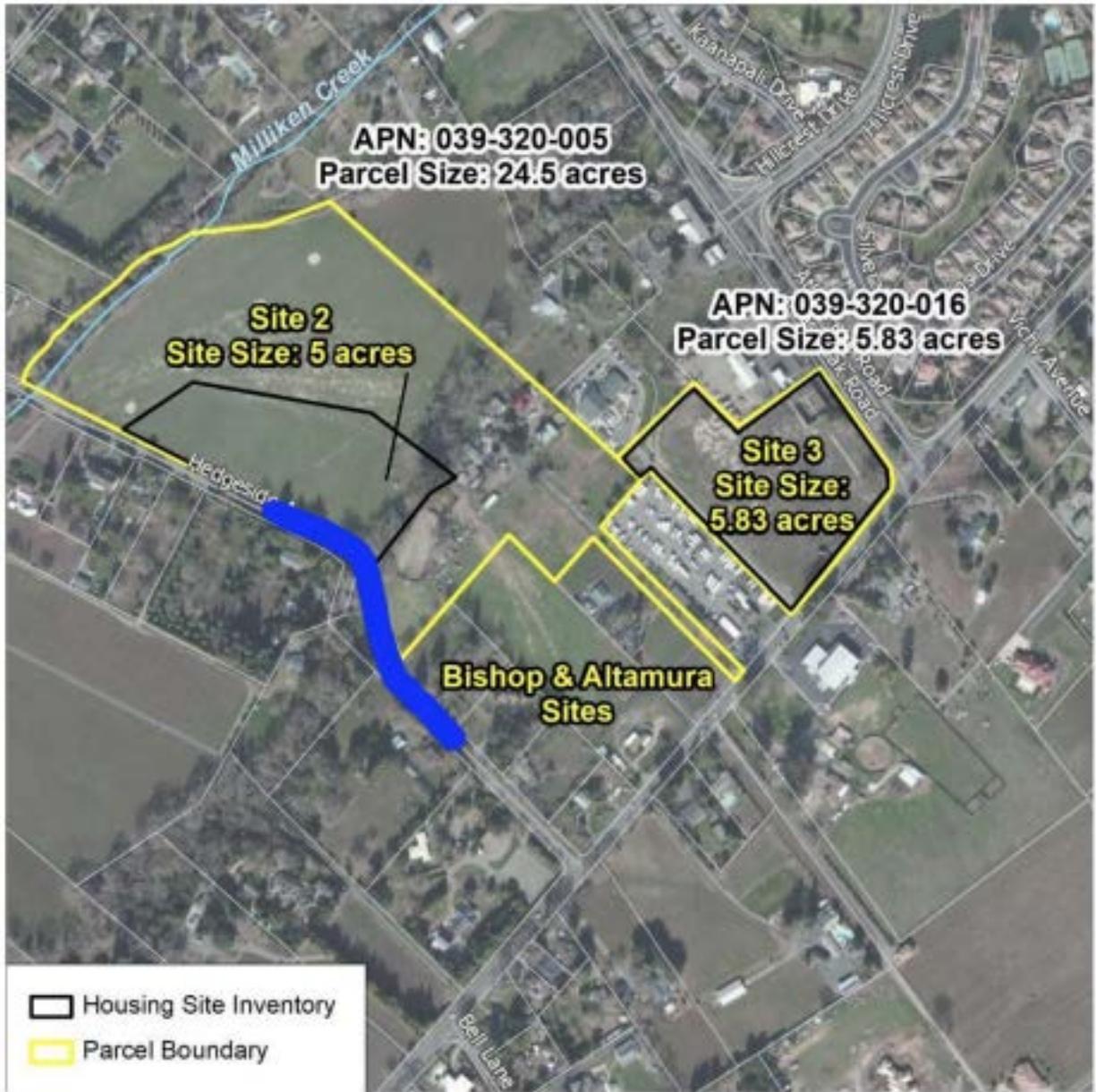
Hedgeside Ave facing north and looking over Milliken Creek bridge on 10.4.2022. There are no sidewalks or shoulder space for pedestrians to walk. There are also no bike facilities.



3E. No Pedestrian or Bike Facilities on Hedgeside Ave, Approaching Monticello Road

Hedgeside Ave facing south and looking towards Monticello Road on 10.4.2022. There are no sidewalks or shoulder space for pedestrians to walk. There are also no bike facilities.

4. Hedgeside Ave 'Blind Curve' Concerns



SOURCE: ESA, 2022

Napa County Housing Element Update

4A. 'Blind Curve' Location

The BLUE line highlights the location of the 'blind curve' on Hedgeside Ave - as drawn on the DEIR site location image [pg 61, section 3].



4B. Facing South - Start of Blind Curve

Standing in the middle of the road and facing south on 10.4.2022. This is blind corner view from the start of the curve. There is a blind corner noticeable from the middle of the road, which poses dangers for pedestrians (adults, but especially children), bikes, animals, and even other cars.

4C. Facing South - Middle of Blind Curve

Standing in the middle of the road and facing south on 10.4.2022. This is blind corner view from the middle of the curve. The blind corner is quite noticeable/sharp from the middle of the road, which poses dangers for pedestrians (adults, but especially children), bikes, animals, and even other cars.

4D. Facing North - Start of Blind Curve

Standing in the middle of the road and facing north on 10.4.2022. This is blind corner view from the start of the curve. There is a blind corner noticeable from the middle of the road, which poses dangers for pedestrians (adults, but especially children), bikes, animals, and even other cars.

4E. Facing North - Middle of Blind Curve

Standing in the middle of the road and facing north on 10.4.2022. There is blind corner view from the middle of the curve. The blind corner is quite noticeable/sharp from the middle of the road, which poses dangers for pedestrians (adults, but especially children), bikes, animals, and even other cars.

5. Monticello Road and Hedgeside Intersection Concerns

5A. Unprotected Left Turn on Monticello

The RED line highlights the location of the unprotected intersection of Monticello Road and Hedgeside - as drawn on the DEIR site location image [pg 61, section 3]. There is no light signal, no middle turn lane, and there is only 1 stop sign for those turning onto Monticello from Hedgeside. To turn left onto Hedgeside from Monticello, you must stop all traffic behind you and wait to turn left, with cars typically traveling 45+ MPH.

5B. Photo of Unprotected Left Turn on Monticello

This is a photo, taken on 10.4.2022, of the area where left hand turns are made onto Hedgeside Ave. As you can see, there is no middle lane for someone to pull over to turn left - and there is no shoulder to drive around a car waiting to turn left - which results in cars backing up on Monticello Road.

5C. Photo of Damage from Unprotected Left Turn on Monticello

Taken on 10.4.2022, this is a photo of a fence along a property where the unprotected left hand turn from Monticello Road and Hedgeside Ave is. It appears that this fence has undergone damage from a potential accident at this intersection, likely from the left hand turn.

6. Milliken Creek and Flooding

5A. Photo of Milliken Creek, Facing West From Bridge

Taken on 10.4.2022. This is Milliken Creek. This is the condition of the water flow typically.

5B. Photo of Milliken Creek, Facing East From Bridge

Taken on 10.4.2022. This is Milliken Creek. This part of the creek runs adjacent to the north end of the Bishop site. This is the condition of the water flow typically.

5C. Photo of Milliken Creek, Flooding on 1.8.2017 - Looking West

Taken in 2017 by a neighbor on Hedgeside. This is Milliken Creek during a heavy rain. You can see it sweeping away a tree in the middle there (it is leaning left). There were two heavy periods of rain during this time (January and February)

5D. Photo of Milliken Creek, Flooding Over Bridge on 2.7.2017 - Looking South

Taken in 2017 by a neighbor on Hedgeside. This is Milliken Creek during a heavy rain. You can see the water flow is over the bridge and there is flooding on the Bishop field (upper left hand corner).

5E. Photo of Milliken Creek, Flooding From Home on 2.7.2017

From a neighbor's property, who lives adjacent to Milliken Creek. The water is rushing in the background (upper right hand corner) and the water levels come right up to the home (at the grass). The neighbor also experienced soaked floors inside of the house.

6. Rare, Threatened, Endangered or Species of Special Concern

6A. Location of Napa Bluecurls - Highlighted in Yellow by CalScape (California Native Plant Society)

"Trichostema ruygtii, with the common name Napa bluecurls, is a species of flowering plant in the mint family. It was first described to science in 2006. The plant is endemic to California in the northern San Francisco Bay Area, where it is known from the southern Mayacamas Mountains, in Napa County and into western Solano County. Its habitats include chaparral, oak woodland, mixed evergreen forest, and vernal pools in grasslands. Trichostema ruygtii is an annual herb that grows under 5 decimetres (1.6 ft) in height. The stems and lanceolate leaves have short hairs. The flowers are a pale lavender in color. Its bloom period is June to October. The species is threatened by agriculture and development. Trichostema ruygtii is listed as a Critically endangered species on the California Native Plant Society Inventory of Rare and Endangered Plants." [website: [https://calscape.org/Trichostema-ruygtii-\(\)](https://calscape.org/Trichostema-ruygtii-/), date: 10.6.22]

6B. Location of Napa Bluecurls - As Indicated in DEIR Table 4.4-1

As indicated in the DEIR, there are potential Napa bluecurls located at the Bishop site.

"Potential habitat for Napa bluecurls is present along Atlas Peak Road west of Silverado Country Club." [pg 150, section 4.4] This mention, along with the highlighted map from the California Native Plant Society, indicates that more research and mitigation efforts need to be

done for the Bishop site to protect this Critically endangered species. This plant is already classified as "threatened by agriculture and development" and it seeks to have its survivability threatened by more development in its limited habitat.

6B. Location of Western Pond Turtle - As Indicated in DEIR Table 4.4-1

This table fails to indicate the presence of the Western Pond Turtle at the Bishop site, when the DEIR states, "Construction at the Imola site and Northeast Napa site could directly affect known western pond turtle (WPT) populations and upland habitat for this species." The Northeast Napa

site is the Bishop Site which is next to Milliken Creek - where several neighbors have seen WPTs.

Letter I-17: Karen Lynch, October 7, 2022

- I-17-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-17-2 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.
- I-17-3 See Master Response 1, *Water Service*. See also Master Response 7, *Bishop Housing Site – Sewer Service*.
- I-17-4 The comment regarding municipal utility service for existing residents does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- I-17-5 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.
- I-17-6 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter, regarding financial considerations such as construction costs. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- I-17-7 See Master Response 1, *Water Service*. See also Master Response 7, *Bishop Housing Site – Sewer Service*. Regarding comments related to infrastructure capacity related improvements, these were studied in Draft EIR Section 4.16, *Utilities and Service Systems*, which determined that impacts related to the construction of new or expanded utility infrastructure would be less than significant (Draft EIR p. 4.16-19 – 4.16-22).
- I-17-8 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter, regarding financial considerations. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- I-17-9 Regarding a timeframe for wastewater utility improvements, this comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- Regarding construction and potential driveway access for existing residents, as discussed in the Draft EIR, the County requires the preparation of construction traffic management plans that minimize temporary obstruction of traffic during site

construction (Draft EIR p.4.15-30). These construction traffic management plans take into account access to existing driveways and emergency vehicle ingress and egress.

- I-17-10 The comment regarding municipal utility service for existing residents and businesses does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- I-17-11 See Master Response 1, *Water Service*, in Section 3.2 of this chapter. See also Master Response 7, *Bishop Housing Site – Sewer Service*.
- I-17-12 See Master Response 1, *Water Service*, in Section 3.2 of this chapter. See also Master Response 7, *Bishop Housing Site – Sewer Service*.
- I-17-13 See Master Response 1, *Water Service*, in Section 3.2 of this chapter. See also Master Response 7, *Bishop Housing Site – Sewer Service*.
- I-17-14 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-17-15 According to the *Napa County Defensible Space Guidelines*, “defensible Space” means the area around a structure with a minimum distance of a 100-foot radius or to the property line, whichever is less, in which combustible vegetation and other prohibited materials must be treated, cleared, or reduced to slow the spread of fire to and from the structure. The obligations under Napa County Code Chapter 8.36 pertaining to maintenance of defensible space around any structure include the obligation a buffer within 30 feet of any structure and a reduced fuel zone that extends to a minimum distance of 100 feet away from a structure or to the property line adjacent to the structure if less than 100 feet from the structure.³⁹ As discussed in Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, the 5-acre upland Bishop site is offset from the creek by more than 200 feet, allowing ample space for defensible space without impacting Milliken Creek.
- I-17-16 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter, regarding financial considerations such as fire and flood insurance costs. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- I-17-17 Concerning potential water quality impacts on Milliken Creek due to construction, potential impacts were studied in Section 4.10, *Hydrology and Water Quality*, of the Draft EIR. Construction projects that disturb one or more acres of ground

³⁹ Napa County and CalFIRE, 2021. *Napa County Defensible Space Guidelines*, May 2021. <https://www.countyofnapa.org/DocumentCenter/View/20532/Defensible-Space-Guidelines-PDF---Updated-in-2021#:~:text=Provide%20at%20least%20100%20feet,feet%20from%20the%20any%20structure.>

disturbance, such as potential development on the Bishop site, would be required to obtain coverage under the NPDES Construction General Permit. Preparation of a Stormwater Pollution Prevention Plan (SWPPP) that includes specific best management practices (BMPs) designed to prevent sediment and pollutants from contacting stormwater from moving off site into receiving waters, such as Milliken Creek, along with its implementation during construction, is required to comply with the NDPEs Construction General Permit. Moreover, development projects implemented under the HEU would be subject to controls and requirements described in the Napa County Stormwater Management and Discharge Control Ordinance (Chapter 6.28 of the Napa County Municipal Code). This code specifies that an erosion and sediment control plan be prepared for such projects, subject to County engineering review and approval (Draft EIR p. 4.10-22).

- I-17-18 See Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, in Section 3.2 of this chapter.
- I-17-19 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-17-20 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter, regarding the preparation of a Traffic Impact Study (TIS), consistent with the Napa County TIS Guidelines, which would address concerns relating to parking for future development at the Bishop site.⁴⁰ This comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088.
- I-17-21 See Master Response 5, *Bishop Housing Site – Noise Concerns*, in Section 3.2 of this chapter.
- I-17-22 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-17-23 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter, regarding the preparation of a TIS, consistent with the Napa County TIS Guidelines, which would address concerns relating to turning movements on Hedgeside Avenue.
- I-17-24 The comment claims that the Spanish Flat and Bishop sites would have the fewest environmental impacts and should have been eliminated in the Reduced Program Alternative. See Response to Comment O-3-48 for information related to a

⁴⁰ Napa County, 2021. Napa County TIS Guidelines, January 2021.
<https://www.countyofnapa.org/DocumentCenter/View/2514/Napa-County-Traffic-Impact-Study-Guidelines-PDF?bidId=>

hypothetical alternative where the Spanish Flat and Bishop housing sites are eliminated.

- I-17-25 The comment also questions why another site on Monticello was considered for analysis and determined not to be feasible, when the Bishop site would require infrastructure extension. As discussed in the Draft EIR another site across Monticello Road to the southeast of the Bishop and Altamura sites was considered for inclusion in the housing sites inventory and eliminated from consideration due to the lack of proximity to wastewater infrastructure (Draft EIR p. 5-6). The County determined in its site-selection process, that the length of potential wastewater extension to serve that site reduced the viability for affordable housing. As such, it was determined not to be feasible.

The comment also asks about fire severity zones related to alternatives that were considered but rejected. As discussed in the Draft EIR, sites included in the County's current housing element were considered for inclusion in the Housing Element Update and were eliminated from consideration because the sites have not developed in past years and would be unlikely to be accepted by HCD. Some of the sites are also located within high fire severity zones (Draft EIR p. 5-6).

As defined in Section 4.17, as part of its Fire Resources Assessment Program (FRAP), CalFire has mapped areas of significant fire hazards throughout the state. The maps classify lands into fire hazard severity zones, based on a hazards scoring system that takes into account localized factors such as fuel loading, slope, fire weather, and other relevant considerations, including areas where winds have been identified as a major cause of wildfire spread. Substantial areas of the County have been designated by the FRAP as a Very High Fire Hazard Severity Zone and large areas are also designated as High Fire Hazard Severity Zones.

While the Bishop site is located adjacent to a Very High Fire Hazard Severity Zone, the sites that were considered for analysis but rejected were within either Very High Fire Hazard Severity Zones or High Fire Hazard Severity Zones.

- I-17-26 This is a general comment that includes closing remarks and serves to provide a summary of the more specific comments which are responded to in detail above.

Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

- I-17-27 This comment attaches a series of images intended to support comments raised in the letter above. See Responses to Comments I-17-1 through I-17-27 above for comments to specific issues raised.

October 6, 2022

Dear Trevor Hawkes,

I have concerns about the 2022 Draft Environmental Impact Report (DEIR) for the HEU plan submitted to HCD. This DEIR did not adequately evaluate the impacts of evacuations during natural disasters, especially wildland fires. The DEIR did not address the Bishop proposed housing project in relation to the surrounding residents who depend on these evacuation routes for their safety. Most importantly, how would this DEIR mitigate these concerns with the Bishop site rezoned Residential Multiple (RM).

I-18-1

For numerous years Napa County has experienced simulated evacuation drills of this Eastern area of the County. This was replicated through the annual July 3rd firework events at Silverado Country Club. Thousands would gather for the festivities and then depart for their place of residence elsewhere. This number of visitors represents our current population in the Silverado area, Atlas Peak and Monticello regions, all trying to evacuate when wildfires start, as they did in 2017. This same July 3rd event, proved to Napa County that our rural road systems of Atlas Peak, McKinley, Estee, Hardman, Hedgeside and Monticello Road could not accommodate traffic of such impact. Vehicles would be lined up across Hedgeside Ave and the surface streets for several hours, while attempting to turn on Monticello Road or Silverado Trail. This congestion was even present while law enforcement provided traffic control at controlled intersections in attempt to expedite this flow of vehicles. This July 3rd exercise replicates the congestion problem of our evacuation routes during wildland fires. This threatens the residents on Atlas Peak and Monticello attempting to evacuate, which creates a bottleneck on these lower roads and leaving them stranded on the mountainous roads. How does this Draft EIR address this concern before rezoning the Bishop property for 125 High Density Homes?

I-18-2

A highlighted point that also was not addressed in DEIR was the difference between the two distinctly hazards risks of the Fire Hazard Severity Zones (FHSZ) and evacuation route feasibility. The geographical areas surrounding the proposed Bishop site are classified as "Very High FHSZ" which is an evaluation of considered factors such as fire history, existing and potential fuel (natural vegetation), predicted flame length, blowing embers, terrain, and typical fire weather for the area. The key missing component here is the number of residents attempting to evacuate a given area with the road systems available. This modeling has been tested during the July 3rd firework events and during the 2017 Atlas Fire where residents of Atlas Peak, Silverado Country Club, Monticello Road, Hardman, Estee, McKinley and Hedgeside, were all ordered to evacuate. Unfortunately, lives were lost on Atlas Peak Road that night of October 8th, 2017.

I-18-3



Why was this not addressed in the DEIR and please explain how this will be mitigated?
Did the County of Napa notice residents of Atlas Peak, Silverado Country Club and the greater Monticello region that there was a proposed project jeopardizing their evacuation routes during wildland fires?

I-18-3

Napa County expanding high density housing onto the Bishop site will further exhaust First Responders needed to assist with non-ambulatory residents and those with special requirements. How is Napa County going to provide emergency evacuation transportation for these residents living in high density housing? Many of these occupants move to high density housing and do not own a vehicle and depend on public transit. Now factor in emergency evacuations and ensuring residents have a dependable ride to safety; how do we manage this expectation and execute for their safety? Will the DEIR require the County of Napa going to provide a shuttle bus on standby to evacuate these folks at 2am on a Sunday? Will the DEIR require Napa County to shelter these folks when evacuated? Country living comes with a level of independence including dealing with power outages, what measures are in place to care for the needs of these residents? Please advise how the DEIR will address my concerns listed above.

I-18-4

The Board of Supervisors and Planning Commission of Napa County need to extensively analyze the wildland threat we've experienced locally and provide resiliency through appropriate housing development. Rezoning of the Bishop lands on Hedgeside will complicate efforts of First Responders during emergency events. This added population will shift priorities of fire suppression to that of assisted resident evacuations. Our resiliency in Napa County needs a focused attention that does not complicate response efforts and endanger residents any further than the current problem exists.

I-18-5

Thank you for your time and I look forward to the answers to my questions posed here.

JC Greenberg
1033 Hedgeside Ave
(707)738-7100

Letter I-18: JC Greenberg (1), October 7, 2022

- I-18-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-18-2 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-18-3 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter. Regarding noticing, the Draft EIR was noticed in accordance with the requirements of CEQA. The Draft EIR was made available for public review from August 23, 2022, to October 7, 2022. Notice was published in the Napa Valley Register, sent as direct mail to properties within 1,000 feet of sites identified in the sites inventory, as an email to the County’s ‘interested parties’ list (combination of required CEQA contacts and individuals requesting to be on the list), Community Based Organizations list and the Housing Element Update commenters list. The noticed was also posted on the County’s Facebook and Nextdoor pages.
- I-18-4 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-18-5 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter. Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

October 6, 2022

Dear Trevor Hawkes,

Please include my comments and provide answers to my concerns regarding the Draft Environmental Impact Report (DEIR) for the 2022 Housing Element update.

The DEIR did not adequately address the impacts to flood issues regarding the proposed site located on Hedgeside Ave, Bishop property.

The Bishop site is surrounded by flood mapped areas and many residents experience flood water damage from the rising Milliken Creek. Hedgeside Ave resides in a low depression that makes travel routes impassible, even during routine storms. Picture below is of Hedgeside Ave at Milliken Creek, February 2017.



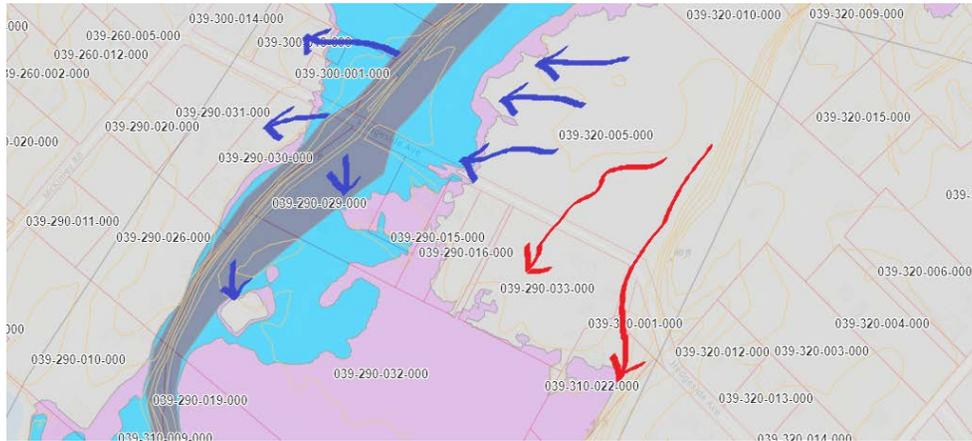
I-19-1

The Bishop site proposed is a flood plain to hold water and prevent downstream flooding of Hedgeside residents, along with residents residing towards Silverado Trail. This project will further impact and escalate these problems by removing 5 acres of holding ground and absorbing rainfall. This will cause further flooding not mapped below and not allow rainfall to recharge aquifers of an area already deemed "ground water deficient" area. (Napa County PBES maps verify)

My home at 1033 Hedgeside sits below elevation grade of Hedgeside. Water run-off from Bishops property already flows through my parcel at max capacity. Hardscaping over 5 acres of Bishops land will send an unmanageable amount of rain water onto my property and cause flooding of my house. This is also true of other neighbors on Hedgeside and around Milliken Creek. The Draft EIR did not address this concern, please provide mitigating measures that need to occur? FEMA flood maps have lagging data when identifying flood areas. The local knowledge and events experienced on Hedgeside pertaining to Bishops lands flooding have identified these gaps.

I-19-2





I-19-2

The physical design of the Bishop site is not conducive for adding 125 homes and displacing 5 acres of flood water holding ground. A project specific Environmental Impact Report would identify these problems and exclude such development that causes flood damage to adjacent and downstream homes. The Draft EIR did not address concerns about flooding impacts to the current homes being proposed, or the drastic impacts this Bishop project poses on existing home owners. Please provide answers how this will be addressed in DEIR before its adoption. Additionally, what are the effects to homeowners living between Hedgeside and Silverado Trail, as excess surface water will be introduced into Milliken Creek. What are mitigation efforts proposed for this hazard. How will the DEIR address impassable egress routes on Hedgeside, as water already runs over the roadway and bridge, not allowing vehicles to pass through? What other areas of Hedgeside Ave will be impacted by excess surface water generated from this project and how will the DEIR mitigate these problems?

Thank you,

JC Greenberg

1033 Hedgeside Ave

(707)738-7100

Letter I-19: JC Greenberg (2), October 7, 2022

- I-19-1 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.
- I-19-2 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.

From: [Gina O'Reilly](#)
To: [Hawkes, Trevor](#)
Cc: [Sam Chandler](#)
Subject: Housing Element/Safety Element DEIR Comment
Date: Friday, October 7, 2022 11:32:01 AM

[External Email - Use Caution]

Monday, October 7th, 2022

Trevor Hawkes
Project Planner
1195 3rd St #210
Napa, CA 94559

Dear Trevor Hawkes,

Our names are Gina and Sam Chandler and we are neighbors of the Bishop property. We are writing to you regarding the Bishop site listed in the Housing Element Update (HEU), as there are numerous issues and concerns with developing high-density residential along rural Hedgeside Ave.

I-20-1

After reading through the Draft Environmental Impact Report (DEIR), here are our most immediate concerns:

1. **Pedestrian and Biking Safety:** There is inadequate pedestrian and biking safety along Hedgeside Ave and Monticello Road (which you would take to access public transportation – the closest bus stop is 2 miles away). In the DEIR, there is no mention of the lack of facilities at the Bishop site, nor any mention of whether or not safe pedestrian and biking facilities would be built. We are greatly worried there will be deadly consequences if pedestrian and biking facilities are not built - especially with hundreds of more people moving into the neighborhood with small children and pets. What plans are in place to develop pedestrian and biking facilities at the Bishop site? And how much will that cost the county or city to do? Are there other HEU sites that do not require pedestrian and biking facilities to be built?

I-20-2

2. **Groundwater Supply:** The DEIR states, "Multi-family housing sites would not be reliant upon groundwater" [pg 328, section 4.10]. However, during the August 12, 2022 HEAC meeting, David Morrison stated that, "...if the city refuses to extend those services or acknowledge their legal requirements to do so, then we will have to look at alternative means." I am concerned that if the Bishop site were to be developed using well and septic systems, there will be significant consequences to the health and level of groundwater in our

I-20-3



neighborhood. This would cause serious issues with our wells, as none of us are connected to city wastewater infrastructure. Is it true that the county can decide to develop the Bishop site using well and septic systems? If so, what studies and research must be conducted to ensure that our wells will not be impacted - nor the health of Milliken Creek (adjacent to the Bishop site)? If there will be wastewater utilities built to the Bishop site, how much will that cost taxpayers in total? And what other neighboring properties will have access to the new wastewater utilities?

I-20-3

3. **Fire Evacuations:** In the DEIR, there was research presented by Fehr & Peers on the evacuation impacts that a new HEU development would have in 8 critical evacuation zones. Only Bishop, Altamura, and Spanish Flat sites are in one of the eight zones (Foster Road and Imola are not). In the DEIR, they noted that a road like Hedgeside Ave could see “increase traffic volumes along the roadways serving as evacuation routes” [pg 485, section 4.17]. It is important for the DEIR to have thorough research for evacuation time on Hedgeside Ave, as this is narrow 2-lane road with no protected left or right hand turn onto Monticello Road (the throughway out in an evacuation) and is currently sparsely populated. An influx of 200 additional cars evacuating from this small road would have significant impacts on the evacuation time for all current residents on Hedgeside - and the surrounding neighbors who rely on Hedgeside to access Monticello Road or Silverado Trail. The HEU project would potentially increase the number of cars currently located on Hedgeside Ave by over 200 cars (assuming 100+ housing units with 2 cars per unit, same as the Fehr & Peers study). What is the evacuation time that those living on Hedgeside Ave would experience in the event of an evacuation, compared to existing conditions? For example: If someone living on Hedgeside were evacuating, what would be the time from house to major throughway - such as Monticello Road or Silverado Trail? How would the county account for gridlock that could occur on Hedgeside Ave because of the large amount of cars present on this small road? If the evacuation time is not acceptable, and jeopardizes the safety of all existing and new residences, what traffic control measures need to be taken to help with traffic flow out of Hedgeside Ave?

I-20-4

4. **Noise Pollution:** There is no noise pollution data or research for Hedgeside Ave where the Bishop site is to be accessed from. While there is also no data for Spanish Flat and Foster Road sites, the noise impact is listed as “potentially significant.” If this is true, then it would also mean that Hedgeside Ave noise should also be listed as “potentially significant,” rather than being attributed to Monticello Road data. What research will be conducted to test the impact of noise pollution on Hedgeside Ave to make sure that the sound will not surpass 3

I-20-5

dBA (“potentially significant”)? Will the study and research that is conducted at Hedgeside Ave also be conducted in the same manner as Spanish Flat and Foster Roads to ensure that all sites receive adequate data on noise pollution impacts? If there are “potentially significant” (above 3dB) sound increases to those neighboring the Bishop site, what next steps are in place to address this issue? What would be acceptable and not acceptable? If public transportation is expanded to Hedgeside Ave - for example, a bus stop - what noise impacts would public transportation create on Hedgeside Ave and where would the bus stop be located?

I-20-5

5. **Access to Public Transportation:** If the goal of the Napa County General Plan (NCGP) is to decrease greenhouse gas emissions and preserve green/agricultural lands by building new development in existing cities, towns, and urbanized areas - then it would be antithesis to remove agricultural land to build high density housing in a rural areas with no safe pedestrian or bicycle facilities, no access to transit services, no close proximity to employment centers, and no existing utilities for water and waste. Each element listed above requires tens, maybe even hundreds, of millions of taxpayer dollars to build out, with little benefit for the overall community. There does need to be an increase in the availability of affordable homes in California, but there also needs to be great consideration for where these homes are built to make living more affordable, while simultaneously improving quality of life. The NCGP has a lot of consideration for building in places to give people the best opportunities, whereas the HEU has the odd requirement of building in ‘unincorporated’ Napa - creating an incongruence with what Napa county has stated they want to do with regards to new development. If the Bishop site is developed, how will the county provide safe and reliable transportation hubs? As mentioned before under ‘Pedestrian Safety,’ what plans does the county have in place to develop proper biking facilities not only along Hedgeside Ave, but also along Monticello Road? If the county does develop bike facilities along Hedgeside Ave and Monticello Road, what would be the total taxpayer cost for this project? And where would the bike facilities extend to? Hedgeside Ave has a ‘blind curve’ on the road, which is a hazard to not only pedestrians, but bikes as well. This blind curve has a very narrow shoulder for pedestrians, but has an inadequate shoulder for bikes (almost none). What study must be done to ensure that the ‘blind curve’ is adequate for bike safety? Are there other ‘blind curves’ in Napa that have been addressed before and what was the outcome of bike safety in those areas? Did accidents decrease? Are there other sites listed on the HEU where there are plans to build bike facilities? Or are there other sites listed on the HEU where existing bike facilities exist?

I-20-6

We support the Napa County General Plan (NCGP) goal of decreasing greenhouse gas (Policy CIR-4) and preserving our agricultural/green lands (Policy CIR-3) by developing new residential homes in areas that provide opportunities and support existing city infrastructure. Having close access to public transportation, job opportunities, schools, grocery stores, and safe pedestrian and biking facilities is not only important for our environment and putting our tax dollars to efficient use, but for the safety and wellbeing of our community.

I-20-7

Napa County needs homes and it is imperative that we see homes developed in areas that lift the community up and present positive impacts to new homeowners. Compared to the other HEU listed sites, the Bishop site poses several issues and concerns that require millions of tax dollars to fix, and many problems that were overlooked, or simply not addressed, in the DEIR.

Please consider removing the Bishop site from the HEU list.

Sincerely,
Gina and Sam Chandler

Letter I-20: Gina and Sam Chandler, October 7, 2022

- I-20-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-20-2 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-20-3 See Master Response 1, *Water Service*, in Section 3.2 of this chapter.
- I-20-4 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-20-5 See Master Response 5, *Bishop Housing Site – Noise Concerns*, in Section 3.2 of this chapter.
- I-20-6 Comments regarding the merits of the HEU or financial considerations do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- See also Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-20-7 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

From: [Dan Hurst](#)
To: [Hawkes, Trevor](#)
Subject: Comment on Housing Element/Safety Element Re: DEIR
Date: Friday, October 7, 2022 10:58:46 AM

[External Email - Use Caution]

Mr. Hawkes,

I attended the Oct. 5th meeting of the Planning Commission via Zoom and I am submitting my thoughts and comments on the DEIR and the HEU. When thinking about the 5 possible sites on the list I try to consider environmental issues and I think that this dovetails with the comfort and safety of the future residents of the sites as well as the appropriateness of the location.

I-21-1

In my humble opinion the alternative of keeping the Bishop site and the Spanish Flat site and removing the other three is the exact opposite of a reasonable assessment, especially if the comfort and convenience of services for the future residents is considered. Please see my comments below.

Regarding the DEIR and the HEU there are major issues with the Bishop site:

- Flooding: if you look at the parcel report for the Bishop site it is designated as a FEMA flood zone and of the 20 some acres the 5 acres being considered are at the lowest portion of the parcel and are bordered by Milliken Creek so you can be sure that the 5 acres will flood. Those of us who are familiar with Milliken Creek and the area being proposed know that it not only floods but the flooding is dramatic. It floods well over the Milliken Creek bridge and has damaged the roadbed in past years. If the proposed development is raised and hardscaped there will be undesirable affects, flooding on neighboring properties will be worse, water running off of parking lots etc. will surely make it to Milliken Creek and that water runoff will be heavily polluted with chemicals such as petroleum products. Milliken Creek is a pristine, year-round waterway that supports a variety of wildlife such as the Western Pond Turtle (Species of Special Concern) and plants such as Napa Blue Curls (CNPS California Rare Plant and Critically Endangered Species). The DEIR seems to overlook this fact and doesn't give proper consideration to the multiple negative effects of the flooding and runoff. Can we please get a more detailed and site-specific evaluation of the effects of flooding on the Bishop site?

I-21-2

If the development is not raised and hardscaped it will flood to some extent which will make it an uncomfortable place to live and flood insurance will need to be a consideration.

-Infrastructure: Although there is a sewer line in the vicinity it will surely need to be upgraded and I have been told that this would necessitate an upgraded line that would start at or near the Milliken Creek Inn on Silverado Trail which is miles from the site and would require substantial trenching and repaving along major roads (think Monticello Rd. and Silverado Trail as it heads to downtown Napa). At what cost? Who funds this? It would be a long project that would cause traffic problems.

I-21-3

At one point David Morrison said that if infrastructure could not be provided the development would need to rely on septic systems and wells. Does anyone know if the 5 acres will be suitable for 100 residences after a septic perc test? I assume that, if septic was to be an option, it would need to be an engineered system which would be a huge expense for these many residences. Wells would not be advisable, our wells in the area are experiencing difficulties and well drilling rigs are a common sight. Adding wells to support these many residents would surely be problematic for

existing residents and for the future residents of the development. Can this be studied further?

↑ I-21-3

-Groundwater: Hardscaping 5 acres will prevent a large area from absorbing water into the aquifer, at present water sits on the 5 acres and has time to percolate into the aquifer. The runoff from the hardscape will be polluted and some of that pollution will make it into the aquifer. Has this been considered appropriately?

I-21-4

-Greenhouse gasses: because of the location (distance from services) and lack of walkability of the site will possibly require hundreds of drive-alone vehicle trips in order for residents of the development to get to services such as shopping, schools, church, medical offices, jobs etc. Can this be studied further?

I-21-5

-Road safety: Hedgeside is a narrow road with no sidewalks or bike lanes and would need to be widened in order to accommodate them and even if the roadway is widened that would cause the Milliken Creek bridge to become a bottleneck as the bridge is very narrow. Has anyone considered the inconvenience and expense of these projects?
The lack of width of Hedgeside Ave. and the "killer curve" cause it to be a road that requires caution even now and with the addition of this many residences the driving safety will be further compromised.

I-21-6

-Public transportation: Nearest bus stop is 2 miles away from the site. Walkability is poor and every time a resident needs something it will require driving, hence more pollution.

I-21-7

-Traffic noise: There was no study for Hedgeside Ave. They are attributing our noise level to Monticello Rd. and you can barely hear the traffic on Monticello Rd. from this part of Hedgeside. Will there be a more suitable and specific study of traffic noise that actually applies to this part of Hedgeside?

I-21-8

-Fire safety: The site is near areas that have burned in the last several years and current residents across from the site are experiencing raised fire insurance premiums and some are having policies canceled, this will surely be an issue for future residents of the site. Evacuations are also called for when there is a fire nearby. Can a site-specific study be done to address these potential problems?

I-21-9

-Archeology: on the parcel map for the Bishop property it states that there may be archeological artifacts on the site, this seems likely since Native Americans typically have a high level of presence near a year-round source of water such as Milliken Creek. Has this been studied?

I-21-10

In closing I would be interested to know if anyone involved in drafting the DEIR actually drove and walked the area of the Bishop site? Hedgeside Ave. looks pretty innocent on a map or in photographs but if one actually visits the site and drives and walks the road the challenges of existing conditions will be obvious and if a high number of residences are added the situation will go quickly from challenging to dangerous for everyone who drives, walks or cycles Hedgeside.

I-21-11

Thank you for your time and your attention to these issues, please consider removing the Bishop site from the list.

Dan Hurst
1617 McKinley Rd.

Letter I-21: Dan Hurst (2), October 7, 2022

I-21-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.

Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

I-21-2 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter. See also Master Response 6, *Bishop Housing Site – Biological Resources Concerns*.

I-21-3 See Master Response 7, *Bishop Housing Site – Sewer Service*, in Section 3.2 of this chapter. See also Master Response 1, *Water Service*.

I-21-4 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.

I-21-5 See PC Comment Response 1, *GHG and VMT-related Impacts*, in Section 3.4 of this chapter.

I-21-6 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.

I-21-7 See PC Comment Response 1, *GHG and VMT-related Impacts*, in Section 3.4 of this chapter.

I-21-8 See Master Response 5, *Bishop Housing Site – Noise Concerns*, in Section 3.2 of this chapter.

I-21-9 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.

I-21-10 Potential impacts on cultural and tribal cultural resources were analyzed in Section 4.5 of the Draft EIR. Implementation of Mitigation Measures CUL-2 and CUL-3 would require a SOIS qualified archaeologist to conduct a review of discretionary projects, or projects near known cultural resources, or within archaeological sensitivity areas, prior to construction, the cessation of activities in the vicinity of finds, and tribal consultation when indigenous resources are inadvertently identified during project construction, which would reduce potential impacts related to archaeological and tribal cultural resources to less than significant levels.

I-21-11 This is a general comment that includes closing remarks and serves to provide a summary of the more specific comments which are responded to in detail above.

Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

From: [William Stevens](#)
To: [Hawkes, Trevor](#)
Subject: Housing Element, Draft EIR
Date: Friday, October 7, 2022 3:23:38 PM

[External Email - Use Caution]

Trevor,

Thank you for meeting me the other day at your office. I did read the DEIR as you suggested and wanted to email you with my observations. Kindly include my comments in the public record.

I-22-1

I found the EIR to be a bit shallow and unclear on some important topics. Seems to me that if one is considering putting such a project so close to one of Napa's year round streams that there would be much more study, facts, comments and concerns about the habitat.

As you know, I live on the other side of the creek with the creek making up one of the borders of our home, so I have a strong view of the habitat. My family and I can witness that it is home to a large number of plants and animals. These residents would be harmed by a project of this scale. The DEIR did not seem detailed enough in the areas of:

I-22-2

- plant disturbance
- animal disturbance
- water table , ground water, septic issues
- flood concerns
- fire risk

I would encourage the county to do much more fact based analysis before trying to move this forward and certainly prior to comparing it to alternative locations for the much needed housing.

I attended the public comment meeting at the Planning Commission and share all the concerns that were voiced. I feel that the project puts both property and life in harms way due to the flooding that occurs routinely on my property; the pressure it puts on groundwater and of course, the reduced ability to save lives and property in the case of fires.

I-22-3

I would also like to present an viewpoint on how the DEIR considered alternatives. Scaling down the plan by only focusing on two locations , claiming it reduces issues by 7 off a base of 16 is incomplete logic. Shaping the narrative using such a shallow measure will lead to poor conclusions. Not all those elements should be given equal weights as was pointed out in the meeting. The Hedgeside area has issues that harm property and threaten lives. I trust the county would place a great deal of weight on that observation ; which is not mitigated in any meaningful way.

I-22-4

Lastly , I would value a more comprehensive view of the real impact of the Hedgeside project. Just focusing on the zoning portion does not focus on the massive infrastructure changes like water/sewage which will have a larger, deeper and wider "impact" on the broader area as it needs to extend water and sewage line for a long distance. Not addressing that topic now makes the notion of a EIR incomplete.

I-22-5

From my knowledge of the other locations, I do not see such risks with at least two of the other locations so I object to the report trying to rank them without comment on analysis of what the entire journey would entail.

Thank you for attention. Please feel free to contact me if any of the above is not clear.

Regards

Bill
William A. Stevens

1819 McKinley Road
Napa, CA 94558

Letter I-22: William Stevens, October 7, 2022

I-22-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.

I-22-2 This is a general comment and does not identify specific issues other than general assertions of inadequacy.

See Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, in Section 3.2 of this chapter.

See Master Response 1, *Water Service*. See also Master Response 7, *Bishop Housing Site – Sewer Service*.

See also Master Response 4, *Bishop Site – Flooding Concerns*.

See also Master Response 2, *Wildfire and Emergency Evacuation*.

I-22-3 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter. See also Master Response 1, *Water Service*. See also Master Response 2, *Wildfire and Emergency Evacuation*.

I-22-4 See PC Comment Response 3, *Alternatives*, for a discussion of alternatives selected for analysis. The primary purpose of the alternatives analysis is to provide decision-makers and the public with a qualitative review of alternatives to the Project that eliminate or substantially reduce any identified adverse environmental impacts while, at the same time, attaining most of the basic objectives of the Project.

I-22-5 The impact under CEQA for utilities infrastructure is if implementation of the HEU would require or result in the relocation or construction of new or expanded utility infrastructure, the construction or relocation of which could cause significant environmental effects. The Draft EIR found that overall, the potential improvements or extension of utility infrastructure to serve development as a result of the HEU would be installed primarily in existing roadways and utility rights-of-way. Aside from short-term construction disturbance, no unusual or further environmental impacts would be generated beyond those identified elsewhere in this Draft EIR for overall construction activity for the project. As such, the implementation of the HEU would not require or result in the relocation or construction of new or expanded utility infrastructure, such that significant environmental effects would occur. As such impacts were found to be less than significant (Draft EIR p. 4.16-19 – 4.16-22).

Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be

included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

From: [Parry Murray](#)
To: [Hawkes, Trevor](#)
Cc: [Parry Murray](#)
Subject: Housing Element/ Safety Element DEIR Master Comments List: Attention Trevor Hawkes
Date: Friday, October 7, 2022 3:56:31 PM

[External Email - Use Caution]

Oct 7, 2022.

Dear Trevor and staff and Planning Commissioners,

At the last public hearing Napa County's Planning Commission heard from citizens of our very real concerns about developing the Bishop site. These concerns have not been addressed to date.

I-23-1

Flooding:

Where would the inevitable flood waters be redirected?

There exists an historical drainage which runs through the site, as evidenced by the channel running North-to-South, in the depression of the roadway on Hedgeside Ave and into the low area of my adjacent property. Would this drainage be redirected? Where?

I-23-2

In the draft DEIR, 4-10-4, it states that there should not be any "altering of existing drainage patterns, decreasing groundwater supplies, interfering with ground water recharge or substantially increasing runoff resulting in flooding."

There exists an ephemeral riparian area on the eastern border of the Bishop site. What are the setbacks from this area?

Will water runoff from this developed 5 acre site of impermeable surfaces and be redirected to this riparian area to create flooding problems to myself and downstream neighbors?

The soil on this 5 acre site is Yolo Loam which readily absorbs rainfall and doesn't shed water offsite and contributes to groundwater recharge. Are there plans to develop this site with solar energy and permeable surfaces to allow groundwater absorption?

Currently, the static water level in my well is at the lowest level I've ever recorded since 1976. Diminishing groundwater recharge in the MST area is a threat to my neighborhood. My closest neighbor's well is failing; another nearby neighbor is currently drilling a replacement well. Water is big issue; removing 5 acres of water recharge is a serious problem.

Traffic:

Ingress and egress from Monticello Road and Hedgeside Ave is a grave safety issue which needs to be addressed adequately.

I-23-3

Much of Hedgeside Ave. is lacking areas for pedestrian traffic. Note the two killer curves on Hedgeside Ave, which are dangerous, to say the least, for biking and walking. Hedgeside Ave. is not suitable or safe for the anticipated increase in auto and pedestrian traffic.

I recognize and support the need for low income housing. My concerns revolve around placing such housing in areas which have existing support services such as grocery stores, shopping centers, bus services, adequate pedestrian walkways, entertainment venues and adequate infrastructure. The Bishop site has none of these support services, while other sites on the housing list do. Rezoning the Bishop site for low income housing wouldn't serve the practical needs of its residents; it just doesn't makes any sense to me. Does it to you?

I-23-4

Sincerely,

William/ Bill Murray

1055 Hedgeside Ave.
Napa, CA 94558

Letter I-23: Bill Murray, October 7, 2022

- I-23-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-23-2 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter. See also Master Response 1, *Water Service*.
- I-23-3 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-23-4 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

From: [jjfkobylka6](#)
To: [Hawkes, Trevor](#)
Subject: Housing Element/Safety Element DEIR Comment
Date: Friday, October 7, 2022 3:59:36 PM

[External Email - Use Caution]

October 7, 2022

Trevor Hawkes,
Project Planner
1195 3rd St., #210
Napa, CA 94558

Dear Trevor,

My name is Joe Kobylka and I live on Mckinley Road near the Bishop property. I am writing to you regarding the Bishop site listed in the Housing Element Update (HEU) with several areas of concern I have in developing the Bishop property into high density housing.

After reading the Draft Environmental Impact Report (DEIR) some of my major concerns are as follows: a fully researched fire evacuation plan that includes Hedgeside Road and the additional vehicles that will be evacuating from the Bishop site, additional traffic flow to and from the Bishop site on Monticello Road and the surrounding surface roads after development, water source if the City of Napa doesn't approve city water [Bishop site is currently in a water deficient area (MST)], additional flooding of Milliken Creek (property sits in a flood zone) during heavy rains due to development of Bishop site, lack of infrastructure (shopping and public transportation), safety hazards for pedestrians and cyclists because of sharp "S" turns and lack of sidewalks on Hedgeside Road, and the disruption and potential destruction of wildlife on the Bishop site and surrounding area.

I-24-1

It doesn't appear that anyone associated with the DEIR visited the Bishop site. They would have immediately had some of the same concerns listed above if they had.

I-24-2

Napa County definitely needs additional housing but the Bishop site isn't the proper fit for this type of housing. It just doesn't make good sense.

Please consider removing the Bishop site from the HEU list.

Sincerely,

Joe Kobylka

Letter I-24: Joe Kobyłka, October 7, 2022

I-24-1 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.

Regarding traffic increases, traffic congestion or measures of vehicular delay are not an environmental impact under CEQA per State CEQA Guidelines Section 15064.3.

See Master Response 1, *Water Service*. See also Master Response 4, *Bishop Site – Flooding Concerns*.

See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter regarding lack of grocery stores or other retail services within proximity to the Bishop site.

See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*.

See also Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, in Section 3.2 of this chapter.

I-24-2 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

October 7, 2022

Trevor Hawkes
Project Planner
1195 3rd St #210
Napa, CA 94559

Dear Trevor Hawkes,

Our names are Chris and Molly Mausser and we are neighbors of the Bishop property. We are writing to you regarding the Bishop site listed in the Housing Element Update (HEU), as there are numerous issues with developing high-density residential along rural Hedgeside Ave.

I-25-1

After reading through the Draft Environmental Impact Report (DEIR), here are our most immediate concerns:

1.

Pedestrian and Bike Utilities: There is absolutely no safe pedestrian and biking facilities along Hedgeside Ave and Monticello Road. There is no mention in the DEIR if there is any intention to build these facilities, which I believe is highly important to encourage less single-automobile trips. Reducing car usage and encouraging bike or public transportation will help us reduce greenhouse gas emissions - which has been a goal/initiative of the Napa County General Plan. I am growing more concerned that the lack of sidewalks and bike lanes will produce deadly consequences for the current and potential future neighbors. How can anyone with a stroller, small children, and pets feel safe walking along Hedgeside Ave when there are no facilities? Are there other sites with more adequate pedestrian and bike facilities - and if so, what are those sites?

I-25-2

2. **Groundwater Supply and Wastewater:** "Multi-family housing sites would not be reliant upon groundwater" [pg 328, section 4.10] is what the DEIR states. What I find puzzling is that there has been discussion about the county potentially 'skirting' this need and using wells/septic for the 100+ new homes at the potential Bishop site, if wastewater utilities are not approved. Is it possible this can happen? I am concerned that if the Bishop site were to be developed using well and septic systems, there will be significant consequences to the health and level of groundwater in our neighborhood - and many neighbors would suffer the outcomes. There are many neighbors already spending thousands of dollars to address their dried up wells. I am also concerned about the impacts of constructing wastewater utilities out to the Bishop site, and the interruptions that would occur. Wastewater utilities are typically built underneath roadways, which would cause significant interruption for all those who use Hedgeside and Monticello road to get to town - and could potentially cause fire evacuation hazards if a fire were to occur as we are immediately adjacent to Very High Fire Hazard Severity Zone (VHFHSZ) (CalFire, 2007). Are there other HEU sites that require less wastewater infrastructure being built? Funds to build wastewater utilities are potentially available, but what would be the total cost for a project that requires not only an extension built to the Bishop Site, but also an expansion of the utilities that run up to Silverado Resort (which are at capacity)?

I-25-3

3. **Fire Evacuation Bottlenecks:** In the DEIR, Fehr & Peers presented information on the evacuation impacts that a new HEU development would have in 8 critical

I-25-4



evacuation zones. Only Bishop, Altamura, and Spanish Flat sites are in one of the eight zones. Foster Road and Imola are not in a critical evacuation zone. What I found concerning is that in the DEIR, they noted that a road like Hedgeside Ave could see “increase traffic volumes along the roadways serving as evacuation routes” [pg 485, section 4.17]. If that is true, where is the study being done to look at the potential impact of hundreds of additional cars along Hedgeside Ave - in the event of an emergency evacuation? I highly believe that hundreds of cars added to this rural road is going to create bottlenecks and impact the timeliness in the event of an emergency.

I-24-4

4. **Noise Pollution Concerns:** In the DEIR it states that“...only roadways near potential HEU development sites where existing volumes are published by Caltrans were examined in detail.” [pg 364, section 4.12] This is concerning that noise pollution has not been examined in detail for Hedgeside Ave, when this is the road that will be accessed to reach the Bishop site. They also do not have data for Spanish Flat and Foster Road sites, but they listed the noise impact as “potentially significant.” If these sites are being listed as “potentially significant” in noise level change, then doesn’t that mean that Hedgeside Ave noise level changes should also be listed as “potentially significant,” rather than being attributed to Monticello Road data?

I-25-5

We support the Napa County General Plan (NCGP) goal of decreasing greenhouse gas (Policy CIR-4) and preserving our agricultural/green lands (Policy CIR-3) by developing new residential homes in areas that provide opportunities and support existing city infrastructure. Having close access to public transportation, job opportunities, schools, grocery stores, and safe pedestrian and biking facilities is not only important for healing our environment and putting our tax dollars to efficient use, but for the safety and well being of our community.

I-25-6

Napa County needs homes and it is imperative that we see homes developed in areas that lift the community up and present positive impacts to new homeowners. Compared to the other HEU listed sites, the Bishop site poses several issues that require millions of tax dollars to fix, and many problems that were overlooked, or simply not addressed, in the DEIR. It would be a shame to have new homeowners face such terrible problems that we all know would arise from the Bishop site as listed above.

Please consider removing the Bishop site from the HEU list.

Sincerely,

Chris and Molly Mausser
1551 Estee Ave.
Napa, Ca . 94558

Letter I-25: Chris and Molly Mausser, October 7, 2022

- I-25-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.
- I-25-2 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.
- I-25-3 See Master Response 1, *Water Service*, in Section 3.2 of this chapter. See also Master Response 7, *Bishop Housing Site – Sewer Service*.
- I-25-4 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-25-5 See Master Response 5, *Bishop Housing Site – Noise Concerns*, in Section 3.2 of this chapter.
- I-25-6 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

Housing Element/Safety DEIR Public Comment

ATTN: Trevor Hawkes

October 7, 2022 Napa County Planning Commission Meeting
Napa County Draft 6th Cycle Housing Element Update
DEIR

From:

Johanna O’Kelley
1126 Hedgeside Avenue
Napa, CA 94558

My property is just across the creek from the Bishop property. I have lived here for 24 years. I am asking that the Hedgeside Bishop property be taken off of this list.

I-26-1

I do understand the pressure from the state to provide affordable housing and support those efforts to build affordable housing. However, I believe there is a way that the requirements from the state can be met in a way that can better serve the residents of the housing while not radically impacting the neighborhood it is being built in.

The Bishop Ranch site (Hedgeside) does not best serve the housing residents and it does radically impact the neighborhood and surrounding neighborhoods, the environment, watershed, groundwater health, species of concern, and more.

What has been said before bears repeating about the lack of basic services for the housing residents. There are no basic services – no shopping (2 miles away), no job opportunities, no public transportation, no pedestrian access especially considering the narrow road and the tremendous increase in cars brought in by the proposed high density housing.

I-26-2

The DEIR does not address a pedestrian plan that meets the Napa Countywide Pedestrian Plan or safety. And, in fact, with the dramatic increase in number of cars (which needs to be further researched for the DEIR as there is no study on the increased traffic for Hedgeside – only Monticello) this high-density housing development will also curtail pedestrian access and safety for the neighborhood and for surrounding neighborhood residents who normally access Hedgeside for walking and bicycling.

Flooding

I-26-3

The DEIR does not accurately reflect the reality of the special flood hazard zone for this property and other surrounding properties as well as downstream properties, and the impacts that 5 acres of hardscape will have in creating a tipping point for even more damaging floods to the surrounding homes. In the 24 years that I have lived here there have been 8-10 times where the creek has overflowed the creekbed, past the 100 year flood plain by 100+ feet and coming close to flooding or actually flooding my home, even flooding my living room with 14” of water one time, and 2 additional times with 2-4 inches of water.

These floods will increase and become even more extreme over time due to climate change. And, the water in the creek rises so quickly and with so much power, it has frequently only taken a matter of 30 minutes or less to go from near the top of the creekbed to flooding out about 250ft+, creating either raging river-like or lake-like conditions in my yard and on the Bishop property as well as for other

↑ surrounding properties. Here are some pictures from the February 2017 rain event which came within just a few feet of flooding my home.

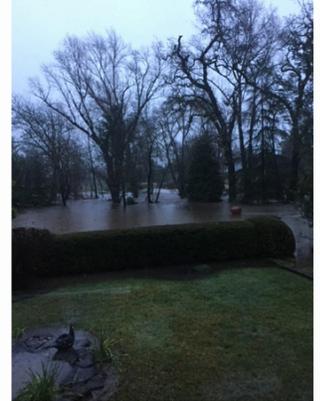
Shown below: February 2017 rain and flooding at 1126 Hedgeside and across creek to Bishop property. Time lapse from the first picture to the 3 & 4th picture is less than 30 minutes.

Raining/creek is high
- see it at tree line

Creek overflows on
Bishop property

Creek floods Bishop property
and my property

Even more flooding
moves up sidewalk to
my house (unseen)



The power of the flooding also provides a safety risk to children, adults, and animals with the power of the water that can happen with flooding. The DEIR does not address this safety concern.

With one flood, it carried my car 6 feet down my driveway and totaled it, ripped up a 12' X 14' foot deck out of concrete blocks reinforced with rebar and wedged it under the bridge, it ripped up a 25ft length and the 2-lane width of the Hedgeside road pavement and threw it in a neighbor's yard, it totaled 3 other cars on Hedgeside, a horse died, and it created a debris dam about 20ft. long ,3' high X 3' deep along the guard rail along the road at the edge of my property, and a massive amount of large trees and other debris in my yard and more.

The formal estimate of loss from that flood was \$43,000 for my property, not including the destroyed car (additional \$20,000). The \$43,000 was not covered by insurance because flood insurance was not required at the time, and I did not have it as a result, due to the fact that the "official 100 year flood line" was over 150' from my house. I have flood insurance now and even though I have not made any claims it has tripled in costs over the past 6 years.

The DEIR does not adequately address the accuracy and the reality of the flood plain area and the 100yr and 500 yr. lines. In 24 yrs., to have flooding exceed that line 8-10 times needs further research.

And, the DEIR does not in any way address the safety concerns associated with these types of powerful flood waters for the housing residents. They can be deadly.

Milliken Creek

The DEIR does not adequately address several things associated with Milliken Creek – from fish/wildlife and flora protection to safety for residents.

I-26-3

I-26-4



- I-26-4 ↑
1. Milliken Creek is a year-round creek with an abundance of fish, wildlife, flora, and fauna that is reliant on this the creek and area. It is a sensitive area that deserves to be safeguarded. Has there been a recent study or observation done to track the species habitat along Milliken Creek - and most specifically, which are currently present in the waterway adjacent to the Bishop site? Do any of those species qualify as rare, endangered, threatened or of special concern?
 2. Why were mitigation efforts specified for the Imola site for the Western Pond Turtle, but the Bishop site had none?
- I-26-5
3. The creek is also an attractive nuisance. Living right on the creek, I have had many people that come right in my yard and go down to the creek to swim and sit on my bench. I am happy to oblige most people when I know who they are but of course, I do ask non-accompanied minors to leave as there is no oversight and so much could happen to endanger their safety. I would imagine that these instances would increase dramatically with a 3-4-fold increase in population on the street with this housing. Where is the safety addressed in the EIR?
- I-26-6
4. Could the 5 acres of hardscape affect the recharge of groundwater that would impact Milliken Creek? What are the toxins that could flow from this hardscape into the creek and how will it affect the fish and species that rely on the creek?

Drought/Groundwater/Watershed Health -- Utilities

I-26-7

There is no water or wastewater utilities to the property beyond a septic and well for the current property use. Either the city will need to bring in water and the wastewater or as David Morrison alluded to in the August 12, 2022 HEAC meeting, "the county will have to look at alternative means". What would that be? Septic systems and wells? Has the DEIR adequately researched whether the city and wastewater services companies have the desire, ability and capacity to service this site? At what expense?

Does this DEIR address the possibility of septic systems and wells as an alternative to support this development? What impacts will that have on all the rest of the neighborhood and surrounding areas who depend on groundwater to recharge and fill our wells? We live in a water deficient area with ever-increasing numbers of wells going dry. The DEIR does not cover this significant possibility.

I-26-8

With the 5 acres of hardscape, have the toxins associated with this, as well as with the increased traffic emissions, been researched in the DEIR and its impact on the health of Milliken Creek as well as the groundwater, our well water, and the watershed? It does not appear so.

I-26-9

I support the Napa County General Plan (NCGP) goal of decreasing greenhouse gas (Policy CIR-4) and preserving our agricultural/green lands (Policy CIR-3) by developing new residential homes in areas that provide opportunities and support existing city infrastructure.

Growth-Inducing Impacts

I-26-10 ↓

If city water and wastewater services, road expansion with stop light, and other infrastructure which would be needed for this site is built, will that open a floodgate of new growth and development?

Currently, with our wells and septic systems in this rural neighborhood, it almost precludes extensive growth or housing developments. But if this housing element is developed and city water and wastewater services, etc. are brought in, what growth-inducing impacts will this have for this whole area?

I-26-10 ↑ Will this open up potential future development on the remaining portion of the Bishop site? This could be for million or multi-million dollar homes? What assurances are there that paving the way for this project with these infrastructure upgrades will not lead to extensive growth-inducing impacts on the rest of the Bishop property or the other nearby neighborhoods that have been waiting to expand until when the city water and wastewater services are upgraded and more available? What is the stop-gap measure that is being instituted to prevent this from happening?

Wildfire & Evacuations:

I-26-11 This area is right up against a high-wildfire area where insurance costs have gone up dramatically in the past few years with some people unable to get fire insurance.

I-26-11 Hedgeside does provide a crucial evacuation route during wildfires not only for the people on Hedgeside to get onto Monticello Rd. but also for the residents on McKinley Rd., on Estee Rd (whose exit may be blocked on Hardman due to the usual path of fires), and also for many people in Silverado Country Club when Atlas Peak invariably gets backed up at Monticello during a rapid exit due to wildfires.

To build a high-density apartment building with 100-200 cars in a high fire zone on Hedgeside will certainly cause a bottleneck for all of us to get out quickly and will create a very dangerous and even deadly situation if we are again in need of a rapid evacuation due to a wildfire – which we inevitably will be. More in-depth research is needed for the DEIR.

I-26-12 Napa County needs homes and it is imperative that we see homes developed in areas that lift the community up and present positive impacts to new homeowners. Compared to the other HEU listed sites, the Bishop site poses several issues that require millions of tax dollars to fix, and many problems that were overlooked, or simply not addressed, in the DEIR.

In closing, I ask that you please remove Hedgeside from the HEU list.

Thank you for your consideration.

Respectfully yours,

Johanna O’Kelley
1126 Hedgeside Avenue
Napa, CA 94558

Letter I-26: Johanna O’Kelley, October 7, 2022

I-26-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.

Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

I-26-2 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.

I-26-3 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.

I-26-4 See Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, in Section 3.2 of this chapter.

I-26-5 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

I-26-6 See Master Response 1, *Water Service*, in Section 3.2 of this chapter regarding groundwater recharge and Master Response 4, *Bishop Site – Flooding Concerns*. Concerning potential water quality impacts on Milliken Creek due to construction, potential impacts were studied in Section 4.10, *Hydrology and Water Quality*, of the Draft EIR. Construction projects that disturb one or more acres of ground disturbance, such as potential development on the Bishop site, would be required to obtain coverage under the NPDES Construction General Permit. Preparation of a Stormwater Pollution Prevention Plan (SWPPP) that includes specific best management practices (BMPs) designed to prevent sediment and pollutants from contacting stormwater from moving off site into receiving waters, such as Milliken Creek, along with its implementation during construction, is required to comply with the NPDES Construction General Permit. Moreover, development projects implemented under the HEU would be subject to controls and requirements described in the Napa County Stormwater Management and Discharge Control Ordinance (Chapter 6.28 of the Napa County Municipal Code). This code specifies that an erosion and sediment control plan be prepared for such projects, subject to County engineering review and approval (Draft EIR p. 4.10-22).

- I-26-7 See Master Response 1, *Water Service*, in Section 3.2 of this chapter. See also Master Response 7, *Bishop Housing Site – Sewer Service*.
- I-26-8 See Response to Comment I-26-6.
- I-26-9 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.
- I-26-10 Growth inducing impacts were analyzed in Chapter 6 of the Draft EIR. The areas under consideration for new housing sites under the HEU have some degree of existing development or are adjacent to developed areas. Urban services and infrastructure like roadways, utilities, and public services police and fire protection are already established in the vicinities. Although on-site infrastructure improvements would need to be constructed to facilitate development in those areas, development of the housing sites for residential uses would only require a connection to existing services. Consequently, implementation of the HEU would not induce unplanned growth in the County or broader area due to extension of urban services or infrastructure (Draft EIR p. 6-5).
- I-26-11 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.
- I-26-12 This is a general comment that includes closing remarks and serves to provide a summary of the more specific comments which are responded to in detail above.

Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

Comments for the EIR on Napa Housing Unit - 2022 October

Impact NOI – 4 Mitigation section does not include North East Napa Location and it should apply to this site as well.

I-27-1

Impact TRA – 2 Mitigation measure ofr TRA-1 There is currently no public transit to the North East Napa Location. Both main access roads, Monticello and Hedgeside have no or very little shoulder so are not safe for bike or pedestrian use.

I-27-2

The Public transportation mitigation cannot rely on future plans that are not already in process for these kind of road and transportation improvements.

Impact TRA-4 This is clearly incorrect due to emergency access and evacuation of only one road for exit and entrance into the new housing units. This would create a bottleneck during any emergency or evacuation. Unless there is a direct additional exit and access from Monticello planned. There is no currently mentioned of this possibility, nor is it included in any mitigation plans.

I-27-3

Section 4.16 Analysis failed to address/analyze indirect impacts associated with sewer lines and water service construction required to establish a dense housing development in North East Napa location. As well as the need to rebuild local roads substantially to support the increase traffic.

I-27-4

Impact WLF 1 - It is clearly evident that the road(s) to exits the area are not adequate to evacuate large numbers of people. The authors of this document do not seem familiar with the road capacity for this area and they did not truly estimate increased trip density on these narrow country roads.

I-27-5

Submitted by Yvonne Rasmussen, 1136 Hedgeside Ave Napa

Letter I-27: Yvonne Rasmussen, October 7, 2022

- I-27-1 See Master Response 5, *Bishop Housing Site – Noise Concerns*, in Section 3.2 of this chapter.
- I-27-2 Based on the number of low and moderately effective potential trip reduction strategies (shown in Draft Table 4.15-4), a TDM program required by Mitigation Measure TRA-1 would likely not result in a 15 percent reduction in VMT, nor would it reduce VMT to more than 15 percent below regional values. The potential effectiveness of strategies is based on potential site group density, access to transit, and nearby destinations within walking or bicycling distance. Due to the contextual nature of the sites which require longer travel distances to, for example, employment centers and services, and low availability of transit options, the TDM measures are unlikely to mitigate the program’s impact to a less than significant level. Therefore, the impact was determined to remain significant and unavoidable (Draft EIR p. 4.15-28).
- I-27-3 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter related to future Traffic Impact Study requirements for site access and circulation. See also Master Response 2, *Wildfire and Emergency Evacuation*, regarding emergency evacuation.
- I-27-4 The impact under CEQA for utilities infrastructure is if implementation of the HEU would require or result in the relocation or construction of new or expanded utility infrastructure, the construction or relocation of which could cause significant environmental effects. The Draft EIR found that overall, the potential improvements or extension of utility infrastructure to serve development as a result of the HEU would be installed primarily in existing roadways and utility rights-of-way. Aside from short-term construction disturbance, no unusual or further environmental impacts would be generated beyond those identified elsewhere in this Draft EIR for overall construction activity for the project. As such, the implementation of the HEU would not require or result in the relocation or construction of new or expanded utility infrastructure, such that significant environmental effects would occur. As such impacts were found to be less than significant (Draft EIR p. 4.16-19 – 4.16-22).
- I-27-5 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.

Napa County Planning, Building, and Environmental Services Department
Attention: Mr. Trevor Hawkes,

From: Jessica McDonald, Hedgeside Ave, Napa

After reading the DEIR I realized it is not an easy task to figure out how to organize my thoughts and create a response to the Environmental Impact Report.

Are impacts “weighted” or “prioritized”? For example, do you put as much “weight” on the impact for the HEU to cause a potential lighting impact versus a potential flooding impact to existing homes? Or an impact that affects the Health and Welfare of residents vs Scenic Vistas? Etc...

I-28-1

The DEIR and Summary of Impacts and Mitigation Measures for the Project page 24 doesn't reflect many of the Potential Substantial Impacts to the Bishop/Hedgeside site. The “Definition of Terms” page 70 **CEQA Guidelines for “Significant Impact” is “...a substantial, or POTENTIALLY SUBSTANTIAL, adverse change in any of the physical conditions within the area affected by the project** including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance” (CEQA Guidelines Section 15382).

- **The inclusion of the wording “Potentially Substantial” to describe a Significant Impact is important to note because many Impacts may have been misunderstood for the Bishop/Hedgeside site in the DEIR.**

Napa County General Plan

Page 21

DEIR states “Make Necessary General Plan amendments and zoning changes in a manner that affirmatively furthers fair housing while preserving the rural character of Napa County and perpetuating the safety and welfare of both existing and future residents.”

I-28-2

- An HEU at Bishop/Hedgeside site would not preserve the rural character of Napa County because it would re-zone Bishop site which is being used for agricultural on a country road with a rural character, to high-density housing.
- A project of this scale at Bishop/Hedgeside Avenue is not perpetuating the safety and welfare of existing or future residents due to its dangerous roads. Reminder, Hedgeside area roadways are not designed for high traffic BECAUSE the Napa County General Plan didn't intend for Hedgeside Avenue to be developed in this way. Imola, Foster Road, Altamura/Atlas Peak, and Spanish Flat proposed sites have appropriate setbacks, traffic controls, proper site lines, and ingress and egress to safely accommodate a large housing development such as this. The main concern about safety regarding Hedgeside Avenue is the blind S-curve, which we call the “Killer Curve”. This blind curve is extremely dangerous, so allowing a substantial increase of cars on Hedgeside and an increase in pedestrian use such as families with strollers, and children riding bikes for “fun” down the blind S-curve hill does NOT perpetuate the safety and welfare of both existing and future residents.

I-28-3



- These are critical safety impacts at the Bishop/Hedgeside site therefore other sites provide better alignment with the General Plan.

I-28-3

Napa County General Plan

Page 230 Goal Con-6:

The DEIR states, “The County shall impose conditions on discretionary projects, which limit development in environmentally sensitive areas, such as those adjacent to Rivers or Stream-side areas, and physically hazardous areas, such as floodplains, high fire risk areas, and geologically hazardous areas”.

I-28-4

- I understand that this project is not discretionary and is state mandated, but what IS discretionary are the locations that are chosen and approved to be rezoned for the HEU development.
- Bishop/Hedgeside Avenue is environmentally complex with a Floodplain, Milliken Creek has Rare and Endangered Fish Habitat, Milliken Creek streamside has sensitive species, special status plants, Milliken Creek Watershed subarea, MST is Designated a Water Deficient Area.
- It appears Bishop/Hedgeside site has many risks, hazards, and potentially critical environmental impacts. What other sites align better with Napa County General Plan Environmental Goals?

High-Cost Flood and Fire Insurance

There is a high probability that we will continue to see a rise in the severity of fires and floods unless there is a major world reversal in GHG (greenhouse gas) emissions. Climate Change due to Global Warming and its effects must be considered when deciding the location of the HEU because the rising cost of fire and flood insurance will put an unnecessary financial burden on the HEU residents at Bishop/Hedgeside site:

I-28-5

- What happens if the HEU is built, but then the insurance providers drop the policy? Or substantially increase premiums?
- What if the residents cannot afford flood and fire insurance? Would the County provide assistance? How much would this cost taxpayers?
- Could this have an impact on the cost of insurance premiums for existing residents?
- It would not be in the best interest of the high-density housing residents to have the financial burden of both the high-cost fire and flood insurance imposed on them, instead, these financial resources could be directed towards groceries, necessary pharmaceuticals, healthcare, and gas for transportation.
- This is not perpetuating the well-being of a future resident since there are other site options.
- Is the Bishop/Hedgeside site the only HEU site that would require residents to have to pay BOTH Flood and Fire insurance?

Rare, Threatened, Endangered, or Species of Special Concern

It’s misleading that the DEIR states “No state-listed species are expected in the HEU project area.” [pg 144, section 4.4] because Milliken Creek and the surrounding areas are known to have Western Pond Turtles, Napa Blue Curly species & Steelhead.

I-28-6

- Milliken Creek has maintained a robust and healthy ecosystem, so it is not accurate to expect or assume there are no state-listed species at the Bishop/Hedgeside site.
- A study done by Napa County Resource Conservation District (RCD) states: Milliken Creek is known to support steelhead spawning and rearing (RCD 2009, Leidy et al. 2005). Occasionally, Chinook salmon have also been sighted spawning in Milliken Creek (Koehler, pers, obs. 2006);....”

I-28-6

Fish and Rare & Endangered Species

Designated Beneficial Uses For Water Bodies in the Study Area

Page 316 Table 4.10–2.

Milliken Creek has designated uses listed as MIGR (Fish Migration), RARE (Preservation of Rare and Endangered Species), SPWN (Fish Spawning) as well as FRSH. FRSH is not defined in the Key, but this is important information that should require a study to be conducted about the presence of Steelhead in Milliken Creek.

I-28-7

- Correction: FRSH needs to be labeled in the Key of this Table
- Where did the information come from that states Milliken Creek specifically has ‘no suitable or potentially suitable freshwater habitat would be present within any of the HEU sites?’

Western Pond Turtles

The DEIR page 156 4.4-22, “Construction at the Imola site and Northeast Napa site could directly affect known Western Pond Turtle (WPT) populations and upland habitat for this species”.

I-28-8

- Correction: The summary omitted the fact that there are Western Pond Turtles at the Bishop/Hedgeside location.

Napa County General Plan Conservation “Policy CON-21: The County shall initiate and support efforts relating to the identification, quantification, and monitoring of species biodiversity and habitat connectivity throughout Napa County. [Implemented by Action Item CON NR-5]” [pg 147, section 4.4]

I-28-9

- The potential impacts in the Biological Resources section needs to be re-assessed for the Bishop/Hedgeside site.
- What Environmental firm will be hired to assess the accurate information regarding ALL of the Rare and Endangered Species in the area?
- When will this observational study or research be completed?
- How did ESA miss the Potential Substantial and Significant Environmental Impacts regarding Rare, Threatened, Endangered, or Species of Special Concerns at the Bishop/Hedgeside Site?

Project Impact BIO-1 page 150: Implementation of the HEU COULD HAVE a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS

I-28-10

- This does not sufficiently address the impact of run-off stormwater due to a substantial amount of impervious surfaces being used to build this 5-acre development AND that it is in a flood-prone flood zone area. The environmental analysis regarding BIO-1 is insufficient when you consider the Substantial Environmental Impacts the combination, and the accumulative effect would have with years and years of runoff and flooding at the Bishop/Hedgeside location.
- Post Construction Stormwater Management Systems are NOT built to withstand flooding rain from Atmospheric River Events which are expected to increase in severity due to Global Warming.
- **BIO-1, BIO-2, BIO-3, BIO-4, and BIO-1CU may have all been mislabeled for the Bishop/Hedgeside site location. “Less than Significant with Mitigation” is not accurate with the combination of excessive run-off due to impervious surfaces, flood-prone flood zone, and increased occurrences of Atmosphere Rivers due to Global Warming and Climate Change and Post Construction of Stormwater Management Systems are NOT designed for flood inundation impacts. This will create a Potentially Substantial/Significant Impact or Significant and Unavoidable Impact AND HAVE CUMULATIVE IMPACT on our Biological Resources in and around Milliken Creek.**

I-28-10

I-28-11

Aesthetics, Lighting

Impact AES – 3 Per DEIR, implementation of the project COULD create a NEW source of substantial light or glare which would adversely affect day or nighttime views in the area

- With an emphasis on NEW sources of substantial light, Bishop/Hedgeside site is located on a small country road. There are no streetlamps or traffic lights. It is not a highway or a busy road. Neither a highway nor a busy road is visible from the proposed Bishop/Hedgeside site. No large developments or commercial businesses are in visual proximity.
- This HEU project would create a NEW source of substantial light at the Bishop/Hedgeside site. How would this be determined?
- Does Foster Road, Imola, Spanish Flats, or Altamura Sites have a higher baseline of lighting?
- Do any of these other locations have streetlamps or stoplights nearby?
- Do any of the other sites have existing residential or commercial developments?
- “NEW source of substantial light impact” was not sufficiently analyzed for the Bishop/Hedgeside site and could have Potentially Substantial Impacts.

I-28-12

Noise impact:

Existing and Projected Peak Hour Traffic Noise Levels Along Streets
Section 4.12-10 Table on page 365

- This table inaccurately depicts the Bishop/Hedgeside Avenue site regarding the noise level concerns. This table is using Monticello Road versus the actual physical location where the increased noise levels would occur. Bishop/Hedgeside Avenue site location ambient noise is not comparable to

I-28-13

Monticello. Bishop/Hedgeside Avenue is a very quiet country road with minimal traffic noise.

- This requires additional impact analysis to establish a baseline ambient noise level and impact that is applicable to this site.
- This table misrepresents the noise level on Hedgeside Avenue where the impact would be noticed.

I-28-13

Hydrology:

There are Complex Factors that Could Cause a Significant Impact and/or Potentially Significant and Unavoidable Impact at the Bishop/Hedgeside proposed HEU site in regard to the impacts to Hydrology.

I-28-14

Soil (and Why it Matters)

Page 308 of the DEIR

“Soil, and surficial geologic units of high permeability, within the subbasin enable infiltration of rain and surface waters, which constitute the primary sources of groundwater recharge in the subbasin.”

- Soil allows water to be absorbed back into the ground to recharge groundwater as opposed to impervious surfaces.
- What impact would 5 acres of impervious surfaces have on our groundwater recharge? This recharge is vital, especially in an area that is water deficient.
- What company are you using to analyze that impact?
- When will we be able to see the results from that impact study?
- Why isn't this Potentially Significant Impact noted in the DEIR since Bishop/Hedgeside is Water Deficient?

I-28-15

Impervious Surfaces (and Why it Matters)

Page 327 Impact HYD-2: the DEIR states “if the development were to include placement of impervious surfaces, to the extent that there would be an appreciable reduction in the overall recharge area for the groundwater basin, such activities could be considered, potentially significant”.

- Adding 5 acres of impervious materials such as roofing and asphalt at the Bishop Property on Hedgeside Avenue will displace stormwater in the area. That matters for several reasons. Bishop/Hedgeside is in the Milliken-Sarco Tulocay (MST) subarea that the County Designated as Water Deficient so if you remove the soil that allows water to seep back into the earth to recharge the groundwater and replace it with impervious surfaces, you could cause a Potentially Substantial Impact to our ground water.
- During heavy rain events, the water that is displaced could become run-off which could cause contaminants from this 5-acre development to end up in our well water and Milliken Creek.
- Impact HYD-1 This hasn't been adequately research, the HEU COULD substantially degrade surface or groundwater quality.
- Impact HYD-4: Implementation of the HEU COULD risk the release of pollutants due to project inundation, which has a higher likelihood, due to being located in a

I-28-16

flood hazard zone. Considering Bishop/Hedgeside site is in a flood zone this is inadequately researched.

I-28-16

Run-Off (and why it matters)

Post Construction Stormwater Management Program (PCSMP)

Page 317

“This provision mandates municipalities to require specified features in facilities to control pollutant sources, control runoff volumes, rates, and durations, and treat runoff before discharge from the site. The provision also requires that these measures be included in development plans as a condition of issuing approvals and permits.”

- Global Warming will likely cause more intense Atmospheric River events. The measures meant to “reduce” run-off listed in the DEIR are not sufficient to prevent run-off from flood inducing rain events such as Atmospheric River events that are forecasted due to Global Warming. This will have a negative impact to the Milliken Creek Watershed, Milliken Creek Sensitive Habitat, and the health of our Wells if the stormwater management systems aren’t built to mitigate flood conditions.
- The wording of the municipal code is termed “stormwater”. How is the term “stormwater” measured?
- Can this effectively be engineered to manage “flood-inducing rainwater” not just “stormwater”?
- Are the Post Construction Stormwater Management systems designed to work effectively when a flood occurs? For example, will it be effective when Milliken Creek water comes over its banks, which could then infiltrate the system?
- Could a bioretention basin be large enough to handle the water run-off of a 5-acre development during an Atmospheric River event?
- Are the effects of Global Warming and Climate Change being considered when choosing a location for the HEU. If so, how?
- Due to the complex environmental nature of the Bishop/Hedgeside site, will additional research and consultation with experts be utilized to ensure an HEU project on the Bishop/Hedgeside site does not cause a detrimental and Significant Impact to existing residents?

I-28-17

Flooding (and why it matters)

Flooding happens regularly at the Bishop site on Hedgeside Avenue because it is in a Flood Zone. Removing 5 acres of soil that acts like a sponge and replacing it with impermeable construction materials such as roofing and asphalt does NOT allow stormwater to be absorbed. Then, combine that effect with Milliken Creek flooding over its banks... where will the water go?

- The new construction project will be built to withstand some flooding effects per the DEIR so it acknowledges there is a potential problem with flooding, **but what about the vulnerability of the homes of existing residents?**
- It is not responsible to support a construction project at a location with the potential of so many Substantial Negative Impacts on existing residents and the environment.

I-28-18

- Impact HYD-3: Implementation of the HEU COULD substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows.
- Why was HYD-3 not considered a Significant Impact? Bishop/Hedgeside is in a flood hazard area, the HEU will use a substantial amount of impervious surfaces which the DEIR mentions can have a Potentially Significant Impact.
- Impact HYD-4: Implementation of the HEU would risk the release of pollutants due to project inundation due to being located in a flood hazard zone. How is this considered “Less than Significant” as a potential impact at the Bishop/Hedgeside site? Excessive Rain=Run-Off + Milliken Creek Flooding does not equate to “Less than Significant” This is a Potential Significant Impact.
- HYD-4 An unacceptable level of research has been done
- What is the number of impervious surfaces that would be detrimental to our water supply? Has this been determined?
- what is the impact on a Water Deficient area when adding impervious surfaces as opposed to sites that are not in a Napa County Designated Water Deficient Area?
- It seems a Water Deficient area should be treated as a hazard area with Special Considerations. We rely on our wells for our basic needs such as drinking water and are very concerned about anything that could cause a negative impact to our wells.
- What happens if the HEU is approved for the Bishop site and then after it is built it is discovered that the Impervious Surfaces do negatively impact our groundwater recharge? Will the County pay for the nearby residents to also hook up to Napa City water and pay our bill, or truck in water for free? How would this potential impact be mitigated?
- Utilizing approximately 5 acres of impervious surfaces has not been adequately researched, therefore needs to be researched BEFORE Re-zoning Bishop/Hedgeside site.
- Significant Criteria page 324 4.10.4, There is a higher Potential Significant Impact at the Bishop/Hedgeside location as opposed to the other sites.
- Additional Site specific analysis needs to be done at a location that has known Potential Significant Impacts. It is not responsible to assume the impermeable surfaces won't affect ground water recharge or allow contaminants to Run-off due to Atmospheric River events and or assume run-off won't make the Flooding worse.
- How is Bishop/Hedgeside site chosen as the Alternative/favored site when considering these Significant Criteria?
- Does Imola, Altamura & Foster Road also have all of these Significant Criteria to consider?

Napa County Floodplain Management Ordinance “Consistent with Napa County requirements (Chapter 6.04.721 of the County Code) residential development would be subject to engineering review and must have the lowest floor, including basement, elevated to or above a level equal to the base flood elevation plus one foot of freeboard.” [pg 329, section 4.10]

DEIR acknowledges that the HEU in a floodplain is a problem so additional construction codes and requirements are imposed.

Page 319 **Construction Floodplain Management Ordinance: A-F** states **“All NEW Construction....”** then goes on to discuss the various State and County building codes that must be met for any structure in a flood hazard. **This ordinance does NOT address how to protect EXISTING homes, outbuildings & other infrastructure, but it does have restrictive regulations in place to prevent flooding effects to any NEW construction project being proposed.**

- **Existing homes weren't built to the same current codes to prevent impacts from flooding so it's not fair to support building the HEU when it makes existing residents more vulnerable to flooding.**
- Will the County pay for existing homeowners on Hedgeside Avenue to bring their homes up to All applicable standards of Title 44 of the U.S. Code of Federal Regulations at Section 60.3, the State and County building codes for construction materials and methods for any structure in a flood hazard area (Ord. 1307 § 1 (part), 2008)?
- Will the County pay for flood damage to existing homes if it is proven the new HEU created a negative impact, therefore, making flooding worse for the neighbors affected?
- The infrastructure and planning methods within the Floodplain Management Ordinance are very costly.
- Spanish Flats, Imola & Altamura sites do not have the same flooding constraints, therefore the construction materials and methods to prevent the flooding would be greatly reduced and more likely to be built.
- What is the calculated cost of flood insurance for those who would be potentially living on the Bishop site?
- Can the Post Construction Stormwater Management System effectively be engineered to manage floodwaters not just “stormwater” as mentioned in the DEIR? Should this distinction be made since Bishop/Hedgeside is in a flood-prone flood zone?
- According to a NASA-led study, Global Warming will likely cause more intense Atmospheric River events. The measures to “reduce runoff” listed in the DEIR are not sufficient to prevent run-off in the more extreme weather events that are forecasted due to Global Warming. This will have a negative effect on the Milliken Creek Watershed, Milliken Creek's sensitive habitat, the health of our wells and add to the flooding concerns.
- Will Climate Change experts be contracted to help engineer a system that can eliminate the threat of run-off during Atmospheric River Events to not increase the impact of flooding in a flood zone?



- Section 4.10, Impact HYD 1, HYD 2, HYD 3, HYD 4, HYD 5 and HYD 1CU **ALL have Potential Substantial Impacts to the Bishop/Hedgeside site.** All of these Impacts have not been sufficiently research or assessed. Experts in ALL areas of concern regarding Hydrology Impacts, including Climate Change experts, need to be involved as a group effort in assessing this complex site location before moving forward on the rezoning.
- Can we as concerned citizens, concerned residents and the ones who would be at greatest risk from these Potentially Significant Hazardous Impacts, be involved in this process to gathering experts and researchers to ensure our Health and Welfare is protected?



I-28-19

Thank you,
Jessica McDonald
Hedgeside Ave, Napa

Milliken Creek Steelhead Habitat Modeling and Instream Flow Study
By Napa County Resource Conservation District
https://naparcd.org/wp-content/uploads/2014/10/Milliken_Flow_Study_Final_Report_Dec_2010.pdf

Letter I-28: Jessica McDonald, October 9, 2022

I-28-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.

CEQA requires a public agency to prepare an EIR describing the environmental effects of a project before a public agency can approve a project that may have potentially significant, adverse physical effects on the environment. The EIR is a public information document that identifies and evaluates potential environmental impacts of a project, recommends mitigation measures to lessen or eliminate significant adverse impacts, and examines feasible alternatives to the project (Draft EIR p. 1-2). The EIR does not prioritize any potential impact over another, it merely discloses potential impacts that could occur so that decision makers can make an informed decision whether to approve or not approve the Project.

I-28-2 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

I-28-3 See Master Response 3, *Bishop Housing Site – Pedestrian and Bicycle Safety*, in Section 3.2 of this chapter.

I-28-4 Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

I-28-5 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter, regarding financial considerations such as flood and fire insurance costs. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

I-28-6 See Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, in Section 3.2 of this chapter.

I-28-7 See Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, in Section 3.2 of this chapter.

I-28-8 See Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, in Section 3.2 of this chapter.

- I-28-9 See Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, in Section 3.2 of this chapter.
- I-28-10 See Master Response 6, *Bishop Housing Site – Biological Resources Concerns*, in Section 3.2 of this chapter. See also Master Response 4, *Bishop Site – Flooding Concerns*.
- I-28-11 The commenter suggests that all of the biological resource impact topics should be considered “significant and unavoidable” due to the effects of climate change on biological resources at Milliken Creek. This comment does not pertain to the adequacy, accuracy, or completeness of the Draft EIR’s analysis of the Project’s physical environmental impacts and thus does not require further response. See also Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.
- I-28-12 Impacts related to light and glare were discussed in Section 4.1, *Aesthetics*, of the Draft EIR. Residential development under the proposed HEU would have outdoor lighting typical of other residential development in the County, including for building entrances, parking lots, and outdoor security. Residential structures would also be composed of similar materials as other residential development in the County, and would not represent a new source of substantial glare. Consequently, future housing constructed under the Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. In addition, development of new housing would be subject to County General Plan policies aimed to prevent excessive light and glare. Policy CC-33 requires the design of buildings visible from the County’s designated scenic roadways to avoid the use of reflective surfaces which could cause glare. Policy CC-34 requires new construction in rural areas to be consistent with current Building Code requirements and be designed to limit upward and spillover light. Potential impacts on light or glare were therefore considered to be less than significant (Draft EIR p. 4.1-11). The comment does not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require further response pursuant to State CEQA Guidelines Section 15088.
- I-28-13 See Master Response 5, *Bishop Housing Site – Noise Concerns*, in Section 3.2 of this chapter.
- I-28-14 This is a general comment and serves to introduce the more specific comments that are responded to below. As such, no specific response is provided.
- I-28-15 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter. See also Master Response 1, *Water Service*, regarding groundwater recharge.
- I-28-16 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter. See also Master Response 1, *Water Service*, regarding groundwater recharge.

- I-28-17 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.
- I-28-18 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter. See also Master Response 1, *Water Service*, regarding groundwater recharge.

Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

- I-28-19 See Master Response 4, *Bishop Site – Flooding Concerns*, in Section 3.2 of this chapter.

See also Master Response 8, *General Non-CEQA*, regarding comments concerning the merits of the Project and flood insurance costs. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

From: [ruralangwin](#)
To: [Hawkes, Trevor](#)
Subject: Comments 2022 DEIR Housing Element Update
Date: Tuesday, October 11, 2022 1:27:12 PM

[External Email - Use Caution]

Dear Mr. Hawkes,

Please include my comments on the 2022 Napa County Draft Housing Element DEIR.

I-29-1

The Spanish Flat site has critical flaws that have not been mitigated in the DEIR including fire hazard, access to public transportation, lack of assurance of availability of any basic services and generation of green house gas from vehicle miles traveled.

1. Figure 94 of the DEIR is a map of Fire Severity Zones in Napa County. The DEIR states Spanish Flat is in a 'Moderate Fire Severity Zone'. However the LNU Complex Fire that swept thru the Spanish Flat community in 2020 destroyed nearly all structures and took three lives. THE DEIR FAILS TO ADDRESS HOW HOUSING DEVELOPMENT IN THIS REOMTE AREA OF NAPA COUNTY CAN BE REASONABLY PROTECTED FROM FUTURE MEGAFIRES. OUTRAGEOUSLY THE DEIR CLAIMS THAT CURRENT IDENTIFICATION OF THE SPANISH FLAT AREA AS A 'MODERATE FIRE SEVERITY ZONE' IS SUFFICIENT MITIGATION FROM FIRE RISK. THE DEIR MUST ADDRESS THE CHANGING CLIMATE AND INCREASED FIRE RISK IN THE SPANISH FLAT AREA AND THE FACT THAT FIRE SEVERITY ZONES ARE NOT STATIC AND WILL CHANGE WITH MANY FACTORS AND THAT FIRE HISTORY IN NAPA COUNTY IS DOCUMENTED BY THE TUBBS AND ATLAS FIRES THAT FIRE CORRIDORS WILL BURN AGAIN.

I-29-2

https://napavalleyregister.com/news/local/3-fire-deaths-in-napa-county-occurred-at-residence-off-highway-128/article_b1f41a2a-2523-5361-a308-5a1e3e5ccff8.html

ESA and County Staff must provide reasonably implementable mitigations for fire hazards at the proposed Spanish Flat Site and discuss how resort development may increase danger during evacuation from wildfires.

<https://m.youtube.com/watch?v=qRRjhig4-4s>

<https://www.mercurynews.com/2020/09/06/photos-and-video-exclusive-drone-footage-of-lake-berryessa-area-dam>
<https://youtu.be/L6FcvJpj2cw>

Napa County has failed to provide any mitigation measures to protect additional housing development in remote, eastern Napa County from future megafires. ESA should be on notice that the State Attorney Generals Office has sued Lake County for approval of resort development in similarly vegetated areas of Lake County. The Spanish Flat Site must be removed from consideration due to unmitigatable wildfire risk.

2. The Spanish Flat area has absolutely no services. None. The area is proposed for potential, future and speculative resort development on Federal Bureau of Recreation lands. However, the development of resort accommodations will not provide any services needed by lower income residents. There is no school, no grocery store, no gas station, no post office, no pharmacy, no electric vehicle charging station, no church, no medical care, no bank, no laundromat, no commercial service of any type in the entire eastern Napa County area. Rather residents must travel to Middletown in Lake County or the City of Napa via winding rural roads to get basic services. While development of proposed resorts may sometime in the future offer pontoon boat rentals, pina coladas at the edge of earth pool and a

I-29-3



resort attire gift shop, there are no proposed development of basic services on unincorporated Napa County lands outside of proposed resorts gates. THE DEIR fails to provide evidence that services would be available to preclude the need to drive long distances for basic services which would contribute to additional vehicle miles traveled and contribute to green house gas emissions. THE DEIR FAILS TO ADDRESS GREEN HOUSE GAS CONTRIBUTIONS BY INCLUSION OF SPANISH FLAT IN HOUSING ELEMENT UPDATE. MERLY STATING THAT GHG EMISSIONS ARE CUMULATIVELY INSIGNIFICANT IS NOT AN ADEQUATE RESPONSE.

I-29-3

3. The DEIR fails to provide evidence that utility services are plausibly available to affordable housing development in the Spanish Flat area. The Napa County LAFCO Municipal Services Review of the Spanish Flat Water District page 458, notes unconfirmed water and sewer capacity for the small rural water utility that has been greatly impacted by the LNU Fire.

https://www.napa.lafco.ca.gov/uploads/documents/NapaCountywideWaterWastewaterMSR_Updated_10-4-21.pdf

The LAFCO MSR a notes "Of note is the impact of the August 2020 Lightning Complex Fires, which razed the 59- home mobile home park within the Spanish Flat community leaving 56 mobile homes destroyed and 35 additional single family homes burned. Additionally, the fire destroyed a portion of SFWD's water and wastewater facilities serving the community, including the wastewater pump station building and controls, lake pump controls and power pole, water tank tops on west hillside. Given this drastic and recent change in the composition of the area, the following discussion regarding potential for growth and development may not be relevant until the area is substantially rebuilt."

I-29-4

The MSR continues "SFWD reportedly does not adopt any planning documents. Infrastructure improvement needs are not documented in a capital improvement plan and are performed on an as-needed basis."

And on the capacity to provide waste water treatment and potable water capacity the MSR concludes "The 2011 MSR identified that there is a distribution system capacity issue associated with deficient storage within the initial pressure zone. This issue has not been addressed to date.

The District noted that when the fires occurred in 2018, that there was not sufficient water storage to weather the outage. In response, the District is working to purchase generators to continue water production during electrical outages."

The DEIR must provide evidence to support housing development at required HCD densities to support future housing given the unconfirmed capacity of the Spanish Flat Water District infrastructure. The DEIR must also report on the potential for water quality concerns given climate change, increased occurrences of toxic alge outbreaks and discuss limits of use of ground water as an alternative.

4. Lastly the DEIR fails to provide any evidence that the Spanish Flat site will have public transportation services and as a result would result in many additional vehicle trips for needed service (the development of low wage hospitality jobs potentially in the Berryessa area will not eliminate trips to Middletown, Napa or St. Helena for all needed services.) In fact, proposing development at the Spanish Flat site is a cruel act which would leave families in a continuous cycle of over paying for private vehicle transportation as a percentage of income and result in a reduced quality of life due to long drive times for basic services.

I-29-5

The Draft Housing Element and the Draft Environmental Impact Report are disingenuous in the inclusion of the Spanish Flat site as potentially developing as an affordable housing site. The Spanish Flat site would in fact isolate a population of low income residents far from public services, burden residents with reliance on private vehicles, isolate families from schools, youth sports, church and needed access to social services and fails entirely to meet HCD's guidelines to affirmatively further fair housing.

https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf



I-29-5

The County of Napa and Consultants have failed to provide evidence to mitigate for fire hazard, assure availability of reliable water and sewer capacity, and to address the need for public transportation and increased GHG emissions in the DEIR. The Spanish Flat site must be removed from consideration by Napa County and HCD as a location for proposed development of affordable housing.

I-29-6

Respectfully,

Kellie Anderson

Angwin

Letter I-29: Kellie Anderson, October 11, 2022

I-29-1 This is a general comment that includes introductory remarks and serves to introduce the more specific comments that are responded to below.

I-29-2 See Master Response 2, *Wildfire and Emergency Evacuation*, in Section 3.2 of this chapter.

I-29-3 See Master Response 8, *General Non-CEQA*, in Section 3.2 of this chapter regarding lack of grocery stores or other retail services within proximity to the Spanish Flat site.

Regarding GHG emissions, the Draft EIR does not state that “GHG emissions are cumulatively insignificant.” To the contrary, cumulative impacts related to GHG were found to be significant and unavoidable, given that GHG emission impacts are cumulative in nature, the HEU’s incremental contribution to significant cumulative GHG emissions would therefore be cumulatively considerable (Draft EIR p. 4.8-34 – 4.8-35). See also PC Comment Response 1, *GHG and VMT-related Impacts*, for more information.

I-29-4 The Draft EIR disclosed the information the commenter cited regarding the existing setting of SFWD infrastructure in Section 4.16, *Utilities and Service Systems*, of the Draft EIR. The Draft EIR notes that construction of water system improvements would likely consist of capacity improvements, replacement of fire-damaged facilities, and extension of water infrastructure to serve the Spanish Flat site. Construction would be temporary and within existing rights of way, and no unusual significant environmental impact would be anticipated due to construction activity. Similarly, If any collection system improvements were identified, construction of these improvements would be temporary and within existing rights of way, and no unusual significant environmental impact would be anticipated due to construction activity. As such, CEQA-impacts related to new and expanded SFWD infrastructure was found to be less than significant (Draft EIR p. 4.16-19- 4.16-22). The Draft HEU also proposes a program that would provide County support for infrastructure improvements needed to supply proposed housing sites.

See also Master Response 1, *Water Service*, in Section 3.2 of this chapter.

I-29-5 See PC Comment Response 1, *GHG and VMT-related Impacts*, regarding analysis of VMT-related impacts.

See also Master Response 8, *General Non-CEQA*, regarding merits of the Project and lack of retail services within proximity to the Spanish Flat site. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

I-29-6 This is a general comment that includes closing remarks and serves to provide a summary of the more specific comments which are responded to in detail above.

Comments regarding the merits of the HEU do not raise a significant environmental issue or specific questions about the analyses or information in the Draft EIR that would require response pursuant to State CEQA Guidelines Section 15088. See Master Response 8, *General Non-CEQA*, for more information. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the proposed HEU.

3.4 Responses to Public Hearing Comments

This section presents responses to verbal comments received on the Draft EIR at the Napa County Planning Commission (PC) meeting held on Wednesday, October 5, 2022. A transcript of the meeting is included as **Appendix D**. Responses are presented to summarized verbal comments, grouped by topic. Rather than responding individually and repetitively, grouped responses by topic have been developed to address such comments comprehensively. Responses focus on comments raised that pertain to the adequacy of the analysis in the EIR or to other aspects pertinent to the potential effects of the Project on the environment pursuant to CEQA.

Common themes of comments raised in the PC meeting also reiterated individual comments submitted and responded to in Section 3.3 of this chapter. Additionally, please refer to the master responses in Section 3.2, which address common topics in a comprehensive manner.

Themes of comments that are not contained in Section 3.2 are presented below.

PC Comment Response 1: GHG and VMT-related Impacts

A comment was raised indicating confusion about both the GHG and VMT impacts resulting in significant and unavoidable impacts, when providing denser housing is part of the strategy to reduce GHGs and VMT.

As presented in the Draft EIR, the Foster Road and Imola Avenue housing sites represent the lower ends of the residential VMT per resident values and the Spanish Flat housing site represents the highest VMT values. Based on the County's TIS guidelines, mitigation measures, if feasible, would be needed to reduce program TAZ VMT per resident by 15 percent, or 3.0 to 9.2 VMT per resident depending on housing sites' Base Year values of 20.0 to 61.6 VMT per resident. Mitigation Measure TRA-1, *TDM Program*, requires developers of multi-family housing sites to develop a project-specific TDM program containing trip reduction strategies with a goal of achieving a 15 percent reduction compared to the unmitigated VMT estimated for the proposed project.

As explained in the Draft EIR, the effectiveness of TDM measures for land use projects in unincorporated areas of Napa County is difficult to quantify as the literature documenting the effectiveness of land use project-level TDM strategies are generally related to suburban and urban areas, not rural areas. Current studies⁴¹ show the maximum percentages of VMT reduction that can be achieved in suburban contexts in California calculates out to the range of mid-single digits due to factors associated with the land use, such as low transit usage (Draft EIR p. 4.15-25).

Based on the number of low and moderately effective potential trip reduction strategies (shown in Draft Table 4.15-4), a TDM program would likely not result in a 15 percent reduction in VMT, nor would it reduce VMT to more than 15 percent below regional values. The potential effectiveness of strategies is based on potential site group density, access to transit, and nearby

⁴¹ *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity*, California Air Pollution Control Officers Association, December 2021.

destinations within walking or bicycling distance. Due to the contextual nature of the sites which require longer travel distances to, for example, employment centers and services, and low availability of transit options, the TDM measures are unlikely to mitigate the program's impact to a less than significant level. Therefore, the impact was determined to remain significant and unavoidable (Draft EIR p. 4.15-28).

An often-cited example of how a project can affect VMT is the addition of a grocery store in a food desert. Residents of a neighborhood without a grocery store have to travel a great distance to an existing grocery store. Adding a grocery store to that neighborhood will shorten many of the grocery shopping trips and reduce the total amount of VMT to/from the neighborhood (Draft EIR p. 4.15-21). Thus, even though densification of sites may lead to lower VMT eventually, until further densification of neighborhood services occurs, residential VMT will remain high.

Turning to GHG impacts, the BAAQMD's GHG thresholds address the two main direct sources of GHG emissions in land use development projects: building energy use and motor vehicle trips. For purposes of the analysis prepared for the Draft EIR, a significant GHG impact would be identified if housing development allowed under the HEU does not incorporate the following performance standards adopted by the BAAQMD:

1. No natural gas to all projects proposed for development under the HEU;
2. Avoid wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines;
3. Compliance with EV requirements in the most recently adopted version of CALGreen Tier 2; and
4. Consistency with the SB 743 target of at least 15 percent reduction in VMT per capita below regional average. This amounts to 13.6 miles per resident, which is 85 percent of the Bay Area 9-county average of 16.0 miles per resident.

Mitigation Measure GHG-1, *Reduce GHG emissions from building energy use and motor vehicle trips*, was identified to reduce impacts. With the implementation of Mitigation Measure GHG-1a (no natural gas) and GHG-1b (comply with electric vehicle requirements), all future projects proposed for development pursuant to the HEU would be consistent with the requirements 1 and 3 of the BAAQMD's GHG significance thresholds. As discussed under Impact ENE-1 in Chapter 4.6, *Energy*, development proposed as part of the HEU would not result in wasteful, inefficient, or unnecessary use of electricity and would therefore comply with BAAQMD GHG threshold 2. However, even with implementation of Mitigation Measure GHG-1c (Mitigation Measure TRA-1), a TDM program would likely not result in reducing VMT to more at least 15 percent below regional average, and the HEU would be inconsistent with BAAQMD GHG threshold 4. Inconsistency with this threshold would mean that projects developed under the HEU would not contribute their fair share of GHG reductions from transportation sources for the Bay Area to achieve its GHG reduction targets for 2030 and beyond. Therefore, this impact would be considered significant and unavoidable with mitigation (Draft EIR p. 4.8-26 – 4.8-30). Thus, due

to the cascading effect of the significant and unavoidable impact, GHG impacts would also be considered significant and unavoidable.

Additionally, a comment was raised with a suggestion to require solar as mitigation for GHG impacts. While the significant and unavoidable impact identified above is not related to building energy use, the current (2019) Title 24 Building Energy Efficiency Standards (Energy Code) which went into effect on January 1, 2020 require that all newly constructed buildings with three stories or fewer have solar panels (Draft EIR p. 4.8-28).

PC Comment Response 2: Parks and Recreation (Skyline Park)

Comments were also raised regarding potential impacts to parks and recreation as a result of the Imola Avenue site reducing the acreage of Skyline Park.

Potential impacts related to parks and recreation were discussed in Draft EIR Section 4.14, *Public Services and Recreation*. Potential direct impacts to parks were discussed relative to potential substantial adverse physical impacts associated with the provision of new or physically altered park facilities, or the need for new or physically altered park facilities, as directed by the Significance Thresholds defined in Appendix G of the *CEQA Guidelines*. Similarly, potential direct impacts to recreation are discussed related to the accelerated substantial physical deterioration of recreational facilities and the construction/expansion of recreational facilities.

As noted in the Draft EIR, Skyline Park is an 850-acre open space regional park that is owned by the state but operated and maintained by a non-profit organization through a lease by Napa County. The park offers several activities including, but not limited to, camping, RV amenities, and miles of hiking, mountain biking and equestrian trails, an archery range, and a native plant garden (Draft EIR p. 4.14-8).

The Imola Avenue housing site is located on a 5-acre portion of Skyline Park and as such, would reduce the acreage of the park by approximately 5 acres. However, Skyline Park is an 850-acre wilderness area that has over 25 miles of trails for hiking, biking, and equestrian use, so there would be ample recreational area available despite the development of housing on the approximately 5-acre Imola Avenue housing site. New residents as a result of the HEU would be expected to use these facilities from time to time; however, given the vast size of the open space facilities and the relatively infrequent usage that future residents would make of them, the HEU would not result in their substantial deterioration. A modest increase in usage of built facilities such as parking facilities, picnic areas, and trails, could result from buildout of the HEU; however, this incremental growth would not be likely to lead to the construction of new built facilities over and above the already foreseen plans of regional park facilities (Draft EIR p. 4.14-20). As such impacts related to parks and recreation related to Skyline Park were found to be less than significant.

All parks and recreation-related comments and issues of concern will be forwarded to the applicable decisionmakers as they consider whether or not to approve the HEU.

PC Comment Response 3: Alternatives

Comments were also raised indicating confusion about the analysis of alternatives in the Draft EIR, and how alternatives were selected for analysis.

As noted on p. 5-1 of the Draft EIR, the State CEQA Guidelines require that an EIR include “an evaluation of the comparative effects of a range of reasonable alternatives to a project that would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the project on the environment.” As such a No Project Alternative and a Reduced Program Alternative (only the Spanish Flat and Bishop housing sites) were identified and selected for evaluation in the Draft EIR.

The No Project Alternative would be the most environmentally superior alternative with the fewest environmental impacts. However, the No Project Alternative would not meet any of the objectives of the HEU as defined above in Section 5.1.1, nor is it legally feasible to implement. The No Project Alternative would also not provide housing to fulfill the requirements of State law or meet the County’s RHNA requirements, which result in a significant and unavoidable land use and planning impact, as compared to the less-than-significant impacts associated with the proposed HEU and the Reduced Program Alternative.

Since the environmentally superior alternative is the No Project Alternative, the EIR also must identify an environmentally superior alternative from among the other alternatives. Therefore, the Reduced Program Alternative was identified as the environmentally superior alternative for the purpose of this analysis.

Even though the Reduced Program Alternative would still result in significant-and-unavoidable (with mitigation) impacts associated with the proposed HEU, it would eliminate the significant-and-unavoidable (with mitigation) impacts related to aesthetics, air quality, and cultural resources, and noise while still meeting the objectives of the proposed HEU. The Reduced Program Alternative would also reduce the severity of other significant and unavoidable impacts related to utilities. As a result, the Reduced Program Alternative was identified as the environmentally superior alternative for the purpose of the EIR.

Section 15126.6(a) states that “an EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.” Section 15126.6(f) describes a “rule of reason,” stating that an EIR “set forth only those alternatives necessary to permit a reasoned choice,” and “the EIR need examine in detail only the ones that the Lead Agency determines could feasibly attain most of the basic objectives of the project.” An EIR is not required to consider alternatives to a component of a project, but only alternatives to the project *as a whole*. (See State CEQA Guidelines Section 15126.6(a); *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 993.) Variations of the same alternative are also not required; “what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.” (*Residents Ad Hoc Stadium Comm. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286; see also *Cherry Valley Pass Acres &*

Neighbors v. City of Beaumont (2010) 190 Cal.App.4th 316, 355-56 [rejecting need to analyze every variation on the alternative continuum for housing project].)

3.5 Responses to Environmental Issues Raised in Comment Letters Received on the HEU

Additionally, many comment letters have been received during the HEU process that were not submitted in direct response to the Draft EIR but may contain comments regarding environmental issues. As such, these letters were reviewed for any additional comments. All of the CEQA-related comments contained in these comment letters are addressed in the responses presented in Sections 3.2, 3.3, and 3.4, above.

CHAPTER 4

Errata to the Draft EIR

4.0 Introduction

This chapter describes changes made to the Draft EIR in response to comments received on the Draft EIR. The changes shown in this chapter update, refine, clarify, and amplify Project information and analyses presented in the Draft EIR.

4.1 Text Changes to the Draft EIR

This section summarizes text changes made to the Draft EIR either in response to a comment, initiated by County staff, or in response to a modification to the proposed HEU. New text is indicated in underline and text to be deleted is reflected by a ~~strike through~~. Text changes (including changes to tables and figures in the Draft EIR) are presented in the page order in which they appear in the Draft EIR.

As indicated in Chapter 1, *Introduction*, the entirety of the HEU Final EIR consists of the Draft EIR, together with this Response to Comments document, including all appendices. Therefore, the Draft EIR changes presented in this chapter are incorporated in and supersede corresponding original text in the Draft EIR.

4.2 Implication of Changes to the Draft EIR

Under CEQA, recirculation of all or part of an EIR is required if significant new information is added after public review and prior to certification. According to State CEQA Guidelines Section 15088.5(a), new information is not considered significant “unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” More specifically, as discussed in Chapter 1, *Introduction*, of this document, pursuant to CEQA Guidelines Section 15088.5(a), recirculation of a Draft EIR is required only if:

- “1) a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- 2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

- 3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it; or
- 4) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.”

None of the changes to the Draft EIR identified in this document meet any of the above conditions. Therefore, recirculation of any part of the Draft EIR is not required. The information presented in the Draft EIR and this document support this determination by the County.

4.3 Changes to Chapter 3: Project Description

1. In response to Comment A-2-3, the following text has been added at the end of p. 3-14 of the Draft EIR:

The HEU would identify a 5 -acre site owned by the State of California and planned for residential development as part of the Housing Sites Inventory (see **Figure 3-6**). The State has expressed an interest in selling Skyline Park to the County and at the same time, developing workforce housing on the area of Skyline Park immediately adjacent to the Office of Education on Imola Avenue, south and east of the City of Napa and adjacent to the Napa State Hospital. The Department of General Services currently identifies a 20.34-acre site (APN 046-450-041) on the Real Estate Services Division’s map of surplus property identified pursuant to Executive Order N-06-19, Affordable Housing Development, and Department staff indicated that a 5-acre portion was likely to be pursued for development of affordable housing within the eight-year planning period.¹ Development on the site would not be subject to County review or regulations and while DGS has not identified a density or the number of units to be developed on the site, this EIR assumes the site would provide up to 100 units based on the “default density” of 20 du/ac applicable to the County under Government Code Section 65583.2(c)(3). The development would plan for connections to nearby infrastructure owned by the City of Napa (water) and the Napa Sanitation District (wastewater), pursuant to applicable provisions of Government Code Section 56133.

¹ Jonathan Hein, Department of General Services, oral communication March 23, 2022.

4.4 Changes to Section 4.3: Biological Resources

1. To clarify the sites where rare plant surveys would be required (see Master Response 6), the following text is revised on p. 4.4-16 of the Draft EIR:

Mitigation Measure BIO-1: Avoid and Minimize Impacts on Special-Status Plant Species.

To ensure protection of special-status plants, the following measures will be implemented.

- a) Prior to the start of earth-disturbing activities (i.e., clearing and grubbing) in the Imola Avenue, Bishop, Altamura, ~~Atlas Peak Road~~, Foster Road, and Spanish Flat sites, a qualified biologist shall conduct a properly timed special-status plant survey for rare plant species within the project work limits. The survey will follow the CDFW *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities* (CDFW, 2018). If special-status plant species occur within the project work limits and can be avoided, then the biologist will establish an adequate buffer area for each plant population to exclude activities that directly remove or alter the habitat of, or result in indirect adverse impacts on, the special-status plant species. A qualified biologist will oversee installation of a temporary, plastic mesh-type construction fence (Tensor Polygrid or equivalent) at least 4 feet (1.2 meters) tall around any established buffer areas to prevent encroachment by construction vehicles and personnel. The qualified biologist will determine the exact location of the fencing. The fencing will be strung tightly on posts set at maximum intervals of 10 feet (3 meters) and will be checked and maintained weekly until all construction is complete. The buffer zone established by the fencing will be marked by a sign stating:
 - “This is habitat of [list rare plant(s)] and must not be disturbed. This species is protected by [the Endangered Species Act of 1973, as amended/CESA/California Native Plant Protection Act].”

2. In response to Comment A-1-17, the following text is revised on p. 4.4-18 of the Draft EIR:

~~Mitigation Measure~~ **Mitigation Measure BIO-2: Avoid and Minimize Impacts on Nesting Birds** would reduce construction-related impacts to less than significant.

3. In response to Comment A-1-8, the following text is revised on p. 4.4-18 to 4.4-19 of the Draft EIR:

Mitigation Measure BIO-2: Avoid and Minimize Impacts on Nesting Birds.

Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act when in active use. This shall be accomplished by taking the following steps.

a) If construction is proposed ~~within 500 feet of areas of well-developed riparian or oak woodlands~~ during the nesting season (February 14~~5~~ to August 31), a pre-construction survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of vegetation removal or construction, to identify any active nests on the project site and in the vicinity of proposed construction. Surveys shall be performed for the project area, vehicle and equipment staging areas, and suitable habitat within 250 feet to locate any active passerine (e.g., songbird) nests, ~~and~~ within 500 feet to locate any active raptor (bird of prey) nests, and within 0.5 mile of the Foster Road site and Spanish Flat site, as accessible, to locate Swainson's hawk and golden eagle nests. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities.

b) If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (September 1 to February 14), construction may proceed with no restrictions.

c) If bird nests are found, an adequate no-disturbance buffer (e.g., 100 to 250 feet; up to 0.5 miles for Swainson's hawk) shall be established around the nest location and construction activities restricted within the buffer until the qualified biologist has confirmed that any young birds have fledged and are able to leave the construction area. Required setback distances for the no-disturbance zone shall be established by the qualified biologist and may vary depending on species, line-of-sight between the nest and the construction activity, and the birds' sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site.

d) Any birds that begin nesting within the project area and survey buffers amid construction activities, with the exception of Swainson's hawk and golden eagle, shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no work exclusion zones shall be established around active nests in these cases; however, should birds nesting nearby being to show disturbance associated with construction activities or nesting Swainson's hawk or golden eagle are discovered, no-disturbance buffers shall be established as determined by the qualified wildlife biologist.

e) Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer shall halt until the nest occupants have fledged.

f) A report of findings shall be prepared by the qualified biologist and submitted to the County for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season. The report shall either confirm absence of

any active nests or shall confirm that any young within a designated no-disturbance zone and construction can proceed.

4. In response to Comment O-3-24, the following text is revised on p. 4.4-23 of the Draft EIR:

Other Sensitive Natural Communities

Construction

The majority of HEU project sites (i.e., Northeast Napa sites, Imola Avenue site, Foster Road site) would occur on parcels that are already predominantly disturbed and/or subject to ongoing uses such as community events, dry farming, and cattle grazing~~developed, where sensitive habitats are less likely to occur.~~

5. In response to Comment O-3-42, the following text is revised on p. 4.4-22 of the Draft EIR:

Mitigation Measure BIO-4: Avoid and Minimize Impacts to Western Pond Turtle.

Before construction activities begin, a qualified biologist² shall conduct western pond turtle surveys at the Imola site and Bishop site. Upland areas shall be examined for evidence of nests as well as individual turtles. The project biologist shall be responsible for the survey and for the relocation of turtles, if needed. Construction shall not proceed until a reasonable effort has been made to identify and relocate turtles, if present, a biologist with the appropriate authorization and prior approval from CDFW shall move turtles and/or eggs to a suitable location or facility for incubation, and release hatchlings into the creek system the following autumn.

² The term “qualified biologist” refers to an individual who has at least a minimum education and qualifications that may include a 4-year degree in a biological sciences or other specific field and training and/or experience surveying, identifying, and handling the subject species. This individual differs from a “Service-approved biologist” in that the qualified biologist may only handle species that are not listed as threatened or endangered by the USFWS. The Service-approved biologist is authorized to relocate such species.

4.5 Changes to Section 4.8, Greenhouse Gas Emissions

1. In response to comment A-2-5, the following text has been added to Table 4.8-3 on p. 4.8-31 of the Draft EIR:

Senate Bill X7-7	The Water Conservation Act of 2009 sets an overall goal of reducing per capita urban water use by 20 percent by December 31, 2020. Each urban retail water supplier shall develop water use targets to meet this goal.	Consistent. Spanish Flats Water District would provide water service to the Spanish Flat housing site. The Northeast Napa <u>and Imola Avenue</u> housing sites are outside the City of Napa's Rural Urban Limit but within the City of Napa's Water Service area, where City water may be provided upon approval of the City Council, <u>pursuant to applicable provisions of Government Code Section 56133</u> . Both water service providers are required to comply with SB X7-7 standards.
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4.6 Changes to Section 4.10: Hydrology and Water Quality

1. In response to Comment A-2-6, the following text has been added to footnote 5 on p. 4.10-6 of the Draft EIR:

⁵ The Napa City SOI is the boundary within which the Local Agency Formation Commission (LAFCO) anticipates the City limits may be expanded and City water may be extended, pending LAFCO approval. Service connections outside the SOI would be subject to the applicable provisions of Government Code Section 56133 and approval of the City Council.

2. In response to comments requesting that a scenario where municipal water supply is not available, the following text has been added on p. 4.10-24 of the Draft EIR:

As unincorporated Napa County relies primarily on groundwater and demand associated with the HEU is not currently known, the residential development has the potential to impact groundwater sustainability of the Napa Valley subbasin and the groundwater deficient MST subarea. Single family homes considered under the HEU would be dispersed throughout the County and subject to the Napa County Groundwater Conservation Ordinance, which requires that applicant's demonstrate adequate groundwater availability to obtain applicable permits. Multi-family housing sites would not be expected to be reliant upon groundwater. As described in Section 4.16, Utilities, water supply for these projects would be assumed to be provided from local municipal water districts and/or through State Water Project entitlements. Water supplied through the City of Napa operational water boundary would be subject to Water Supply

Contingency Plan conditions, which adaptively manage water use during drought scenarios. However, in the event that City of Napa water service is denied, and groundwater is proposed as an alternative source, a proposed multi-family residential development would be subject to the Napa County Groundwater Conservation Ordinance and County permit requirements for the use of groundwater. The permit requirements ensure that groundwater supplies would not be substantially decreased in the MST subarea. These regulations require that permit applicants provide documentation showing zero net increase of groundwater use within the MST subarea and groundwater use consistent with 0.3-acre feet/acre for residential uses. A groundwater use permit could not be approved if evidence of zero net increase of groundwater use within the MST subarea is not provided. Therefore, the HEU would not substantially deplete groundwater resources or substantially interfere with groundwater recharge. Impacts would be **less than significant**.

3. In response to Comment O-3-30, the following text has been revised on p. 4.10-25 of the Draft EIR:

Consistent with Napa County requirements (Chapter 16.04.721 of the County Code) residential development would be subject to engineering review and must have the lowest floor, including basement, elevated to or above a level equal to the base flood elevation plus one foot of freeboard. The floodplain administrator shall be provided the elevation relative to MSL of the lowest floor, including basement, certified by a registered professional engineer or surveyor on FEMA form 81-31 prior to issuance of a certificate of occupancy. Residential development and redevelopment would also be subject to County riparian setback requirements, which would help to prevent impediments to the conveyance of floodwaters within the floodway.

4. In response to Comment O-3-30, the following text has been revised on p. 4.10-26 of the Draft EIR:

As described under Impact HYD-3 and depicted in Figure 4.10-2, Flood Zones, portions of the Bishop and Foster Road proposed sites are partially within a special flood hazard zone. The Spanish Flat, Altamura, and Imola Avenue housing sites are not located within flood hazard zones and would have no impact related to release of pollutants due to project inundation due to being located in a flood hazard zone. As described in the regulatory setting, Napa County has well defined code requirements to manage development within special flood hazard areas. Consistent with Napa County requirements (Chapter 16.04.721 of the County Code) residential development would be subject to engineering review and must have the lowest floor, including basement, elevated to or above a level equal to the base flood elevation plus one foot of freeboard. The floodplain administrator shall be provided the elevation relative to MSL of the lowest floor, including basement, certified by a registered professional engineer or surveyor on FEMA form 81-31 prior to issuance of a certificate of occupancy. Residential development and redevelopment would also be subject to County riparian

setback requirements, which would help to prevent impediments to the conveyance of floodwaters within the floodway.

5. In response to comments requesting that a scenario where municipal water supply is not available, the following text has been revised on p. 4.10-27 of the Draft EIR:

As discussed in the setting, unincorporated Napa County relies primarily on groundwater and demand associated with the HEU is not currently known. Single family homes dispersed throughout the County would be subject to local regulatory controls such as the Napa County Groundwater Conservation Ordinance, which contains permit requirements for the use of groundwater. As described in Section 4.16, Utilities, and discussed under Impact HYD-2, multi-family homes considered under the HEU would not be expected to utilize groundwater. However, in the event that City of Napa water service is denied, and groundwater is proposed as an alternative source, a proposed multi-family residential development would be subject to the Napa County Groundwater Conservation Ordinance and County permit requirements for the use of groundwater. The permit requirements ensure that groundwater supplies would not be substantially decreased in the MST subarea. Therefore, the HEU would not conflict associated with the Napa Valley Subbasin Groundwater Sustainability Plan. Impacts would be **less than significant**.

4.7 Changes to Section 4.11: Land Use and Planning

1. In response to Comment A-2-8, the following text has been added to the bottom of p. 4.11-3 of the Draft EIR:

Pursuant to Executive Order N-06-19, development of affordable housing on the Imola Avenue site would not be subject to County review or regulations, and while DGS has not identified a density or the number of units to be developed on the site, this EIR assumes the site would provide up to 100 units based on the “default density” of 20 dwelling units per acre (du/ac) applicable to the County under California Government Code Section 65583.2(c)(3). The development would plan for connections to nearby infrastructure owned by the City of Napa (water) and the Napa Sanitation District (wastewater), pursuant to applicable provisions of Government Code Section 56133.

4.8 Changes to Section 4.12: Noise and Vibration

1. In response to Comment O-3-36, the following text has been revised on p. 4.12-10 of the Draft EIR:

Napa County ~~Municipal~~ Code

The Napa County ~~Municipal~~ Code includes regulations associated with noise. Within Title 8 Health and Safety specifically, Chapter 8.16 details a noise policy that is meant to protect the peace and well-being of Napa County residents from excessive and unnecessary noise. **Table 4.12-6** summarizes the maximum permissible exterior noise levels by receiving land use established in Section 8.16.070.

2. In response to Comment O-3-36, the following text has been revised on p. 4.12-13 of the Draft EIR:

Under the HEU, sensitive receptors located within 50 feet of an excavator or other construction equipment producing similar levels of noise could be exposed to a noise level of 82 dBA L_{eq} . However, County ~~Municipal~~ Code Section 8.16.080 (B)(2) specifically exempts construction noise between the hours of eight a.m. and eight p.m. on weekdays and between the hours of ten a.m. and six p.m. on Sundays and holidays, for construction, alteration and repair activities which are authorized by a valid ~~city~~ County permit. However, the Imola site is State-owned and would not be subject to County review or regulations. Therefore, for most housing sites under the HEU, likely construction equipment operations would operate within the constraints of County ~~Municipal~~ Code Section 8.16.080(B)(2) and impacts associated with future construction activities conflicting with local noise standards would be less than significant.

3. In response to Comment O-3-35, the following table has been revised on p.4.12-15 of the Draft EIR:

**TABLE 4.12-9
VIBRATION LEVELS FOR CONSTRUCTION EQUIPMENT**

Equipment	PPV (in/sec) ^a	
	At 25 Feet (Reference)	At 50 feet
Large Bulldozer	0.089	0.350 0.031
Auger Drill Rig	0.089	0.350 0.031
Loaded Trucks	0.076	0.300 0.027
Jackhammer	0.035	0.140 0.012

NOTES:

- a. Vibration amplitudes for construction equipment assume normal propagation conditions and were calculated using the following formula: $PPV (equip) = PPV (ref) \times (25/D)^{1.1}$ where:

PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance
 PPV (ref) = the reference vibration level in in/sec from pp. 31–33 and Table 18 of the Caltrans Vibration Guidance Manual, as well as Table 12-2 of the FTA's Noise and Vibration Guidance Manual
 D = the distance from the equipment to the receiver

SOURCES: Caltrans, *Transportation and Construction Vibration Guidance Manual*, April 2020, pp. 29–34, <http://www.dot.ca.gov/hq/env/noise/publications.htm>, accessed on December 21, 2021; FTA, *Transit Noise and Vibration Impact Assessment Manual*, September 2018, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, accessed December 21, 2021.

4. In response to Comment O-3-36, the following text has been revised on p. 4.12-15 of the Draft EIR:

At the present time, the type, size, and the location of any air handling equipment that may be associated with housing developed under the HEU is unknown. Policy CC-36 of the General Plan prohibits residential and noise-sensitive activities to be located within noise environments that exceed the County's standards. Section 8.16.070 Exterior noise limits of the Napa County Municipal Code establishes maximum noise levels at the nearest residential properties, presented in Table 4.12-4 above. However, the Imola Avenue site is State-owned and would not be subject to County review or regulations. Therefore, for most housing sites under the HEU the County Code standards for residential uses would be measured at the housing unit in areas subject to noise levels in excess of the desired levels to implement the purpose of Policy CC-38 of the General Plan and impacts associated with future stationary noise sources conflicting with local noise standards would be less than significant.

5. Since the release of the Draft EIR, an Informational/Non-CEQA Circulation System Level of Service (LOS) Analysis was prepared by Fehr & Peers.³ As this analysis provided more specific data regarding projected traffic volumes, this data was incorporated into the EIR's noise analysis. Adjustments to the text of the mitigation measures do not change the conclusions of the EIR regarding impacts or mitigation, and they are also not new mitigation measures that the County declines to adopt or

³ Fehr & Peers, 2022. *Napa County Housing Element Update – Informational/Non-CEQA Circulation System Level of Service Analysis*, November 14, 2022.

implement. The following text and tables have been revised on p. 4.12-16 – 4.12-19 of the Draft EIR:

Impact NOI-4: Transportation activities under the HEU would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. (*Significant and Unavoidable with Mitigation*)

Vehicular traffic noise increases associated with the proposed HEU were estimated using algorithms found in the FHWA's *Traffic Noise Model Technical Manual* and the estimated traffic volumes provided in this Draft EIR's traffic analysis for the HEU. Intersection traffic volumes estimated for the Level of Service (LOS) Memorandum prepared for ~~Because~~ the transportation analysis was used to predict roadside noise levels for existing and with project conditions along roadways associated with the seven intersections evaluated. These roadway volumes varied among three access scenarios for four of the intersections. ~~does not address changes to level of service, only project contributions were provided. Consequently, only roadways near potential HEU development sites where existing volumes are published by Caltrans were examined in detail. These roadways are Monticello Road and Imola Avenue.~~ It is noted that no roadway volumes were estimated for roadways near the Spanish Flat Housing Site and for Hedgeside Drive adjacent to the Bishop site and, consequently, estimates of roadway noise increase were not possible for these areas.⁴ The results of the vehicular traffic noise modeling effort for these roadways is summarized in **Table 4.12-10** and reflect potential roadway noise increase associated with the Foster Road housing sites, Northeast Napa housing sites and the Imola Avenue ~~Bishop, Altamura and Imola opportunity sites.~~

~~However, there are a number of other roadways adjacent to other opportunity sites for which data is not available and the potential impacts cannot be evaluated quantitatively at the programmatic level of the HEU.~~

**TABLE 4.12-10
EXISTING AND PROJECTED PEAK HOUR TRAFFIC NOISE LEVELS ALONG STREETS
IMPACTED BY THE HOUSING ELEMENT UPDATE**

Roadway Segment	Traffic Noise Level, Leq ^a		
	Existing Condition (2020) ^a	Existing plus HEU Condition ^a	Increase due to HEU
Monticello Road North of Atlas Road	65	66	1
Monticello Road South of Atlas Road	66	66	0-2
Imola Avenue West of Soscol Avenue	70	70	0-2

NOTES:

- a. Noise levels were determine using methodology described in FHWA's Traffic Noise Model Technical Manual.
b. Existing sensitive receptors exposed to a traffic noise increase greater than 3 dB between Existing and Plus HEU conditions is considered a significant impact.

⁴ Note that a preliminary LOS study was prepared at the programmatic level for the HEU to assist in future planning for the sites that focused on key intersections and thoroughfares in the vicinity of the housing sites. As such, not every roadway or intersection in the vicinity of the sites was studied.

Roadway Segment	Traffic Noise Level, Leq ^a		
	Existing Condition (2020) ^a	Existing plus HEU Condition ^a	Increase due to HEU

c. The 2040 HEU contribution to any traffic noise increase is considered considerable if existing sensitive receptors are exposed a traffic noise increase between 2040 No HEU and 2040 Plus HEU conditions is greater than 3 dB.

SOURCE: ESA, 2022 (Appendix C)

Roadway Segment	Traffic Noise Level, Leq ^a		
	Existing Condition (2022) ^a	Existing plus HEU Condition ^a	Increase due to HEU

Foster Road Access Only

Monticello Road East of Silverado Trail	69.9	70.0	0.1
Monticello Road East of Atlas Road	67.0	67.2	0.2
Imola Avenue East of Foster Road	61.1	61.4	0.3
Imola Avenue East of Golden Gate Drive	66.8	66.9	0.1
Imola Avenue East of Soscol Avenue	65.6	65.8	0.2
SR 121 West of Stanly Lane	74.3	74.3	0.0
Foster Road North of Golden Gate Drive	51.5	52.7	1.2

Golden Gate Drive Access Only

Monticello Road East of Silverado Trail	69.9	70.0	0.1
Monticello Road East of Atlas Road	67.0	67.2	0.2
Imola Avenue East of Foster Road	61.1	61.2	0.1
Imola Avenue East of Golden Gate Drive	66.8	66.9	0.1
Imola Avenue East of Soscol Avenue	65.6	65.8	0.2
SR 121 West of Stanly Lane	74.3	74.3	0.0
Foster Road North of Golden Gate Drive	51.5	51.5	0.0

Foster Road and Golden Gate Drive Access

Monticello Road East of Silverado Trail	69.9	70.0	0.1
Monticello Road East of Atlas Road	67.0	67.2	0.2
Imola Avenue East of Foster Road	61.1	61.3	0.2
Imola Avenue East of Golden Gate Drive	66.8	66.9	0.1
Imola Avenue East of Soscol Avenue	65.6	65.8	0.2
SR 121 West of Stanly Lane	74.3	74.3	0.0
Foster Road North of Golden Gate Drive	51.5	52.3	0.8

NOTES:

a. Noise levels were determine using methodology described in FHWA's Traffic Noise Model Technical Manual.

b. Existing sensitive receptors exposed to a traffic noise increase greater than 3 dB between Existing and Plus HEU conditions is considered a significant impact.

c. The 2040 HEU contribution to any traffic noise increase is considered considerable if existing sensitive receptors are exposed a traffic noise increase between 2040 No HEU and 2040 Plus HEU conditions greater than 3 dB.

SOURCE: ESA, 2022 (Appendix C)

According to Caltrans, a 3 dB increase in noise is considered barely perceptible to the average human⁵ and, in lieu of the any applicable policies in the General Plan with respect to transportation noise⁶, this analysis applies a 3 dBA increase as a significant impact.

As shown in Table 4.12-10, none of the sensitive land uses along roadway segments analyzed with respect to the Foster Road housing sites, Northeast Napa housing sites and the Imola Avenue Bishop, Altamura and Imola Avenue housing sites would be exposed to an increase in traffic noise that would exceed 3 dB. Therefore, the increase in vehicular traffic along these local roadways would not result in the exposure of adjacent existing sensitive land uses to vehicular traffic noise and the impact would be **less than significant**.

Because the impact to roadways that would be used to access the Spanish Flat ~~and Foster Road site~~ and along Hedgeside Drive adjacent to the Bishop sites cannot be quantified at a project-level of detail, the noise impact along roadways used to access these sites is conservatively identified as potentially significant. Mitigation NOI-2 is identified to address this potential impact to the degree feasible.

Mitigation Measure NOI-2: Preparation of a Project-Level Traffic Analysis and Mitigation.

Prior to any potential future development at the Spanish Flat ~~and Bishop and Foster Road~~ opportunity sites, the project applicant for any housing development shall prepare a project-level noise analysis demonstrating that the increase in noise along roadways used to access the site will not exceed 3 dBA above existing levels.

Mitigation Measure TRA-1: Transportation Demand Management (TDM) Program. (See Section 4.15, *Transportation*)

Significance after Mitigation: Significant and Unavoidable. While the applicant may have the ability to construct sound walls or berms to maintain noise levels for a given project consistent with General Plan policies, it is unlikely for the applicant to provide such measures for other existing impacted residential developments. Engineered asphalt is no longer a recommended measure of road noise reduction by the FHWA and is therefore not an available mitigation measure. Mitigation Measure TRA-1: Transportation Demand Management (TDM) Program could serve to reduce traffic volumes and represents a potentially available mitigation measure. However, due to the uncertainty of the magnitude of any potential noise increases and success of potential mitigation measures, this impact is conservatively identified as potentially significant and unavoidable.

⁵ California Department of Transportation (Caltrans), 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol. September 2013.

⁶ Transportation noise sources are regulated at the state and federal level and cities and counties do not have jurisdiction to regulate transportation noise via their municipal or County codes.

6. In response to Comment O-3-36, the following text has been revised on p. 4.12-20 - 4.12-21 of the Draft EIR:

As discussed in Impact NOI-1, above, sensitive receptors located within 50 feet of an excavator or other construction equipment producing similar levels of noise could be exposed to a noise level of 82 dBA L_{eq} . Section 8.16.080(B)(2) of the County Code specifically exempts construction noise between the hours of eight a.m. and eight p.m. on weekdays and between the hours of ten a.m. and six p.m. on Sundays and holidays, which would also apply to any other projects that may be constructed contemporaneously. Therefore, while an unlikely potential exists for construction projects under the HEU and other foreseeable development to occur simultaneously and in proximity to one another, construction equipment operations would operate within the constraints of ~~County~~ ~~Municipal~~ Code Section 8.16.080 as well as within the construction noise criterion of the FTA, and impacts associated with future construction activities conflicting with local noise standards or applicable standards of other agencies would be **less than significant**.

7. Also in response to Comment O-3-36, the following text has been revised on p. 4.12-21 of the Draft EIR:

At the present time, the type, size, and the location of any air handling equipment may be associated with housing developed under the HEU is unknown. As discussed in Impact NOI-2, Policy CC-36 of the General Plan prohibits residential and noise-sensitive activities to be located near noise levels that exceed the County's standards. Section 8.16.070 of the Napa County ~~Municipal~~ Code establishes maximum noise levels at the nearest residential properties. Mitigation Measure NOI-1: Operational Noise Performance Standard for State-Owned Properties would ensure that development of state-owned lands pursuant to the HEU would meet applicable state noise exposure limits. County requirements would apply to all past, present, or reasonably foreseeable projects within the jurisdiction of the County, as well as from development with the proposed HEU. Therefore, with implementation of Mitigation Measure NOI-1, the cumulative impact with respect to stationary noise sources potentially resulting in a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies would be less than significant. However, because the County can only monitor and enforce mitigation measures within its jurisdiction, cumulative impacts associated with future stationary noise sources resulting from the Imola Avenue housing site could remain **significant and unavoidable**.

8. The cumulative transportation noise analysis was similarly updated using the LOS study data on p. 4.12-21 to 4.12-23 of the Draft EIR:

Similarly, development that could occur with implementation of the HEU and any cumulative projects, could result in a substantial permanent increase in ambient noise levels related to transportation activities in the project vicinity above levels existing

without the project if such cumulative projects were to occur within close proximity to roadways that would be used to access the Spanish Flat ~~and Bishop and Foster Road~~ housing sites. As shown in Table 4.12-11, below, the resultant cumulative increase contributed by the proposed HEU would be less than significant for roadways associated with the Foster Road housing sites, northeast Napa housing sites and the Imola Avenue housing sites.

As discussed in Impact NOI-4, above because the impact to roadways that would be used to access the Spanish Flat ~~and Bishop and Foster Road~~ sites cannot be quantified at a project-level of detail, the noise impact along roadways use to access these sites is conservatively identified as potentially significant. Mitigation Measure NOI-2 is identified to address this potential impact to the degree feasible. Mitigation Measure TRA-1 could also serve to reduce traffic volumes and represents a potentially available mitigation measure. However, due to the uncertainty of the magnitude of any potential noise increases and success of potential mitigation measures, this impact is conservatively identified as potentially **significant and unavoidable**.

Mitigation Measure NOI-1: Operational Noise Performance Standard for State-Owned Properties. (See Impact NOI-3 above)

Mitigation Measure NOI-2: Preparation of a Project-Level Traffic Analysis and Mitigation. (See Impact NOI-4 above)

Mitigation Measure TRA-1: Transportation Demand Management (TDM) Program. (See Section 4.15, *Transportation*)

Significance after Mitigation: Significant and Unavoidable.

TABLE 4.12-11
EXISTING AND CUMULATIVE PEAK HOUR TRAFFIC NOISE LEVELS ALONG STREETS IMPACTED
BY THE
HOUSING ELEMENT UPDATE

<u>Roadway Segment</u>	<u>Traffic Noise Level, Leq^a</u>		
	<u>Cumulative no HEU Condition (2040)^a</u>	<u>Cumulative plus HEU Condition^a</u>	<u>Increase due to HEU</u>
<u>Foster Road Access Only</u>			
<u>Monticello Road East of Silverado Trail</u>	<u>70.9</u>	<u>71.0</u>	<u>0.1</u>
<u>Monticello Road East of Atlas Road</u>	<u>68.0</u>	<u>68.2</u>	<u>0.2</u>
<u>Imola Avenue East of Foster Road</u>	<u>62.2</u>	<u>62.5</u>	<u>0.3</u>
<u>Imola Avenue East of Golden Gate Drive</u>	<u>67.8</u>	<u>67.9</u>	<u>0.1</u>
<u>Imola Avenue East of Soscol Avenue</u>	<u>65.6</u>	<u>65.6</u>	<u>0.0</u>
<u>SR 121 West of Stanly Lane</u>	<u>75.3</u>	<u>75.3</u>	<u>0.0</u>
<u>Foster Road North of Golden Gate Drive</u>	<u>51.5</u>	<u>51.8</u>	<u>0.3</u>

<u>Roadway Segment</u>	<u>Traffic Noise Level, Leq^a</u>		
	<u>Cumulative no HEU Condition (2040)^a</u>	<u>Cumulative plus HEU Condition^a</u>	<u>Increase due to HEU</u>
<u>Golden Gate Drive Access Only</u>			
<u>Monticello Road East of Silverado Trail</u>	<u>70.9</u>	<u>71.0</u>	<u>0.1</u>
<u>Monticello Road East of Atlas Road</u>	<u>68.0</u>	<u>68.2</u>	<u>0.2</u>
<u>Imola Avenue East of Foster Road</u>	<u>62.2</u>	<u>62.3</u>	<u>0.1</u>
<u>Imola Avenue East of Golden Gate Drive</u>	<u>67.8</u>	<u>67.9</u>	<u>0.1</u>
<u>Imola Avenue East of Soscol Avenue</u>	<u>65.6</u>	<u>66.8</u>	<u>0.2</u>
<u>SR 121 West of Stanly Lane</u>	<u>75.3</u>	<u>75.3</u>	<u>0.0</u>
<u>Foster Road North of Golden Gate Drive</u>	<u>51.5</u>	<u>51.8</u>	<u>0.3</u>
<u>Foster Road and Golden Gate Drive Access</u>			
<u>Monticello Road East of Silverado Trail</u>	<u>70.9</u>	<u>71.0</u>	<u>0.1</u>
<u>Monticello Road East of Atlas Road</u>	<u>68.0</u>	<u>68.2</u>	<u>0.2</u>
<u>Imola Avenue East of Foster Road</u>	<u>62.2</u>	<u>62.4</u>	<u>0.2</u>
<u>Imola Avenue East of Golden Gate Drive</u>	<u>67.8</u>	<u>67.9</u>	<u>0.1</u>
<u>Imola Avenue East of Soscol Avenue</u>	<u>65.6</u>	<u>66.8</u>	<u>0.2</u>
<u>SR 121 West of Stanly Lane</u>	<u>75.3</u>	<u>75.3</u>	<u>0.0</u>
<u>Foster Road North of Golden Gate Drive</u>	<u>51.5</u>	<u>51.8</u>	<u>0.3</u>

NOTES:

a. Noise levels were determine using methodology described in FHWA's Traffic Noise Model Technical Manual.

b. Existing sensitive receptors exposed to a traffic noise increase greater than 3 dB between Existing and Plus HEU conditions is considered a significant impact.

c. The 2040 HEU contribution to any traffic noise increase is considered considerable if existing sensitive receptors are exposed a traffic noise increase between 2040 No HEU and 2040 Plus HEU conditions greater than 3 dB.

SOURCE: ESA, 2022 (Appendix C)

4.9 Changes to Section 4.15: Transportation

1. In response to Comment A-2-10, the following text has been added on p. 4.15-4 of the Draft EIR:

Collector streets include Imola Avenue, Foster Road, Oakville Cross Road, Yountville Cross Road, Berryessa Knoxville Road, Pope Canyon Road, Petrified Forest Road, Spring Mountain Road, Lodi Lane, Howell Mountain Road, Conn Valley Road, Steele Canyon Road, Dry Creek Road, Wooden Valley Road, Oak Knoll Avenue, Mount Veeder Road, Henry Road, South Kelly Road, Newell Drive, Duhig Road, Las Amigas Road, and Milton Road.

2. In response to Comment A-2-11, the following text has been added on p. 4.15-23 of the Draft EIR:

Additionally, due to the proximity of the proposed housing sites to the City of Napa and the potential for annexation of the Foster Road site into the City of Napa, the County would coordinate with the City of Napa to maintain consistency with any applicable City of Napa General Plan policies related to the transportation network.

Because implementation of the HEU would be subject to and comply with applicable General Plan, Bicycle Plan, Pedestrian, and other applicable policies as well as applicable County guidelines, standards, and specifications, the proposed HEU would not conflict with adopted policies, plans, or programs for transit, bicycle, or pedestrian facilities, and would result in a **less-than-significant impact**.

3. In response to Comment A-2-12, the following trip reduction strategy has been added to Mitigation Measure TRA-1 on p. 4.15-28 of the Draft EIR:

Mitigation Measure TRA-1: Transportation Demand Management (TDM) Program

Prior to issuance of building permits, project applicants of proposed multi-family development shall develop a TDM program for the proposed project, including any anticipated phasing, and shall submit the TDM Program to the County for review and approval. The TDM Program shall identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. The TDM Program shall be designed to achieve the following trip reduction, as required to meet thresholds identified by OPR:

- A 15% reduction compared to the unmitigated VMT estimated for the proposed project

Trip reduction strategies may include, but are not limited to, the following:

1. Provision of bus stop improvements or on-site mobility hubs
2. Pedestrian improvements, on-site or off-site, to connect to nearby transit stops, services, schools, shops, etc.
3. Bicycle programs including bike purchase incentives, storage, maintenance programs, and on-site education program
4. Enhancements to Countywide bicycle network
5. Parking reductions and/or fees set at levels sufficient to incentivize transit, active transportation, or shared modes
6. Cash allowances, passes, or other public transit subsidies and purchase incentives
7. Providing enhanced, frequent bus service
8. Implementation of shuttle service
9. Establishment of carpool, buspool, or vanpool programs

10. Vanpool purchase incentives
 11. Low emission vehicle purchase incentives/subsidies
 12. Compliance with a future County VMT/TDM ordinance
 13. Participation in a future County VMT fee program
 14. Participate in future VMT exchange or mitigation bank programs
 15. Provision of active transportation and complete streets improvements connecting City of Napa and County circulation network facilities
4. In response to Comment A-2-14, the following text has been added on p. 4.15-30 of the Draft EIR:

There are no specific site plans or designs of development projects that may occur as a result of the HEU; and thus, the housing sites cannot be analyzed for adequacy of emergency vehicle access at this time. However, the County maintains the roadway network that would provide access to new development sites in accordance with industry design standards, which ensures that the physical network would be free of obstructions to emergency responders. Emergency access to new development sites proposed under the HEU would be subject to review by the County and responsible emergency service agencies, thus ensuring the projects would be designed to meet all emergency access and design standards. The County also requires the preparation of construction traffic management plans that minimize temporary obstruction of traffic during site construction. City of Napa encroachment permits would also be required for any detours, traffic control, and/or off-site construction activities that extend into the City limits.

4.10 Changes to Section 4.16: Utilities and Service Systems

1. In response to Comment A-2-15, the following text has been added to the bottom of p. 4.16-3 of the Draft EIR:

The Northeast Napa and Imola Avenue housing sites are located outside the City of Napa's jurisdictional boundary and outside of the City's Sphere of Influence (SOI). Extension of water service is governed by Government Code Section 56133, which requires LAFCO approval for new or extended water service provided outside the City's jurisdictional boundaries. The requirements to extend water service are different based on whether the site is located within or beyond the City's SOI, in that requests to extend service outside the SOI must also demonstrate a threat to the health and safety of the public or affected residents and that LAFCO has notified any alternate service providers. Additionally, the City of Napa Charter Section 180 requires a 4/5 vote of the City Council to extend water service outside of the City's jurisdictional area.

2. In response to comments requesting that a scenario where municipal water supply is not available, the following text has been added on p. 4.16-16 of the Draft EIR:

- Chapter 13.15 of the County Code implements the Napa County Groundwater Conservation Ordinance which is intended to regulate, to the maximum extent possible, the extraction and use of groundwater resources in Napa County and to prohibit extraction for wasteful, unreasonable or non-beneficial purposes in order to promote groundwater conservation and the use of Best Management Practices and maximize the long-term beneficial use of the county's groundwater resources, thus serving to enhance environmental quality and protect the public health, safety and welfare of the citizens of Napa County. See Section 4.10, *Hydrology and Water Quality*, for more information.

3. In response to Comment A-2-16, the following text has been revised on p. 4.16-3 of the Draft EIR:

While most of the City of Napa's water supply is delivered to customers within the City of Napa limits, the City of Napa also serves water outside City of Napa limits and even outside the SOI, including customers in the Monticello Road/Silverado Resort community, the independent Congress Valley Water District (CVWD), the Carneros Mutual Water Company, and along the Conn Transmission Main. CVWD was originally scheduled to be dissolved in 2017, with its water system infrastructure wholly maintained by and transferred to the City of Napa; however, the current agreement was extended to 2022 to establish a water service transition plan. The City of Napa also serves the approximately 1,175 residents of Napa State Hospital located outside the City of Napa limits ~~and~~ but within the City's SOI (City of Napa, 2022).

4. In response to comments requesting that a scenario where municipal water supply is not available, the following text has been added at the end of p. 4.16-23 of the Draft EIR:

Multi-family residential development under the HEU is assumed to connect to municipal water service. Due to the proximity of existing City of Napa water infrastructure, as well as the reasonably foreseeable availability of supply from this provider, the Northeast Napa and Imola Avenue sites were included in the housing sites inventory. However, in the unlikely event that City of Napa water service is denied, and groundwater is proposed as an alternative source, any future multi-family residential development would be subject to the Napa County Groundwater Conservation Ordinance and County permit requirements for the use of groundwater. A permit cannot be granted unless documentation is provided showing zero net increase of groundwater use within the MST subarea or groundwater use consistent with 0.3-acre feet/acre for residential uses, whichever is less. This is consistent with the requirements of Mitigation Measure UTL-1, where Project sponsors must submit evidence to the County that sufficient water supply is available to serve the projected demand of proposed multifamily housing development prior to the issuance of any approvals. In the absence of approval of a groundwater use permit, a proposed project could not proceed.

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