HUNTER SUBDIVISION PROJECT

Response to Comments

SCH: 2012032048

Prepared for:

City of St. Helena

September 4, 2013

URBAN PLANNING PARTNERS INC.

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September 4, 2013

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I. INTRODUCTION

A. PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the Hunter Subdivision Project (project) (SCH# 2012032048). The Draft EIR identifies the likely environmental consequences associated with the implementation of the proposed project, and recommends mitigation measures to reduce potentially significant impacts to a less-than-significant level. This Response to Comments (RTC) Document provides responses to each comment received on the Draft EIR and revises the Draft EIR, as necessary, in response to comments received or to correct or clarify material in the Draft EIR.

None of the comments received on the Draft EIR constitute new information that warrants recirculation of the Draft EIR. Comments received do not identify new impacts, result in a substantial increase in the severity of impacts, nor do the comments include feasible project alternatives or mitigation measures that are considerably different from those analyzed in the Draft EIR and/or which the applicant has refused to implement. In addition, the Draft EIR was not so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. Therefore, recirculation is not required pursuant to Section 15088.5(a) of the CEQA Guidelines.

This RTC Document, together with the Draft EIR, constitutes the Final EIR for the proposed Hunter Subdivision project.

B. ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

The City of St. Helena prepared an Initial Study and circulated a Notice of Preparation (NOP) that briefly described the proposed project and the topics that would be evaluated in the EIR: aesthetic resources; agricultural and forest resources; air quality; biological resources; cultural resources; geology, soils and seismicity; greenhouse gas emissions; hazards and public safety; hydrology and water quality; noise; public services, recreation, and utilities; and traffic and transportation. The Initial Study determined that the proposed project would not result in any significant impacts for the following topics and that no further evaluation

in the EIR would be necessary: land use and planning; mineral resources; and population and housing.

The NOP was published on September 23, 2011, and public comments on the scope of this EIR were accepted until January 6, 2012. The NOP was sent to property owners within 300 feet of the project site as well as to responsible and trustee agencies, organizations, and interested individuals. Additionally, the NOP was sent to the State Clearinghouse.

A public scoping session was held on December 6, 2011. NOP comments were received from public agencies, area property owners and concerned citizens regarding a wide range of issues to be addressed in this EIR. The NOP and written comments received are included in Appendix A. Topic areas that were most widely referenced in the NOP comments letters include aesthetics, hydrology and water quality, water supply and transportation and traffic.

The Draft EIR was made available for public review on May 29, 2012 and distributed to applicable local and State agencies. Copies of the Notice of Availability of the Draft EIR (NOA) were mailed to all individuals previously requesting to be notified of the Draft EIR, in addition to those agencies and individuals who received a copy of the NOP.

The public comment period for the Draft EIR ended on September 4, 2012. The City of St. Helena Planning Commission held a meeting on July 12, 2012 and August 28, 2012 in order to accept comments on the Draft EIR. Copies of all written comments received during the comment period and verbal comments provided by Commission members and members of the public during the meeting are included in Chapter III, Comments and Responses, of this document.

C. DOCUMENT ORGANIZATION

This RTC Document consists of the following chapters:

- *Chapter I: Introduction.* This chapter discusses the purpose and organization of this RTC Document and the Final EIR, and summarizes the environmental review process for the project.
- *Chapter II: List of Commenting Agencies, Organizations, and Individuals.* This chapter contains a list of agencies, organizations, and persons who submitted written comments on the Draft EIR during the public review period or verbal comments at the Planning Commission hearing.
- *Chapter III: Comments and Responses.* This chapter contains reproductions of all comment letters received on the Draft EIR. A written response for each CEQA-related comment received during the public review period and for verbal comments received during the public hearing is provided. Each response is keyed to the associated comment.

- *Chapter IV: Text Revisions.* Corrections to the Draft EIR necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Text with double underline represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR.

II. LIST OF COMMENTING AGENCIES, ORGANIZATIONS, AND INDIVIDUALS

This chapter presents a list of written and verbal comments received during the public review period and describes the organization of the comments and responses that are included in Chapter III, Comments and Responses, of this document.

A. ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter III includes a reproduction of the comment letters and emails received on the Draft EIR and verbal comments received at the public hearing conducted by the Planning Commission. The comments are grouped by the affiliation of the commentor, as follows: State, local and regional agencies (A); groups and organizations (B); individuals (C); and public hearings (D).

The comment letters, emails and public hearing comments are numbered consecutively following the A, B, C, and D designations. Each comment within the letters and each speaker's individual comments are annotated in the margin according to the following code:

State, Local, and Regional Agencies:	A1-#
Groups and Organizations:	B1-#
Individuals:	C1-#
Public Hearings on Draft EIR:	D1-#

B. LIST OF AGENCIES, ORGANIZATIONS, AND INDIVIDUALS COMMENTING ON THE DRAFT EIR

The following comment letters were submitted to the City during the public review period.

LIST OF COMMENT LETTERS RECEIVED

State, Local, and Regional Agencies		
A1	FEMA	June 8, 2012
A2	Department of Transportation (CalTrans)	July 12, 2012

Groups and Organizations		
B1	Lippe Gaffney Wagner LLP, for St. Helena Residents for Responsible Growth	July 9, 2012
B2	Lippe Gaffney Wagner LLP, for St. Helena Residents for Responsible Growth	July 12, 2012
B3	Lippe Gaffney Wagner LLP, for St. Helena Residents for Responsible Growth	August 8, 2012
B4	Lippe Gaffney Wagner LLP, for St. Helena Residents for Responsible Growth	August 28, 2012
B5	Lippe Gaffney Wagner LLP, for St. Helena Residents for Responsible Growth	September 4, 2012
Individuals		
C1	Ron Nunn	May 31, 2012
C2	Wendell Laidley	June 5, 2012
C3	Ron Amoroso - 1	June 18, 2012
C4	Ron Amoroso - 2	June 18, 2012
C5	Jan Johnson Oddy	June 25, 2012
C6	Kathy and Michael Buchanan	July 5, 2012
C7	Donna and Mike Hardy	July 7, 2012
C8	Sean Belhumeur	July 9, 2012
C9	Millicent Horne	July 9, 2012
C10	Kathleen Forni	July 9, 2012
C11	Mike Forni	July 9, 2012
C12	Anne Fisher	July 10, 2012
C13	John Milliken	July 11, 2012
C14	Ron Amoroso - 3	July 12, 2012
C15	Fulton Mather	July 12, 2012
C16	Maxine Angell	July 15, 2012
C17	Peter Mennen - 1	July 17, 2012
C18	Peter Mennen - 2 *(retracted July 19, 2012)*	July 17, 2012
C19	Peter Mennen - 3	July 20, 2012
C20	Bobbi Monnette	August 1, 2012
C21	Bobbi Monnette	August 30, 2012

C22	Scot Stegeman	September 3, 2012
C23	Jack Mitchell	September 4, 2012
C24	Chuck Vondra	September 4, 2012
C25	Philip Brackmann	September 4, 2012
C26	Patrick Fryer	September 4, 2012
C27	Elena Wilson	September 4, 2012
C28	Greg Pitts	September 4, 2012
July 12, 2012 Planning Commission Public Comments		
Planning Commissioner Comments		
D1	Commissioner Parker	July 12, 2012
D2	Commissioner Galbraith	July 12, 2012
D3	Commissioner Pitts	July 12, 2012
D4	Commissioner Heil	July 12, 2012
Public Hearing Verbal Comments		
D5	Fulton Mather	July 12, 2012
D6	Peter Mennen	July 12, 2012
D7	Donna Hardy	July 12, 2012
D8	Ron Sproat	July 12, 2012
D9	Bobbi Monnette	July 12, 2012
D10	George David	July 12, 2012
D11	Helesa Martinez	July 12, 2012
D12	Jesse Wincrom	July 12, 2012
D13	Mario Scallati	July 12, 2012
D14	Jesus Fernandez	July 12, 2012
D15	Keith Wagner	July 12, 2012
D16	Kelly Franger	July 12, 2012
D17	Scott Stegman	July 12, 2012
August 28, 2012 Planning Commission Public Comments		
Planning Commissioner Comments		
D18	Commissioner Galbraith	August 28, 2012
D19	Commissioner Kistner	August 28, 2012
D20	Commissioner Heil	August 28, 2012

Public Hearing Verbal Comments		
D21	Chuck Vondra	August 28, 2012
D22	Keith Wagner	August 28, 2012
D23	John Milliken	August 28, 2012
D24	Scott Stegman	August 28, 2012

III. COMMENTS AND RESPONSES

Written responses to each comment letter and verbal comments received on the Draft EIR are provided in this chapter. Letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters and comments are grouped by the affiliation of the commenting entity as follows: State, local, and regional agencies and commissions (A); groups and organizations (B); individuals (C); and Planning Commission Public Hearing comments (D).

MASTER RESPONSES

A significant number of comments received on the Draft EIR related to five topic areas: (1) CEQA process, (2) land use and zoning conformance, (3) loss of agricultural land, (4) traffic analysis, and (5) water supply (two separate master responses are provided). A master response for comments related to each of these comment topics has been prepared to ensure the comments are comprehensively addressed. The master responses are provided below, followed by individual responses to the letters and verbal comments received on the Draft EIR. Corrections and/or clarifications to the Draft EIR are captured in the individual responses as well as in Chapter IV, Text Revisions.

MASTER RESPONSE #1 - CEQA PROCESS

Several comments were made regarding the Draft EIR review process undertaken by the City of St. Helena. Specifically the comments included the following:

a) a requested renoticing of the Draft EIR comment period and lack of notice of the extension of the Draft EIR review period;

b) lack of access to Draft EIR appendices and supporting project information; and

c) rescheduling of a Planning Commission hearing on the Draft EIR.

In response to “a,” the City of St. Helena issued a Notice of Preparation for the Hunter Subdivision EIR on September 23, 2011. As required by the CEQA Guidelines, the Notice was publicized by a mailing to land owners within a 300-foot-radius of the Hunter property, publication of the Notice in a display advertisement in the St. Helena Star (the local newspaper of general circulation in the community), and posting in the Napa County Clerk’s office for 30 days. Thereafter, a Notice of Availability of the Draft EIR for the Hunter Subdivision was issued on May 29, 2012. As required by the CEQA Guidelines, this Notice was also publicized by a mailing to land owners within a 300-foot-radius of the Hunter

property, publication of the Notice in a display advertisement in the St. Helena Star (the local newspaper of general circulation in the community) and posting in the Napa County Clerk's office for 30 days. The Notice indicated that comments would be taken until July 13, 2012.

Although not required, a public hearing to take comment on the Draft EIR was held by the St. Helena Planning Commission on July 12 and August 28, 2012. At the July 12 Commission hearing, the issue of renoticing or extending the comment period for an additional 45 days was raised by one speaker as well as the applicant. Although the extension was not legally required, City staff extended the public comment period for an additional 45 days with the consent of the applicant, in order to provide additional time to review background materials and provide comment. A new Notice of Availability was published in the St. Helena Star, additional mailed notices were provided to surrounding property owners and an updated Notice of Availability was posted with the Napa County Clerk on July 20, 2012 for 30 days, all identifying that the Draft EIR comment period was extended for another 45-day period ending on September 4, 2012. CEQA Guidelines do not require the notice to be posted on a Lead Agency's website, although the Notice of Availability was, in fact, published on the St. Helena website on May 29, 2012. An additional public hearing to take comment on the Draft EIR was held on August 28, 2012.

The City of St. Helena has therefore fully complied with all legal notification procedures included in the CEQA Guidelines and provided ample opportunity for public review and comment.

Regarding item "b," the allegation that commenters were not provided with all background materials referenced in the Draft EIR, the City of St. Helena has complied with all requests for materials. All Draft EIR background materials, including documents that were not incorporated by reference and do not have to be provided pursuant to CEQA Guidelines sections 15148 and 15150(b), have been furnished to members of the public. A request for documents was made by the commenter on July 3, 2012 and all documents were provided before July 13, 2012. Any purported delay in receiving documents was more than adequately addressed by the extension of the public comment period.

Regarding item "c," the comment that the St. Helena Planning Commission hearing on July 12, 2012 should have been rescheduled since the hearing would be a "waste of the Planning Commission's or the public's time," this hearing was held as legally advertised and comments were taken regarding the Hunter Draft EIR. In addition, a second hearing to take comment on the Draft EIR was held on August 28, 2012.

Based on the above, all CEQA-mandated review periods have been met, information provided to those requesting such information and the City has gone above and beyond CEQA requirements by conducting two Planning Commission public hearings and providing an extended public comment period.

MASTER RESPONSE #2- LAND USE AND ZONING CONFORMANCE

Several commenters claim that the proposed project is not consistent with the St. Helena General Plan or the Zoning Ordinance and therefore cannot be approved by the City. The commenters note that a 25-unit multi-family building on proposed Lot 52 is not consistent with the existing Medium Density Residential (MR) General Plan land use designation and zoning district development standards.

The City's Housing Element, in the section entitled Housing Needs Assessment, addresses the project site and specifically designates it as a Housing Opportunity Site, with a unit range of 87 to 274 units. With the proposed 25 units on Lot 52, the Site meets the minimum density requirement with a total proposed 87 units. Page 116 of the Housing Needs Assessment states that "The parcel will not need either a General Plan Amendment or a rezoning to facilitate residential development."

All of the proposed lots shown on the tentative subdivision map are consistent with standards set forth in the MR land use district regulating minimum lot width, depth and area. The proposed subdivision is consistent with the purposes and intent of the Medium Density Residential (MR) land use classification of the St. Helena General Plan. The General Plan notes that the MR designation is intended to provide for "single-family detached and attached homes, secondary residential units, public and semi-public uses and similar and compatible uses."

The City's MR district permits single-family dwellings, daycare facilities, intermediate care facilities, mobile homes (with limitations), one second dwelling unit and other uses found similar with the General Plan and the MR district on parcels of land within this district by right. The City of St. Helena may also allow the construction of attached duplex units, triplex units, condominiums and townhomes and similar uses on parcels within the MR zoning district with conditional use permits.

The current application only includes a request to subdivide the subject property into 52 residential lots and other non-buildable lots. No applications have been filed with the City to construct any dwellings on any of the proposed lots. The applicant has been made aware that the City's MR district allows single-family dwellings on individual lots but that a conditional use permit (CUP) will be required to construct attached duplex or triplex dwellings, condominiums or townhomes or similar uses on proposed Lot 52.

Although the current Hunter Subdivision Map does depict a preliminary, conceptual design of three multi-unit residential buildings and garages on proposed Lot 52, the applicant has been advised by the City and has acknowledged that a CUP and Design Review will need to be approved in order to construct any type of attached dwellings on this proposed lot. The applicant has also indicated that a revised plan for Lot 52 will be submitted that includes duplexes, triplexes and/or condominiums or townhomes, all uses that can be approved with a CUP and Design Review and could be deemed consistent with the General Plan and Zoning

Ordinance. To date, an application for a conditional use permit has not been filed with the City.

Since the application on file with the City of St. Helena is for consideration of the proposed tentative subdivision map and does not include a specific development, the proposed subdivision map is fully consistent with the St. Helena General Plan and Zoning Ordinance. Further, as discussed above, at such time as the applicant proposes a specific development on Lot 52, the City could determine such use to be consistent with the General Plan and Zoning Ordinance, as noted above.

MASTER RESPONSE #3 – LOSS OF AGRICULTURAL LAND

Several comments were raised regarding the impact of the proposed project on prime farmland. Impact AGRI-1 contained in the Draft EIR found that development of the project site would convert Prime Farmland to a non-agricultural use. Section B of the Draft EIR (page 87 and following) documents that the project site has been mapped as Prime Farmland by the California Resources Agency, although the map does note an overlay designation for urban uses.

The Draft EIR then concluded that even with adherence to Mitigation Measure AGRI-1 this impact would remain significant and unavoidable. Mitigation Measure AGRI-1 would require the project sponsor to either fund or purchase agricultural conservation easements within Napa County or, purchase credits from an established agricultural mitigation bank or, contribute agricultural land or equivalent to a local organization that provides for the preservation of farmland in Napa County or participate in a agricultural land mitigation program adopted by Napa County that would provide equivalent agricultural land mitigation. The Draft EIR noted that conservation easements or similar provisions can help diminish local development pressures but does not actually replace land that would be converted to a non-agricultural use.

Comments have been raised that the conclusion reached in the Draft EIR regarding the significant and unavoidable status of the impact is incorrect in that it primarily relies on mapping completed by the State of California Resources Agency and published in the Napa County Important Farmland Map. Other definitions of Prime Farmland exist and should have been considered when reaching the significant and unavoidable impact conclusion.

The Draft EIR does, in fact, heavily rely on the Napa County Important Farmland Map, since this map identifies the project site as “area of Prime Farmland.” The impact analysis follows the question posed in Appendix G of the State of California CEQA Guidelines which asks “would a project convert prime farmland, unique farmland or Farmland of Statewide Importance, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?” Therefore, the impact analysis requires the City to rely on the mapping completed by the State of California Resources Agency. As the State designates the site as Prime Farmland, approval and

implementation of the proposed Hunter subdivision project would allow state-identified vacant Prime Farmland to be converted to residential uses.

Although one commenter noted that the State Department of Conservation has been contacted with the intent of amending the Napa County Important Farmland Map, the Important Farmland Map for Napa County in effect as of the date the Notice of Preparation was published has been used in the Draft EIR analysis as required by law.

Based on the above analysis, the Draft EIR concluded that even with adherence to Mitigation Measure AGRI-1, conversion of Prime Farmland to a non-agricultural use will be significant and unavoidable. No changes are proposed to this conclusion.

MASTER RESPONSE #4 – TRAFFIC ANALYSIS

This master response addresses concerns about the time of year—November—that the traffic counts were completed. Commenters were concern that these counts did not reflect the high volumes typical during harvest time in October. As explained below, November traffic counts were seasonally adjusted upward to project harvest-time volumes.

The full traffic study is provided in the Draft EIR Traffic Section. It has not been abbreviated or extracted from a larger study; the entire study was included in the main body of the Draft EIR. Appendix materials were provided, and have been supplemented in the Final EIR per specific requests of various commenters. Existing traffic counts and Caltrans historic count data are now inserted in Appendix E of the final EIR.

Seasonal Adjustment

The Draft EIR states that November counts were seasonally adjusted to the harvest (crush) season, as harvest (October) volumes have been shown to be higher than other times of the year, based upon seasonal traffic count data for S.R.29. This was based upon contact with Caltrans District 4 staff (Jordan Chan, Caltrans Office of Highway Operations), who provided seasonal data for SR 29 in St Helena, at the Adams Street intersection for 2002 through 2011. CTG utilized the more recent 2007–2008, and 2010-2011 seasonal data, included in full in Appendix E. The two-way averaged data provided the basis for seasonal factors.

The Caltrans 2007-2008 seasonal volumes are summarized as follows:

	AM	PM	SAT
2-Way Average November	AM: 522	PM: 607	SAT: 600
2-Way Average August	AM: 545	PM: 664	SAT: 702
Factor	**AM: 1.04**	**PM: 1.09**	**SAT: 1.17**

The Caltrans 2010-2011 seasonal volumes are summarized as follows:

	AM	PM	SAT
2-Way Average November	AM: 471	PM: 511	SAT: 557
2-Way Average August	AM: 467	PM: 648	SAT: 616
Factor	**AM: 0.99**	**PM: 1.27**	**SAT: 1.11**

The average factor of the two data sets (2007-2008 and 2010-2011) was determined for each analysis time period:

- AM Peak Hour – November to August – 1.02.
- PM Peak Hour – November to August - increase by factor of 1.18.
- Saturday Peak Hour – November to August - increase by factor of 1.14.

CTG factored November 2011 volumes consistent with the Caltrans AM, PM and Saturday peak hour seasonal data, and adjusted volumes to reconcile volumes between intersections. Resultant harvest weekday AM and PM peak hour and Saturday PM peak hour volumes are shown in Draft EIR **Figures IV.L-3, IV.L-4 and IV.L-5**.

As a result, the analysis included in the Draft EIR reflects the higher traffic volumes present during harvest season and is an appropriate existing condition from which to analyze future potential impacts.

MASTER RESPONSE #5 – WATER SUPPLY: GROUNDWATER CONDITIONS AND AVAILABILITY

Several commenters raised concerns about the project's intended use of an existing well to serve the outdoor (non-potable) water demands of the project. These comments ranged from questioning whether the existing well was ever used for irrigation, and by extension, whether it should be recognized in baseline groundwater conditions, to comments noting an apparent downward trend in groundwater levels and even statements that wells are going dry. Collectively, these comments raise the question whether the groundwater conditions would be adversely affected by the project's planned use of the on-site well to meet the approximately 25 acre-feet of projected non-potable water demands.

This response is divided into two primary areas: (1) determining overall basin groundwater conditions, and (2) potential impacts from the project's proposed use.

Groundwater Conditions

As detailed in the Draft EIR, the analysis of groundwater conditions relied upon readily available information in a detailed report prepared for the Napa County Department of Public Works entitled *Napa County Groundwater Conditions and Groundwater Monitoring Recommendations* (February 2011) (hereafter referred to as the "LSCE Report"). Luhdorff & Scalmanini Consulting Engineers (LSCE), a consulting firm specializing in groundwater characterization and analyses, prepared the LSCE Report. In the body and associated

attachments and appendices, the LSCE Report detailed the current and historic groundwater conditions throughout multiple groundwater basins in Napa County. The City specifically relied upon the analysis detailing groundwater conditions in the "St. Helena groundwater subarea" for determining the baseline groundwater conditions for the Draft EIR's analysis. As reported in the LSCE Report (see Table 5-1 of LSCE Report), the St. Helena subarea had 70 wells with a range of historic and current groundwater level data. Further information about the groundwater data availability is detailed in Figures 4-1, 4-2, 4-8, 4-9, and 5-3 of the LSCE Report.

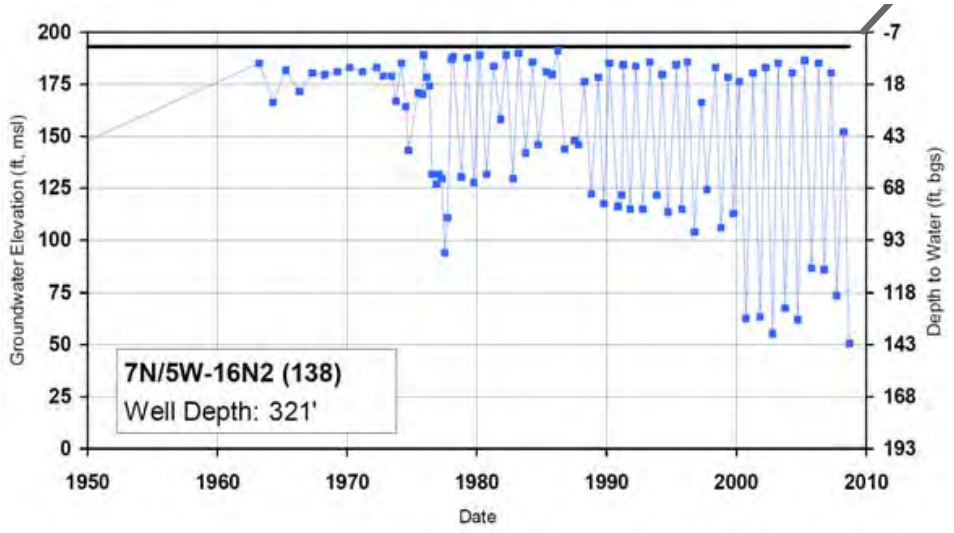
Given the detailed analysis in the LSCE Report and supporting statements about the St. Helena subarea, the City relied upon this information to formulate the baseline groundwater sustainability conditions. Specifically, the LSCE Report states:

> *The hydrographs for the wells illustrated on **Figure 4.2** show representative groundwater elevations and corresponding depth to groundwater from 1950 to present, as available. Groundwater levels have been generally stable over time and do not exhibit any long-term trends. Groundwater levels are shallow at less than ten feet below the ground surface in the spring. Minor seasonal declines of about 10 feet occur in the fall in the Calistoga and northern portion of the St. Helena Subareas. Elsewhere in the St. Helena Subarea, groundwater levels exhibit greater seasonal declines of about 25 feet. Groundwater levels near the southwestern boundary of the St. Helena Subarea with the Western Mountains Subarea show the greatest seasonal declines on the order of 100 feet.* (LSCE Report, page 46)

And,

> *Since the 1950s through Spring 2008, groundwater elevations have been between 300 to 400 feet msl in the Calistoga Subarea and remained essentially unchanged over that 60-year period (**Figures 4.8 and 4.9**). Slightly farther south near St. Helena, at Rutherford Road, groundwater elevations are at about 140 feet msl and generally have also remained essentially unchanged over this time period.* (LSCE Report, page 51)

One of the specific comments included a memo prepared by Mr. Kamman of Kamman Hydrology & Engineering. This memo intended to provide an independent opinion regarding the potential impacts of the project to the St. Helena subarea groundwater conditions. As contended in the memo as referenced by the commenter, groundwater elevations have experienced "*marked declines in the groundwater table elevation over the past four decades*." This reference appears to draw its conclusion from some of the wells in the LSCE Report that show increased seasonal drawdown over time. Upon review of the hydrographs referenced in the Kamman memo, it was found that only one of the hydrographs showed this trend (see below). It should be noted that this hydrograph represents a well approximately 3 miles southwest of the project.



The letter stated that there was a trend of "declining groundwater levels." The trend in the hydrograph does show a decline in summer groundwater levels over the last four decades but the yearly recovery of winter levels show no discernible change since 1964. This pattern shows an increase in use over the years at this location, with complete return to peak groundwater elevations year-after-year.

As noted in the aforementioned excerpt from the LSCE Report, this seasonal variation is just that – seasonal. The overall groundwater levels recover each fall and, as noted by the LSCE Report "*groundwater elevations are at about 140 feet msl and generally have also remained essentially unchanged over this time period.*"

Furthermore, the City's own Safe Yield Committee reported that its assumptions regarding the City's water supply "limits groundwater production to a long-term average not to exceed 450 acre-feet/year."[1] This assumption took into account the City's historic groundwater uses that, for the period of 2001 through 2009, ranged from 349 acre-feet to 521 acre-feet. This historic use is reflected in the well level data used by the LSCE Report to draw its conclusions about the St. Helena subarea. This is an additional reason the City is confident that the LSCE Report's representation of existing groundwater conditions reflects rates of annual groundwater that would include the historic uses at the Property.

Potential Impacts of Project use of Groundwater

Some commenters were concerned that the project's planned use of groundwater from the on-site well would be a new use of groundwater and, thus, would have an adverse impact on existing or future groundwater conditions. As detailed in the Draft EIR, the on-site well was historically used to meet water demands of the on-site vineyard. This detail is based on anecdotal evidence including a site visit, research of historic satellite imagery, and discussions with project and City representatives. The City's primary objective was to understand the historic use in context of the LSCE Report's representation of historic and

[1] Report of the Safe Yield Committee, March 17, 2011, page 2.

current groundwater level conditions. The resulting analysis in the Draft EIR of the project's use of the on-site well demonstrated that the proposed use for non-potable landscape irrigation needs would not represent a noticeable change to the groundwater level conditions in the St. Helena groundwater subarea.

In the interest of the commenters, if the existing on-site well were assumed to not have been used in the past and therefore not part of the LSCE Report's baseline conditions, the anticipated 25 acre-feet of annual groundwater use by the project represents about 5 percent of the City's anticipated long-term average of 450 acre-feet of groundwater use. Thus, if added to the City's historic use, the overall groundwater use would still generally be within the parameters defined by the City's Safe Yield Committee that ranged from historic uses up to 521 acre-feet.

MASTER RESPONSE #6 - WATER SUPPLY: ADEQUACY OF WATER NEUTRALITY PERFORMANCE STANDARD

Several commenters raised concerns about the City's overall ability to serve the project as well as the project's ability to offset its water demand as required by Mitigation Measure SVCS-1 (Draft EIR, page 299). This response is divided into two primary areas: (1) determining the City's current water demand, as defined by the Safe Yield Committee, and (2) the ability to offset the project's water demands.

Determining the City's Current Water Demand

As detailed in the Safe Yield Report and codified in City Municipal code, the City will not allow additional customers unless the current City water demands are at or below the identified five-year average demand of 1,950 acre-feet (see Draft EIR, page 278-79). As indicated in the Draft EIR, the City's five-year average water demands as of the drafting of the Draft EIR was 2,075 acre-feet. Projecting forward the downward trends in existing demand, the City anticipated that the average would reach or fall below the 1,950 acre-feet value in the near future. Revising the values in Table IV.K-2 (Draft EIR, page 278) with the City's 2011/12 water use data, the resulting five-year average has already dropped below the 1,950 acre-feet threshold. Thus, the City is able to permit additional customer connections so long as each new connection conforms to the City's Water Neutral ordinance (City Code 13.12.050). The table below demonstrates the continued trend in declining customer use anticipated by the City. The most recent data, provided by the City's Public Works Department, showed that the City's demand dropped to 1,736 acre-feet in the 2011/12 water-year period.

TABLE IV.K-2 COMPARISON OF 5-YEAR AVERAGE USE TO THE SAFE YIELD

Fiscal Year	Acre Feet (AF)
2006-2007	2,384
2007-2008	2,228
2008-2009	2,126
2009-2010	1,860
2010-2011	1,779
2011-2012	1,736
2006-2011 5 Year Average	2,075 (Draft EIR value)
2007-2012 5 Year Average	**1,946 (new value)**
Safe Yield	**1,950**

Source: Table IV.K-2 in the Draft EIR combined with 2011-2012 data provided by the City, 2013.

Voluntary water conservation has been helped by the City's participation in a regional water conservation program utilizing Proposition 84 Integrated Resource Water Management Plan (IRWMP) grant funds being administered through the Bay Area Regional Conservation Program. Since the summer of 2011, several St. Helena customers have participated and received rebates from the City ranging from installing efficient toilets and clothes washers, to installing weather-based landscape irrigation controllers as part of the City's Smart Yard program.[2] In addition to voluntary conservation efforts, statewide new Green Building Code standards are also resulting in the installation of highly efficient water using fixtures for any replacement or new projects throughout the City. Continued efforts on this front will likely see an on-going trend downward in the water demands of existing customers.

Offsetting the Project's Water Demands

As detailed in the Draft EIR, the City municipal code requires a conservation offset for any new water customer connecting to the City's system. Per the code, a new development project is required to offset its water demand prior to construction through installing conservation devices within existing customer households and businesses. As a documented mitigation measure, the project will need to offset the 12 Acre Feet of added demand by installing City-approved Ultra-low-flush (ULF) toilets and associated water-efficient fixtures in a sufficient number of existing homes or nonresidential properties having toilets that use greater than 1.6 gallons per flush (Municipal Code 13.12.050).

[2] See newspaper article in St. Helena Star titled "City offers 'smart' water controllers," published September 6, 2012.

Some commenters expressed concern with this offset method, opining that ULF toilets do not save water. This was true of early low water use toilets, as stated in the City's water conservation language, but technology has since vastly improved. From the City's Indoor Plumbing Retrofit & Rebate Program, Section 4: "Some toilets manufactured in the early 1990's have to be flushed multiple times, thus negating much of the water savings benefits of ultra low-flush technology."

Furthermore, toilet retrofits programs are proven effective in reducing water demands. A number of studies have been conducted to show the water supply savings of retrofitting older structures with new plumbing fixtures. For instance, according to the EPA, a typical family can expect to save as much as 13,000 gallons per year just with low water use toilets.[3] This savings also applies to apartments where one study demonstrated savings of 16,000 gallons per year per unit.[4] Even the Department of Energy has conducted studies showing water savings upon installing water efficient fixtures in other structure types including large facilities such as hospitals.[5] Given the number of case studies and examples, it is expected that the project's proponent will be able to meet the offset requirements within the existing City customer base.
#

A. STATE, LOCAL, AND REGIONAL AGENCIES

Letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments.

[3] EPA Water Sense: http://www.epa.gov/WaterSense/products/toilets.html

[4] *Evaluation of Water Use Reduction Achieved Through Residential Toilet Fixture Replacements*, by Koeller and Company & Veritec Consulting Inc. August 2011 (http://www.map-testing.com/assets/files/2011-August-Mendelsohn%20Final%20report-v4.pdf)

[5] http://www1.eere.energy.gov/femp/program/waterefficiency_portland.html

Letter
A1

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PLANNING DEPARTMENT

JUN - 8 2012

City of St. Helena

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

June 7, 2012

Greg Desmond
City of St. Helena
1480 Main Street
St. Helena, California 94574

Dear Mr. Desmond:

This is in response to your request for comments on the Hunter Subdivision Project Draft Environmental Impact Report (DEIR) SCH: 2012032048 dated May 29, 2012.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Napa (Community Number 060205), Maps revised September 29, 2010; and City of St. Helena (Community Number 060208), Maps revised September 26, 2008. Please note that the City of St. Helena, Napa County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65. 1

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways. 2

Letter A1 Cont.

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm. 2 cont.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The St. Helena floodplain manager can be reached by calling John C. Ferons, City Engineer, at (707) 968-2658. The Napa County floodplain manager can be reached by calling Donald G. Ridenhour, Director of Public Works, at (707) 253-4351. 3

If you have any questions or concerns, please do not hesitate to call Patricia Rippe of the Mitigation staff at (510) 627-7235.

Sincerely,

for Ray Lenaburg

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
John C. Ferons, City Engineer, City of St. Helena
Donald G. Ridenhour, Director, Department of Public Works, Napa County
Ray Lee, WREA, State of California, Department of Water Resources, North Central Region Office
Patricia Rippe, NFIP Specialist, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

LETTER A1
U.S. Department of Homeland Security
June 7, 2012

A1-1 This introductory comment does not specifically address the adequacy of the EIR; no further response is necessary.

A1-2 This comment explains the National Flood Insurance Program floodplain management building requirements and is noted. As cited in the Draft EIR, Chapter 15.52 of the City's Municipal Code identifies flood damage prevention requirements for special flood hazard areas of the City, which represent areas in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Based on the current FEMA FIRM (revised by the November 2012 LOMR), the project site is not located within the 100 -year flood hazard area and therefore no impacts related to placing housing or other structures in the 100-year flood hazard area would occur.

A1-3 This comment explains that some communities have more restrictive building requirements than those described in comment A1-2, and is not a comment about the adequacy of the EIR. No further response is necessary.

Letter A2

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6053
FAX (510) 286-5559
TTY 711

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CITY OF ST.HELENA

July 12, 2012

NAP029886
NAP-29-28.6
SCH# 2012032048

Mr. Greg Desmond
Planning Department
City of St. Helena
1480 Main Street
St. Helena, CA 94574

Dear Mr. Desmond:

HUNTER SUBDIVISION – DRAFT ENVIRONMENTAL IMPACT REPORT

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Hunter Subdivision project. The following comments are based on the Draft Environmental Impact Report. 1

Bicycle Transportation - We encourage the applicant to work with the Napa Valley Vine Trail Coalition in an effort to provide Class II bicycles lanes along the Starr Avenue and Adams Street roadway extensions. 2

Transportation Permit - Project work that requires movement of oversized or excessive load vehicles on state roadways, such State Route 29, requires a transportation permit that is issued by Caltrans. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to the following address: Transportation Permits Office, 1823 – 14th Street, Sacramento, CA 95811-7119. See the following website link for more information: http://www/hq/traffops/permits/ 3

Please feel free to call or email Sandra Finegan at (510) 622-1644 or sandra_finegan@dot.ca.gov with any questions regarding this letter.

Sincerely,

ERIK ALM, AICP
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse

LETTER A2
Department of Transportation
July 12, 2012

A2-1 This introductory comment does not specifically address the adequacy of the EIR; no further response is necessary.

A2-2 This comment suggests coordination with local bike trail plans and is noted. No further response is required given the comment does not address the adequacy of the EIR.

A2-3 This comment explains necessary permits for project construction vehicles and is noted. No further response is required given the comment does not address the adequacy of the EIR.

B. GROUPS AND ORGANIZATIONS

Letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments.

Letter
B1

Lippe Gaffney Wagner LLP www.lgwlawyers.com

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SACRAMENTO • 9333 Sparks Way, Sacramento, CA 95827 • T 916.361.3887 • F 916.361.3897

Thomas N. Lippe
Brian Gaffney
Keith G. Wagner
Kelly A. Franger
Cathy D. Lee

July 9, 2012

RECEIVED
JUL 10 2012
CITY OF ST.HELENA

Via FedEx and email

Greg Desmond, Interim Planning Director
City of St. Helena
Planning Department
480 Main Street
St. Helena CA 94574
gregd@ci.st-helena.ca.us

Re: Request for Extension of Public Comment Period and Rescheduling of Public Hearing - Hunter Subdivision Project Draft Environmental Impact Report (SCH: 2012032048).

Dear Mr. Desmond:

This office represents St. Helena Residents for Responsible Growth, an association dedicated to protecting environmental values in the St. Helena area. On behalf of our client, I request an extension of the public comment period for the Draft Environmental Impact Report (DEIR) for the Hunter Subdivision Project (Project) which is currently scheduled to end on July 13, 2012. For the same reason, our client also requests that the July 12, 2012 public hearing on the DEIR be canceled, and rescheduled at such time as the referenced documents are found and have been provided with sufficient lead time to allow a meaningful opportunity for public review and response.

On July 3, 2012, I requested access to the DEIR's appendices and a range of other materials referenced in the DEIR (see highlighted items on attached Exhibit 1), which were not included with the copy of the DEIR posted at the City's website. Thereafter, the City posted the DEIR's appendices on its website and mailed this office a CD containing the DEIR and its appendices. However, the CD and website still do not include the requested reference materials. On July 5, 2012, our client's member, Mr. Chuck Vondra, visited the City's office, again providing the City with the requested list of documents referenced in the DEIR. I again sent this list to the City on July 6, 2012. As of close of business on July 6, 2012, I and my clients have not been provided with the referenced documents, or otherwise received a response indicating when or the location where these materials may be obtained and reviewed by the interested public. 1

Under CEQA Guidelines section 15087, subdivision (c), agencies must make "copies of the EIR and all documents referenced in the EIR" available for public review during the public review period. (Guidelines, § 15087, subd. (c).) The documents must be "readily accessible to the public during the lead agency's normal working hours." (*Id.*) Accordingly, the City is required by law to

Letter
B1
Cont.

renotice CEQA's full, statutory 45-day comment period on the DEIR, after it locates the missing, referenced materials and makes them available for public review. (Pub. Resources Code, § 21091, subd. (a).) Any failure to do so would impermissibly violate CEQA's most fundamental disclosure and public participation objectives and procedures. (Guidelines, § 15088.5, subd. (a)(4); *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1130 (*Laurel Heights II*); *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043, 1052.)

In turn, our client also requests that the Planning Commission's July 12, 2012 hearing on the DEIR be rescheduled to occur at or near the end of the City's renoticed comment period. (Guidelines, §§ 15203, 15087, subd. (i).) It make no practical sense for the City to waste the Planning Commission's or the public's time by convening a public hearing on the DEIR (which can often last hours for a contentious project like the this one), where the foundational materials that form the basis for the DEIR's discussion and conclusions have not been made available. At this point, even if the requested materials were to be promptly located and provided, neither the Planning Commission or the public would have a meaningful opportunity to review the data and analysis they contain and provide complete and informed responses just three days later. 1 cont.

As a matter of law, the City must locate and make the materials referenced in the DEIR available to the public and then restart CEQA's statutorily mandated 45-day public review period, to allow the public a meaningful opportunity to review and comment on the DEIR's disclosure and analysis of the Project's potentially significant environmental impacts. As a matter of common sense, the Planning Commission's July 12, 2012 hearing on the DEIR must be rescheduled correspondingly, if it is to serve any meaningful purpose.

We request your response by no later than close of business, July 11, 2012, that the public comment period will be renoticed, and the Planning Commission hearing on the DEIR will be rescheduled. Our client, the public, and the City's staff, consultants and Planning Commission should not be required to waste their collective time by submitting, considering and responding to fundamentally uninformed written comments and oral testimony in the absence of access to Project materials that the City is required by law to make available for CEQA's full public review period.

Very Truly Yours,

Kelly A. Franger

LETTER B1
Lippe Gaffney Wagner LLP
July 9, 2012

B1-1 See Master Response #1 – CEQA Process.

Letter
B2

Lippe Gaffney Wagner LLP www.lgwlawyers.com

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Thomas N. Lippe
Brian Gaffney
Keith G. Wagner
Kelly A. Franger
Cathy D. Lee

July 12, 2012

Via U.S. Mail and email

Greg Desmond, Interim Planning Director
City of St. Helena
Planning Department
480 Main Street
St. Helena CA 94574
gregd@ci.sthelena.ca. us

Re: Hunter Subdivision Project Draft Environmental Impact Report (SCH: 2012032048).

Dear Mr. Desmond:

This office represents St. Helena Residents for Responsible Growth, an association dedicated to protecting environmental values in the St. Helena area. I am writing on behalf of St. Helena Residents for Responsible Growth to comment on the Draft Environmental Impact Report (DEIR) for the Hunter Subdivision Project (Project) pursuant to the California Environmental Quality Act ("CEQA," codified at Pub. Resources Code, §§ 21000, et seq.) and to object to the approval of the Project. 1

I. PLANNING AND ZONING CODE VIOLATIONS

All land use decisions must be consistent with a city's general plan and zoning ordinance. (*Collier v. City and County of San Francisco* (2007) 151 Cal.App.4th 1326, 1333, citing Gov. Code, § 65860, subd. (a)(2); *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 355. See also *Land Waste Management v. Contra Costa County Bd. of Supervisors* (1990) 222 Cal.App.3d 950, 957–958 "[i]ssuance of a permit inconsistent with zoning ordinances or the general plan may be set aside and invalidated as ultra vires"].) The proposed Tentative Subdivision Map and related residential construction violate the designated land use of the Hunter property established in the St. Helena Zoning Ordinance and General Plan. 2

A. The Project Violates the St. Helena Zoning Ordinance.

The Tentative Subdivision Map includes a 3.4-acre parcel for the future construction of 25 multi-family units ("Lot 52"). (DEIR 49-50.) The "conceptual" residential development depicted in the Tentative Subdivision and Grading Map includes 7- and 9-unit multi-family apartment buildings, consisting of somewhere between 30,000 to 45,000 square feet of building area, plus covered and surface parking. (DEIR 50; Figure III-4.) 3

Letter
B2
Cont.

Under the St. Helena Zoning Ordinance, the land use designation for the Project site is Medium Density Residential (MR). MR districts provide for "single-family detached homes, accessory dwelling units, limited agricultural uses and compatible uses." (DEIR 45. See also (St. Helena Municipal Code (Mun. Code), § 17.40.020.) With respect to the construction of new primary residences, the only permitted use is "[n]ew construction of one single-family dwelling on parcels where the minimum density is 1.99 units or less." (Mun. Code, § 17.40.020.) Conditional uses in MR districts (relevant to new primary residences), which require approval of a use permit, are limited to "[n]ew construction of one single-family dwelling on parcels where the minimum density is 2.0 units or greater" and "[n]ew attached duplex or triplex units." (Mun. Code, § 17.40.030.) 3 cont.

Multi-family dwellings, which are defined as a residential structure with "four or more" dwelling units, are not among the allowable uses in MR districts. (Mun. Code, § 17.04.160. See also Mun. Code, § 17.44.010 [In contrast to the MR designation, High Density Residential (HR) districts "provide[] for single-family and multifamily residential units, group quarters and compatible uses."].)

The proposed multi-family parcel conflicts with the Zoning Ordinance because multi-family development is not an "allowable use" in MR districts—even with a conditional use permit, residential development may not exceed three attached units. (Mun. Code, §§ 17.40.020; 17.40.030.) The proposed tentative subdivision map depicts 7- and 9-unit multi-family apartment buildings. (DEIR Figure III-4.) This violates the Zoning Ordinance provision that "[n]o land . . . shall be used, designated or intended to be used for any purpose or in any manner other than that which is permitted by this title, the regulations of the applicable zoning district . . . , and any conditions of approval imposed upon any permit authorized by this title." (Mun. Code, § 17.16.040(A).) 4

Nor does this Project fall within the "flag lot"[1] provisions of the Zoning Ordinance. A "'[f]lag lot' (also known as a 'panhandle lot') means a lot which [1] has less than the minimum required frontage on a public or private street, [2] is connected to a public or private street by a narrow strip of land and [3] has the largest portion of the lot situated behind adjoining lots which front on the same public or private street." (Mun. Code, §§ 17.04.160 [Definitions]; 17.40.030.) In short, a flag lot is a parcel of land that is accessible only by a long narrow strip leading from a main road. 5

Lot 52, as depicted on the Tentative Subdivision Map, includes none of these features. Lot 52 is accessed off Adams Street, just west of its intersection with Starr Avenue. (DEIR 50; Figure III-4.) The lot has 197 feet of frontage on Adams Street, not including the strip of land extending south along Adams Street upon which vineyards will remain. (DEIR Figure III-4.) The minimum required frontage in MR districts is 70 feet. (Mun. Code, § 17.40.060.) Lot 52 is not connected to

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[1] The DEIR refers to the multi-family lot as a "flag lot," but contains no discussion of the relevance of that term.

Letter
B2
Cont.

Adams Street by a "narrow strip of land." Although there is a narrow strip of land extending from the lot along Adams Street, this "panhandle" does not connect the remainder of the lot to Adams Street or otherwise provide access to Lot 52. (DEIR Figure III-4.) Finally, the largest portion of Lot 52 is not situated behind adjoining lots which front on the same street. The single-family lots to the east of Lot 52 front on Starr Avenue, while Lot 52 fronts on Adams Street. (DEIR 50, Figure III-4.) Thus, to the extent that the City views Lot 52 as a "flag lot" permitting departure from any MR district development standards, it is incorrect. 5 cont.

B. The Project Is Inconsistent With the General Plan.

The proposed Project also conflicts with the General Plan. The 1993 General Plan, currently in effect, classifies the Project site is Medium Density Residential (MDR). (DEIR 45.) Like the MR zoning designation, the MDR classification provides for "single-family" residential development: properties designated as MDR are used for "single-family attached and detached homes, secondary residential units, and similar and compatible uses." (DEIR 45.) 6

The proposed multi-family parcel thus conflicts with the General Plan because multi-family residential development is not included in "single-family attached and detached homes, secondary residential units, and similar and compatible uses." (DEIR 45, citing St. Helena, City of, 1993. *General Plan, Land Use and Growth Management Element*.)

II. VIOLATIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. The DEIR Does Not Describe Housing Construction Plans In Sufficient Detail to Conduct Project-Level Impacts Analysis.

The DEIR violates CEQA because it purports to be a "Project" EIR for "full buildout" of the Hunter Subdivision, but the DEIR's project description only includes "project-level" information about the subdivision itself and the construction of roads, utilities, and landscaping. In contrast, the DEIR's discussion of housing construction is entirely theoretical. Any information about the location, size, height, footprint, and massing of residential structures is "assumed" based on generally-applicable development standards. This is inadequate for project-level review under CEQA. 7

The actions described in detail in the EIR are (1) subdivision of the property; (2) grading/construction of a retaining wall; (3) street construction; and (4) the construction of utilities infrastructure and tree planting. (DEIR 49-59; Figure III-4 [Tentative Subdivision and Grading Map]; Figure III-6 [Utility Plan]; Figure III-7 [Landscaping Plan].) The landscaping and infrastructure construction is planned to begin immediately after approval of the Final Map and "related improvement plans"—presumably the Utility and Landscaping Plans—and will be completed within an 18-month time period. (DEIR 59.)

The proposed tentative map and related plans, while indicating the location of proposed single-family lots (Lots 1-51), do not indicate where houses will be constructed on those lots or the

Letter
B2
Cont.

7 cont.

proposed size, height, design of such structures. (See DEIR Figure III-4 [Tentative Subdivision and Grading Map]; Figure III-5 [Street Sections]; Figure III-6 [Utility Plan]; Figure III-7 [Landscaping Plan].) Nor do they indicate which lots will include "granny-units" or the size and location of those structures. (See *id.*) And, while three apartment buildings are depicted on Lot 25 in the Tentative Map, the plan for multi-family housing (including not only a site plan, but also the number of buildings, units per building; building height, location, and design; and parking and access) is "not yet determined." (DEIR 50; Figure III-4 [Tentative Subdivision and Grading Map].) There is no "phasing" plan for the proposal and/or construction of housing. (DEIR 59.)

Despite the fact that the DEIR's Project description does not include any housing construction that would be subject to design review or applications for building permits, the DEIR includes "Design Review" and "Building Permits" in the list of "approvals and actions necessary for the proposed project." (DEIR 59-60.) Rather than clearly disclosing that the DEIR neither describes nor assesses the impact of the applicant's plan for housing construction as part of the proposed Project, the DEIR states that "specific residential building designs" would be presented for review and approval in the future as part of the City's Design Review process. (*Id.* ["Future building designs would be subject to approval by the City, which includes Design Review of proposed construction, including the exterior design and location of individual dwellings, landscaping and related features."].) This improperly characterizes the most fundamental features of a construction project (i.e., the location, height, and size of proposed structures) as mere "design" elements.[2]

8

In lieu of a project-level description of a particular proposal for housing construction, the EIR states that "it is anticipated" that structures proposed in the future will conform to the St. Helena

---

[2] Characterizing fundamental details about future construction projects as "design features" appears to be an attempt to cast residential construction proposals as "final designs" that may be approved after CEQA review. (See, e.g., *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 35-36 [upholding an EIR for a mining project where the EIR included a "general description of [stream] diversion structures . . . coupled with approval of final designs after the project is approved"].) This situation here, however, is readily distinguishable from *Dry Creek Citizens.* Foremost, in that case, the stream diversion structures, as mitigation measures for a mining project, were actually proposed for the agency's approval. (*Id.*) Here, housing construction is "not being proposed at this time or as part of this application." There, the actual technical and environmental characteristics of the structures were "described and illustrated" in the EIR. (*Id.*) Here, the applicant did not provide, and the DEIR does not include, even basic information regarding actual plans for the construction of homes or structures on the Project site. Finally, in *Dry Creek Citizens*, there was no evidence that "more detailed engineered drawings" would facilitate understanding of the proposed project's environmental impacts and such drawings may supply "extensive detail beyond that needed for evaluation and review of the environmental impact." (*Id.* at p. 36.) The DEIR here does not contain the basic information about housing construction needed to assess environmental impacts. This is not a failure to include "enough detail"—it is the failure to include any description of future construction projects.

Letter
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Cont.

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cont.

Zoning Ordinance's standards and requirements for Medium Density Residential (MR) districts. (DEIR 57.) The fact that future construction projects should comply with local planning and zoning rules does not provide <u>any</u> information about what will actually be proposed and approved and a description of those rules is utterly inadequate for even a "general description of the project's technical, economic, and environmental characteristics."[3] CEQA clearly mandates a description of the proposed project itself—not just the rules with which future proposals must comply or parameters within which future construction proposals should fit. (CEQA Guidelines, § 15124[4].) This information is essential for a realistic analysis and mitigation of impacts at a project level.

Indeed, it is "crucial" for the public and the government decision maker to know "what the 'project' is that the decision maker is approving":

> "[O]nly through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance" . . . "[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."

(*Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 201, quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193.)

The DEIR violates this fundamental CEQA requirement by purporting to analyze housing construction at a "project-level" in the absence of the project details necessary to do so, as described in this letter with respect to impacts on particular resource areas. It is true that, under CEQA, an agency must describe and assess the impact of all activities associated with a proposed project, including reasonably foreseeable future activities that may change its impacts. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396 (*Laurel Heights I*).) The general review of future projects at the time that a related or precursor project is approved,

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[3] Moreover, the only Zoning Ordinance provisions specifically mentioned in the project description are height limits for single-family homes ("principal dwellings") and accessory structures: 30 and 15 feet, respectively. (DEIR 57.)

[4] Guidelines, section 15124 states: "The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact. [¶] ... (c) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities. [¶] (d) A statement briefly describing the intended uses of the EIR. [¶] (1) This statement shall include, to the extent that the information is known to the lead agency, [¶] (A) A list of the agencies that are expected to use the EIR in their decision-making, and [¶] (B) A list of permits and other approvals required to implement the project. [¶] ... (2) If a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur..."

Letter
B2
Cont.

8 cont.

however, does not discharge the agency's CEQA obligation to conduct "detailed" review of the future projects when details become available.

B. Aesthetic Resources.

1. The DEIR Lacks Project-Specific Information Necessary To Analyze and Mitigate the Aesthetic Impacts of Future Housing Construction Projects.

9

The DEIR's analysis of the aesthetic impacts of future housing construction is based on conjecture, not project-specific facts. The aesthetic impacts analysis is largely based on "[c]ross sections of the site, based on the Tentative Map provided by the project applicant." (DEIR 65.) The DEIR asserts that

> The cross sections are intended to convey a realistic impression of the project in terms of future building location, scale and massing based on the details included in the Tentative Map.

(DEIR 65.) The Tentative Map, however, does not include any details regarding the scale and massing of future housing construction. (DEIR Figure III-4.) At most, the Map indicates that single-family homes of unknown size, height, and footprint could be constructed somewhere within each of the 7000-12814 square-foot single-family lots. (DEIR Figure III-4.) Nothing on the Map indicates which lots will include "granny units" or the size, height, and footprint of such structures. (*Id.*) There is no concrete information, at all, regarding the size, layout, and massing of structures on the multi-family lot. (DEIR Figure III-4.) Moreover, the cross sections do not intersect with the multi-family lot and thus do not provide even a general or conceptual assessment of the visual impacts of multi-family apartment buildings. (See DEIR Figures IV.A-7, IV.A-8.)

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The DEIR states that, "because the project under review is a subdivision without specific designs for proposed structures, the sections do not portray the exact architectural design of the structures on the project site." (DEIR 65.) This is misrepresentation by omission. In reality, the project under review is a subdivision without any proposed structures, and the cross sections not only do not portray the "exact architectural design," they do not portray even the most basic features—including the location and size of structures—of any housing construction that may occur in the future.

CEQA requires "the presentation of information sufficient to understand the environmental impacts of the proposed project and to permit a reasonable choice of alternatives so far as environmental aspects are concerned." (Guidelines, § 15156; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376.) Basic information about the location, size, and height of the single- and multi-family structures to be constructed is vital for a realistic, project-level assessment of the aesthetic impacts threatened by the construction of housing.

Without this information, one cannot fully understand the nature and extent of the impacts of residential development on scenic vistas and the visual character of the area. As a result, the DEIR is fundamentally inadequate, depriving the public and decision makers of their right, under CEQA, to review and comment on potentially significant aesthetic impacts and mitigation measures for the visual impacts of a particular structure (such as restrictions on the location, height, and/or massing to preserve views). 10 cont.

2. The DEIR Does Not Adequately Describe the Affected Environment.

The DEIR does not adequately describe the affected environment, which must identify "sensitive receptors" in the Project area. As explained by visual impact expert Harry Benke, the DEIR fails to provide any information about the number of "sensitive receptors" in the area and the quality of their views. (Exhibit 3 [July 2, 2012 Letter of Harry Benke of Visual Impact Analysis LLC] at pp. 1-2.) This information is essential to a determination regarding the significance of any views impaired by project. (*Id.*) 11

3. The DEIR Does Not Adequately Analyze Impacts To Scenic Vistas.

Under CEQA, a project has a significant impact on visual resources if it has "a substantial adverse effect on a scenic vista." (Appendix G of the CEQA Guidelines, Question A.1; DEIR Table IV.A-1.) The Initial Study identifies this is a "potentially significant" impact, explaining that: 12

> Proposed dwellings that could be constructed within the subdivision could block existing views to the north from existing dwellings south of the project site. The potential for a substantial impact to existing views will be analyzed in the EIR.

(DEIR Appendix A at p. 14.) The City defines "scenic vistas" to include views of the "surrounding agricultural open space," "vineyard[s], hillsides, creeks, and major landscape features." (DEIR 66, citing 1993 General Plan Policy 4.5.1.[5])

The DEIR's analysis of impacts to scenic vistas is incomplete because it discusses only impacts on public views of hillsides, ignoring impacts to other scenic vistas within the City's threshold of significance—including agricultural open space, vineyards, creeks, and major landscape features. (DEIR 80.) Specifically, the DEIR states that residential structures may decrease the amount of hillside visible at two public view points (depicted in Figures IV.A-2c [intersection of Starr Avenue and Hunt Avenue] and Figure IV.A-2d [Paseo Grand Drive and Del Rio Court]); but that "at no point would hillside views from public viewpoints be entirely blocked by the project." (DEIR 80.) The DEIR then concludes: "[a]s a result, the introduction of the proposed project would not significantly alter these views, and the project would not have a substantial adverse effect on a public scenic vista." (DEIR 80.)

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[5] The 1993 General Plan is currently in effect. The DEIR heavily references a Draft General Plan Update, which has not yet been adopted and thus does not reflect existing City policy.

Although it appears obvious that two-story single family residences and multi-family apartment buildings would block and/or obscure views of surrounding open space, vineyards, and the Napa River, the DEIR does not describe or analyze the significance of impacts to these views. As a result, the DEIR fails as an informational document because it does not disclose and analyze impacts to all scenic vistas, as they are defined by the City's own threshold of significance. 12 cont.

Furthermore, the DEIR discusses only the impact of structures on scenic vistas—not the impacts of trees or other landscaping features. Based on the proposed Landscaping Plan (Figure III-7), visual impacts expert Harry Benke found that the combination of residential structures and trees, particularly when they mature, would likely "wholly eliminate" views of hillsides by motorists, pedestrians, and cyclists at the intersection of Hunt Avenue and Starr Road. The DEIR must disclose, analyze, and mitigate this significant impact of the Project. 13

Finally, the DEIR fails to explain the reasoning behind its conclusion that a "substantial adverse effect on a scenic vista" occurs only when a view is "completely blocked."

4. The DEIR's Analysis of Visual Quality Impacts Is Not Supported By Substantial Evidence.

As in its discussion of impacts to scenic views, the DEIR's analysis of impacts to the "visual quality of the site or the area" also considers whether the Project would impact views. Here, the DEIR states that future housing construction would not "entirely block" views of the hillsides and the Howell Mountains, relying on two projected site cross sections. (DEIR 85.) 14

As explained by Mr. Benke, the cross sections include "only profiles of houses and a ground profile of the project area," and do not demonstrate any relationship between the "visibility of the surrounding hills and mountains," view points, and the extent to which the project may impair these views. (Exhibit 3 at p. 3.) Indeed, the diagrams do not provide any information about what is visible beyond the Project from any particular viewpoint—including the perceived height of the hillsides in relation to the structures. Additionally, the cross sections show nothing regarding the visual impacts of the affordable (multi-family) housing units because they do not intersect that portion of the site. (*Id.*)

Furthermore, the projected cross sections do not provide any information regarding how or to what extent the Project would block existing views of surrounding open space and vineyards.

As a result, the DEIR's discussion and significance determination is comprised only of the bare conclusion, unsupported by facts or analysis, that the Project would not "entirely block" hillside views. The DEIR does not serve its information disclosure purpose and, thus, is inadequate. (See *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale City Council* (2010) 190 Cal.App.4th 1351, 1388.)

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5. The DEIR Employs An Improper Baseline In Determining that Impacts to Visual Quality of the Site and Project Area Are Insignificant. 15

The DEIR's analysis of impacts to the visual quality of the site and area employs an improper baseline to conclude that the impact will be insignificant and ignores evidence demonstrating the contrary.

On one hand, the DEIR states that although the project will result in development "similar in scale and form to the residential development around the site and in St. Helena," eliminating the existing agricultural land and open space will cause "a significant impact on the visual character of the site." (DEIR 81.) The DEIR further explains that residential construction will block existing views of the undeveloped project site, open space, vineyards, and hillsides. (DEIR 85.)

On the other hand, ignoring all evidence that development will eliminate and block views of open space and agricultural land, the DEIR concludes that the project will not "substantially degrade the visual quality of the site and its surroundings" because (1) under the General Plan, the project site is designated for medium density residential (MDR) development and the character of new residential buildings should be compatible with surrounding development; and (2) "urban development of similar types and densities are located east and south of the project site." (DEIR 86-87.) These statements do not provide an adequate basis for the City's conclusion that visual impacts are less than significant.

First, the General Plan's MDR land use designation and policy that new buildings should conform to the character of older neighborhoods have no bearing on impacts to the existing visual quality of the site and area. Indeed, it is well established that aesthetic impacts analysis must be based on a comparison "actual existing physical conditions." (*Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (1997) 150 Cal.App.4th 683, 709-710 ["in assessing the impacts of a project proposed for an undeveloped piece of property, agencies should compare project impacts against the existing environment, rather than some hypothetical, impacted future environment that might occur without the project under existing general plan and/or zoning designations."].) Impacts analyses based on "hypothetical allowable conditions" contemplated by an existing plan—such as that here—applies an improper baseline which "can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts...." (*Id.*)

It is likewise irrelevant, for purposes of environmental review, that the "Design Review process will ensure that the single-family homes and multi-family buildings are in character that is compatible with the surrounding development." (DEIR 86.) As an initial matter, ensuring "compatibility" with other development does nothing to ameliorate the obstruction of views and destruction of the beauty of the existing open space/agricultural setting caused by the construction of housing. Moreover, reliance on "postapproval mitigation measures adopted during the subsequent design review process" significantly undermines CEQA's goals of full disclosure and informed decision making and, thus, constitutes improper deferral of environmental assessment. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92-93, quoting *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1605, fn. 4.) 16

Second, the vast majority of the project site is bounded by open space, agricultural, and low density residential uses. (DEIR Figure IV.A-7.) The "multi-family" lot in southern portion of the site, is bounded by low density residential uses—a sharp contrast to multi-family apartment buildings. (DEIR Figure IV.A-7.) Only a fraction of the site is bounded by "higher" density residential uses—the trailer park the located to the east, a use which, in contrast to the 30 foot-tall buildings allowed on the Project site, includes only one-story structures. (DEIR Figure IV.A-7.) In light of the major differences between reasonably foreseeable Project development and surrounding uses, it is unclear how exactly the design review process would ensure "compatibility" with the character of existing neighborhoods. 17

The DEIR's focus on General Plan consistency and similarities between future construction and existing residential uses is not only misplaced, it improperly minimizes the adverse aesthetic impacts caused by altering the project site and obstructing and/or blocking views of open space, vineyards, hillsides—impacts which the DEIR identifies as "significant." (DEIR 85.) The purpose of CEQA review is to disclose and mitigate adverse environmental impacts, not to mask or dilute significant adverse impacts by shifting focus to the project's merits.[6] On the whole, even taken as program-level review, the DEIR is "legally inadequate as an informational document because it fail[s] to analyze consistently and coherently the impacts of the project relative to leaving the land in its existing physical condition." (*Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (1997) 150 Cal.App.4th 683, 709-710.) 18

C. Hydrology and Water Quality

1. The DEIR Does Not Adequately Analyze Impacts to Related to Groundwater.

The DEIR states that an on-site well will be used to supply "separately plumbed landscape irrigation systems" in the Hunter Subdivision, estimating that demand will be 25 acre feet (AF) per year. (DEIR 274, 298.) As detailed below, the DEIR's analysis of the impacts of groundwater use is deeply flawed and, with respect to some significant impacts, nonexistent. The City must correct and complete its analysis in a revised DEIR and recirculate the DEIR for public review and comment. 19

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[6] Moreover, for every General Plan policy with which the Project would (according to the DEIR) comply, there is one with it which it demonstrably will not. Policy 4.5.1, for example, provides: "The sense of a strong connection to the surrounding agricultural open space and hillsides must be preserved in the future. Views of vineyard, hillsides, creeks and major landscape features should be maintained..." (See Exhibit 3 at pp. 3-4.) Construction on the Project site will block views of vineyards, the Napa River, and open space; and it will obstruct views of hillsides. (DEIR 80, 85.)

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a. The DEIR Does Not Include Project Details Necessary For Project-Level Review of Future Construction Projects.

The estimated demand for irrigation water, which requires information regarding the amount of land that must be irrigated, was based on "assumed" information about building foot print, drive ways, and other impervious surfaces and number and size of units. (DEIR 295-297.) As noted above in section II.A, this represents a failure to provide required information for a project-level EIR. 20

b. The DEIR Employs An Improper Baseline In Its Analysis of Groundwater-Related Impacts.

Water has not been extracted from the well for use on the Project site for many years. (DEIR 274.) Accordingly, the "actual existing physical condition" to which the Project must be compared for purposes of assessing its impacts is zero groundwater extraction from the on-site well. (*Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (1997) 150 Cal.App.4th 683, 709-710; Guidelines, § 15125, subd. (a) ["[A]n EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published . . . from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."] (emphasis added)].) 21

Courts have approved the use of projected future conditions as a baseline for traffic impacts when a project will not begin causing such impacts until years in the future and the environmental setting will be substantially different at that time. (See, e.g., *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale City Council* (2010) 190 Cal.App.4th 1351.) Courts have also held that a "temporary lull or spike in operations that happens to occur at the time environmental review for a new project begins should not depress or elevate the baseline." (*Id.* at p. 1375, quoting *Save our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 127, 104.)

But nothing in CEQA permits use of a "previous usage" baseline where the previous use ceased entirely many years before environmental review began. If such were the case, then any impact could be deemed insignificant on the ground that it only slightly exceeded the most intensive previous use of the land, regardless of the actual, existing environmental condition at the time of environmental review. This, like use of a "hypothetical allowable conditions" baseline for land use impacts, "can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts..."(*id.*)—especially when it involves a discontinued previous use which was and is substantially more intensive than the existing use.

Moreover, the selection of a baseline that deviates from the existing physical conditions must be supported by substantial evidence, which the DEIR does not provide. The baseline for use of the on-site well was determined based on an estimated demand historical "demand" for water that provides no information about how that demand has, historically, met. It is quite likely that historic agricultural water needs were met, at least in part, with surface water because (1) the property 22

adjoined the river prior to the flood control project and likely had riparian water rights and (2) the property contained a pond, now filled in, that was likely used to store surface water. 22 cont.

Despite the fact that well use records exist, are maintained by the City, and were provided to the applicant during the environmental review process, there is absolutely no evidence regarding the historic use of the well. The DEIR somewhat craftily states that "active management of the well for irrigation" has ceased, but never states when exactly that use ceased or the extent to which the well was in fact used for irrigation. (DEIR 277.) Accordingly, the estimated historic demand for irrigation water (22 AF per year) says nothing about either existing or historic groundwater use because there is no evidence that groundwater supplied that demand. The EIR must analyze impacts based on a comparison of the existing use of the well (0 AF per year) and post-project use (25 AF per year). 23

Further, the DEIR includes a confusing discussion of irrigation demands for vineyards before and after the flood control project, which seems to suggest that the existing on-site vineyards are irrigated with groundwater from the on-site well (at 11 AY per year). (AR 276.) Careful reading of the DEIR, however, indicates that this is false. The DEIR explicitly states that "active management of the well for irrigation has ceased." (AR 274.) The DEIR does not disclose the current source of irrigation water for the vineyards. The obfuscating language in the DEIR's discussion violates the basic requirement that the "EIRs shall be written in plain language . . . so that decision-makers and the public can rapidly understand the documents." (Guidelines, § 15140.) 24

c. The DEIR Does Not Include Any Facts About the On-Site Well or the Local Aquifer and/or Water Table.

The DEIR states that the Project's groundwater use will not "deplete groundwater supplies" and that the "existing on-site well, previously used for agricultural purposes, has the capacity to serve more water than is needed on-site." (DEIR 233, 298.) However, the DEIR does not provide any facts about the capacity of the well to support this conclusion. Nor does the DEIR provide any factual information about the water production capability of the aquifer supporting the wells. Further, as discussed above, while it may be true that the well produces more water than is "needed on-site" the City extracts water for use "off site" and the DEIR must analyze the well's capacity to serve both and the impacts of doing so on the aquifer. 25

The record indicates that this information is available. In fact, the City provided the developer with information regarding the production quantity, rate, and quality of the well on the property (though that information is not presented in the DEIR). (See, e.g. March 25, 2011 Letter from St. Helena to Ryan Gregory re Completeness of Hunter Tentative Map Application (2010-40), p. 1. See also General Plan Update Final PEIR 2030 at p. 5-13 (Revisions to DEIR, October 2010) [The City maintains a groundwater level monitoring program in the area that monitors groundwater levels. (City of St. Helena, 2010; West Yost Associates, 2010b)"].)

This information must be disclosed in the DEIR and used to assess the Project's direct and cumulative groundwater impacts on groundwater levels and supply. It is not enough to simply describe past water demands and assume that future increased uses will have a similar impact.[7] 25 cont.

d. The DEIR Does Not Adequately Analyze the Project's Interference With Groundwater Recharge.

The DEIR discloses that the Project "would introduce new impervious surfaces, which could interfere with groundwater recharge by diverting some precipitation to the storm drainage system." (DEIR 233.) It concludes that the impact is less than significant, however, because "the area of additional impervious surface would be considered insignificant compared to the area of the groundwater basin." (DEIR 233.) 26

There is no factual support for this conclusion. In particular, the DEIR does not disclose the size of the "groundwater basin," the rate and extent to which the currently existing grasslands on the project site permit groundwater recharge, or the amount of water that the new impervious surfaces will prevent from percolating into the aquifer. (See DEIR 233.)

Moreover, it is improper to conclude that an impact is insignificant based on its relative contribution to a larger environmental impact. Where a project may cause an incremental increase in the nature or extent of an impact—such as interfering with recharge of an aquifer—the EIR must determine whether the Project contributes to a significant cumulative impact. Courts have consistently rejected the "ratio approach" to impacts analysis demonstrated here, which focuses on the proportional contribution of an individual project to a larger general impact, such as an individual project's contribution to the overall loss of a resource over a wide geographic area. (See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.) This invalid approach inevitably understates the severity of real, additive, incremental cumulative impacts, and instead quantifies a pseudo-cumulative "impact" that an individual project may cause. CEQA requires instead an assessment of the incremental, collective, or combined effect of both the project at issue, past projects, contemporary projects, and reasonably foreseeable actions, within a scope of analysis relevant to the project's impact—in this case, loss of grasslands habitat within the County. 27

The Board's analysis of grasslands habitat loss understates the severity and significance of cumulative impacts and the necessity for mitigation measures, and impedes meaningful public review and participation. (See *Citizens to Preserve the Ojai v. Board of Supervisors* (1985) 176 Cal.App.3d 421, 431-432.) 28

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[7] Indeed, the hydrographs upon which the DEIR relies were prepared as part of Napa County's analysis of groundwater resources, yet the County explicitly requested that the DEIR include an "explanation and analysis of any groundwater use that may occur as a result of the project." (DEIR Appendix A [Scoping Comments Summary Report at p. 10].)

Finally, the DEIR's assertion that "landscaping around the structure and pavements would be pervious and would allow infiltration of rainfall" fails to address the issue. (DEIR 233.) The inquiry for purposes of impacts analysis must focus on the extent to which the Project will prevent recharge—the fact that some unquantified part of the Project will not contribute to the problem is not informative. Additionally, the DEIR's assertion that irrigation on the pervious surfaces "would result in additional infiltration" is misguided. The water used for irrigation will be extracted from the same aquifer that the Project will interfere with recharge of and a significant amount of that water will be lost to evapotranspiration. (DEIR 295-296.) 29

e. The DEIR's Analysis of Groundwater-Related Impacts Is Incorrect and Incomplete.

The DEIR states: 30

> Groundwater is a reliable resource in the area and will continue to reliably serve as part of the City's water supply portfolio in the future without concern of overdraft. As documented in the February 2011 report to the County of Napa Conservation Development and Planning Department regarding groundwater conditions throughout the County, "Groundwater levels have been generally stable [in the St. Helena region] over time and do not exhibit any long-term trends." Based on this and other information from the report, the City's target average use of 450 AF per year (AF/year) is conservative and well within the capacity of the groundwater basin for the foreseeable future. Figure IV.K-1 shows the current groundwater trends in the area as presented in the county groundwater study.

(DEIR 274.) This is flawed for numerous reasons.

First, the DEIR fails to discuss the increasing decline in summer water levels over time in the St. Helena subarea aquifer. As Mr. Kammon explains, the hydrographs from the February 2011 Report (reproduced in the DEIR) demonstrate that numerous wells in the St. Helena area have experienced "marked declines in the groundwater table elevation over the past four decades," and that the drops in the summer water table increase "progressively in magnitude over time." (Exhibit 1 [Greg Kammon July 12, 2012 Letter] at pp. 3-7.) In light of the St. Helena data, the "local area aquifer is not stable and may be reflecting the effects of depleted groundwater supplies, which is contrary to the conclusion in the DEIR of stable groundwater conditions reproduced." (*Id.* at p. 7.)

Second, well-documented decreases in summer stream flow in the Napa River indicate that the groundwater levels are in decline. (*Id.* at 7-8.) During the dry summer months, stream flow is supplied by groundwater alone. When groundwater pumping lowers the groundwater table, it may disconnect the river from the groundwater supply. (*Id.*) Napa River flow records from a gauge located a short distance downstream of the Hunter Project site indicates that the river channel ran completely dry during August and September of 2007, 2008 and 2009. (*Id.* at p. 8.) This has only happened one other time since 1929—during the drought of 1976-1977. (*Id.*) 2007-2009 were drier than average, but did not approach the severe drought conditions observed in the 70s. (*Id.*) 31

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Accordingly, the stream flow declines signal declines in the water table due to increased groundwater pumping. (*Id.*)

This is of particular concern in the Project area. The State Water Board delineated areas in which groundwater extraction has the potential to deplete stream flow. (*Id.* at pp. 7-8.) The Project site is located within a "potential stream flow depletion zone." (*Id.* at p. 8.) In connection with the delineations, the Board developed a method for determining whether a particular groundwater extraction would, in fact, adversely impact stream flows. (*Id.* at p. 9, citing Stetson Engineering, February 28, 2008 Technical Memorandum at p. 9.) In addition to disclosing the potentially significant impact of groundwater extraction on Napa River stream flows in the DEIR, the City must analyze the direct and cumulative impacts of increased groundwater pumping from the on-site well in accordance with this method.

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Third, as noted by St. Helena Mayor Del Britton, local wells have been going dry. (*Id.* at 10.) In addition to analyzing potential impacts on stream flow, the EIR must disclose and analyze whether any reductions in the local aquifer or water table level related to increased pumping from the on-site well may impair the production rate of pre-existing nearby wells. (DEIR 231.) Completely ignoring the CEQA threshold of significance, the DEIR does not analyze Project-specific impacts on the local aquifer or water table levels at all, much less impacts to other wells.

In lieu of the required analysis, the DEIR simply concludes that the Project will not cause any groundwater-related impacts because, "generally," conditions in the area are stable. This does not provide any information about the actual impacts of the Project and, combined with the improper "historic use" baseline, demonstrates complete abdication of the City's CEQA obligation to analyze impacts in good faith and to "use its best efforts to find out and disclose all that it reasonably can." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, quoting Guidelines, § 15144.)

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Finally, it is improper to rely on the City's safe yield studies to assess the impacts of the Project's groundwater extraction and use. The City's studies were based solely on the supply and demand for potable water and explicitly exclude from their analyses both (1) private wells and (2) the City's extraction from wells for nonpotable park and irrigation purposes (such as its use of the on-site well). (See April 11, 2012 Staff Report [April 5, 2012 Technical Memorandum at p. 8.].) In short, pumping from the on-site well is not within the scope of the City's analysis of safe yield from local groundwater sources.

f. The DEIR Fails to Consider the Cumulative Impacts of Other Groundwater Extractions.

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An EIR must disclose and analyze the impacts of a project in conjunction with other past, present, and probable future projects. (Guidelines, § 15065(a)(3).)

The City currently pumps an undisclosed amount of water from the on-site well to irrigate vegetation planted as part of the flood control project, and it appears that the City will continue to

do so in the future. (DEIR 274.) For purposes of assessing impacts caused by pumping from the on-site well, the DEIR must add the City's use to the Project's projected 25 AF per year and determine whether the combined extractions are within the well's capacity, would result in a lowering of the water table or aquifer, or would impair the production of other nearby wells in the vicinity. 34 cont.

Further, as discussed above, the City extracts groundwater from other wells to supply local demand for potable water. The City's groundwater extractions, as well as reasonably foreseeable increases in groundwater extraction to meet growing demands (see April 11, 2012 Staff Report), must be described in the DEIR and analyzed to assess the combined impacts of the Project and the City's groundwater use.

2. The DEIR Does Not Analyze the Impacts of Discharging Increased Storm Runoff Into the Napa River.

The City's General Plan requires review of development plans to ensure that new development provides adequate storm drainage infrastructure and that post-project runoff is limited to pre-project peak flow rates for the five- and ten-year storms." (DEIR 234.) Under CEQA, a project causes a significant impact if it may alter the existing drainage pattern so as to "increas[e] the rate or amount of flow, of a creek, river, or stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or off-site." (DEIR 232.) 35

As discussed above, the Project will create new impervious surfaces on the Project site, which will divert precipitation (i.e. stormwater runoff) into a storm drainage system, rather than permitting the water to percolate into the soil. (DEIR 233 [New impervious surfaces on the project site include buildings, access roadways, bicycle and pedestrian pathways, and surface parking lots. "The placement of new impervious surfaces would create stormwater runoff."].) The storm drainage system will divert water directly into the Napa River until doing to is prevented by high flows. (DEIR 212.) As a result, the amount of stormwater entering the river from the project site at any given time will be higher than it was prior to the construction of new impervious surfaces. Only when the river reaches extremely high volumes will the runoff be held in a detention basin to avoid flooding at the Project site. (DEIR 212.) At that point, water held in the detention basin will be pumped back into the river. (DEIR 212.)

The DEIR, which purports to address this impact at DEIR page 233 (DEIR 231) does not analyze whether post-project stormwater runoff will exceed pre-project rates or whether the additional runoff may increase the rate or amount of flow in the Napa River so as to cause erosion, siltation, or flooding downstream of the Project site. Instead, the DEIR states that:

> The proposed project would change the existing drainage pattern on-site as the site would change from largely agricultural to residential. However, the drainage pattern introduced by the project would not modify streams or rivers as none currently traverse the project site. As discussed under Stormwater Drainage Systems, below, the proposed project would include installation of a storm drainage system that would be connected to the City's drainage system. The modification would not cause

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> significant erosion or flooding because runoff would be controlled and collected in storm drain pipes and discharged in accordance with City requirements. This potential impact would be considered less than significant.

(DEIR 233-234.)

As indicated by the underlined phrases above, the DEIR's analysis is improperly limited to impacts on the Project site. The threshold of significance requires analysis of "off-site" impacts as well. In this case, the DEIR must, but does not, consider impacts caused by discharging increased runoff into the Napa River.

Nor does the storm drainage system address the problem:

> The major storm drain infrastructure in the project vicinity was constructed as part of the Flood Protection Project for future project use. It includes a storm drain running through the project site within the future Starr extension right-of-way and an existing detention basin immediately north of the project on City-owned property. The Starr storm drain and the detention basin have been sized to accommodate the proposed project based on runoff coefficients associated with its planned residential density, so there is sufficient capacity to serve the project and detention of post-project runoff is not necessary. Furthermore, the Starr extension storm drain was sized to accommodate drainage from the area south of the pipe and the detention basin for drainage from that area between the pipe and the basin.

(DEIR 234.)

All this means is that the storm drain system was designed to move the increased stormwater runoff created by the Project into the river. It says nothing about the extent to which the increased runoff may increase peak flows in the Napa River, thereby causing erosion and flooding downstream. As explained by hydrologist Greg Kamman: "Although the DEIR does address the adequacy of the internal project storm drainage capacity, if fails to evaluate or address how the project may substantially increase the rate or amount of flow in receiving waters and downstream areas. Potential impacts from increase storm water runoff includes, increased downstream water levels and flood hazards along with increased erosion potential and water quality impacts." (Exhibit 1 [Greg Kammon July 12, 2012 Letter] at p. 10.)

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Particularly important with respect to impacts to salmonid habitat and water quality in the Napa River, as discussed below, the DEIR must analyze whether its stormwater discharges may contribute to channel incision caused by an increase peak flows. "Channel incision" refers to the downcutting of a river—erosion of the bed and banks the stream channel—resulting sedimentation. (*Id.* at p. 10; Exhibit 2 at pp. 3-4.) It is caused by increases in the magnitude of peak stream flows. (*Id*) As documented by the State Water Board, channel incision is a primary cause of degradation of the Napa River stream channel and a primary source of sediment pollution. (Exhibit 2 at pp. 3-4.)

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D. Biological Resources

1. The DEIR Entirely Fails To Analyze Potentially Significant Impacts to Protected Fish Species in The Napa River. 37

Despite the Project's potentially significant impacts on water quality and stream flow in the Napa River, the DEIR does not analyze, whatsoever, the potentially significant impacts of the Project to special status fish species in the Napa River. Failure to disclose and analyze this vital environmental impact is fatal to the DEIR's adequacy as an informational document. The Project's potential impacts to protected anadromous fish must be disclosed, analyzed, and mitigated.

The Napa River in the vicinity of the project site and in downstream reaches contains habitat suitable for rearing, spawning, and migration of two protected fish species: fall-run Chinook salmon (*Oncorhynchus tshawytscha*) and federally protected Central California Coastal steelhead (*Oncorhynchus mykiss*). (Exhibit 2 at pp. 2-3, citing Napa County Resource Conservation Department 2008, Leidy et al. 2005.) The section of the Napa River adjacent to the Project site is deemed "the most important spawning and nursery area for steelhead in the main stem Napa River." (*Id.* at p. 3.) Recent surveys identified abundant spawning habitat and juvenile chinook in St. Helena, about two miles south of the Project site. (*Id.*) Herculean efforts—including habitat restoration, major projects to remove fish migration barriers, and new sediment pollution limits—are currently underway within the Project area to protect and aid in the recovery of these species. (*Id.*)

The DEIR's <u>only</u> mention of chinook salmon and steelhead occurs in DEIR Table IV.D-1: "Special Status Plant and Wildlife Species That May Occur, or Are Known to Occur in Habitats Similar to Those Found on the Hunter Subdivision Project Area." (DEIR 132-133.) Therein, the DEIR tersely described the status and habitat requirements of these species, and then summarily concludes with respect to the likelihood of their occurrence:

> "Not Present. No perennial aquatic habitat present in the project area."

(DEIR 132-133.)

In light of many surveys documenting chinook and steelhead in the Napa River either directly adjacent to or slightly downstream of the Project site, not to mention the millions of dollars and countless hours that have been and currently are devoted to protecting these species on the St. Helena stretch of the Napa River, the DEIR is plainly wrong.

It may be that the DEIR is engaging in a game of semantics by either (1) defining "project area" so narrowly that it includes only the actual Project site (as it did with respect to stormwater runoff impacts [(DEIR 233-234]), or (2) limiting the scope of its analysis to "perennial" habitat—a concept that is not explained in the DEIR. (See also DEIR 383 [defining the geographic area considered for cumulative biological impacts as the "City of St. Helena"].) On either count, the DEIR violates CEQA.

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37 cont.

CEQA broadly defines the relevant geographical environment as "the area which will be affected by a proposed project." (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 384-385, c iting Pub. Resources Code, § 21060.5.) Consequently, "the project area does not define the relevant environment for purposes of CEQA when a project's environmental effects will be felt outside the project area." (*County Sanitation Dist. No. 2 of Los Angeles County v. County of Kern* (2005) 127 Cal.App.4th 1544, 1582–1583.) Thus, the City is mistaken to the extent it believes that it has no obligation under CEQA to consider geographically distant environmental impacts of the Project.

As explained by fisheries biologist Jeffery Hagar, the Project may adversely impact salmon and steelhead in numerous ways: (1) increasing stormwater runoff, thereby increasing the magnitude of peak flows in the Napa River and causing erosion of the stream bed and banks, increasing fine sediment loads, eroding spawning sites and damaging developing salmon and steelhead embryos; (2) reducing summer stream flow necessary to support fish species by interfering with groundwater recharge and increased groundwater pumping from the on-site well. (Exhibit 2 at pp. 3-4.) Mr. Hagar explains that in recent years, the Napa River has run completely dry in late summer months, a condition which previously occurred only once in an extreme drought. (*Id.* at p. 5.) Mr. Hagar concluded that increased stormwater discharge and stream flow reduction threatened by the Project may "adversely impact existing spawning, rearing, and migration habitat for salmon and steelhead from the project site downstream to the mouth of the Napa River." (*Id.* at pp. 5-6.)

Under Guidelines section 15065, subdivision (a), an agency must find that a project has a significant effect on the environment if the project has the potential to "reduce the number or restrict the range of an endangered, rare or threatened species." (*Napa Citizens, supra,* 91 Cal.App.4th at p. 381.) And, because CEQA placed the burden on the agency to study and determine whether a project will cause a significant impact, once the issue of impacts to a protected species is identified, the "burden shifts to the [City] to investigate the effect of the Project on that species." (*Id.* at pp. 385-386.) The DEIR must disclose and evaluate potential project impacts on fishery resources in the Napa River.

2. The DEIR Does Not Adequately Analyze Impacts to Special Status Plants and Species Habitat.

38

The DEIR acknowledges that the Project will result in the loss of the currently existing grasslands habitat on the site, but concludes that the impacts of habitat loss are insignificant because of the "small size" of the property and because there is "alternative" habitat on the opposite side of the levee. (DEIR 141.) The DEIR does not cite any facts in support of its analysis.

As explained in the Napa County's analysis of ecosystems within the County, grassland habitat supports a wide diversity of plant and wildlife species and performs many important

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ecosystem functions.[8] (Exhibit 6 [Napa County Baseline Report, Chapter 4 "Biological Resources"] at p. 4-19.) However, grasslands in the County "have in the past and continue today to be lost to residential, commercial, and industrial development, and conversion to agriculture uses other than grazing." (*Id.*) Less than 20% of grasslands in the Bay Area are protected, they have already undergone a severe decline in Napa County, and they "continue to be highly threatened by development." (*Id.*)

The DEIR improperly limited its analysis of the impact of destructing grasslands to the Project site and adjacent land. CEQA requires analysis of not only indirect impacts, but also the cumulative impacts Proper analysis of the impact of habitat loss must include consideration of the abundance (or lack thereof) of the habitat in the region, the extent to which that habitat is threatened or in decline, and the extent to which the Project contributes to a cumulative impact by participating in the impact. The DEIR must analyze and disclose whether the Project's destruction of grasslands is a considerable contribution to a significant County-wide cumulative impact.

Additionally, by determining significance based on the "small size" of the property, the DEIR employ a "ratio approach" to impacts analysis that has been unequivocally rejected by the courts. The ratio approach focuses on the proportional contribution of an individual project to a larger general impact, such as an individual project's contribution to the overall loss of a resource over a wide geographic area. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.) This invalid approach inevitably understates the severity of real, additive, incremental cumulative impacts, and instead quantifies a pseudo-cumulative "impact" that an individual project may cause. CEQA requires instead an assessment of the incremental, collective, or combined effect of both the project at issue, past projects, contemporary projects, and reasonably forseeable actions, within a scope of analysis relevant to the project's impact—in this case, loss of grasslands habitat within the County.

The Board's analysis of grasslands habitat loss "understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmakers perspective concerning the environmental consequences of a project, the necessity for mitigation measures, and the appropriateness of project approval."(*Citizens to Preserve the Ojai v. Board of Supervisors* (1985) 176 Cal.App.3d 421, 431-432.)

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[8] Among other things, grasslands not only provide habitat, but also perform an important role in maintaining stream systems because they maintain water quality through soil retention and by filtering out sediment and nutrients from run off; prevent flooding and minimize channel erosion by slowing surface runoff; and increase infiltration to groundwater. (Exhibit 6 [Napa County Baseline Report, Chapter 4 "Biological Resources"] at p. 4-19.)

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Cont.

E. Geology and Soils

1. The DEIR's Discussion of Subsidence Impacts is Flawed and Unsupported.

39

Under CEQA, a significant impact exists if project may expose people or structures to substantial risk of loss, injury, or death involving subsidence. (DEIR 178.) Subsidence is the lowering of the land-surface elevation and may result in increased flooding hazards, damage to underground utilities and damage to stormwater and sanitary sewer drainage. (DEIR 174.) Subsidence is generally caused by groundwater pumping (DEIR 174.)

Although the Project will pump groundwater from the on-site well, the DEIR concludes that the potential for subsidence is less than significant because the "demand is expected to be much less than the "historical agricultural demand by irrigation of vineyards." (DEIR 180.) This conflicts with the DEIR's discussion of groundwater use, which discloses that the Project demand is *greater* (25 AF per year) than historical uses (22 AF per year)—certainly not "much less." (DEIR 277.) Additionally, for the same reasons discussed above, it is improper to use "historical" or past use as a baseline for determining this Project's impacts.

40

The DEIR also states that "[t]here are no significant agricultural or industrial activities proposed that would result in the substantial pumping withdrawal of water from the underlying aquifer that could contribute to future subsidence on the project site." (DEIR 180.) This too conflicts with the DEIR and documents relied on therein, which indicate that the City pumps groundwater from wells in the area to supply local demand for potable water and, moreover, pumps water from the on-site well for irrigation purposes. (DEIR 247; Exhibit 8 [April 5, 2012 Technical Memorandum at p. 8.].) As discussed above, the DEIR must consider the impacts of its groundwater extraction in conjunction with the impacts of the City's groundwater extraction.

41

Thus, the DEIR's analysis of subsidence is legally flawed and entirely unsupported fact. The DEIR must be revised to include a proper analysis of this potentially significant impact and recirculated for public review and comment.

F. Hazards and Public Safety

1. The DEIR Does Not Adequately Describe the Existing Environmental Conditions.

42

The DEIR discloses that the soil on the Project site may be contaminated with hazardous materials from prior agricultural use of the land—including metals such as mercury, copper, lead, and/or arsenic and persistent organic compounds such as DDT. (DEIR 208 [Impact HAZ-1]. See also Exhibit 5 [Letter of Saul Bloom dated July 6, 2012] at pp. 3, 6-9.) "Exposure to these chemical residues during site grading and development activities could potentially affect the health and safety of construction workers and the general public. If left in place, residues could also affect future residents at the project site." (DEIR 208 [Impact HAZ-1]. See also Exhibit 5 at pp. 4-5.)

Maps of the Project site indicates that there is a water body directly adjacent to the site and a well and filled pond on the site itself. (Exhibit 5 at pp 6-9.) However, the DEIR does not describe whether metals and/or persistent organic compounds in the soil have leached into the surface or groundwater. (*Id.* at pp. 5-6.) This is of particular concern because the applicant intends to use groundwater extracted from the well at the project site for all irrigation and other outdoor water needs. 42 cont.

Finally, although acknowledging that stormwater runoff may be contaminated with hazardous materials (DEIR 222), the DEIR fails to disclose whether the drainage ditch in the Project area contains hazardous materials deposited by storm runoff and how any such materials may impact human health.

2. The DEIR Improperly Defers Analysis of Hazardous Material Impacts. 43

Rather than studying the soil on the site and disclosing any hazardous materials and their risks to the public, the DEIR calls for a future study to be conducted as a condition of approval for grading and building permits:

> Shallow soil samples shall be collected by a qualified environmental professional within all areas of the project area proposed for residential uses and analyzed for pesticides and herbicides in accordance with DTSC's Interim Guidance for Sampling Agricultural Properties. . . . any detected organic compounds or metals above naturally-occurring concentrations must be evaluated in a human health risk assessment as described in the DTSC Preliminary Endangerment Assessment (PEA) Guidance Manual or in comparison to California Human Health Screening Levels (CHHSLs).

(DEIR 208-209.)

The DEIR improperly discusses this environmental investigation and analysis as a "mitigation measure." A mitigation measure, however, is a way to reduce or avoid impacts that have been identified and disclosed in the DEIR—not the study of the nature and extent of the impact itself. Moreover, while it may be appropriate, in some cases, to defer the selection of particular mitigation measures until after project approval, "[d]eferred mitigation" is permitted only "where practical considerations prohibit devising [mitigation] measures early in the planning process." (*Gentry, supra,* 36 Cal.App.4th at p. 1394, accord *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92-93.) And even then, the EIR must still "(1) undert[ake] a <u>complete analysis</u> of the significance of the environmental impact, (2) propose[] potential mitigation measures early in the planning process, and (3) articulate[] specific performance criteria that would ensure that adequate mitigation measures were eventually implemented." (*CBE, supra,* 184 Cal.App.4th at p. 95.) As discussed above, these conditions are not met here.

There is no reason that soil sampling and any necessary risk assessment cannot be conducted now and included in this DEIR. The location of soils to be excavated as part of the grading process

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43 cont.

and the location of communities that may suffer the health consequences of disturbing the materials are both known. (DEIR Figure III-4.) Moreover, it is not as though soil disturbance will occur only as part of a future, yet-to-be planned construction project. Approval of a grading plan is one of the activities currently presented for the City's approval and is the first step in developing the site. (DEIR 118.) There is no reason, practical or otherwise, to defer analysis and public disclosure of this important public health risk, nor does the DEIR provide a reason for doing so. Additionally, shallow soil sampling and analysis may be completed in a reasonable period of time (Exhibit 5 at p. 6) and, at any rate, must be conducted prior to grading the property.

CEQA requires an agency to "use its best efforts to find out and disclose all that it reasonably can." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, quoting Guidelines, § 15144.) The failure to study and disclose any hazardous materials on the project site, as well as the extent to which their disturbance threatens public health, constitutes a clear violation of the City's CEQA obligations.

G. Land Use Impacts.

1. The DEIR Entirely Fails To Analyze Land Use Impacts.

44

The DEIR states that land use impacts "were excluded from detailed analysis in the EIR because it was determined in the Initial Study and during the scoping period that the[y] would be less than significant." (DEIR 2, 377 [further stating, incorrectly, that "[a] detailed description of the project's impacts related to [land use] is provided in the Initial Study."].) The Initial Study concludes, without elaborating, that:

> The proposed project is consistent with land use designations and applicable goals and policies of the St. Helena General Plan, site zoning and other applicable land use regulatory documents. There are no significant impacts associated with land use policy planning impacts.

(*Id.*) Accordingly, the Initial Study and DEIR contain only the City's bare conclusion that the Project is consistent with land use designations and, thus, will not cause land use impacts.

"[T]he EIR must contain facts and analysis, not just the agency's bare conclusions or opinions.'" (*Sunnyvale West Neighborhood Assn. v. City of Sunnyvale City Council* (2010) 190 Cal.App.4th 1351, 1388, quoting *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.) "[T]he public and decision-makers, for whom the EIR is prepared, should . . . have before them the basis for [an agency's] opinion so as to enable them to make an independent, reasoned judgment." (*Id.*, quoting *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831.)

Indeed, even where an impact is determined to be insignificant, the EIR (or attached Initial Study) "shall contain a statement briefly indicating the reasons that [] possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR."

(Guidelines, § 15128; Pub. Resources Code, § 21100.) The EIR and Initial Study do not provide any reasons for the City's conclusion that the Project is consistent with the General Plan and Zoning Ordinance's "land use designations." 44 cont.

2. The DEIR Fails To Disclose Significant Land Use Impacts.

As discussed above, with the Project violates the City's Zoning Ordinance and is inconsistent with the General Plan because the project calls for multi-family development which is prohibited in districts designated for medium density residential uses (MR and MDR, respectively.) 45

Under CEQA, a project has a potentially significant impact, which must be analyzed in an EIR, if it may "[c]onflict with a[n] applicable land use plan, policy or regulation (including, but not limited to the general plan . . . or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect." (DEIR Appendix A [Initial Study] at p. 30.) A DEIR must "identify any inconsistencies between the Project and the General Plan." (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 355-356, citing Guidelines § 15125, subd. (d).)

Failure to disclose and analyze the Project's significant land use impacts renders the DEIR insufficient as an informative document. The DEIR must be revised to disclose and properly analyze the Project's inconsistency with the City's land use designations and recirculated for public review and comment.[9] (See *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale City Council* (2010) 190 Cal.App.4th 1351, 1388 [An "EIR 'must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made.'"].)

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[9] Conflict with land use designations also makes the proposed Project inconsistent with the project objective to "[s]ubdivide the site consistent with the City's General Plan and Zoning for the site to accommodate residential development." (DEIR 48.) This is the sole "project objective" that the "environmental superior alternative" identified in the DEIR—the "Residential/Agricultural Preserve Alternative"—would not meet. This alternative would reduce the number and size of parcels in the proposed subdivision and, instead, reserve a 6.48-acre parcel overlooking the Napa River for agricultural or open space use. (DEIR 370-372.) The Residential/Agricultural Preserve Alternative would reduce impacts to agricultural, hydrology, traffic, air quality, biological resources and water quality. (DEIR 376.) The DEIR concludes that this alternative "would meet all the project objectives except consistency with the City's General Plan and Zoning for the site" because a General Plan Amendment (from MDR to OS (Open Space)) and Rezoning (from MR to AP (Agriculture Preserve)) would be required. (DEIR 376.)

3. The DEIR Lacks Project-Specific Information Necessary To Analyze the Land Use Impacts of Future Housing Construction Projects.

46

Two bodies of information are necessary to determine whether a project is inconsistent with a general plan or zoning ordinance: (1) the policies, rules, and standards embodied in the General Plan and Zoning Ordinance and (2) relevant details of a proposed project. The analysis requires only a simple comparison of these two bodies of information to determine whether or not the project is consistent with the Plan and/or Ordinance. But, it should go without saying, a comparative analysis is impossible if one set of information is not available.

Such is the case here with respect to future housing construction projects. The Zoning Ordinance includes numerous standards for residential structures, including yard, setback, and building location and height regulations. (Mun. Code, § 17.16.040(B).) The height of principal buildings in MR districts, for example, is limited to 30 feet; accessory buildings to 15 feet. (Mun. Code, § 17.40.060(A).) Maximum lot coverage (the land area covered by all buildings or structures on a lot) is 45%. (Mun. Code, § 17.40.060(A).)

To analyze whether a particular construction project is consistent with these standards, there must be a proposal that specifies the size and height of the proposed structures. Without this information, there is no way to determine whether a particular building construction project is, in fact, consistent with the City's land use rules. Here, concrete construction projects have not been proposed and, as a result, the details necessary to determine their consistency with the Zoning Ordinance's development standards for MR disticts.

The DEIR, in many places, purports to describe the future construction projects by reference to applicable development standards and "analyzes" impacts based on an assumption that future proposals will conform thereto. (See, e.g., DEIR 57 [stating that structures will be consistent with Zoning Ordinance height limits for single-family homes and accessory structures].) While such a theoretical or "conceptual" approach may be proper for program-level review of development proposals that do not yet exist, it is utterly inadequate for a project-level EIR. This is especially true with respect to land use impacts—the General Plan and Zoning Ordinance consistency determination, in particular. Under the DEIR's approach, that inquiry would essentially amount to a determination that the Plan and Ordinance are consistent with themselves, which does not constitute a realistic assessment of any specific construction project.

The purpose of an EIR is "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment." (§ 21061; see also *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354.) Accordingly, an EIR's validity depends, in large part, upon "whether it provides the information necessary for the decisionmakers and the public to understand the nature and environmental consequences of the [p]roject." (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 355-356.)

46 cont.

This DEIR does not, and cannot in the absence of proposed construction projects, contain the detail necessary to conduct realistic, project-level review of the potential land use impacts of "full buildout" of the Hunter Subdivision. (DEIR 59-60.) As a result, the City's approval of future construction proposals, including design review for dwellings and building permits, must be preceded by additional CEQA review.

H. Traffic Impacts.

47

As explained as explained in the attached review of the DEIR by Civil and Traffic Engineer Dan Smith, the DEIR does not include the full traffic study prepared for the Hunter Subdivision and the DEIR does not explain or summarize many important and fundamental assumptions underlying the traffic study's conclusions. (Exhibit 4 [July 9, 2012 Letter of Dan Smith].) By presenting only the study's conclusions, the DEIR fails to provide any facts or rational supporting the findings therein and the DEIR fails as an informational document.

1. The DEIR's Baseline For Traffic Impacts Is Not Explained or Supported.

The DEIR estimated existing conditions by

> Conducting November 2011 traffic counts at 11 key intersections during the weekday AM and PM peak commute periods, and Saturday PM peak period. Counts were then factored to fall harvest conditions in order to present peak season traffic conditions.

(DEIR 301, 310.) However, as explained by Civil and Traffic Engineer Dan Smith, the DEIR does not explain how the counts were "factored" or the bases for the factors used:

> [T]he adjustment factors and the derivation thereof is completely unexplained in the DEIR. Consequently, the public has no way of assessing whether or not the adjusted baseline counts adequately represent peak harvest season conditions.

(Exhibit 4 at p. 1.) As a result, it is impossible to determine whether the figures in the DEIR accurately reflect existing conditions. By failing to explain baseline assumptions, the EIR does not "present information in a manner calculated to reasonably inform the public and decisionmakers about the project, which contributed to its inadequacy as an informational document." (*Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 95.) Indeed, because the existing conditions are an integral component of impacts analysis—the baseline against which Project-related traffic projections are compared—the DEIR's failure to provide any explanation of the methodology or bases for its existing condition figures renders the entire analysis unreliable.

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Additionally, the map of the Project area prepared by the City's traffic consultant as part of its analysis incorrectly depicts Railroad Avenue as being continuous from Hunt Avenue to Pope Street, whereas, in actuality, Railroad Avenue dead-ends south of Hunt, about halfway to Pope. (Exhibit 4 [July 9, 2012 Letter of Dan Smith] at p. 2, citing DEIR Figure IV.L-1.) If the traffic impacts analysis included this nonexistent road extension in its underlying assumptions—a matter

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not revealed in the DEIR—the analysis is, of course, not representative of reality. Failure to clearly define the Project area, as considered in the traffic analysis, renders the DEIR inadequate as an informational document. 48 cont.

J. Public Review.

The City impaired the public's right to fully and meaningfully review the adequacy of the DEIR's findings and scope by withholding basic information referenced and relied upon in the DEIR. Not only were the documents referenced in the DEIR unavailable for the entire comment period, the City refused to provide them, despite repeated requests. 49

On July 3, 2012, I requested access to the DEIR's appendices and a range of other materials referenced in the DEIR, which were not included with the copy of the DEIR posted at the City's website. These documents include technical information forming the basis of the DEIR's impacts analysis, such as the complete traffic study, the 2012 St. Helena water metering study used to calculate the Project's potable water demand, an assessment of the existing conditions on the Project site, the geotechnical reports prepared for the Project site in 2009 and 2011, and many others. Thereafter, the City posted the DEIR's appendices on its website and mailed this office a CD containing the DEIR and its appendices. However, the CD and website still do not include the requested reference materials. On July 5, 2012, our client's member, Mr. Chuck Vondra, contacted the City, again providing the City with the requested list of documents referenced in the DEIR. I again sent this list to the City on July 6, 2012.

On July 10, 2012, the City emailed a revised list of documents referenced in the DEIR and two documents that had been revised earlier in the week. The City asserted that this comprised all of the information previously requested. However, we did not request two newly revised studies and a revised *list of* references—we requested the actual documents referenced and relied upon in the DEIR. We made clear that these documents were necessary to review the adequacy of the DEIR's impacts analysis.

The City also asserted that all of the material previously requested has been available in a CD at the City's desk since the my initial request. However, the CD left at the front desk, at my request, was to be identical to the one mailed to my office. As stated, the CD mailed to my office does not include any of the material cited in the DEIR's "references" section—it includes only the DEIR and its appendices.

On July 12, 2012, another of our client's members, Mr. Greg David, went to City Hall and again requested the documents referenced in the DEIR (including those previously requested, documents included in the new DEIR references list, and the versions of two recently "revised" documents that were actually relied upon in the DEIR[10]). The attendant told Mr. David that only

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[10] One of the recently "revised" documents included in the City's July 10, 2012 email—"53a - City of St. Helena 2012. Meter Study"—contains only <u>data</u> from the City's water metering study.

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Greg Desmond or Gary Broad, the city Manager, could provide the requested material and directed him to complete a form with his name, contact information, and information sought. The City did not furnish the CD, which purportedly contained all of the information sought, to Mr. David.

In a July 11, 2012 letter, a law firm representing the City as City Attorney asserted that the City need not make the documents referenced in the DEIR available during the public comment period—even if these documents include the underlying data, studies, surveys, and analysis that form the basis of the DEIR's analysis and conclusions. (July 11, 2012 letter of Karen Murphy at pp. 1-2.) In the City's view, it need only share with the public documents "incorporated by reference" into the DEIR. This is absurd.

Under CEQA Guidelines section 15087, subdivision (c), agencies must make "copies of the EIR and all documents referenced in the EIR" available for public review during the public review period. (Guidelines, § 15087, subd. (c) (emphasis added).) The documents must be "readily accessible to the public during the lead agency's normal working hours." (*Id.*) 49 cont.

Section 15087 is not limited to the documents "incorporated by reference" pursuant to Guidelines section 15150, nor would that may any sense in light of the nature of material that may be so incorporated. Under section 15150, "[a]n EIR . . . may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public." (Guidelines, § 15150, subd. (A) (emphasis added).) Many of the documents "referenced in" the DEIR are not publicly available—the traffic analysis, geotechnical surveys of the property, and the City's water meter study, for example—and thus may not be "incorporated by reference. Further, it is nonsensical to read CEQA as requiring an agency to make available documents which are already publicly available, but permitting concealment of those which are not. This runs contrary to the must fundamental disclosure and transparency purposes of CEQA.

Instead, the technical information, data, and analysis underlying the DEIR's discussion and conclusions must be available to the public. While it need not be included in the body of an EIR, it must, at a minimum, be included in appendices:

> The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily

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It is entirely inappropriate to "revise" the data upon which the DEIR relied after circulation of the DEIR. The City must release earlier version of this document to enable the public to determine the adequacy of the DEIR in light of the data upon which it relied. Data which has been made to conform to the DEIR's analysis and conclusions is utterly meaningless.

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> available for public examination and shall be submitted to all clearinghouses which assist in public review.

(Guidelines, § 15147 (emphasis added).)

That the City failed to include the relevant technical data and analysis relied upon in the DEIR in its appendices, no doubt, violates Guidelines section 15147 and handicaps the public's ability to fully and meaningfully review the DEIR. But the City's steadfast refusal to provide this information upon specific request, combined with a hollow justification for failure to so, demonstrates something far more insidious—willful concealment of the information necessary to assess the City's CEQA compliance. This is beyond the pale.

The City is required by law to renotice CEQA's full, statutory 45-day comment period on the DEIR, after it makes the documents referenced in the DEIR available for public review. (Pub. Resources Code, § 21091, subd. (a).) Any failure to do so would impermissibly violate CEQA's most fundamental disclosure and public participation objectives and procedures. (Guidelines, § 15088.5, subd. (a)(4); *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1130 (*Laurel Heights II*); *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043, 1052.)

Thank you for your attention to this matter.

Very Truly Yours,

Kelly A. Franger

enclosures:

Exhibits 1-8, in relevant part, are attached in hardcopy hereto. Full copies of all exhibits, along with sub-exhibits to the letters of Mr. Kammon and Mr. Hagar are located on the CD submitted herewith, as per your July 12, 2012 discussion with Amelia Mooney of this office. We will submit all exhibits and sub-exhibits in hard copy upon request.

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EXHIBIT 1

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Cont.

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July 10, 2012

Thomas N. Lippe
Lippe Gaffney Wagner LLP
329 Bryant Street, Suite 3D
San Francisco, CA 94107

Subject: Review of Draft EIR
Hunter Subdivision Project, St. Helena, CA
SCH: 2012032048

Dear Thomas:

I am a hydrologist with over twenty five years of technical and consulting experience in the fields of geology, hydrology, and hydrogeology. I have been providing professional hydrology services in California since 1991 and routinely manage projects in the areas of surface- and groundwater hydrology, water supply, water quality assessments, water resources management, and geomorphology. Most of my work is located in the Coast Range watersheds of California, including the Northern and Southern San Francisco Bay Counties. My areas of expertise include: characterizing and modeling watershed-scale hydrologic and geomorphic processes; evaluating surface- and ground-water resources/quality and their interaction; assessing hydrologic, geomorphic, and water quality responses to land-use changes in watersheds and causes of stream channel instability; and designing and implementing field investigations characterizing surface and subsurface hydrologic and water quality conditions. I co-own and operate the hydrology and engineering consulting firm Kamman Hydrology & Engineering, Inc. in San Rafael, California (established in 1997). I earned a Master of Science in Geology, specializing in Sedimentology and Hydrogeology as well as an A.B. in Geology from Miami University, Oxford, Ohio. I am a Certified Hydrogeologist (CHg) and a registered Professional Geologist (PG).

I have reviewed the Hunter Subdivision Project Draft EIR (DEIR)(SCH: 2012032048), prepared by Urban Planning Partners, Inc. for the City of St. Helena and dated May 29, 2012. The purpose of this letter is to provide you with an independent opinion regarding potential significant hydrologic impacts to the environment associated with the proposed project. In addition to reviewing the DEIR, I have reviewed the following documents and rely on technical information contained in these documents to help formulate my opinions:

- City of St. Helena, 2011, Water supply and demand conditions update. Staff report to Mayor and City Council, April 12, 2012, 64p.
- City of St. Helena, 2005, City of St. Helena stormwater management standards, construction and post-construction. September 13, 46p.

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- Duarte, J., 2012, Council critical of water report. Article in St. Helena Star, April 19.
- Luhdorff & Scalmanini Consulting Engineers, 2011, Executive Summary, Napa County comprehensive groundwater monitoring program. Prepared for Napa County, February, 35p.
- Luhdorff & Scalmanini Consulting Engineers, 2011, Napa County groundwater conditions and groundwater monitoring recommendations. Prepared for Napa County, Department of Public Works, February, 608p and 1 plate.
- Nakano, G. and Connell, J., 2005, 2005 Napa Valley Resources Study, Napa County Municipal and Industrial Demands, Incorporated areas. Technical Memorandum No. 2 prepared for Don Ridenhour, Project Manager, by West Yost & Associates, October 19, 68p.
- Nakano, G. and Connell, J., 2005, 2005 Napa Valley Resources Study, Napa County Incorporated areas Water Supplies. Technical Memorandum No. 4 prepared for Don Ridenhour, Project Manager, by West Yost & Associates, October 19, 28p.
- Nakano, G. and Connell, J., 2005, 2005 Napa Valley Resources Study Project, Comparison of demand projections and supply capacities. Technical Memorandum No. 6 prepared for Don Ridenhour, Project Manager, by West Yost & Associates, October 19, 66p.
- Nakano, G. and Connell, J., 2005, 2005 Napa Valley Resources Study Project, Potential local and regional water supply projects. Technical Memorandum No. 7 prepared for Don Ridenhour, Project Manager, by West Yost & Associates, October 19, 28p.
- Napa County Dept. of Conservation, Development and Planning, 2009, Napa County General Plan (2008), Conservation Element: Water Resources. June 23.
- Stetson Engineers, Inc., 2008, Methodology and sources of information, delineation of subterranean streams and potential streamflow depletion areas – policy for maintaining instream flows in Northern California coastal streams. Draft technical memorandum, May 16, 49p.
- Stetson Engineers, Inc., 2008, Approach to delineate subterranean streams and determine potential streamflow depletion areas – policy for maintaining instream flows in Northern California coastal streams. Technical memorandum, February 28, 10p.
- Stetson Engineers, Inc., 2008, Delineation of subterranean streams and potential stream depletion areas, Saint Helena Quadrangle. February 20, 1 map sheet.
- United States Geological Society (USGS), 2012, USGS Surface-Water Data for California, monthly discharge statistics for USGS gauge #11456000, Napa River near St. Helena, CA, retrieved July 1, 2012, 18:38 EDT, http://waterdata.usgs.gov/ca/nwis/dv/?site_no=11456000&agency_cd=USGS&referred_module=sw.

Based on my review of the DEIR and the documents and data listed above, it is my professional opinion that the project has the potential to impart significant adverse impacts to vicinity groundwater and summer surface water base flow in the Napa River.

In addition, storm water runoff from the project site has the potential to increase flood risks along the Napa River as well as within the project boundaries. The rationale for these opinions is provided below.

1.0 Potential Depletion of Groundwater and Napa River Base Flows

The DEIR does not provide an evaluation of the potential project induced changes in groundwater conditions and associated summer base flows in the Napa River due to the combined effects of increased domestic household demands on the City's water supply and increased pumping from the on-site irrigation well. The DEIR states the following at the top of page 274:

> *Groundwater is a reliable resource in the area and will continue to reliably serve as part of the City's water supply portfolio in the future without concern of overdraft. As documented in the February 2011 report to the County of Napa Conservation Development and Planning Department regarding groundwater conditions throughout the County, "Groundwater levels have been generally stable [in the St. Helena region] over time and do not exhibit any long-term trends." Based on this and other information from the report, the City's target average use of 450 AF per year (AF/year) is conservative and well within the capacity of the groundwater basin for the foreseeable future. Figure IV.K-1 shows the current groundwater trends in the area as presented in the county groundwater study.*

I disagree with the DEIR's contention that groundwater conditions are stable within the Napa Valley within the project vicinity for the following reasons.

A) Careful examination of the hydrographs (plots of groundwater table elevations over time) presented in DEIR as figure IV.K-1 and the report from which these figures were taken(Luchdorff & Scalmanini's 2011 groundwater conditions letter report cited above) indicate that there are numerous wells in the St. Helena area that display marked declines in the groundwater table elevation over the past four decades. Three of the six St. Helena Subarea well hydrographs presented in the DEIR figure IV.K-1 contain only a decade of monitoring data and don't capture long-term changes.

   To aid in further discussion, the available hydrographs presented in the DEIR figure are reproduced here, as copied from the Appendix of the Luhdorff & Scalmanini report. In reviewing the hydrographs there are a number of features that are similar in each. First, the hydrographs plot water levels measured in both winter and summer periods and the annual variability in water level reflects the seasonal rise and decline between winter wet and summer dry conditions. It also appears that winter water table levels are very shallow as indicated by the relatively low depth-to-water values provided on the right-hand Y-axis of each graph. Of the hydrographs presented below, only Hydrograph A and D display no clear decline in groundwater levels over time. Although Hydrograph A only captures the last decade, Hydrograph B, which spans a similar period as Hydrograph A, indicates a clear decline in the groundwater levels since about 2002. Hydrographs C, E and F all display remarkably similar traits that suggest significant depletion in groundwater levels over time. First, prior to about 1974, there is relatively little seasonal fluctuation in water levels suggesting groundwater levels remained relatively stable and shallow year-round. After 1974, Hydrographs C, E and F all display a dramatic increase in the seasonal fluctuation in

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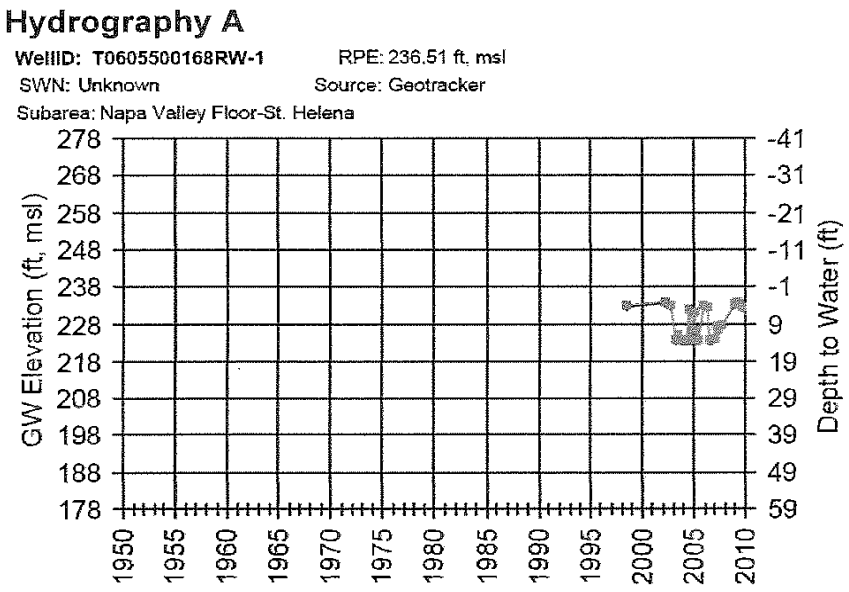
water levels and although the winter water levels return to a similar shallow condition each year, the summer water table drop increases progressively in magnitude over time.

The cause for declining summer water levels over time in the St. Helena subarea aquifer is not clear and may be related to increased groundwater withdrawal and/or reduced groundwater recharge. Regardless of the cause, it appears to me that the local area aquifer is not stable and may be reflecting the effects of depleted groundwater supplies, which is contrary to the conclusion in the DEIR of stable groundwater conditions.



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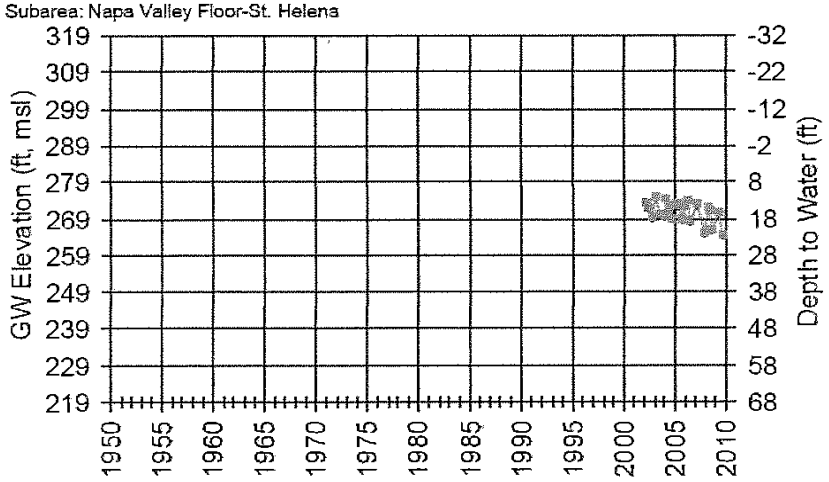
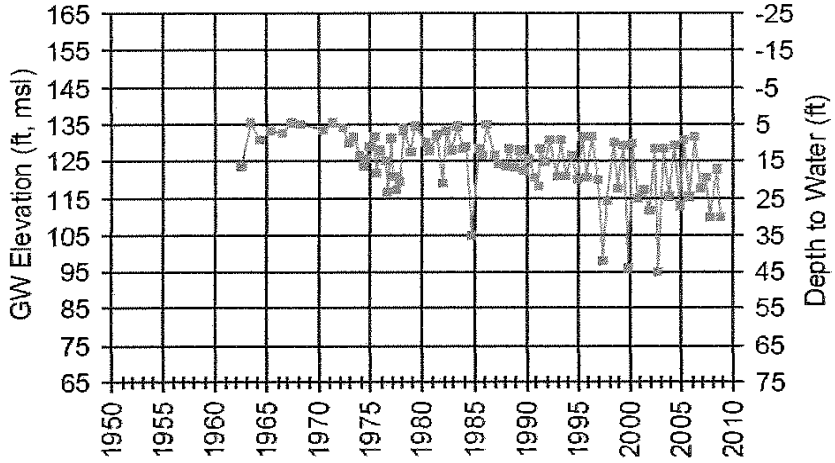
Hydrography B

WellID: T0605500143MW-1 RPE: 286.61 ft, msl
SWN: Unknown Source: Geotracker
Subarea: Napa Valley Floor-St. Helena



Hydrography C

WellID: NapaCounty-132 RPE: 140 ft, msl
SWN: 007N005W14B002M Source: NapaCounty
Subarea: Napa Valley Floor-St. Helena



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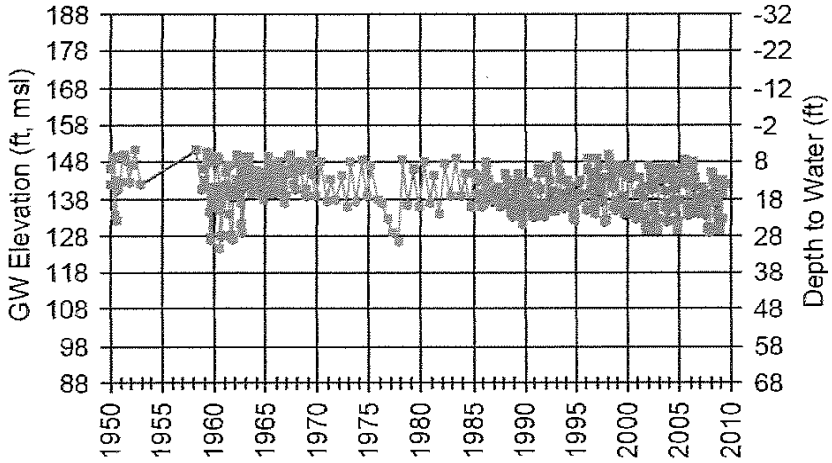
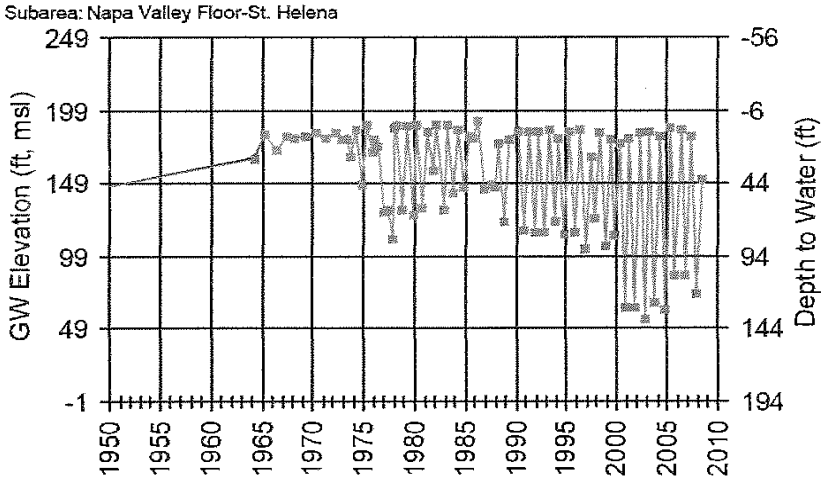
Hydrography D

WellID: 07N05W09Q002M RPE: 155.5 ft, msl
SWN: 007N005W09Q002M Source: DWR
Subarea: Napa Valley Floor-St. Helena



Hydrography E

WellID: 07N05W16N002M RPE: 193.1 ft, msl
SWN: 007N005W16N002M Source: DWR
Subarea: Napa Valley Floor-St. Helena



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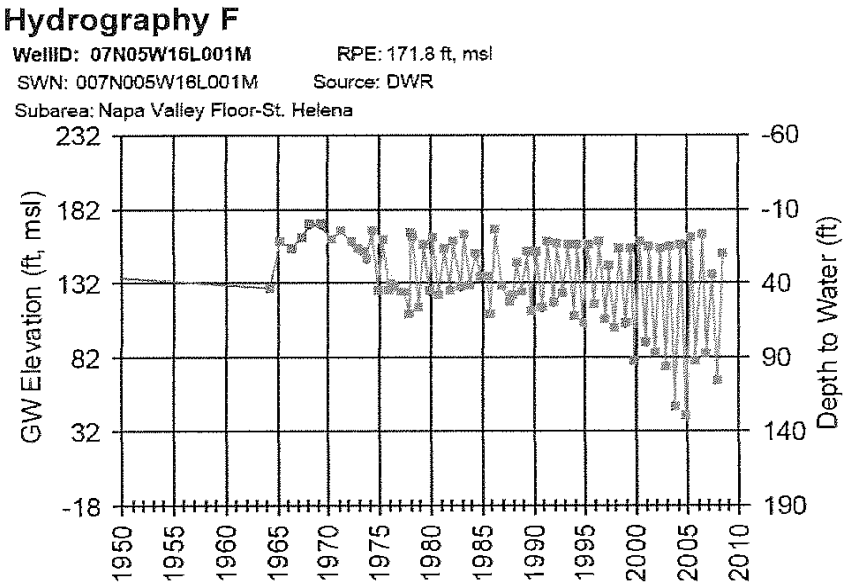

B) Another reason I believe shallow groundwater conditions are depleted within the project area is based on review of available stream flow records on the Napa River within the St. Helena groundwater sub-basin. Because the local area groundwater levels are very shallow, it is very likely that there is considerable surface water – groundwater interaction between the Napa Valley alluvial aquifer and the Napa River. During the winter rains, rainfall and high river flows infiltrate and recharge the aquifer, leading to the high winter groundwater levels illustrated in the hydrographs above. During the summer when river flows are low, it is very common for groundwater from alluvial aquifers to recharge the river channels, maintaining the perennial (year-round) flows. This relationship gets disrupted when development leads to groundwater pumping, which lowers the groundwater table, effectively disconnecting groundwater recharge into the river channel. Locally, within the Napa River, this relationship is further complicated by river releases from the upstream Kimball Creek and Ball Canyon Reservoirs.

In working on behalf of the California Department of Water Resources to develop a minimum instream flow policy for the State, Stetson Engineers (see citations above) have completed comprehensive studies and mapping of Northern California coastal streams to delineate Potential Stream Depletion Areas (PSDA). PSDA's are areas where topography and geologic conditions indicate that groundwater pumping could cause stream depletion and adversely impact (deplete) instream flows and associated aquatic habitat. Based on their work in Napa Valley, Stetson classified the entire

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Napa River valley between the city of St. Helena and the River, including the entire Hunter Project area, as a Potential Stream Depletion area[1].

Table 1 presents the average monthly and annual flow rates (cubic feet per second; cfs) in the Napa River as reported by the United States Geological Survey for their stream flow monitoring gauge #11456000 on the Napa River near St. Helena (a short distance downstream of the Hunter Project site) for measurements collected since October of 1929. These monthly data are organized according to Water Year[2]. Of particular interest in this data set is the complete dry-down of the river channel during August and September of 2007, 2008 and 2009. In addition, the river completely dried down in July of 2007 and 2008 as well as October of 2009. The only other time the river has dried down during the summer-fall period was in 1976 and 1977, in response to the severe drought when average annual flow rates at the USGS gauge were 5.0- and 1.9-cfs, respectively. Although 2007-2009 were drier than average years (average annual flow rates of 29.6-, 60.2- and 44.3-cfs, respectively), they did not approach the severe drought condition experienced in 1976-77. In reviewing the flow record presented in Table 1, there were no other historic occurrences during comparably dry periods when the river dried up. Therefore, apart from some other reason that the river was depleted of flow (such as cessation of upstream reservoir releases or construction dewatering) it is reasonably plausible that the depleted summer aquifer conditions that have evolved over time and as indicated in the groundwater level hydrographs above, have lead to the summer dry-down of the Napa River in the project vicinity.

C) As presented in the DEIR, water supply studies by West Yost (see citations above) have concluded that future water demands within the City of St. Helena will exceed the City's water supply safe yield estimate of 1950 acre-feet/year (AF/yr). Until 2009, City water use has exceeded the safe yield estimate. The DEIR contends that, because recent annual water use totals have been declining and falling below the safe yield threshold, there is sufficient water to support new development. A problem I foresee in this conclusion is that the DEIR has not presented an analysis of supply and demand estimates based on future development scenarios (e.g., Likely Build-out and Full Build-out scenarios) like those being used by the City to revise their General Plan update. In short, the DEIR proponents have not demonstrated that the increases in project water demands (i.e., the combined effect of increased domestic demands and increased groundwater pumping from their irrigation well) alone, or in combination with projected future development, will not exceed the City's safe yield estimate; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a continued lowering of the local groundwater table. In addition, the project

[1] Stetson Engineers further define Potential Stream Depletion Areas as areas where stream and adjacent alluvial aquifers are hydraulically connected, where groundwater pumping can potentially deplete streamflow.

[2] The USGS defines a water year as the 12-month period October 1, for any given year through September 30, of the following year. The water year is designated by the calendar year in which it ends and which includes 9 of the 12 months. Thus, the year ending September 30, 1999 is called the "1999" water year.

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TABLE 1: Average Monthly and Annual Flow Rates at USGS Stream Gauge:
Napa River near St. Helena (WY1930 – WY2011)

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Ann Avg
1930	0.1	0.5	320.7	201.5	162.7	174.2	26.2	13.4	4.8	1.8	0.5	0.4	**75.6**
1931	0.4	0.5	1.0	31.1	9.0	27.9	8.6	4.0	0.8	0.1	0.1	0.1	**7.0**
1932	0.1	0.1	340.3	159.0	105.7	24.5	13.6	10.6	4.6	1.4	0.3	0.1	**55.0**
1939													
1940	0.1	0.1	0.2	306.6	863.7	485.3	139.1	22.9	11.5	4.8	2.6	1.3	**153.2**
1941	0.9	2.8	444.0	683.0	537.3	328.0	489.1	38.8	14.5	7.7	4.4	3.1	**212.8**
1942	1.6	3.5	337.5	371.0	826.3	137.0	242.8	51.7	15.9	7.0	3.2	1.6	**166.6**
1943	1.2	22.1	95.0	525.3	140.9	142.4	45.5	22.4	8.9	4.3	1.9	0.7	**84.2**
1944	0.5	1.1	2.6	20.5	200.4	230.5	24.8	13.9	7.0	2.8	1.3	0.6	**42.2**
1945	0.7	21.8	39.1	47.5	361.8	156.1	48.2	18.1	6.4	3.0	1.3	1.1	**58.8**
1946	1.3	42.5	479.1	152.2	49.1	44.2	40.8	12.1	4.3	1.6	0.9	0.5	**69.0**
1947	0.5	11.8	42.8	7.7	115.7	133.4	43.6	9.3	4.1	1.0	0.7	0.2	**30.9**
1948	3.3	4.5	4.8	53.0	10.4	87.5	227.8	60.6	15.3	4.1	1.8	0.8	**39.5**
1949	0.7	1.6	23.9	28.7	107.1	388.0	34.5	12.7	3.0	1.9	1.2	0.5	**50.3**
1950	0.4	0.6	3.4	205.4	359.4	91.0	48.5	13.9	4.5	1.3	0.9	0.5	**60.8**
1951	2.3	137.3	450.4	384.8	175.0	120.6	24.5	21.5	6.2	2.8	1.3	0.9	**110.6**
1952	1.1	22.2	360.7	770.6	310.1	263.5	46.2	16.9	6.3	2.7	1.4	1.0	**150.2**
1953	0.6	1.8	445.8	618.0	47.6	115.7	67.7	35.0	11.6	3.3	1.7	1.3	**112.5**
1954	2.0	12.9	9.8	284.8	316.5	197.5	185.0	23.8	7.0	1.9	1.3	0.3	**86.9**
1955	0.5	23.5	60.3	86.8	39.5	24.9	41.4	16.8	4.1	0.9	0.2	0.0	**24.9**
1956	0.1	0.8	1088.0	847.6	728.8	92.4	31.7	24.8	6.1	1.7	0.9	0.1	**235.2**
1957	2.8	3.1	3.6	21.5	220.3	144.5	39.0	75.3	14.6	2.4	0.8	0.6	**44.1**
1958	22.3	14.5	82.8	293.8	1107.0	378.3	490.7	29.7	11.4	4.3	1.7	0.9	**203.1**
1959	1.0	1.7	2.8	77.5	274.3	39.2	14.9	5.5	0.9	0.1	0.0	1.1	**34.9**
1960	0.6	0.9	2.1	28.3	456.3	186.4	37.6	13.2	3.0	0.7	0.2	0.5	**60.8**
1961	0.3	3.0	28.5	71.9	182.9	116.4	41.7	12.6	3.9	0.5	0.4	0.4	**38.5**
1962	0.2	4.4	34.6	31.2	509.1	229.7	32.4	10.3	2.8	1.1	0.6	0.1	**71.4**
1963	178.9	13.9	143.6	321.4	393.6	162.2	367.2	45.9	14.1	4.3	2.6	1.2	**137.4**
1964	3.0	75.3	18.8	168.3	32.8	22.2	10.5	5.0	2.4	0.5	0.3	0.2	**28.3**
1965	1.0	40.7	685.7	607.6	67.6	24.9	148.1	27.5	8.5	2.6	1.8	1.4	**134.8**
1966	1.4	33.3	86.8	457.7	198.9	62.3	27.5	11.5	4.1	1.4	0.4	0.8	**73.8**
1967	1.1	68.4	352.6	753.2	158.3	234.6	317.2	53.9	27.3	6.5	2.6	1.5	**164.8**
1968	2.1	6.2	32.5	257.1	267.8	170.7	27.6	10.7	3.0	0.7	1.6	1.1	**65.1**
1969	1.8	4.6	239.1	905.7	696.6	192.6	52.3	19.1	7.4	2.9	2.1	1.3	**177.1**
1970	3.9	4.8	354.0	1338.0	240.8	174.7	24.0	10.5	4.4	2.3	1.1	1.2	**180.0**
1971	2.6	174.5	737.2	298.3	50.1	132.6	47.9	18.0	7.2	2.4	1.2	0.7	**122.7**
1972	0.7	3.0	47.9	53.3	98.4	38.5	20.8	9.1	3.2	1.1	0.3	0.5	**23.1**
1973	7.1	64.4	104.0	690.9	470.6	205.6	39.1	13.9	6.0	2.4	0.8	1.1	**133.8**
1974	8.5	414.5	279.6	474.8	158.9	556.4	219.5	24.6	10.1	5.8	3.1	2.9	**179.9**
1975	3.0	3.8	16.3	25.5	541.7	486.9	79.6	24.4	8.1	3.9	1.8	1.9	**99.7**
1976	5.7	7.8	6.4	6.5	7.5	10.3	11.4	3.5	1.2	0.0	0.0	0.2	**5.0**
1977	0.5	1.7	2.4	3.7	4.3	7.5	1.8	0.9	0.1	0.0	0.0	0.0	**1.9**
1978	0.0	39.9	145.7	755.5	429.3	294.1	90.5	26.2	8.3	2.8	1.4	1.3	**149.6**
1979	1.1	2.1	2.4	124.5	343.2	137.3	53.9	30.6	7.1	2.7	1.4	0.7	**58.9**
1980	7.2	14.2	124.0	564.1	619.2	179.6	40.9	17.2	6.5	2.2	1.1	0.8	**131.4**
1981	1.0	1.8	50.6	232.6	111.6	120.1	40.5	12.6	3.0	0.8	0.8	0.4	**48.0**
1982	3.2	222.5	598.4	477.7	444.1	329.4	583.9	38.8	14.4	5.9	2.8	6.4	**227.3**
1983	8.6	155.7	283.0	540.6	867.4	1144.0	145.8	93.0	19.5	7.3	3.4	2.4	**272.6**
1984	3.4	297.8	757.9	121.7	85.9	84.8	32.9	13.4	7.3	2.8	3.5	1.1	**117.7**
1985	3.1	125.0	70.1	42.5	219.0	100.9	45.9	13.0	6.3	0.7	1.0	1.7	**52.4**
1986	1.7	6.4	30.6	136.0	1798.0	442.5	44.8	19.9	7.7	3.6	1.6	2.7	**208.0**
1987	2.2	2.2	3.7	14.0	117.3	136.3	24.3	7.9	2.8	0.8	0.4	0.2	**26.0**
1988	0.8	4.3	151.7	253.3	39.2	14.1	12.1	9.1	4.9	1.1	0.5	0.4	**41.0**
1989	0.5	21.6	33.2	24.3	12.5	378.4	42.1	13.9	5.6	1.5	0.6	0.8	**44.6**
1990	6.6	8.2	4.7	72.8	98.3	38.0	12.8	27.1	14.1	3.2	0.9	0.5	**23.9**
1991	0.8	1.6	2.2	2.2	8.6	484.8	46.7	15.5	4.7	2.0	0.7	0.3	**47.5**
1992	1.1	2.0	5.5	9.3	229.7	136.8	33.6	11.9	4.2	1.9	0.4	0.2	**36.4**
1993	2.0	2.2	135.2	779.9	398.4	105.8	48.3	21.1	15.6	3.3	1.0	0.4	**126.1**
1994	0.5	3.1	42.3	35.3	144.2	31.2	14.1	8.8	2.9	0.5	0.2	0.1	**23.6**
1995	0.1	10.6	48.1	1186.0	148.3	929.4	108.3	104.7	20.0				
1996													
1997													
1998													
1999													
2000									7.7	2.9	0.8	0.4	
2001	3.5	5.0	5.4	48.6	229.8	164.4	20.8	8.3	2.0	0.5	0.4	0.2	**40.7**
2002	0.2	38.2	481.7	332.5	79.2	97.8	31.5	14.0	3.9	0.8	0.3	0.3	**90.0**
2003	0.1	4.2	792.5	355.5	115.3	121.0	135.2	126.1	18.6	4.9	1.5	0.5	**139.6**
2004	0.3	3.9	306.0	222.4	615.3	106.3	29.4	12.8	3.6	1.2	0.4	0.2	**108.5**
2005	3.3	7.6	236.1	286.5	144.6	281.2	79.0	130.9	28.2	7.1	1.5	0.6	**100.5**
2006	1.0	3.4	680.1	399.7	242.4	521.1	441.2	46.2	13.6	4.0	1.1	0.3	**196.2**
2007	0.4	3.9	42.5	15.6	210.9	58.0	16.4	6.3	1.4	0.0	0.0	0.0	**29.6**
2008	0.3	1.1	32.3	363.2	262.4	42.8	13.4	6.2	1.3	0.0	0.0	0.0	**60.2**
2009	0.0	2.6	9.6	5.7	284.7	195.0	8.5	21.8	2.9	0.6	0.0	0.0	**44.3**
2010	3.3	1.3	9.4	384.8	213.2	181.0	219.6	35.0	11.4	3.1	1.1	0.1	**88.6**
2011	13.8	16.7	293.0	103.8	274.6	706.0	77.0	24.5	21.8	5.9	1.7	0.2	**128.3**
												Long-Term Annual Average	**93.7**

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proponents have not completed even the simple analytical solutions presented by Stetson Engineers in their February 28, 2008 Technical Memorandum as the "Jenkins" approach to quantify the potential stream depletions in the Napa River due to pumping of on-site and City production wells. This analysis is likely necessary given how close the project irrigation well is to the Napa River (approximately 2000-feet), given the statement by Stetson that, "The depletion rate for any specific time is most influenced by the distance of the pumping well from the stream." (see bottom of page 9 of Stetson's February 28, 2008 Technical memorandum).

D) A final line of evidence that groundwater conditions are depleted in the project vicinity comes from a statement that Mayor Del Britton provided to the St. Helena Star, where he states, "he's talked to three or four people who've had their wells go dry." The seasonal dry-down of wells reported by the Mayor would certainly be consistent with the pattern of declining summer water levels in local area wells presented in Hydrographs B, C, E and F, above. The St. Helena Star article (April 19, 2012) also quotes a couple Council Members who are skeptical about the West Yost conclusion that the local aquifer would be able to sustain increased pumping to boost water supply.

2.0 Potential Increase in Peak Flows on Napa River

The DEIR does not present any technical analyses or rationale about whether the project will increase storm water flow in the Napa River (receiving water) in response to the creation of increased impervious areas. Although the DEIR acknowledges County General Plan and City Stormwater Management Standards, there is no discussion or presentation of the necessary analyses or findings related to increases in peak flood flow and hazards to receiving water bodies. For example, as stipulated in the City's 2005 Stormwater Management Standards, projects that create over 10,000 square feet of new impervious surfaces are required to prepare a Stormwater Runoff Management Plan. Yet, even with the creation of what appears to be well over 10,000 square feet of road alone, it appears that the project proponents have not completed the necessary analyses or plan nor have they evaluated if the project will increase the magnitude of the 5- and 10-year storm flows or base flood elevations in the Napa River[3]. Although the DEIR does address the adequacy of the internal project storm drainage capacity, if fails to evaluate or address how the project may substantially increase the rate or amount of flow in receiving waters and downstream areas. Potential impacts from increase storm water runoff includes, increased downstream water levels and flood hazards along with increased erosion potential and water quality impacts.

[3] As presented in the table on page 227 of the DEIR, Implementing Action PF3.E of the County Draft General Plan Update states, "At the time of development review, require that post-project runoff be limited to pre-project peak flow rates for the five-year and ten-year storms as a condition of approval."

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If you have any questions or wish to discuss these opinions and conclusions further, please feel free to contact me.

Sincerely,

Greg Kamman
Principal Hydrologist

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Greg Kamman, PG, CHG

Principal Hydrologist

EDUCATION	1989	M.S. Geology - Sedimentology and Hydrogeology Miami University, Oxford, OH
	1985	A.B. Geology Miami University, Oxford, OH
REGISTRATION	No. 360 No. 5737	Certified Hydrogeologist (CHG.), CA Professional Geologist (PG), CA
PROFESSIONAL HISTORY	1997 - Present	Principal Hydrologist/Vice President Kamman Hydrology & Engineering, Inc. San Rafael, CA
	1994 - 1997	Senior Hydrologist/Vice President Balance Hydrologics, Inc., Berkeley, CA
	1991 - 1994	Project Geologist/Hydrogeologist Geomatrix Consultants, Inc., San Francisco, CA
	1989 - 1991	Senior Staff Geologist/Hydrogeologist Environ International Corporation, Princeton, NJ
	1986 - 1989	Instructor and Research/Teaching Assistant Miami University, Oxford, OH

SKILLS AND EXPERIENCE

As a hydrologist with over twenty years of technical and consulting experience in the fields of geology, hydrology, and hydrogeology, Mr. Kamman routinely manages projects in the areas of surface- and ground-water hydrology, stream and wetland habitat restoration, water supply, water quality assessments, water resources management, and geomorphology. Areas of expertise include: stream and wetland habitat restoration; characterizing and modeling basin-scale hydrologic and geologic processes; assessing hydraulic and geomorphic responses to land-use changes in watersheds and causes of stream channel instability; evaluating surface- and ground-water resources and their interaction; and designing and implementing field investigations characterizing surface and subsurface conditions. In addition, Mr. Kamman commonly works on projects that revolve around sensitive fishery, wetland, animal and/or riparian habitat issues and problems. Thus, Mr. Kamman is accustomed to working within a multi-disciplined team and maintains close collaborative relationships with biologists, engineers, planners, architects, lawyers, and various agency staff.

PROFESSIONAL SOCIETIES & AFFILIATIONS	American Geological Institute Society for Ecological Restoration International California Native Plant Society

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EXHIBIT 2

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Hagar Environmental Science

11 July, 2012

Thomas N. Lippe
Lippe Gaffney Wagner LLP
329 Bryant Street, Suite 3D
San Francisco, CA 94107

RE: DEIR, Hunter Subdivision Project, St. Helena, California

Dear Mr. Lippe:

I am a fisheries biologist with over twenty-seven years of technical and consulting experience in California, primarily in the Central Coast region. I provide information, analysis, and research services to water resource agencies, utilities, public agencies, environmental organizations, and private clients. My primary areas of expertise are in fisheries and aquatic issues as they relate to water resource management and aquatic species conservation. Specialized technical services have included fish population and fish habitat assessments; development of fisheries and water resource management and restoration plans; permitting of habitat restoration and passage improvement projects; fish passage assessment and remediation; Endangered Species Act compliance; habitat conservation plans; and CEQA/NEPA documentation. I am the principal and senior biologist of Hagar Environmental Science (since 1994). I earned a Master of Science in Zoology at the University of Wisconsin Center for Limnology and a Master of Science in Water Resources Management from the University of Wisconsin Institute for Environmental Studies, Madison, Wisconsin.

I have reviewed the Hunter Subdivision Project Draft EIR (DEIR) (SCH: 2012032048), prepared by Urban Planning Partners, Inc. for the City of St. Helena and dated May 29, 2012. In particular, I focused on the project's potential effects on fish and other aquatic life, especially fall-run Chinook salmon (*Oncorhynchus tshawytscha)* and federally protected Central California Coastal steelhead (*Oncorhynchus mykiss*). In addition to reviewing the DEIR, I have reviewed the following documents and rely on technical information contained in these documents to help formulate my opinions:

Kamman, Greg. 2012. Review of Draft EIR Hunter Subdivision Project, St. Helena, CA. SCH: 2012032048. Letter to Thomas N Lippe, dated July 9, 2012

6523 Claremont Avenue • Richmond, CA 94805 • Phone: 510.333.9410 • Fax: 510.236.0447 • E-mail: jnhagar@sbcglobal.net

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Leidy, R.A., G.S. Becker, B.N. Harvey. 2005. Historical distribution and current status of steelhead/rainbow trout (*Oncorhynchus mykiss*) in streams of the San Francisco Estuary, California. Center for Ecosystem Management and Restoration, Oakland, CA.

Napa County Resource Conservation District. 2008. Napa River Salmon Monitoring Program, Spawning Year 2007 Report.

Napa County Resource Conservation District and Jones & Stokes Associates. 2006 . Zinfandel Lane Bridge Fish Passage Assessment, Final Report. Prepared for U.S. Army Corps of Engineers, San Francisco District, San Francisco, California. Project # 105309, December, 2006

Napolitano, M, S. Potter, and D. Whyte. 2009 Napa River Sediment TMDL and Habitat Enhancement Plan, Staff Report. California Regional Water Quality Control Board, San Francisco Bay Region, Oakland, CA. September 16, 2009.

Stillwater Sciences and W. Dietrich. 2002. Napa River Basin Limiting Factors Analysis, Final Technical Report. Prepared for San Francisco Bay Water Quality Control Board, Oakland, California and California State Coastal Conservancy, Oakland, California. June 14, 2002

My review of the DEIR and the other documents lead me to conclude that the DEIR is deficient in that it does not address the potential for adverse impacts of the project on special status fish species including salmon and steelhead occupying habitat in the Napa River in the vicinity of the project site and in downstream reaches.

The DEIR does not evaluate potential adverse effects of the project on habitat for salmon and steelhead in the Napa River.

The DEIR states that Chinook salmon and steelhead are not present and that no perennial aquatic habitat is present in the project area. This would be a very narrow and inappropriate definition of the project area. The project site is in the Napa River watershed and is close to and hydrologically connected with the Napa River. According to the DEIR, stormwater generated on the site will be collected and discharged to the Napa River, either by gravity drainage through the levee culvert or pumping from the detention basin. In addition, there are potential project induced changes in groundwater conditions and associated summer base flows in the Napa River due to the combined effects of increased domestic household demands on the City's water supply and increased pumping from the on-site irrigation well. These project related effects have a potential adverse impact on salmon and steelhead habitat in the Napa River from the project site downstream to the estuary.

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Both Chinook salmon and steelhead occupy the Napa River in the vicinity of the project

The Napa River supports runs of fall-run Chinook salmon and federally protected Central California Coast ESU steelhead. It is within the critical habitat designation for Central California Coast ESU Steelhead.

The Napa River in the vicinity of the project site and in downstream reaches contains habitat suitable for rearing, spawning, and migration of Chinook salmon and steelhead (Napa County Resource Conservation Department 2008, Leidy et al. 2005). The Napa River from Zinfandel Drive (just south of St. Helena) upstream to a mile north of Calistoga has been considered by CDFG staff to be the most important spawning and nursery area for steelhead in the main stem Napa River (Day 1961 cited in Leidy et al. 2005). Surveys conducted by the California Department of Fish and Game have identified steelhead in this reach of the Napa River and in tributaries including nearby Sulphur Creek and York Creek (Leidy et al. 2005). Sulphur Creek flows through the City of St Helena to its confluence with the Napa River just downstream of the project site. Recent surveys have indicated a run of 400 to 1000 fall-run Chinook salmon (*Oncorhynchus tshawytscha*) spawning annually in the main stem Napa River between St. Helena and Napa and in several tributary streams as well as a high abundance of juvenile salmon (Napa County Resource Conservation District 2008). An exceptionally high number of steelhead redds and young-of-year steelhead were observed in the main stem in May 2008 (Napa County Resource Conservation District 2008).

Multiple entities are working to restore and improve habitat conditions in the Napa River for the benefit of salmon and steelhead. For example a $1 million project was recently completed to improve migration passage at the Zinfandel Road Bridge. This project received funding and other support from the California Coastal Conservancy, U.S. Army Corps of Engineers, Napa County Resource Conservation District, public officials, local landowners, and environmental groups. Additional funding is being sought by the California Coastal Conservancy for additional restoration work in the Napa River and from the National Oceanic and Atmospheric Administration to fix another 20 barriers in the watershed (St. Helena Star, November 23, 2011). A group of 23 property owners with property that borders the Rutherford Reach, the 4.5-mile stretch of the Napa River between St. Helena and Oakville, are allowing prime land to return to a natural state in order to help preserve the ecology of the river. The southern part of the river has also been undergoing restorarion as former salt ponds along the river are being restored to their natural state.

The project will discharge stormwater to the Napa River with likely impacts to water quality and sediments.

The project has the potential to generate increased stormwater runoff and deliver it to the Napa River, exacerbating conditions that degrade habitat for salmon and steelhead and limit their populations. Increases in impervious areas as a result of the project (roof surfaces, pavement, etc.) have the effect of increasing the magnitude of storm peaks which in turn results in greater erosion of

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the stream bed and banks, incision of the channel, increasing fine sediment loads, eroding spawning sites and damaging developing salmon and steelhead embryos.

The California Water Quality Control Board has designated the Napa River as impaired due to excess sediment which adversely effects beneficial uses including recreation (i.e., fishing), cold freshwater habitat, fish spawning, and preservation of rare and endangered species (Napolitano et al. 2009). In a joint study conducted by the Water Board and the State Coastal Conservancy, two adverse impacts of erosion and sedimentation on salmon and steelhead habitat were documented. These were: 1) Low permeability values indicating a high concentration of fine sediment in the streambed, and 2) Channel incision in main stem Napa River (Stillwater Sciences and Dietrich, 2002). The study found that "Channel incision, which occurs in Napa River and lower reaches of its tributaries, has greatly reduced the quantity and quality of spawning and rearing habitat for salmon, and appears to be a key factor limiting Chinook salmon reproductive success and smolt survival under current conditions (Stillwater Sciences and Dietrich, 2002). High concentrations of fine sediment deposited in the streambed at potential spawning and rearing sites for salmon and/or steelhead in the Napa River and its tributaries causes high rates of egg and larval mortality during incubation, and also degrade the quality of juvenile rearing habitat for steelhead and salmon. Increases in the amount of fine sediment deposited in the streambed are contributing to the decline of what appears to be a very small run of steelhead. Other factors including poor flow persistence during the spring and dry season and poor habitat access appear to be even more important controls on steelhead productivity and survival in the Napa River watershed at present" (Napolitano et al. 2009).

The DEIR needs to address the effects of the project on storm flows in the Napa River and related increases in sediment deposition. This analysis needs to acknowledge and be informed by the magnitude of existing sediment problems in the Napa River as demonstrated by the State mandated program to control sediments in the Napa River, the Napa River TMDL administered by the San Francisco Bay Regional Water Quality Control Board.

The project will contribute to flow reduction in the Napa River.

The project may impact flow in the Napa River in a few different ways. Impervious surfaces cause water to run off the land surface and into local drainage networks, reducing the amount of rainfall that infiltrates into the ground and thereby reducing the amount of groundwater inflow to streams during the dry season. The residential development will also result in increased demand on local water supplies. I refer to the review of the project by Greg Kamman which states that, in Mr. Kamman's opinion, the project has the potential to impart significant adverse impacts to vicinity groundwater and summer surface water base flow in the Napa River due to the combined effects of increased domestic household demands on the City's water supply and increased pumping from the on-site irrigation well.

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Mr. Kamman presents flow data for the Napa River as reported by the United States Geological Survey for their stream flow monitoring gauge #11456000 on the Napa River near St. Helena (a short distance downstream of the Hunter Project site) for measurements collected since October of 1929. These data indicate the complete dry-down (zero flow) of the river channel during August and September of 2007, 2008 and 2009, in July of 2007 and 2008, and in October of 2009. Mr. Kamman notes that the only other time the river has dried down during the summer-fall period was in 1976 and 1977, in response to the most severe drought of record. Mr. Kamman concludes that it is reasonably plausible that the depleted summer aquifer conditions that have evolved over time and as indicated in the groundwater level hydrographs he presents, have led to the summer dry-down of the Napa River in the project vicinity.

The Hunter Subdivision project has the potential to exacerbate this situation to the detriment of habitat conditions for salmon and steelhead.

Increased stormwater discharge and flow reduction have potential adverse effects on habitat for Chinook salmon and steelhead.

Salmon and steelhead require flowing streams with large amounts of gravel and cobble substrate to complete their life cycles. Gravel and cobble provide the ideal substrate for incubating salmon and steelhead eggs because there is space for the eggs to develop and for movement of freshwater through the gravels to supply oxygen and carry off metabolic wastes. Larger size cobbles also provide hiding spaces and protection from high flows for developing young (fry). Cobbles and gravels also provide habitat for microscopic and larger plants and algae (periphyton and macrophytes) that support small aquatic animals (benthic invertebrates) and in turn provide forage for fish. Sediment suspended in the water column has a myriad of effects from reduction of light that inhibits photosynthesis and primary production, abrasion and suffocation of periphyton and macrophytes, disruption of respiration and modification of behavior of invertebrates, coating and smothering of eggs and larvae, and in sufficient volume, filling the voids in the substrate and trapping developing eggs and fry of fish including salmon and steelhead.

Salmon and steelhead also require suitable macro-habitat conditions including a mixture of shallow swift-flowing riffles and runs; deeper, slower velocity habitat in pools; and ample amounts of cover and structure such as boulders, tree roots and downed trees. Increased amounts of fine sediment can lead to habitat simplification with large amounts of low velocity, shallow habitat that is not suitable for salmon or steelhead. This can occur in concert with increased storm flows from urban runoff that both increase sediment supply through erosion of the stream bed and banks and through channel incision.

The Hunter Subdivision project has the potential to adversely impact existing spawning, rearing, and migration habitat for salmon and steelhead from the project site downstream to the mouth of the Napa River. The DEIR needs to acknowledge and evaluate potential project impacts on fishery

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resources of the Napa River. It should evaluate the potential for project related changes on winter storm peaks and dry-season flow reduction. These impacts should be evaluated for their contribution to existing sediment problems in the Napa River and efforts by the San Francisco Bay Regional Water Quality Control Board to reduce sediment impacts through the TMDL for sediments in the Napa River. Impacts of the project also need to be addressed in the context of ongoing efforts to stabilize and recover fall run Chinook salmon populations and to protect and restore Central California Coast steelhead populations under the Federal Endangered Species Act and the California Endangered Species Act. The DEIR should also recognize the efforts of multiple entities to restore habitat conditions in the Napa River to support salmon and steelhead and the potential for project related impacts to interfere with these efforts. The DEIR needs to provide mitigation measures to eliminate the potential for increase in storm peaks such as project elements that provide for stormwater retention and infiltration, collection and storage of stormwater for landscape irrigation, and other measures. The DEIR also needs to provide an evaluation of how increased water needs of the project can be met without further reduction of dry-season flow in the Napa River and provide mitigation measures that meet this objective including incorporation of water conservation features in the development, use of recycled water, reliance on sources other than the on-site wells, and other measures. In recent years, many innovative approaches have been developed for minimizing impacts from stormwater runoff and better management of water resources to avoid depletion of stream flows (see for example the Occidental Arts and Ecology Center Water Institute, http://www.oaecwater.org/). Mitigation measures should be developed in light of these approaches.

The City needs to analyze the contribution of this project to cumulative effects of ongoing development and past habitat degradation. The effects of this project on habitat conditions in the Napa River occur within the context of efforts by multiple entities to reverse these trends and adverse effects on protected steelhead should be mitigated to less than significant levels.

Best Regards,

Jeff Hagar
Principal Biologist

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Hagar Environmental Science

Statement of Qualifications

Company Overview

Since its inception in 1994, Hagar Environmental Science (HES) provides information, analysis, and research services to water resource agencies, utilities, public agencies, environmental organizations, and private clients. Our primary areas of activity are consulting on fisheries and aquatic issues as they relate to water resource management and aquatic species conservation. Specialized technical services include:

- fish population and fish habitat inventories,
- development of fisheries and water resource management and restoration plans,
- permitting of habitat restoration and passage improvement projects,
- fish passage assessment and remediation
- Endangered Species Act compliance, and
- CEQA/NEPA documentation.

Environmental resource planning and decision-making are conducted in complex social arenas that involve laws and regulations, economic constraints, political considerations, scientific knowledge, and individual values. HES is committed to the concept that the best plans and decisions are based on full and reliable information. While it is sometimes necessary to make decisions based on less than complete information, HES strives to obtain and utilize complete, relevant, accurate, and objective information to inform environmental decisions and planning. We focus on determining the information that is most needed and presenting that information in a way that is accessible and understandable to all involved in the process.

Our areas of operation include California and the Pacific Northwest and we have particularly strong experience in the California Central Coast region. HES is fully permitted to collect and handle protected steelhead, coho salmon, and tidewater goby. Our approach to projects emphasizes teaming arrangements with other specialists to provide interdisciplinary problem solving tailored to client and project specific needs.

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July 12, 2012

Representative HES Project Experience

City of Santa Cruz Habitat Conservation Plan, 2005-present, for City of Santa Cruz Water Department. HES is providing technical support to assist the City, NOAA Fisheries, and California Department of Fish and Game in development of the City's HCP. HES is integrating existing information with ongoing field surveys implemented by us to develop conservation strategies that maximize anticipated benefits to fishery resources while maintaining the City's ability to operate within water supply constraints. Field surveys include habitat assessment using the California Salmonid Stream Habitat Restoration Manual methods and Instream flow assessment for spawning and rearing steelhead and coho salmon using the PHABSIM component of the Instream Flow Incremental Methodolgy (IFIM), and evaluation of migration passage obstacles using the Thompson methodology and approaches developed by Powers and Orsborn.

Salinas Valley Water Project Fishery Evaluations, 1994 –present. The Monterey County Water Resources Agency is developing the Salinas Valley Water Project to stop seawater intrusion, manage nitrate contamination in the ground water, provide adequate water supplies to meet current and future (year 2030) needs, and hydrologically balancing the ground water basin in the Salinas Valley. As part of this process, Hagar Environmental Science has completed fishery studies and environmental documentation for fishery resources of the Salinas River Basin. HES conducted studies in the Salinas River and its tributaries to determine the presence, distribution, and relative abundance of steelhead spawning populations and evaluated habitat conditions for suitability for steelhead spawning, rearing and migration. Tasks completed by HES have also included monitoring of stream temperature and its relationship to stream flow; evaluation of water quality conditions in the Salinas River Lagoon and project effects on its potential to support rearing steelhead; stream flow requirements for steelhead migration; and potential effects of a surface diversion alternative on steelhead migration, steelhead rearing, and other fish populations. HES worked closely with project planners and engineers to ensure that project alternatives would achieve project objectives without harming remnant steelhead runs within the Salinas River Basin. HES was also involved in consultation with the National Marine Fisheries Service on steelhead and provided technical information ou steelhead and steelhead habitat for the Biological Assessment for the project.

Calaveras Dam Replacement Project, 2005-2008, for San Francisco Public Utilities Commission. HES is the fisheries lead as part of the project team for environmental impact assessment and permitting. Key tasks include the integration of extensive background information to address project compliance with environmental regulations, implementation of field surveys to resolve information gaps, and coordination with ongoing fisheries investigations conducted by the client and its consultants. Fisheries surveys included habitat assessment for over 16 miles of streams using modified Level IV effort as described in The California Salmonid Stream Habitat Restoration Manual and an instream flow assessment for steelhead and native rainbow trout spawning using the PHABSIM component of the Instream Flow Incremental Methodolgy (IFIM).

Carmel and Salinas River Flood Control, Steelhead Monitoring Plan, January 2001-present. Flood Control activities conducted by Monterey County entail artificial breaching of the Carmel River mouth when river flows raise the lagoon elevation to a predetermined level. Artificial breaching anticipates the natural opening of the lagoon that is imminent. There has been concern that artificial breaching has the potential to impact the lagoon ecology, and particularly steelhead, since it may cause the lagoon to open somewhat earlier and at a lower elevation than would otherwise occur. Hagar Environmental Science developed a monitoring

program to evaluate the effect of this activity on lagoon ecology and determine how future flood management should be undertaken to minimize adverse impacts to steelhead trout, a threatened species. HES has conducted pre- and post-breach steelhead population and water quality assessment during the winter of 2001-2002 in the Carmel River Lagoon and 2002-2003 in both the Carmel and Salinas lagoons according to this program.

Aptos Creek Watershed Assessment and Enhancement Plan, 2001-2003, for Coastal Watershed Council and California Coastal Conservancy. In this recently completed assessment for the Coastal Watershed Council, HES teamed with specialists in hydrology, geomorphology and vegetation to complete a thorough evaluation of habitat conditions and limiting factors for steelhead and coho salmon. HES completed a habitat assessment for over 16 miles of stream in the Aptos Creek watershed. HES used the habitat assessment data together with existing information and information developed by other team members on hydrology, geomorphology, and riparian over-story to complete a limiting factors analysis and worked with the team to develop a list of high priority restoration projects. The practicality of addressing key limiting factors was weighed against the relative benefits to be expected.

Steelhead Habitat Assessment for the San Pedro Creek Watershed, 2001-2002. HES conducted an assessment of the San Pedro Creek Watershed for the San Pedro Creek Watershed Coalition. The assessment included a review of existing information, habitat survey for the mainstem and major tributaries, assessment of factors most likely to limit steelhead, and recommendations for habitat protection and enhancement in the watershed.

Wilder Ranch State Park Habitat Assessment and Aquatic Vertebrate Survey, 2001-2002. Under contract to California State Parks, HES conducted a survey of streams within Wilder Ranch State Park as part of a statewide biological resources monitoring program being developed by State Parks. Surveys involved stream reach classification, habitat assessment using the California Salmonid Stream Habitat assessment methodology, and development of abundance and distribution information for aquatic reptiles, amphibians, and fish using both visual observation and electrofishing. The objective of the Wilder Ranch surveys was to provide a baseline inventory of habitat conditions and aquatic vertebrate populations in Park streams and to develop a long term aquatic monitoring program. The monitoring program will be developed to provide Park Managers with information to identify changes in the areal extent and quality of aquatic habitat and changes in the presence or abundance of key aquatic taxa.

Fish Habitat and Fish Population Assessment for San Lorenzo Creek, Alameda County, 1999 – 2002. The Alameda County Public Works Agency has initiated a pilot watershed study for San Lorenzo Creek. As a part of this work Hagar Environmental Science is conducted a fisheries habitat and fish population assessmeut. The objectives of fisheries investigations were to develop a comprehensive understanding of the existing condition of fish populations and their habitat in the San Lorenzo Creek watershed; identify major factors that limit the native fish populations; develop aquatic resource objectives and quantifiable indicators that can be used to monitor the health of fish populations over time; identify and prioritize potential sites to enhance, protect and restore habitat for native fish communities; and understand how sediment and flow affect fish habitat. HES trained County staff in habitat assessment methods, provided oversight and supervision for the habitat assessment, developed and implemented a fish sampling program, provided guidance on implementation of a stream temperature monitoring network, and coauthored the final report.

Stream Reach and Aquatic Habitat Inventory in the Guadalupe River, Coyote and Stevens Creeks, Santa Clara County, 1999. The Santa Clara Valley Water District (SCVWD) has been

engaged in a multi-party dispute resolution process identified as the Fisheries and Aquatic Habitat Collaborative Effort (FAHCE). The FAHCE has conducted various investigations to identify factors limiting the production of chinook salmon and steelhead inhabiting streams in the SCVWD service area. Hagar Environmental Science teamed with ENTRIX, Inc. to complete the stream reach and aquatic habitat inventory. HES worked with the FAHCE committee and project team to develop project specific field protocols and provided field training in these protocols for survey crews. HES also provided field oversight and survey calibration and verification as part of tbe project quality assurance and quality control program.

Aquatic Resource Inventory of Oakland Streams, 1998. Hagar Environmental Science conducted aquatic habitat and fishery surveys in 11 streams in the City of Oakland to identify sensitive resources and factors potentially influencing aquatic resource conditions. Stream reaches were surveyed to evaluate instream and watershed conditions. Aquatic habitat conditions were described including habitat features, substrate, cover, suitability for rearing and migration of fish, presence of aquatic invertebrates, bank conditions, riparian vegetation and surrounding land-use. Fish abundance and distribution was assessed by electrofishing. The presence of sensitive resources and factors potentially influencing aquatic life were described as a first step in determiuing impacts of stormwater on beneficial uses of local creeks.

Coastal Lagoon Ecological Assessment Project, 2004, for Santa Cruz County Resource Conservation District . HES is teamed with Swanson Hydrology and Geomorphology in a collaborative project with NOAA Fisheries, USGS, The City of Santa Cruz, Santa Cruz County, and the California Coastal Conservancy in a pilot study to assess ecological processes in several lagoons associated with coastal streams in central California. HES is conducting fisheries assessments including development of sampling protocols and description of fish community profiles, species presence and relative abundance. We are also using PIT tag technology to assess growth rates and movement of steelhead using lagoons for rearing. This information will be used together with hydrologic, water quality, plankton, and aquatic invertebrate monitoring data to assess potential limiting factors for steelhead and tidewater goby in these lagoons and as a basis for developing management actions to enhance lagoon habitat.

Branciforte Creek Flood Control Channel Maintenance. 2003-present, for City of Santa Cruz. The City of Santa Cruz maintains the U.S. Army Corps of Engineers Branciforte Creek Flood Control Channel Project. Maintenance requires periodic removal of sediment and associated wetland vegetation from the channel to maintain flood conveyance capacity. Recent collections of tidewater goby in the San Lorenzo River lagoon have raised questions concerning the possibility for tidewater goby to be present in the Branciforte Creek FCC project area. Permitting for the project requires NOAA Fisheries to quantify the amount of take of Central California Coast steelhead that may be present in the flood control channel. HES was contracted to develop steelhead population estimates and monitor temperature conditions in the FCC. Recent collections of tidewater goby in the San Lorenzo River lagoon have raised questions concerning the possibility for tidewater goby to be present in the Branciforte Creek FCC project area. HES recently completed reconnaissance level surveys to determine whether tidewater goby are likely to be present in the FCC.

Mountain Charlie Gulch Steelhead Monitoring Program, 2003-2005 for the City of Santa Cruz Water Department. The City of Santa Cruz Water Department manages lands adjacent to Mountain Charlie Gulch. In the summer of 2002, the Water Department implemented a steelhead passage improvement project in portions of the Creek on City property. In order to assess the effectiveness of passage improvement projects and to develop better information on the status and limiting factors for steelhead/rainbow trout populations in Mountain Charlie Gulch, the City

contracted with HES to develop and implement a steelhead monitoring project for portions of Mountain Charlie Gulch on City property. The purpose of the monitoring program is to: describe habitat conditions in the stream and evaluate potential for supporting steelhead; estimate the abundance of steelhead/rainbow trout of different age classes in the study reach and compare abundance upstream and downstream of the passage improvement project; compare visual methods and electrofishing population assessment for accuracy and cost; and, provide recommendation for a standard monitoring protocol that can be repeated by the City in the future to monitor changes in habitat conditions and steelhead populations.

Gateway Pedestrian Bridge, 2004, for John Gilchrist and Associates (CALTRANS Project). A pedestrian bridge crossing the San Lorenzo River in the vicinity of Gateway Mall is proposed. This reach of the San Lorenzo River is known to support threatened Central California Coastal ESU steelhead/rainbow trout (*Oncorhynchus mykiss*). Recently, endangered tidewater goby (*Eucyclogobius newberryi*) have been collected downstream in the San Lorenzo River lagoon. HES conducted surveys in the vicinity of the proposed bridge to assess the potential for presence of *O. mykiss* and *E. newberryi* and prepared a report documenting findings.

Boulder Creek Seasonal Dam Fish Passage Improvement, 2004-present, for Boulder Creek Recreation and Park District. The Boulder Creek Seasonal Dam, located on the San Lorenzo River in Boulder Creek (Santa Cruz County), was typically installed during the summer months to create a recreational swimming area for the community. Historically, the Boulder Creek Recreation and Park District (District) obtained a Streambed Alteration Permit issued by the California Department of Fish and Game (CDFG) to install and operate the seasonal dam. The most recent permit expired in June 2003. To obtain a new permit the District is required to evaluate fish passage at the project site and potentially improve the dam to provide bi-directional year round passage of juvenile and adult steelhead. HES is working with Fall Creek Engineering, Inc. and John Gilchrist & Associates to assist the District in improving seasonal fish passage at the dam and to obtain the state and federal permits that will be required to operate the dam. As part of this work HES has evaluated habitat conditions within the impoundment area to determine the effect of the impoundment on rearing habitat for juvenile steelhead, and evaluated the existing apron in the center of the dam for passage by adult and juvenile steelhead.

Tucker Road Ford Passage Improvement Project. 2005- . for Santa Cruz County RCD. HES participated in a multidisciplinary team of consultants lead by Fall Creek Engineering to analyze fish passage and prepare plans to restore steelhead passage at an at-grade road crossing of the West Branch Soquel Creek. HES conducted a habitat condition and passage analysis at the crossing to document existing passage conditions and anticipate post-project improvements. HES used an analytical computer program (FishXing, version 2.1, Six Rivers Watershed Interaction Team, November 1999) to evaluate elements of the crossing.

LLNL Arroyo Mocho Passage Improvement Project. 2002-2003. for University of California, Lawrence Livermore National Laboratory. HES participated in a multidisciplinary team of consultants lead by Fall Creek Engineering to analyze fish passage and prepare plans to restore steelhead passage at an at-grade road crossing of the Arroyo Mocho near Livermore. HES conducted a passage analysis at the crossing to document existing passage conditions and anticipate post-project improvements. HES also developed mitigation and monitoring guidelines for fish passage. HES used an

analytical computer program (FishXing, version 2.1, Six Rivers Watershed Interaction Team, November 1999) to evaluate elements of the crossing.

Biological Assessment and Fish Relocation for the Lower Codornices Creek Restoration Project, 2004- . Lower Codornices Creek is a small urbanized watershed tributary to San Francisco Bay in the cities of Berkeley and Albany. HES prepared a Biological Assessment to address project elements for the protection and enhancement of a steelhead/rainbow trout population in the creek. The BA was used by NOAA Fisheries to support issuance of a Biological Opinion allowing project implementation. As part of this work, HES re-located steelhead/rainbow trout from the project area to temporary holding locations in other parts of the stream. HES took samples from a few of these fish and has arranged to have them analyzed at UC-Davis for age, growth rates, and life-history/ancestral origin (sea-run steelhead or non-migratory rainbow trout).

Alameda Creek Steelhead Restoration, 1999 – 2004. Working with the Alameda Creek Fisheries Restoration Workgroup, Hagar Environmental Science teamed with AMS to complete an assessment of the feasibility of restoring a steelhead trout population in the Alameda Creek watershed. The Workgroup includes members representing County flood control and water districts, resource agencies, municipalities, and citizens groups. The assessment documented historical use of the watershed by steelhead, evaluated current habitat conditions and fish populations, and considered existing beneficial uses of the watershed for water supply, flood control, and recreation and potential conflicts between these uses and restoration of steelhead. The assessment provided a set of findings and recommended nine essential actions necessary for steelhead to complete their life cycle in the watershed, five additional restoration actions to increase the likelihood of successful restoration, and seven follow-on technical investigations to reduce technical uncertainties. The assessment met with approval from all members of the Workgroup and the Workgroup is proceeding with implementation of the recommendations. The primary recommendations involve passage improvement at several sites, modification of recreational fisheries management, and evaluation of alternative water delivery scenarios to enhance migration conditions for steelhead while meeting water supply and qnality needs.

Hosler Fish Relocation, 2000. Hagar Environmental Science completed fish relocation for steelhead/rainbow trout in Soquel Creek (Santa Cruz County) as part of a streambank stabilization project for a private property owner.

Wilder Ranch State Park Fish Relocation, 2000. Hagar Environmental Science completed fish relocation for steelhead/rainbow trout in Wilder Creek (Santa Cruz County) as part of a dam removal and streambank stabilization project in Wilder Ranch State Park sponsored by California State Parks.

Mill Creek Fish Relocation, 2000. Hagar Environmental Science completed fish relocation for steelhead/rainbow trout in Mill Creek (Pilarcitos watershed, San Mateo County) as part of a dam removal and streambank stabilization project in Burleigh Murray Ranch State Park sponsored by California State Parks. Tissue samples were collected from steelhead/rainbow trout for genetic analyses by the National Marine Fisheries Service.

Arroyo Leon Fish Passage Enhancement Project, 2000-present. HES participated on a multi-disciplinary team managed by the San Mateo County Resource Conservation District and Pilarcitos Creek Advisory Committee to evaluate fish passage and steelhead rearing issues at two seasonal dams on Arroyo Leon. The team developed preliminary engineering designs and specifications for improvements at these dams; identified potential environmental impacts and

permitting conditions associated with the project alternatives; and incorporated mitigation measures and protective provisions developed in consultation with the National Marine Fisheries Service and California Department of Fish and Game. HES conducted site surveys and evaluated design alternatives for their potential effects on steelhead populations in Arroyo Leon.

Salinas River Flood Maintenance Program, 2000. Hagar Environmental Science provided review and assisted with establishment of guidelines for implementation of 2000 River Maintenance Program involving removal of vegetation and sandbars from the Salinas River channel. HES also provided technical assistance to landowners by completing channel marking and mapping and preparation of permit application packages submitted to National Marine Fisheries Service.

Potrero Road Tide Gate Configuration and Performance Study, 2000. As part of the Performance Study conducted by Schaaf & Wheeler Consulting Civil Engineers for MCWRA, HES evaluated fish passage issues at the Potrero Road tide gates, Old Salinas River channel and Salinas River Lagoon. HES provided relevant background information on steelhead migration and recommended measures to enhance existing conditions.

Old Salinas River Channel Dredging, 2001. Hagar Environmental Science was called in to relocate all fish, particularly steelhead/rainbow trout, from the Old Salinas River Channel prior to dredging and subsequent deepening of the channel. The dredging is part of on-going maintenance work conducted by the Monterey County Water Resources Agency, Salinas, California

Apanolio Creek Fish Passage, 2000-2002. As part of a restoration project team, Hagar Environmental Science evaluated conditions in Apanolio Creek for steelhead/rainbow trout including an assessment of instream habitat conditions and presence of structural barriers to steelhead migration at two small diversion dams and a culvert. The restoration project is sponsored by the San Mateo County Resource Conservation District. HES worked with the restoration project engineering contractor to assess biological conditions and develop, screen, and select alternative restoration plans for each passage barrier.

Santa Clara Valley Water District Stream Maintenance Program EIR and Section 7 Consultation, 2000-2002. The Stream Maintenance Program is designed to meet the District's flood protection and water supply mandates. The District is pursuing multi-year environmental permitting to conduct these activities. Hagar Environmental Science developed background information and impact analyses on steelhead and chinook salmon in Santa Clara Valley streams as part of this work. HES also developed a mitigation program and best management practices for the bank protection and repair component of the stream maintenance program. HES was also involved with coordination and consultation on steelhead and chinook salmon with National Marine Fisheries Service as part of Section 7 Endangered Species Act (ESA) compliance on the multi-year permit for stream maintenance activities.

Long-Term Contingency Water Supply Plan for the Monterey Peninsula, 1999 –2000. The California Public Utilities Commission developed a long-term water supply contingency plan (Plan B) as an alternative to a proposed dam on the Carmel River. As part of the Plan B consultant team, Hagar Environmental Science evaluated the Carmel River steelhead resource and effects of current project operations on Carmel River aquatic resources and worked with the team to develop specific objectives and criteria for evaluating alternative water supply components, identify and analyze potential water supply components, and develop a strategy for meeting water supply needs as an alternative to the proposed dam.

Guadalupe River Fish Ladder and Fish Screeu at the Alamitos Drop Structure, 1998. for Santa Clara Valley Water District. HES completed permit acquisition including U.S. Army Corps of Engineers 404 Nationwide Permit pre-construction notification, California Department of Fish and Game streambed alteration agreement, and Regional Water Quality Control Board water quality certification.

Guadalupe River Fish Barrier Removal Project. 1998. for Santa Clara Valley Water District. HES completed permit acquisition including U.S. Army Corps of Engineers 404 Nationwide Permit pre-construction notification, California Department of Fish and Game streambed alteration agreement, and Regional Water Quality Control Board water quality certification, and CEQA categorical exemption.

Hillsdale Bridge Removal Project, 1999-preseut. Completed permit acquisition including U.S. Army Corps of Engineers 404 Nationwide Permit pre-construction notification, California Department of Fish and Game streambed alteration agreement, and Regional Water Quality Control Board water quality certification, and CEQA Initial Study/Negative Declaration.

Synthesis and Analysis of Information Collected on the Fishery Resources and Habitat Conditions of the Lower Santa Ynez River, 1996-1998. Hagar Environmental Science worked with Hanson Environmental, Inc. to compile and synthesize hydrology, water quality, habitat, and fishery resource data collected over a four year period in the Santa Ynez River and Santa Ynez River lagoon. The pnrpose of this work was to summarize a wide range of available data, determine what conclusions could be snpported by the information available, and make recommendations for the direction of ongoing stndies conducted by the Santa Ynez River Technical Advisory Committee. Hydrologic conditions including precipitation, reservoir storage and elevation, spill, controlled releases, river flows, tributary flows, and breaching of the Santa Ynez River lagoon were described and summarized. Water temperature and dissolved oxygen data were evaluated to characterize seasonal trends and patterns, inter-annual variations, longitudinal gradients, diel fluctuations, analysis of potentially stressful water temperatures, evalnation of potential cold water refuges. The relationship of water quality variables to river flows was also evalnated. Habitat characteristics including depth, substrate, areal extent of habitat type nnits, riparian vegetation, instream vegetation, substrate, passage barriers, and other habitat features in the mainstem Santa Ynez River and its tributaries were summarized. Fishery resources were characterized in terms of species presence, longitudinal distribution, seasonal distribution and abundance, upstream and downstream migration, and rainbow trout/steelhead stock of origin. Water quality, habitat, and flow conditions were evaluated to determine observable effects on fishery resource condition, identify potentially limiting factors, and recommend appropriate modifications to the long-term study plan.

South Delta Barrier Project, 1995. HES worked with a team of biologists to evaluate monitoring methods for the California Department of Water Resources (CDWR) South Delta Barrier Project. Monitoring data collected by CDWR and CDFG were analyzed to evaluate the relationship between placement of barriers in South Delta channels and direct loss of fish at the Central Valley Project and State Water Project Delta export pumping facilities. Experimental design and study methods were critically reviewed and evaluated. Several years of monitoring data were evaluated to determine potential impact of temporary barriers on fish salvage at the export pumps. Statistical analyses were performed using fish salvage and pumping data during periods with and without barriers in Middle River and Old River. Fish species of particular interest were winter-run chinook salmon, delta smelt, longfin smelt, striped bass, Sacramento

splittail, and fall run chinook salmon. Problems with the study plan were identified and recommendations for study modifications were presented.

Sausal Creek Steelhead/Rainbow Trout Studies. 1995-98. For Kendall-Jackson Winery, Ltd. Conducted field investigation to determine flow requirements, summer habitat conditions, and population inventories for steelhead in this Russian River tributary. Assisted in preparation of testimony for water rights proceeding.

Status of Steelhead Populations in California, 1996. Hagar Environmental Science contributed to a special report for the Association of California Water Agencies (ACWA) describing the status of steelhead populations in California in regards to the Endangered Species Act. The report was submitted on behalf of ACWA to the National Marine Fisheries Service to provide information for their determination as to whether to list steelhead as threatened or endangered under the federal Endangered Species Act.

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July 12, 2012

Additional Selected Project Experience for Jeff Hagar

Sacramento River Basin Chinook Salmon Productivity Model 1985-1988. For the National Marine Fisheries Service Jeff Hagar analyzed population and life history data for chinook salmon and developed input data and assumptions for Sacramento River Basin Chinook Salmon Productivity Model. This project included evaluation of ocean harvest and natural mortality rates; factors influencing upstream migration including passage at dams; factors influencing spawning, hatching and emergence success; factors influencing rearing and migration success. Mr. Hagar worked with a modeler to develop model structure and incorporate existing measured population parameters and relevant environmental variables and developed conceptual relationships between environmental variables and chinook salmon productivity.

Lower Mokelumne River Project FERC Proceeding, 1994. Provided technical support to EBMUD in its proceeding to resolve FERC proposed license modifications to operations of the Mokelumne River Project. Completed critical review of FERC FEIS and comparative analysis of FERC and EBMUD alternatives using analytical tools developed under the direction of Jeff Hagar. Participated in technical meetings with FERC staff at Oak Ridge National Lab to resolve technical issues related to management of river flows and resulting habitat conditions for chinook salmon and steelhead populations in the Lower Mokelumne River

Lower Mokelumne River Management Plan, 1990 - 1994. As a consultant, Jeff Hagar served as project manager for the development of the Lower Mokelumne River Management Plan for EBMUD Updated Water Supply Management Program. He supervised preparation of technical documents including EIS/EIR sections and technical appendices. He contributed to studies evaluating chinook salmon and steelhead in the Mokelumne River, including estimation of spawning escapements, run-timing, factors influencing run size, timing and enumeration of smolt emigration, factors influencing rearing success and smolt emigration, and mortality factors. Mr. Hagar worked with a team of hydrologists, biologists, and engineers to develop and evaluate management strategies for chinook salmon and steelhead in the Lower Mokelumne River, California using an integrated application of an instream temperature model and reservoir model to a reservoir/tailwater system. Mr. Hagar served as a member of the Mokelumne River Technical Advisory Committee to establish a long term management plan for the Mokelumne River and provided technical information and analysis to negotiations between EBMUD and California Department of Fish and Game to determine management of flows in the Mokelumne River.

Entrainment of Fish at Eastern Sierra Hydroelectric Facilities, 1988. As part of FERC license review, Jeff Hagar developed and implemented special studies and conducted analyses to document the magnitude and significance of entrainment of trout at representative hydroelectric facilities in the Eastern Sierra Nevada.

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July 12, 2012

RESUME

Jeffery M. Hagar, Principal/Senior Biologist

Jeff Hagar has worked since 1985 as a fisheries consultant in California. He provides expertise on projects involving significant or complex fisheries issues, generally working with multi-disciplinary teams involving environmental planning, engineering, hydrology, geomorphology, and/or legal components. Services include biological surveys such as population abundance and habitat characterization, fish passage assessment and remediation, special studies in fisheries, development of resource management and restoration plans, permitting of habitat restoration and passage improvement projects, preparation of NEPA and CEQA documentation, and endangered species act compliance. Mr. Hagar has been involved in projects throughout California including the Sierra, Eastern Sierra, Central Valley, Sacramento-San Joaquin Delta, and San Francisco Bay. Mr. Hagar has particularly extensive experience in coastal streams of Central and South Central California including the Santa Ynez River, Salinas River and Russian River, as well as numerous smaller streams. Much of his current work involves issues relating to management of threatened and endangered species, particularly coastal steelhead. Mr. Hagar has worked closely with representatives of California Department of Fish and Game, National Marine Fisheries Service, and US Fish & Wildlife Service on compliance with the Endangered Species Act within these streams and has all required permits for collecting and handling steelhead, coho salmon, and tidewater goby.

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July 12, 2012

Jeffery M. Hagar
Principal
Senior Fisheries Biologist

EXPERTISE

- Fisheries population census, habitat assessment, aquatic inventories and fish passage assessment
- Resource management plans
- Habitat restoration planning and permitting
- Endangered Species Act compliance
- Preparation of technical documents including CEQA/NEPA and resource management planning
- Riverine habitat analysis using hydrologic, stream temperature, and reservoir operations analysis
- Fisheries population modeling
- Critical review and evaluation of technical information

PROFESSIONAL HISTORY

1994 - present	Principal/Senior Biologist Hagar Environmental Science
1991 - 1993	Senior Fisheries Biologist BioSystems Analysis, Inc., Tiburon, California
1989 - 1991	Fisheries Biologist East Bay Municipal Utility District, Oakland, California
1985 - 1989	Aquatic Ecologist/Fisheries Biologist BioSystems Analysis, Inc., Sausalito, California

EDUCATION

M.S. Zoology, 1984
University of Wisconsin, Madison, Center for Limnology

M.S. Water Resources Management, 1984
University of Wisconsin, Madison, Institute for Environmental Studies

B.S. Biological Aspects of Conservation, 1979
University of Wisconsin, Madison

PERMITS AND CERTIFICATIONS

California Department of Fish & Game Scientific Collecting Permit 801111-04

National Marine Fisheries Service Section 10 Permit for Scientific Research, Permit 1105 including Endangered Species Act take authorization for Central California Coast Steelhead, South-Central California Coast Steelhead, Central California Coast Coho Salmon

US Fish and Wildlife Service 10(a)(1)(A) Federal Fish and Wildlife Permit TE089980-0 including take of tidewater goby (*Eucyclogobius newberryi*)

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EXHIBIT 3

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July 2, 2012

Tom Lippe
Lippe Gaffney Wagner LLP
329 Bryant St.; Suite 3D
San Francisco, CA 94107

Re: Review of Aesthetic Resources Section DRAFT EIR: Hunter Subdivision Project

Dear Mr. Lippe:

In accordance with your request to evaluate the adequacy of the "Aesthetics" section of the Draft EIR for the proposed Hunter Subdivision in the City of St. Helena, below are my comments. They are based upon the following: (1) review of the Project Description chapter and the "Aesthetics" section of the Hunter Subdivision Draft EIR; (2) June 18, 2012 field reconnaissance of the proposed development site and its viewshed; (3) a review of the City of St. Helena General Plan U(GP) update and associated EIR (1993); (4) my extensive experience with preparation and peer review of numerous CEQA documents, with specific focus upon visual impact analysis.

1) General Comments and Impressions. The evaluation of the potential impact of the proposed project, contained in the "Aesthetics" section of the DEIR, does not appear to be very well orgauized and written. Components of the evaluation (e.g., setting; significance criteria as applied to views from private areas) are not sufficiently described and/or defined. Potential impacts are not adequately analyzed. "Mitigation" of possible project effects are a listing of GP policies that are general, by their nature, rather than being more specific to a project-level of environmental analysis. Furthermore, a review of the policies indicates inconsistencies amongst their objectives when applied to the proposed subdivision development.

2) Visual Setting and Viewshed. The visual setting and viewshed are not adequately identified and described. A number of view areas and locations (residences and trailer park on the south side of the project site, the pedestrian trail along the eastern extension (beyond the locked gate) of Adams Street, and public views at the Adams Street terminus and the Hunt Avenue/Starr Avenue intersection) are identified. In addition, screening by vegetation and structures is also noted to describe the general quality of views, placing particular importance upon locations with public access.

However, after a brief description of what a "view corridor" is, there is little mention of the specific "sensitive receptors" in the area, their number, and the quality of their views. Adequate description of the existing viewshed and its physical characteristics is required to provide a sound baseline for the evaluation and extent of visual impacts that likely will occur from the implementation of the proposed project. Typically, areas in proximity to the proposed development parcel, including privately-owned properties (see item #3, Significance Criteria,

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below) should be surveyed to disclose information that include, but are not limited to, the following:

- how many residences and businesses comprise the viewshed?
- although the area is generally flat, several residences appear to have second-story decks and balconies with "superior" views across the project site located to the south and southwest that are not obscured by trees and other vegetation (shown in the DEIR photos, figures IVA-3b and 3-3d). What is the current quality of views and features visible from these residences?
- what is the distance from residential view areas to the project site (important when determining the amount of view obstructed by project structures and landscaping).
- will the quality of views change when leaves have fallen from trees during part of the year?
- how much user activity occurs on the trail that presently runs east from the current terminus of Adams Street? From the publicly accessible street (Del Rio Court) within the trailer park that parallels part of the southern boundary of the project site?

Onsite reconnaissance of the project and vicinity on June 18, 2012 indicate that there are prominent views across the expanse of the project site from at least several residences as well as views from Del Rio Court through sizeable gaps in the trees lining the southern boundary of the proposed development parcel.

The DEIR also omits a discussion and description of the views from a winery (David Fulton Winery and Vineyards, which has a tasting room accessible to public visitation) and several residences on the south side of Fulton Lane, less than 1,000 feet away from the northern perimeter of the project boundary. Existing vineyards within the proposed development site are visible from Fulton Lane. From Fulton Lane near the winery, single-family residences, including several two-story structures with decks and balconies are readily apparent (see attached photos Fig.1 and Fig. 2).

3) Significance Criteria. The DEIR indicates that the significance criteria used to analyze the impacts of the proposed project upon the existing environment, including aesthetic/visual considerations is based upon the CEQA Guidelines (Appendix G, Environmental Checklist Form). However, for Aesthetics, item I.a, of the CEQA Checklist, which poses the question, "...Would the project have a substantial adverse effect on a scenic vista?...", the text in the Hunter Subdivision DEIR has been changed so that the word, "public" has been inserted before the term "scenic vista." As a result, it appears that there is a distinction between the significance of public compared to private views. According to CEQA case law (Ocean View Estates Homeowners Ass'n, Inc. v. Montecito Water Dist. (2004) 116 Cal.App.4th 396, 401-403), the level of significance for private views must be evaluated.

4) Impacts Analysis. The DEIR aesthetics impact analysis is inadequate. Although public views of the mountains to the north of the pedestrian trail would not be entirely blocked by part of the development (i.e., landscaping trees), it is likely that the view from one of the current public locations -- the intersection of Hunt Avenue/Starr Road identified in the DEIR-- would be wholly eliminated rather than merely obscured as stated in the DEIR. Figure III-7, Hunter

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Subdivision Project EIR Landscaping Plan, appears to indicate that residential structures and trees, particularly when they mature, would likely remove any distant views from the intersection travelled by motorists, pedestrians, and cyclists.

Moreover, consistent with comment #3, above, views from several residents along the southern boundary of the project site will probably also lose all or much of their view of the remaining nearby vineyards and Mayacamas Mountains to the north. Figure III-7 indicates that the backs of proposed residences would only be about 30 feet from the fence line of existing residences. These new residential structures would have a maximum height of 30 feet and as much as an additional four feet of elevation above the current ground level resulting from planned grading. Combined with several rows of landscape trees, that will probably exceed 30 feet upon maturity, and the views of the mountains from the second-story decks and balconies of existing residences, along with one-story dwellings, will be significantly obscured if not entirely eliminated. The illumination from night-time lighting of new residences, street lighting, and vehicle traffic in relatively close proximity to the existing residences will pose a significant impact.

Page 81, section (3) Visual Character of the DEIR states that "...As a result [of converting vineyards/agricultural land to residential development], there would be a significant impact on the visual character of the site..." Cross-sections are presented to demonstrate that views of the mountains would not be entirely blocked. The cross-sections are inadequate, only profiles of houses and a ground profile of the project area are shown and nothing for the affordable housing units. Since the cross-sections do not show any relationship to the mountains in the distance, they do not support any findings of visibility of the surrounding hills and mountains.

5) Mitigation Measures. The mitigation of potential visual impacts from the implementation of the proposed project are largely based upon the policies set forth in the "Community Design Element" of the 1993 General Plan Update. Rather than specific details for the implementation of a project-level residential development (in which the zoning ordinances applicable to a MDR land use are likely more relevant), the GP Update policies are intended to provide an overall framework that provides objectives and goals for managing the land uses, the form, character, and appearance of the entire community. Furthermore, the objectives and policies typically represent actions that the City must take to ensure that the General Plan goals and objectives are achieved rather than measures to be implemented by an applicant.

As such, the policies included in the Hunter Subdivision DEIR as mitigation measures are often inconsistent or irrelevant to the proposed housing development project or will result in potentially significant impacts unless contradictory objectives are reconciled. An example would be Policy 4.3.27, to "...encourage large specimen street trees and generous landscaping to shade homes and the street..." which could result in vegetation that screens significant views from existing nearby residents. Policy 4.5.1, "...The sense of a strong connection to the surrounding agricultural open space and hillsides must be preserved in the future. Views of vineyard, hillsides, creeks and major landscape features should be maintained..." would be affected by the proposed project which would remove vineyards, potentially block views of agricultural open spaces and hillsides for existing residents. Policy 4.6.1 to "...Retain key undeveloped open space areas where views to the vineyard and hills can be maintained.

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Require that these areas be planted in vines or other low vegetation..." would eliminate

currently expansive views from the pedestrian trail and open space extending east from the terminus of Adams Street by planting of landscaping, including large trees.

The Hunter Subdivision DEIR further includes Community Design objectives policies from the ongoing Draft General Plan Update effort being conducted by the City. Since the GP Update is currently a draft that has not been approved by the City of St. Helena, the policies would not have any applicability as mitigation measures for the proposed project and should be deleted. In accordance with CEQA Guidelines (section 15125(a)), either the publication of the Notice of Preparation, or the date on which the preparation of the EIR is undertaken, serves as the baseline date for the environmental analysis.

Sincerely,

Digitally signed by Harry Benke
DN: cn=Harry Benke, o, ou, email=hbenke@visualimpactanalysis.com, c=US
Date: 2012.07.03 18:44:49 -07'00'

Harry Benke
Visual Impact Analysis LLC

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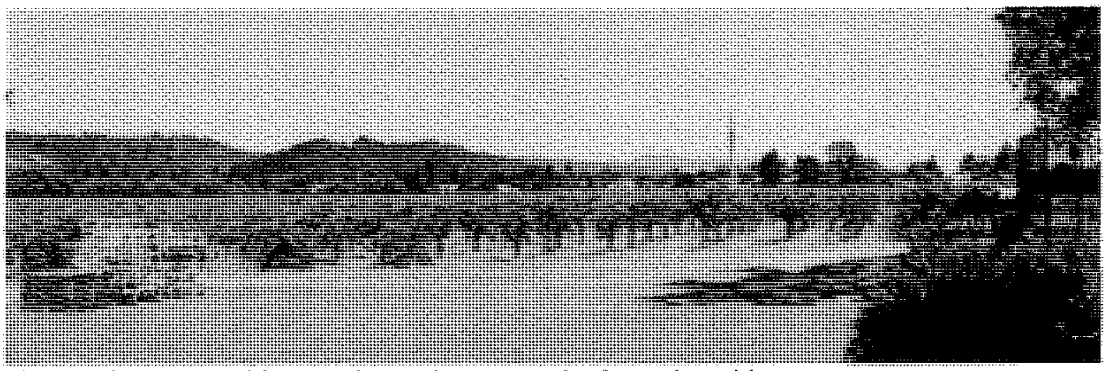

Fig. 1 Fulton Lane with second story houses on the far project side.

Fig. 2 David Fulton Winery Visitors area overlooks the project

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EXHIBIT 3-1

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Harry Benke

Owner/Partner - Visual Impact Analysis LLC

Senior Project Manager - Visual Analysis Expert / Photosimulation Production / Visual Resources Inventory (VRI)

Qualifications Summary

Harry Benke is the Project Director for the visual analysis services provided by Visual Impact Analysis LLC. Mr. Benke personally executes, or oversees the execution of all VRI, report analysis and photosimulations . He has extensive experience in the issues of project development, NEPA and CEQA, and in the specific issues of visual impacts and BLM's VRM . His talents in mathematics, design, and his years of computer programming combine for a unique ability to understand, address, and accurately simulate, matters of visual impact significance.

He has an extensive knowledge of multiple engineering disciplines and their interaction as they relate to project design and to visual resources. His understanding of complex engineering issues allows Mr. Benke to effectively support and participate with a project team.

Mr. Benke is highly experienced and sensitive to lighting, shadowing, masses and surrounding components. His teaching of 3D computer modeling along with his computer programming and computer language skills, help him to develop evolving new methodologies and apply new technologies to visual analysis.

Mr. Benke has participated in over 250 visual impact analysis projects.

Education, Training

BLM Visual Resource Management Training; Course 8400-05, Las Vegas, NV 2009

Instructor/3D Computer Modeling-Computer Arts Institute, San Francisco, CA 1986-88

Sculpture - California College of the Arts, Oakland, CA 1972-75

Mathematics - Drexel University, Philadelphia, PA 1968-72

Professional Affiliations

American Mathematical Society

Mathematical Association of America

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Professional History

Visual Analyist – Visual Impact Analysis LLC 1989 - Present

Areas of specialty

- CEQA analysis and practice of Aesthetics Analysis [Visual Impact Analysis]
- Photosimulations – from detailed realism to massing
- Visual Resource Inventories / VRI based on BLM VRM
- Shadow Studies
- Night Lighting Simulations
- Digital Terrain Models (DTMs)
- Nighttime LED Signage Simulations
- Signage Simulations and Studies
- SMARA Reclamation Simulation
- Peer Review
- Panoramic Digital Photography
- Color Selection Studies and Camouflage Techniques
- Exhibits and Simulations for Negotiated Legal Documents
- Scenic Quality Assessments
- Visually Sensitive Design Strategies
- Landscape and Vegetation Simulation
- Reclamation and Restoration Simulations
- Visual Mitigation Strategies
- GIS support

Instructor/3D Computer Modeling-Computer Arts Institute, San Francisco, Ca 1986 To 88

- Taught among the first publicly offered courses in the U.S. in 3D modeling and computer graphics.

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SMITH ENGINEERING & MANAGEMENT

July 9, 2012

Mr. Tom Lippe
Lippe Gaffney Wagner LLP
329 Bryant St.; Suite 3D
San Francisco, CA 94107

Subject: Hunter Subdivision Project Draft Environmental Impact Report, St Helena, CA (SCH# 2012032048)

P12006

Dear Mr. Lippe:

Per your request, I have reviewed the Draft Environmental Impact Report (hereinafter "the DEIR") and supporting documentation for the proposed Hunter Subdivision (hereinafter "the Project") in the City of St. Helena (hereinafter "the City"). The focus of my review is in regard to matters involving traffic and circulation. My qualifications to perform this review include registration as both a Civil and Traffic Engineer in California and 44 years professional consulting practice in these fields. I have prepared, reviewed, and commented on the traffic and circulation components of numerous environmental impact documents under the California Environmental Quality Act (hereinafter "CEQA"), working for Lead Agencies, Responsible Agencies and private citizens and organizations. I am familiar with the Project vicinity, having performed numerous assignments in the Napa Valley and personally visited the area extensively. My professional resume is attached. My comments follow.

The DEIR Traffic Study Adjustments to Traffic Counts Are Not Adequately Explained

The DEIR Traffic Impact Study is based on traffic counts taken in November of 2011. The count data was then purportedly "adjusted" to represent peak October harvest season traffic. However, the adjustment factors and the derivation thereof is completely unexplained in the DEIR. Consequently, the public has no way of assessing whether or not the adjusted baseline counts adequately represent peak harvest season conditions. Hence, the DEIR is inadequate as an information document.

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

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Figure IV.L-1 Misrepresents the Local Street Network

Figure IV.L-1 represents Railroad Avenue as being continuous from Hunt Avenue to Pope Street. In actuality, Railroad Avenue dead-ends south of Hunt, about halfway to Pope. Please correct the figure. Please also respond as to whether the DEIR traffic study assigned any Project or other traffic to the non-existent portion of Railroad north of Pope. If such errant assignments have been made, the traffic study will need to be completely revised.

The DEIR Traffic Analysis Fails To Consider the Impacts of Railroad Operations on Traffic

The DEIR's sole assessment of rail operations issues is limited to consideration of whether the temporary blockages of emergency access to the Project site when train passage obstructs the grade crossings of Adams, Hunt and Pope is a significant public safety impact. The finding of less than significant impact based on the opinion of the City's Fire Chief, based solely in the context of present Wine Train schedule, utterly fails to recon with the possibility that the Wine Train could add runs or to consider that queues on east-west streets blocked during train passage could extend into Main Street, thereby obstructing north-south traffic on this vital circulation artery. There is virtually no separation between the Wine Train trackway and the intersections of Adams Street and Hunt Avenue with Railroad Avenue. The respective queue storage distance on Adams and Hunt between their intersections with Railroad Avenue and their intersections with Main Street is about 254 feet (storage for 10 to 12 cars) and about 135 feet (storage for 5 to 6 cars). On Pope Street, the separation between the trackway and Main Street is only about 56 feet (sufficient for storage of only a 2 to 3 car queue, even less if a large truck were in the mix). Obviously, if the Wine Train were to add a train or change train schedule so that a train passed through the grade crossings of these streets, available queue storage could easily be exceeded, obstructing Main Street. This would be both a significant public safety impact and a significant traffic impact. Because of the plausibility of such circumstances, the DEIR traffic study is inadequate without analysis of train-passage related eastbound queues on the above-named streets with- and without the Project in the current and 2030 scenarios. Such an analysis should be performed, and if it reveals any significant impacts, the revised document should be recirculated in draft status.

The DEIR's Analysis of Left Turn Queue Storage Issues Is Inadequate

The DEIR only analyzes queue length and adequacy of queue storage capacity at left turn lanes that would logically be used by Project traffic. However, at any intersection where the Project adds traffic and increases overall delay, this can also cause queues on left turn storage lanes only logically used by non-project traffic to exceed available storage lengths. Consequently, the DEIR should have

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also analyzed the queue storage adequacy for the northbound left at Fulton-Madrona and Main, the northbound left at Adams and Main, and the northbound left at the compound intersection of Pope, Mitchell and Main. Without such an analysis, the DEIR traffic study is inadequate. If the revised traffic study finds significant impacts at any of these locations, it should be recirculated in draft status.

The DEIR Fails To Analyze Residential Traffic Impacts of the Project

Many of the streets that would carry Project traffic are residential in character. The entirety of the DEIR traffic impact analysis is focused on traffic service metrics: congestion, delay and levels of traffic service (LOS). Although the discussion of Construction Traffic Impacts[1] essentially admits that traffic effects on the quality and amenity of residential can be an impactful condition, no attempt has been made to estimate, disclose and mitigate the Project's traffic impacts on residential quality of life along the affected streets, even though widely recognized and employed metrics for evaluating those impacts exist. The DEIR is deficient in its failure to assess residential traffic impacts.

The DEIR's Basis for the Estimates of 2030 Traffic Is Not Adequately Explained

The DEIR narrative explains that "a small annual growth rate was applied to through volumes to account for regional growth from 2011 to 2020". Nowhere does the DEIR disclose what this "small annual growth rate" is or what factual basis was used to substantiate it. The DEIR narrative also indicates that "to project growth to Year 2030 conditions, a growth rate developed by the City, 0.75 percent per year, was applied to Year 2020 volumes at all intersections for a 10-year period." Again, the DEIR fails to provide any substantiation for the assumed growth rate over the last 10 years of the forecast. Hence, the public has no basis for judging whether the 2030 forecasts are reasonable or not. Hence, the DEIR is deficient as an information document.

The Trip Distribution for The Project and for Other Planned and Approved Developments Is Not Adequately Explained in the DEIR

The manner in which the trip distribution for the Project's generated trips was estimated is only vaguely described in the DEIR narrative.[2] The actual trip distribution is not documented in narrative or figures. Only end result traffic volumes at intersections are documented. The manner of estimation and actual distribution of trips from other approved or planned projects is not documented at all. Hence the public is provided no reasonable basis of judging whether or not the DEIR's estimates of trip distributions reasonably conform

[1] DEIR page 337.
[2] DEIR pages 335 and 336.

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to recognized traffic patterns in the Project vicinity. Consequently, the DEIR is inadequate as an information document.

Study Maps Inadequate To Assess Project Conformity with General Plan Roadway Improvements

On pages 328 and 329, the DEIR traffic analysis lists certain road development provisions in the City's General Plan that individual development projects such as Hunter Subdivision must demonstrate conformity with. However, for 6 of the 9 road development projects listed from the General Plan that the Project must demonstrate general consistency with, the map illustrations presented in the DEIR lack identification of street names and other landmarks that define the limits of those General Plan roadway development projects. Since most of the project limits are undefined on the DEIR map work, the public has no basis for judging whether or not the Project has potential non-conformity with those General Plan projects. Consequently, the DEIR is inadequate as an information document in this regard.

There Is No Indication How High Pedestrian Volumes Are Considered In DEIR Traffic Analysis

The DEIR identifies the fact that there are high pedestrian volumes at some study intersections and documents these in Appendix E Figures IV.E-1, IV.E-2 and IV.E-3. Please explain how the high pedestrian volumes are taken into account in the LOS calculations, particularly for the intersections of Adams with Main, Adams with Railroad, Hunt with Main, Hunt with Railroad, and for the compound intersection of Pope and Mitchell with Main.

DEIR Fails to Document Actual LOS Calculations

The above issue regarding consideration of high pedestrian volumes gives rise to the further observation that this subject DEIR does not provide as an appendix, all of the LOS calculation sheets and, where performed, queue calculation sheets. Such appendix provision is customary with most DEIRs in most Lead Agencies. Indeed, the City only posted the meager 12 pages of tables and figures contained in Appendix E on its web site where it would be broadly available to the public only 8 days before the expiration of the 45 day period for filing comments on the DEIR. The lack of the LOS calculation sheets and the late posting of the DEIR appendices is inconsistent with the transparent process CEQA demands and renders the DEIR inadequate as an information document.

Diversions of Non-Project Traffic Inadequately Documented

The DEIR assumes that the new roadway connections provided by the Project (the connection of Starr through to Adams) will alter the routes of some non-project traffic and indicates that these diversions will have beneficial effects at some study intersections. However, it only documents the diverted volume changes at the study intersections, not the overall flow patterns of diversions. This makes it impossible for the public to determine whether the assumed patterns and numbers of non-project trip diversions are reasonable or not. This also renders the DEIR inadequate as an information document.

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Pope Street – Silverado Trail Intersection Mitigation Unsatisfactory

Mitigation measure TRAF-1 proposes that the Project pay a fair share contribution to striping a right turn lane from southbound Silverado Trail to Pope Street westbound. However, there are several things wrong with this mitigation.

First, according to the DEIR narrative, the proposed mitigation only offsets the Project's contribution to the deficiency at this intersection. However, the Project is claiming the full benefit of the improvement while only contributing a fair share payment. Also, there are many other approved projects in the City and elsewhere in the region that are potential fair share payers who may claim the full benefit of the purported improvement. In essence, the City appears to be attempting to use one band-aid to staunch the bleeding of multiple wounds.

Second, current aerial and site photography shows that the proposed right turn lane already exists. The Project cannot claim the benefit of creating something that is already there.

Third, there is a simple and effective short term solution to reducing delay at the subject intersection. This involves creating a raised "pork-chop" island separating the southbound through lane from the southbound right turn lane on Silverado Trail. The island would create a shelter enable advancing the stop line on eastbound Pope to the edge line of the southbound through lane on Silverado. With the stop line advanced, vehicles attempting to turn right from eastbound Pope to southbound Silverado could do so even when vehicles attempting to turn left from Pope to Silverado northbound are awaiting breaks in both directions of traffic on Silverado. This improvement would remain of benefit when the intersection ultimately becomes signalized.

Vine Trail Issue Not Clearly Resolved

The DEIR identifies that the Project would conflict with the Vine Trail portion of Napa County's Countywide Bikeway Plan, Napa County Regional Park Open Space District's Master Trail Plan and the City's Draft General Plan Circulation Element because the Project does not specifically provide for the Vine Trail along the extensions of Starr Avenue and Adams Street. As mitigation (TRAF-7) the DEIR proposes that the Project provide Class II signed and striped bike lanes along the Starr Avenue and Adams Street roadway extensions. However, it is not clear that the proposed Class II bike lanes will provide the "family friendly" environment that the Vine Trail is intended to provide. The City should clarify whether or not the Project Sponsor will be required to provide the Class 1 bike facility along Starr Avenue that is held out as a vague possibility in the concluding discussion of Impact TRAF-7.

DEIR Should Have Considered Project With Connection of Adams to Silverado Trail

The City clearly plans ultimate connection of Adams Street to Silverado Trail. Even though the City at this time has no clear funding commitment for such a connection, given the location of the Hunter Project and the fact that such a roadway connection could have dramatic consequences for the quality and livability of the residential units proposed, as well as significantly increased traffic demands at key study intersections such as Adams with

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Railroad and Adams with Main, the DEIR should, at a minimum, should have evaluated the Project with the Adams-Silverado connection in place as an alternative Year 2030 scenario. Without such an analysis, the DEIR is deficient.

Conclusion

Based on all of the points noted in detail above, we are convinced the DEIR traffic analysis of the Project's significant impacts and mitigation needs is inadequate. Particularly problematic are the inadequacies as an information document and the absence of a long-range analysis scenario with the Adams-Silverado connection in place. The traffic analysis should be completely redone in light of all of the above comments and observations herein and the DEIR should be recirculated in draft status.

Sincerely,

Smith Engineering & Management
A California Corporation

REGISTERED PROFESSIONAL ENGINEER
DANIEL T. SMITH, JR.
No. 0938
Exp. 6-30-14
TRAFFIC
STATE OF CALIFORNIA

Daniel T. Smith Jr., P.E.

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Cont.

EXHIBIT 4-1

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Cont.

SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil)
California No. 938 (Traffic)
Nevada No. 7969 (Civil)
Arizona No. 22131 (Civil)
Washington No. 29337 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21'st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

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Transportation Centers. Project manager for Daly City Intermodal Study which developed a $7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al*. Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard et al., U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

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EXHIBIT 5

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Arc Ecology

Environment, Economy, Society, & Security

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"The moral arc of the universe is long, but it bends toward justice"
Reverend Martin Luther King Jr.
Where Do We Go From Here?
August 1966

1331 Evans Street, San Francisco, California 94124, United States of America
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COMMENTS

From: Saul Bloom
To: Kelly Franger and Tom Lippe
Date: 7/6/12

Hunter Subdivision Project Draft EIR SCH: 2012032048
Prepared For The City Of St. Helena May 29, 2012

Overview

Below are Arc Ecology's comments on the Hunters Subdivision Project Environmental Impact Report. I wanted to note that the development of these comments was challenging because from a hazardous substances/ property contamination perspective there was very little data provided to comment upon. This is unfortunate as there are virtually no other sources of information available with which to check this document. I conducted an on-line search for materials and several of the pictures of the site were obtained independently through Google Earth.

Site Characterization

"The project site contains approximately 16.9 acres of land, is relatively flat, and is currently undeveloped. The site is generally rectangular with a "panhandle" extension that connects the site to Adoms Street west of the panhondle. Approximately 40 percent of the site is under cultivation with a vineyard ond the remainder is vocont. No trees, rock outcroppings or other significant natural features exist on the site. Figures III-2 shows an aerial view of the project and Figure III-3 shows views of the site from two different vontage points. The eostern portion of the site is currently located within o 100-year Fload Hazard area as mapped by the Federol Emergency Manogement Agency (FEMA). This portion is mopped on Figure III-4. There is olso a drainoge ditch located along the northern edge of the property thot is likely jurisdictional waters of the U.S.[1] "

EIR Page 41. (Figure III—1 on following page)

As regards potential soil contamination the Hazards section of the EIR reports:

"H. HAZARDS AND PUBLIC SAFETY

1. Setting

o. Existing Conditions
Hazardous materials may be present in the subsurface as a result of past ond present land uses. Exposure to such materials could adversely affect the health of construction workers and/or the public during project construction.

Hazardous materials issues at the project site were evaluated by reviewing historical land use infor-

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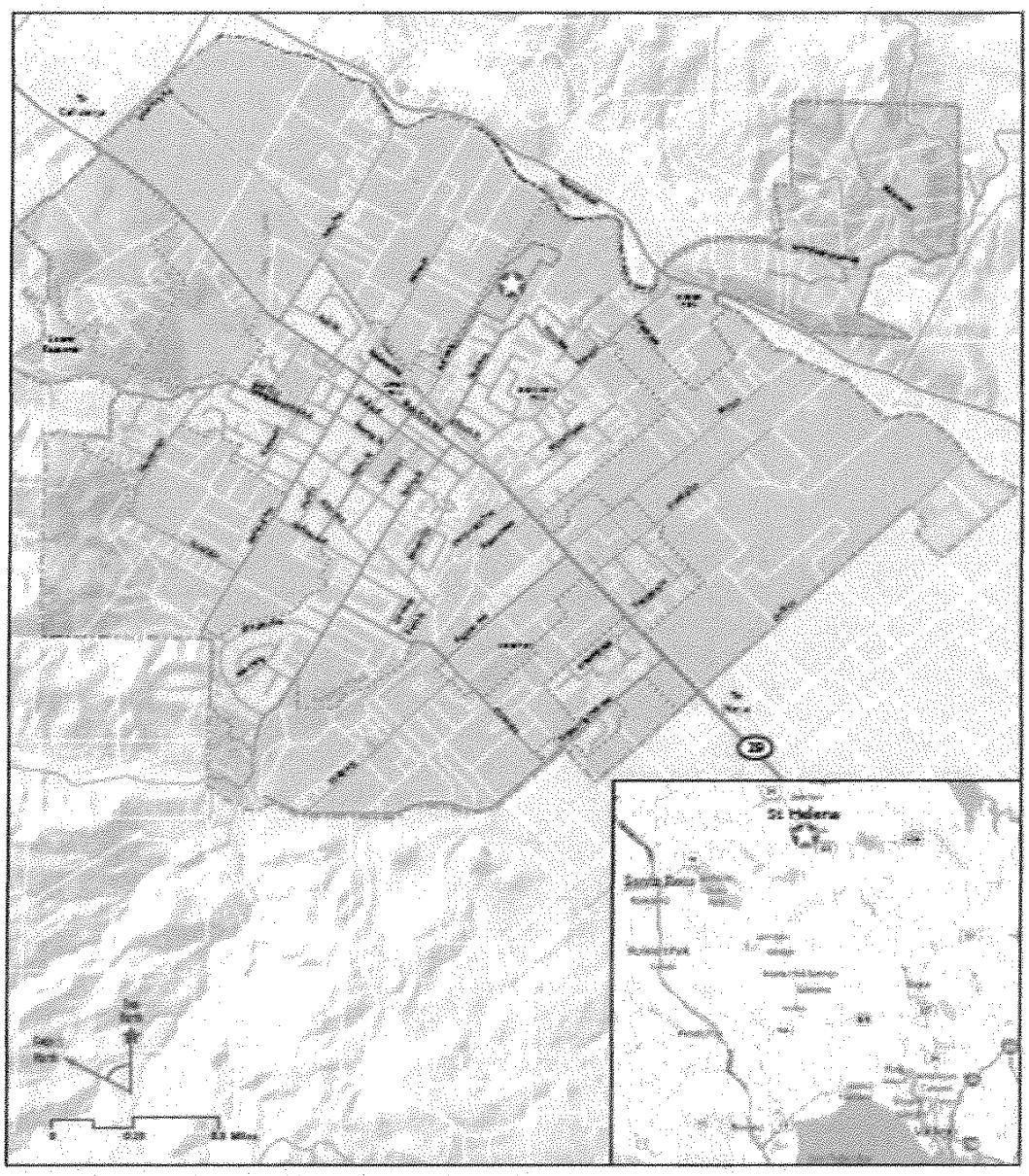

Source: City of St. Helena Draft General Plan 2030, and Google Earth, 2011.

Project Location
Project Site
City Limits, City of St. Helena
Urban Limit Line, City of St. Helena

Figure III-1
Hunter Subdivision Project EIR
Project Location and Regional Vicinity Map

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mation, reviewing regulatory agency hazardous material records, and a site reconnaissance performed by a BASELINE Environmental Consulting professional geologist on November 3, 2011.

(1) Historical Land Uses
Potential hazardous materials issues associated with historical land uses at and near the project site were evaluated by reviewing historical aerial photographs from 1940, 1958, 1965, 1973, 1982, 1993, 1998, 2005, 2006, and 2009 and historical topographic maps from 1945, 1960, and 1993. 2,3 ...
[2] Environmental Data Resources (EDR), 2012. Aerial Photo Decade Package, Hunter Property Subdivision, Inquiry Number 3231027.5.
[3] Environmental Data Resources (EDR), 2011. Historical Topographic Map Report, Hunter Property Subdivision, Inquiry Number 3231027.4."

EIR Page 197

"In summary, the primary historical land uses identified at the project site were agricultural. Aerial photos from 1940 and 1958 show orchards and what appear to be field crops on the project site; and photos on and after 1965 show rows of plants indicative of vineyards. It is likely that agricultural chemicals were applied to the project site at this time.

Prior to 1950, inorganic pesticides that contained elevated concentrations of heavy metals, such as arsenic, were commonly used in California agriculture. After 1950, organochlorine pesticides (e.g., DDT, chlordane) were commonly used in California agriculture until about the mid-1970s. Residues from inorganic and organochlorine pesticides used in the past have the potential to persist for many decades in shallow soils and can affect human health or the environment[4]. Chemical residues in shallow soils, if present, could affect development of the project site by posing a health risk to construction workers and future residents.

Environmental Data Resources, Inc. (EDR), an environmental resource service, was contracted to conduct a search of federal, state, and local regulatory agency records pertaining to past and present hazardous material uses and releases at the project site and nearby properties.5 No records of sites using, storing, or disposing of hazardous materials were identified within ¼-mile of the project site. No reported hazardous materials releases were identified within ¼-mile.

Eight hazardous materials release sites were identified between ¼-mile and 1 mile from the project site. Six sites were listed due to leaking USTs; releases from this type of sites typically do not migrate more than about 250 feet from the release.6 Other releases were being investigated and remediated under low priority cleanup programs, such as the Water Board's Spills, Leaks, Investigations, and Cleanups (SLIC) program and DTSC's Voluntary Cleanup Program (VCP). No high priority hazardous release sites, such as National Priority List (Superfund) sites, were identified in the project vicinity. The findings of the regulatory agency record search indicate that no reported hazardous materials release would have the potential to affect soils and groundwater at the project site."

EIR Pages 198-199

<u>Comment 1</u>: I find it curious that the potential for hazardous waste and contaminated sites on the property seem to be entirely focused on aerial photographs and topographical maps dating back to 1940.

"(1) Historical Land Uses
Potential hazardous materials issues associated with historical land uses at and near the project site were evaluated by reviewing historical aerial photographs from 1940, 1958, 1965, 1973, 1982, 1993, 1998, 2005, 2006, and 2009 and historical topographic maps from 1945, 1960, and 1993. 2,3 ..."

According to the Saint Helena Chamber of Commerce Website the town of Saint Helena began in 1854 and by 1915 was a popular tourist attraction. Given the age of the town and the length of time many toxic and hazardous materials such as arsenic persist in the soil the historic overview included in the hazards section should have included a summary of the results of a title/ deed search from the Hall of Records or County Clerk as would be typical in an EIR.

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Comment 2: The EIR fails to provide information cited as relevant to the characterization of the site.

While the information in the afore quoted section provide a reasonable overview:

- The EIR reports photographic information it does not provide, and reports on which this section was based which are not included.

- There is generally no particular way we as a reviewer of the EIR would be able to determine the relevance of this information to the current state of the property's contamination, the hazards posed to the public and how it might change the project.

Comment 3: Hazards Section Proposed Mitigation is helpful in that a commitment is made to addressing pollution found on the site, however it substitutes a commitment to addressing a potential problem for providing meaningful data and analysis for public review.

- The EIR states that a risk assessment "will be subject to review and/ or approval by DEM and/ or other regulatory oversight agencies" absent is any commitment to public engagement which lies at the core of the CEQA process.

- The EIR proposes the following as a mitigation but the proposal comes after the fact and provides Arc Ecology as reviewer of this document no assistance in informing us about the site's conditions or whether any of the proposed controls or other forms of mitigation are adequate.

"Exposure to these chemical residues during site grading and development activities could potentially affect the health and safety of construction workers and the general public. If left in place, residues could also affect future residents at the project site.

Mitigatian Measure HAZ-1: As a canditian of approval for construction and grading permits for the project site, the following subsurface investigation and fallow-up analysis shall be performed ta evaluate agricultural chemical residues in site soils:

- *Shallow soil samples shall be callected by a qualified environmental prafessional within all areas af the project area proposed for residential uses and analyzed for pesticides and herbicides in accordance with DTSC's Interim Guidance for Sampling Agricultural Properties9.*
- *The sampling shall be conducted prior to site grading and development activities. As specified in the Interim Guidance, any detected organic compounds or metals above naturally-accurring concentrations must be evaluated in a human health risk assessment as described in the DTSC Preliminary Endangerment Assessment (PEA) Guidance Manual or in comparison to California Human Health Screening Levels (CHHSLs).*
- *The risk assessment shall describe measures that must be implemented ta ensure that any potential added health risks to construction workers, maintenance and utility workers, site users, and the general public as a result of hazardaus materials are reduced to a cumulative risk of less than 1 × 10-6 (one in one million) for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens, or as required by a regulatory oversight agency.*
- *The risk assessment will be subject to review and/ar approval by DEM and/or other regulatory oversight agencies.*
- *The potential risks to human health in excess of these goals would be reduced either by remediatian of the contaminated soils (e.g., excavation and off-site disposal) and/or implementation of institutional controls and engineering contrals (IC/EC). IC/EC may include the use af a constructian risk manage-*

ment plan (for mitigating exposures during construction and maintenance of the project), hardscape (buildings and pavements), importation of clean soil in landscaped areas to eliminate exposure pothways, and/or deed restrictions. If IC/EC are implemented, an Operations and Maintenance Program must be prepared and implemented to ensure that the measures adopted are maintained throughout the life of the project. If IC/EC are implemented, the Operations and Maintenance Program will be subject to review and approval by DEM and/or other regulatory oversight agencies. Implementation of the above mitigation measure would reduce this impact to a less-than-significant level. (LTS)

EIR Pages 208-209

Comment 4: The EIR fails to provide the public with relevant data regarding the contamination of the property which could have been knowable at the time of publication.

Arc Ecology is frustrated with the lack of actual data in the EIR. Instead of providing a summary of which chemicals contaminate the property and the extent to which contamination is documented, the EIR instead substitutes a list of hazardous and toxic chemicals known to have been broadly used throughout the State and might be present at this location. At 16.9 acres this is a relatively small site and better site specific characterization of toxic and hazardous contamination should have been provided. While sparse, there is sufficient background information to help guide even a small scale preliminary sampling effort to inform the EIR:

- *"In 1940, the project site and vicinity were primarily agricultural. Five rectangular sewage disposal ponds, totaling about 3 acres, were located to the east of the project site...*
- *Between 1965 and 1973, the sewage disposal ponds were filled in...*
- *Between 1973 and 1982, a small pond (approximately 50 feet in diameter) was constructed in the southeast corner of the project site.*
- *Prior to 1950, inorganic pesticides that contained elevated concentrations of heavy metals, such as arsenic, were commonly used in California agriculture. After 1950, organochlorine pesticides (e.g., DDT, chlordane) were commonly used in California agriculture until about the mid-1970s. Residues from inorganic and organochlorine pesticides used in the past have the potential to persist for many decades in shallow soils and can affect human health or the environment4. Chemical residues in shallow sails, if present, **could affect development of the project site by posing a health risk to construction workers and future residents."***

EIR Page 198

Given that these sites were known and that it was understood that the possibility of contamination could impact the project site, to perform its informational role the EIR should have provided the public with a study that assessed the nature of the contamination, the extent of the contamination and the health risks associated with the contamination.

Comment 5: A preliminary sampling study could have easily been mounted to inform the EIR prior to its publication thereby affording reviewers such as Arc Ecology an opportunity to evaluate the possible impacts on the project as cited in the quote from EIR Page 198 above.

The EIR with rare exception provides only annual dates and withholds information on the month of a documents publication. For example:

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"[3] Environmental Data Resources (EDR), 2011. Historical Topographic Map Report, Hunter Property Subdivision, Inquiry Number 3231027.4."

Even though from reading the EIR it is difficult to know when in 2011 this document was produced it is nevertheless clear from this citation as well as other documents cited in the EIR that there was sufficient information on hand and adequate time to create and execute at the very least a preliminary sampling program. Given that the location of sites on and around the project like the former sewage ponds, the adjacent drainage ditch, and the agricultural history were known it would in our view take less than nine months to assemble, gain approval for, and execute a discrete sampling program to inform the EIR.

Such data is necessary for evaluating the impacts of hazards on the project than the information provided in the EIR.

Comment 4: Areas of Concern

The map below shows Arc Ecology's areas of concerns relatively to hazardous materials impacts on the project site. The area within blue figure is the project site itself and the flood detention pond, the project site is known to be potentially impacted by agricultural pollutants. The red circles denote ponds. Such bodies of water are known to collect agricultural runoff and therefore concentrate the pollutants. They are also frequently the site of past disposal of other chemical contaminants. The area inside the yellow rectangles are the mobile home park and a portion of an adjacent development. Little is said about these sites in the EIR.

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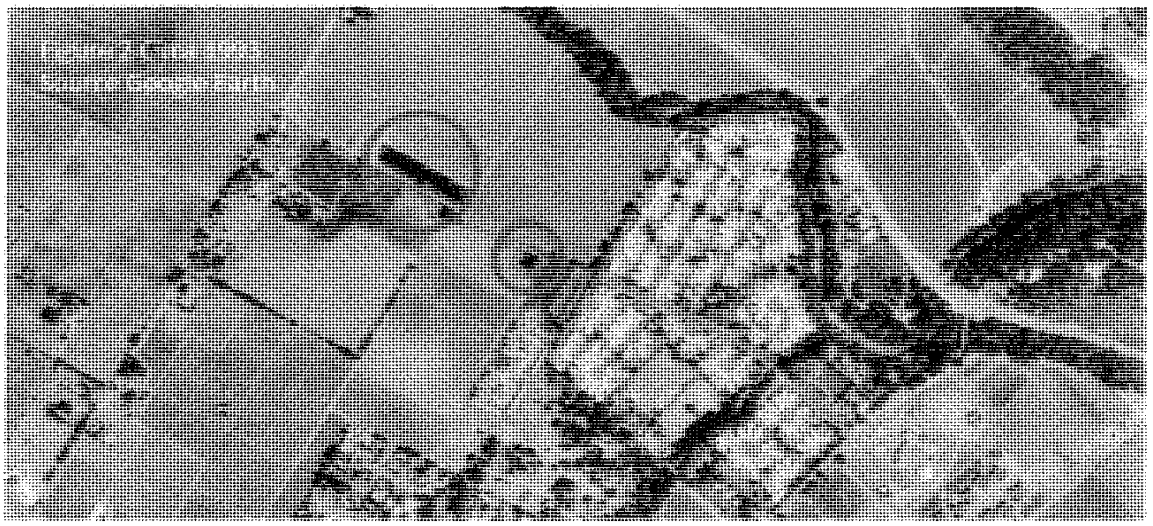
The large red circle is shown as a body of water. From a look in Google Earth, it's a pond although it could easily be a drainage ditch or something else. The concern is that this body of water could be contaminated with both agricultural (pesticides etc) and other liquid or heavy metal pollutants which could have already leached into the project area.

The small red circle is also shown as a body of water and is referred to in the EIR as a pond, but there is no further description of it except that it is reported to have been excavated and filled in 2005 but apparently still contains or collects water.

The EIR makes it clear that the small pond on the property is not lined (although it doesn't say so directly). The EIR is silent on the condition of the body of water in the large red circle on adjacent property.

The mobile home park is of concern because of the potential for broken or improperly constructed sewer/ water transport connections to contaminate the groundwater.



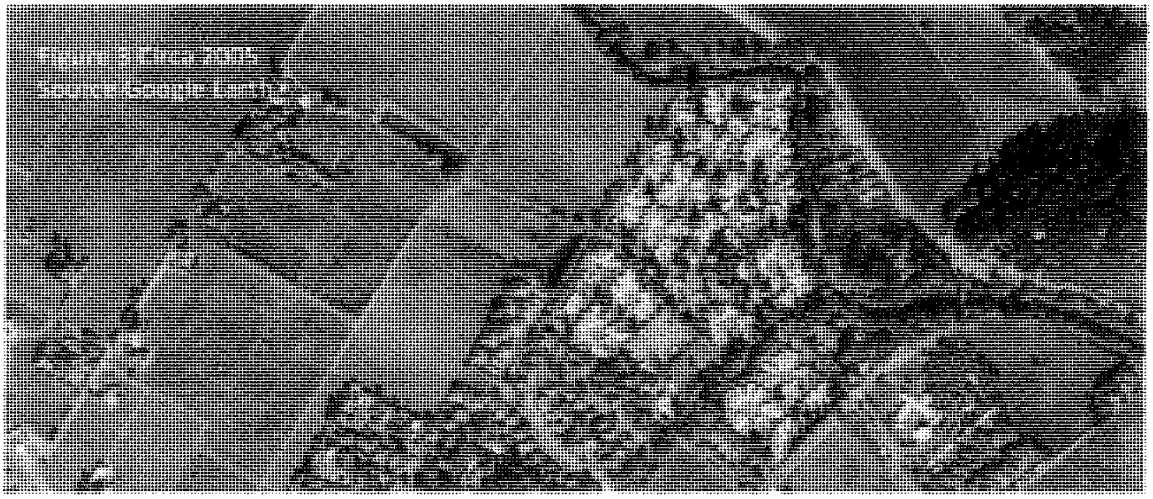


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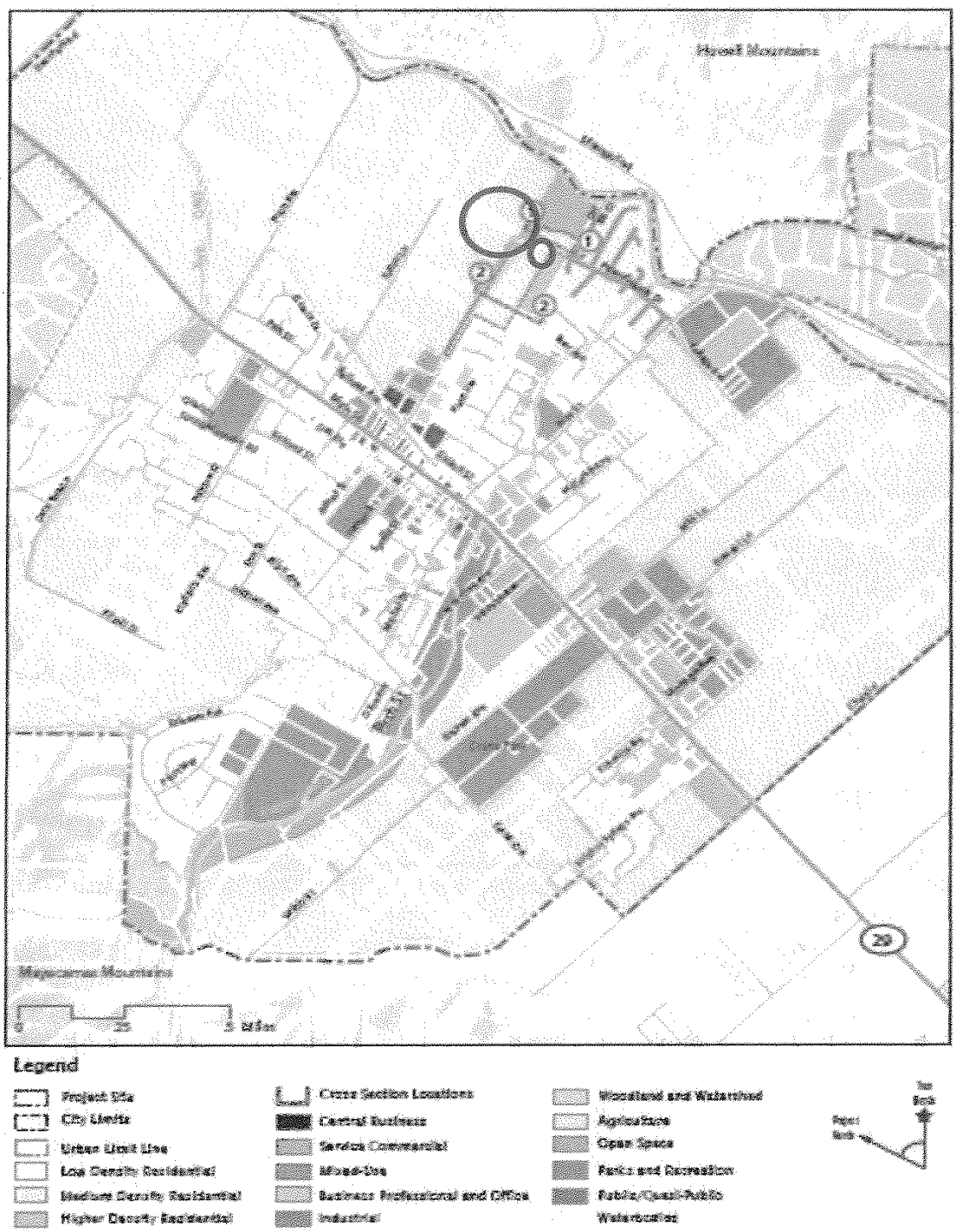
Figure 4 From EIR Identifying Ponds as existing bodies of water



Source: City of St. Helena Draft General Plan 2030.

Figure IV.A-7
Hunter Subdivision Project EIR
Locations for Cross Sections

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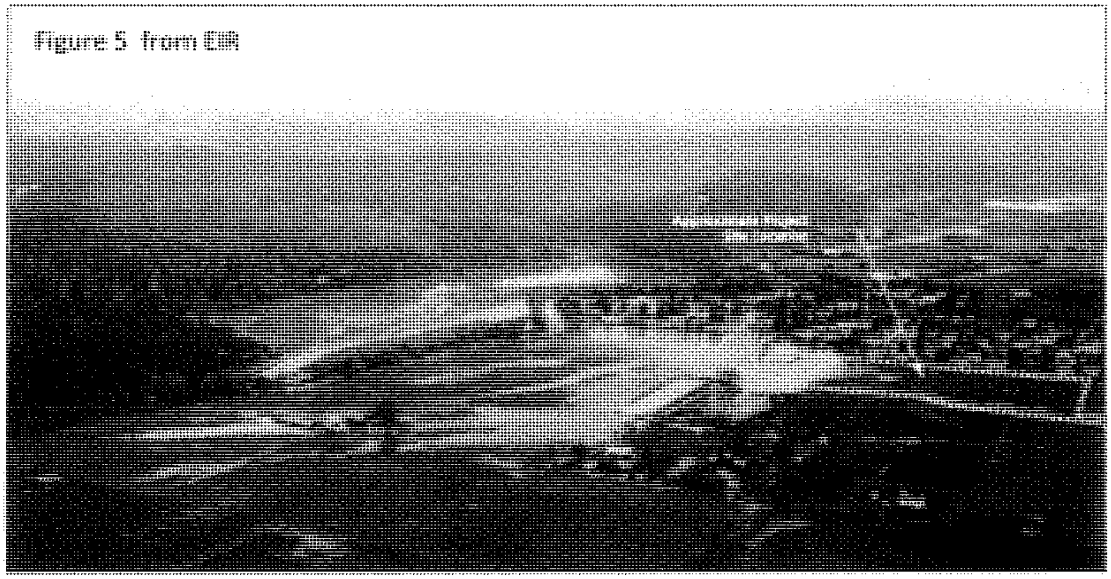

Source: City of St. Helena Public Works Department, Photo Dated: December 13, 2005.

Figure IV.I-2
Hunter Subdivision Project EIR
Historic Flooding 2005

Figure 5 illustrates why these ponds are of concern relative to the project. Both are clearly visible in the photo above. During the flooding of 2005 river water overran the embankments of the ponds and a portion of the property was flooded. If contaminated some portion of the collected or disposed pollutants in these ponds seems likely to have been carried onto the property. If contaminated, some of this pollution seems likely to have seeped into the water table.

The EIR reports:

"An existing well near the southeastern end of the property is proposed to be maintained in place and used for irrigation of the project's exterior landscaping areas, pending City approval. The project would be designed not to exceed 0.4 AF/year/dwelling based on the installation of increasingly efficient and lowerwater- using fixtures and appliances. For further detail on proposed project water demands, see Section IV.K Public Services, Recreation and Utilities

EIR Page 56.

However the EIR does not discuss what the quality of this water is nor does it discuss any potential contamination issues from the ponds shown above or any other source.

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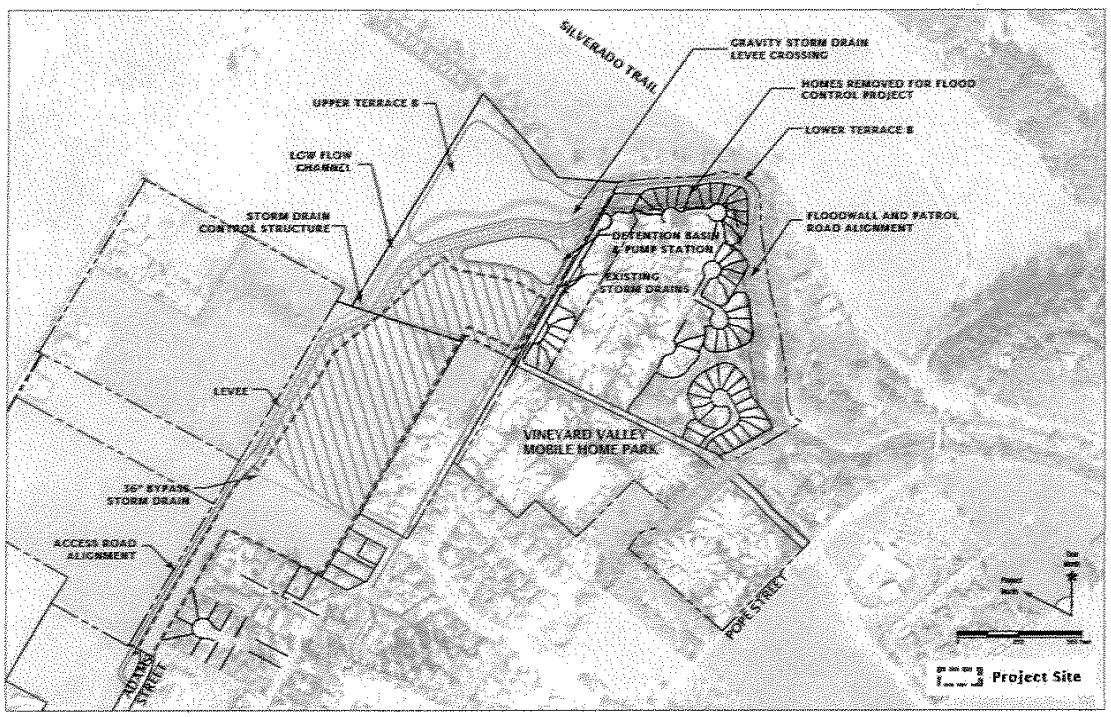

Source: Comprehensive Flood Protection Project, Project Overview Schematic, City of St. Helena, June 2011.

Figure IV.I-1
Hunter Subdivision Project EIR
Hydrologic Features

Prepared by: DASEUNE, January 2012.

Figure IV-I.3
Hunter Subdivision Project EIR
Current Pre-Flood Control Project Regulatory 100-Year Flood Hazard Area

Prepared by: DASEUNE, January 2012.

Figure IV-I.4
Hunter Subdivision Project EIR
100-Year Flood Hazard Area with Flood Control Project

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Qualifications

Arc Ecology is a nonprofit public interest technical services provider to environmental and economic justice communities throughout Northern California. Arc Ecology funds its nonprofit community service mission in part through the provision of fee-based technical consultation to projects or entities engaged in activities consistent with our organizational mission— www.arcecology.org.

Brief Sample of Relevant Consulting Projects:
The following projects involved the review of Superfund Remedial Investigation and Response Documents/ Plans and Environmental Impact Statements and Reports.

- 2011-2012: Bayview Hunters Point Community Environmental Technical Advisor. India Basin Neighborhood Association, US Environmental Protection Agency Technical Assistance Grant. Hunters Point Shipyard CERCLA remedial response program US Navy.
- 2001-2010: San Francisco Redevelopment Agency/ San Francisco Department of Environment. Bayview Hunters Point Community Environmental Technical Advisor. Hunters Point Shipyard CERCLA remedial response program US Navy.
- 1995-2000: Monterey Community Technical Environmental Advisor. Fort Ord Toxics Project. US Environmental Protection Agency Technical Assistance Grant. Fort Ord CERCLA remedial response program US Army.

Awards and Citations:

- 2007 American Society of Landscape Architects National Award for Research, Planning & Community Engagement: Hargreaves Associates/ Arc Ecology *"From Pollution to Parklands:"* A planning analysis for public park designs for the Hunters Point Shipyard.
- 2009 Boston Architectural Society - Citation for Research, Planning & Community Engagement: Bionic/ Arc Ecology *"Alternatives for Study:"* A critical planning analysis of the redevelopment plans for the Hunters Point Shipyard.
- 2009 Northern California Chapter of American Society of Landscape Architects - Award for Research, Planning & Community Engagement: Bionic/ Arc Ecology *"Alternatives for Study:"* A critical planning analysis of the redevelopment plans for the Hunters Point Shipyard.

Saul Bloom, Executive Director/ CEO
The following projects involved the review of Superfund Remedial Investigation and Response Documents/ Plans and Environmental Impact Statements and Reports.

- 1984-present - Arc Ecology Executive Director and CEO
- 1994-2005 - Restoration Advisory Board Membership: Alameda Naval Air Station, Hunters Point Naval Shipyard, Oakland Army Base, Presidio Army Base, Treasure Island Naval Station.
- 1994-2008 - Chair Environment and Reuse Subcommittee, Hunters Point Shipyard Citizens Advisory Committee
- 1994-1999 Member - East Bay Conversion and Reinvestment Commission
- 1994-1998 Member - California EPA Base Closures Environmental Advisory Committee
- 1989 - 1994 Member - Technical Review Committee Presidio Army Base

Expert Testimony:
2000 - US Congressional Advisory Hearing - *Community Engagement in Base Closure Cleanup*
1996 - Committee on the Environment, Philippine Senate, *Pollution Impacts of Closing Bases*.
1995 - Parliamentary Inquiry on Military Base Pollution, UK
1991 - Subcommittee on Military Construction US House Armed Services Committee: *Pollution Impacts on Base Realignment and Closures Time Schedule*
1986 - Subcommittee on Water and Energy Policy US House Interior Committee: *Pollution of San Francisco Bay Area Military Bases*

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EXHIBIT 6

Table 4-3 indicates how land cover types were grouped into the biotic communities that follow. Table 4-4 summarizes the acreage of each biotic community within each evaluation area, and in the County as a whole. Map 4-3 depicts the distribution of these biotic communities in the County.

GRASSLAND

DISTRIBUTION

Grassland is a relatively common land cover in the County, covering over 53,700 acres or nearly 11% of the County (Map 4-3 and Table 4-3). Large grassland areas are most common in southeastern portion of the County, around the cities of American Canyon and Napa, in Jamieson/American Canyon, Napa Valley Floor, and Napa River Marshes Evaluation Areas. These three evaluation areas contain about 13% of the grassland in the County. The Pope Valley and Knoxville Evaluation Areas in the north together contain about 15% of the County's grassland. However, grassland also occurs elsewhere throughout the County in large patches on flat to gently rolling hills.

TYPES

Three grassland assemblages exist within the County: annual grassland, native grassland and serpentine (bunchgrass) grassland. Of these assemblages, both native grassland and serpentine grassland are considered sensitive communities. Vernal pools, which provide habitat for a number of special-status species, are found in some grassland areas.

ANNUAL GRASSLAND

GENERAL DISTRIBUTION

Non-native annual grassland has only been present in the County since about the mid-1800s, when non-native grasses and forbs introduced from Europe largely replaced the native grassland vegetation (Heady 1988). This land cover has increased in extent and distribution throughout the County since that time, as non-native grasslands have replaced the native grasslands previously present and woodlands that have been cleared. Today, annual grassland covers slightly over 10% of the County (approximately 51,000 acres) and is found scattered throughout the County. The largest and least fragmented annual grasslands in the County are located in the Jamieson/American Canyon Evaluation Area, in the southeastern part of the County. The Pope Valley Evaluation Area, in the north-central part of the County, also contains significant unfragmented annual grasslands.

COMMON PLANTS

California annual grassland, or nonnative grassland, is an herbaceous plant community dominated by nonnative annual grasses (Holland 1986, Sawyer and Keeler-Wolf 1995). In the County, the dominant grasses include wild oat (*Avena*) species, brome (*Bromus*) grasses, wild barley (*Hordeum*) species, Italian ryegrass (*Lolium multiflorum*), medusa head (*Taeniantherum caput-medusae* and annual fescue (*Vulpia*) species.

Species composition of the annual grassland is highly diverse and includes many other native and nonnative forbs. Common species in the County include many clover (*Trifolium*) species, filaree (*Erodium*) species, miniature lupine (*Lupinus bicolor*), Douglas's lupine (*Lupinus nanus*) slender cottonweed (*Micropus californicus* var. *californicus*), birdsfoot trefoil (*Lotus corniculatus*), evening snow (*Linanthus dichotomus*), California poppy (*Eschscholzia californica*), purple owl's-clover (*Castilleja densiflora*), valley tassels (*Castilleja attenuata*), blow wives (*Achyrachaena mollis*), buttercup (*Ranunculus* spp.), star thistle (*Centaurium* sp.), and smooth cat's-ear (*Hypochaeris glabra*).

Barbour and Witham (2004) point out that the conservation value of annual grasslands is generally underestimated. While dominated by nonnative grasses, these grasslands also provide habitat to many native forbs (nine of the common forbs listed above are native).

The annual flora of annual grasslands has the following cycle: germination after the first fall rains, growth in winter, flowering and fruit set in spring, and survival as seeds buried in the soil during the summer drought (Heady 1988). In general, species composition varies according to annual rainfall, slope, exposure, soil type, and the presence of disturbance (Pitt and Heady 1978, Heady 1988). Vernal pools and other seasonal wetlands sometimes occur in this community.

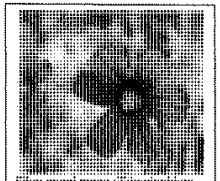
COMMON WILDLIFE

A variety of reptiles, including the western fence lizard (*Sceloporus occidentalis*), common garter snake (*Thamnophis sirtalis*), and gopher snake (*Pituophis catenifer*) are characteristic of annual grassland.

Mammals typically found in this land-cover type include the black-tailed jackrabbit (*Lepus californicus*), California ground squirrel (*Spermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*), western harvest mouse (*Reithrodontomys megalotis*), California vole (*Microtus californicus*), and coyote (*Canis latrans*).

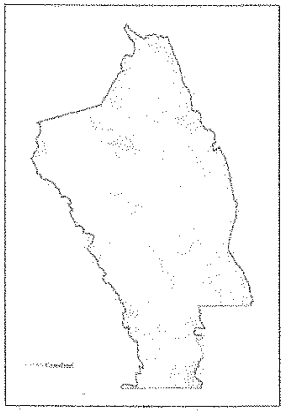
Common birds that breed in annual grassland habitats include the western kingbird (*Tyrannus verticalis*), loggerhead shrike (*Lanius ludovicianus*), California horned lark (*Eremophila alpestris actia*), Savannah sparrow (*Passerculus sandwichensis*) western bluebird (*Sialia mexicana*), Say's phoebe (*Sayornis saya*) and western meadowlark (*Sturnella neglecta*). Annual grassland also provides important foraging habitat for the golden eagle (*Aquila chrysaetos*), northern harrier (*Circus cyaneus*), American kestrel (*Falco sparverius*), white-tailed kite, red-tailed hawk (*Buteo jamaicensis*), and wintering ferruginous hawk (*Buteo regalis*).

Non-native annual grasslands vary in productivity for wildlife depending on soil type, adjacent land use, and management regime. Different species of wildlife and plants benefit from different grazing intensities or mowing regimes, and frequencies of burning. Annual grasslands can be extremely productive wildlife habitats, providing abundant seed and insects as a food source for small mammals and birds, which in turn provide prey for numerous raptors and other predators.



The red pea (*Lathyrus hirsutus*), Spring composition of the annual grassland is highly diverse and includes many native and nonnative forbs.

Napa County is home to many wildlife species, including many rare, threatened and endangered species.



Schematic map of County showing distribution of native grassland.

Letter B2 Cont.

Table 4-3. Napa County Biotic Communities and Associated Land Cover Types

Land Cover Type	Biotic Community	ICE Map Code	MCV Biotic Community (used in ICE map)	Area (in acres)	Percentage of County
Grassland	Annual Grassland	4502	Sparse Bush Lupine / Annual Grasses / Rock Outcrop NFD Alliance	5	0.00
	Annual grassland and Native grassland	7100	Upland Annual Grasslands & Forbs Formation	12,153	2.39
	Annual grassland and Native grassland	7120	California Annual Grasslands Alliance	39,174	7.72
	Native grassland	7101	Perennial Bunchgrass Restoration Sites	256	0.05
	Serpentine grassland	7130	Serpentine Grasslands NFD Super Alliance	2,119	0.42
Total Grassland				**53,706**	**10.58**
Chaparral/scrub	Chaparral	2127	California Juniper Alliance	2	0.00
	Chaparral	4301	Scrub Interior Live Oak - Scrub Oak - (California Bay - Flowering Ash - Birch Leaf Mountain Mahogany - Toyon - California Buckeye) Mesic East County NFD Super Alliance	11,037	2.18
	Chaparral	4302	Mixed Manzanita - (Interior Live Oak -California Bay - Chamise) West County NFD Alliance	8,609	1.70
	Chaparral	4321	Chamise Alliance	30,914	6.09
	Chaparral	4322	Chamise - Wedgeleaf Ceanothus Alliance	7,106	1.40
	Chaparral	4501	Coyote Brush - California Sagebrush - (Lupine spp.) NFD Super Alliance	42	0.01
	Chaparral	4503	*Lotus scoparius* Alliance (post-burn)	29	0.01
	Chaparral	4300	*Sclerophyllous* Shrubland Formation	3,277	0.65
Total Non-serpentine Chaparral				61,017	12.03
	Serpentine Chaparral	4303	Leather Oak - White Leaf Manzanita - Chamise Xeric Serpentine NFD Super Alliance	26,986	5.32
	Serpentine Chaparral	4304	Leather Oak - California Bay - *Rhamnus* spp. Mesic Serpentine NFD Alliance	4,399	0.87
	Serpentine Chaparral	4305	White Leaf Manzanita - Leather Oak - (Chamise - *Ceanothus* spp.) Xeric Serpentine NFD Super Alliance	8,005	1.58
	Serpentine Chaparral	4306	California Bay - Leather Oak - (Rhamnus spp.) Mesic Serpentine NFD Super Alliance	7,176	1.41
Total Serpentine Chaparral				46,566	9.18
Total Chaparral/scrub				**107,583**	**21.20**
Oak Woodland	Deciduous Oak woodland	3121	Black Oak Alliance	2,572	0.51
	Deciduous Oak woodland	3122	Blue Oak Alliance	44,104	8.69
	Deciduous Oak woodland	3123	Valley Oak Alliance	2,903	0.57
	Deciduous Oak woodland	3124	Oregon White Oak Alliance	1,124	0.22
	Evergreen Oak Woodland	1101	California Bay - Madrone - Coast Live Oak - (Black Oak Big - Leaf Maple) NFD Super Alliance	18,252	3.60
	Evergreen Oak Woodland	1122	Canyon Live Oak Alliance	662	0.13
	Evergreen Oak Woodland	1124	Tanbark Oak Alliance	245	0.05
	Evergreen Oak Woodland	1201	Coast Live Oak - Blue Oak - (Foothill Pine) NFD Association	26,374	5.20
	Evergreen Oak Woodland	1202	Interior Live Oak - Blue Oak - (Foothill Pine) NFD Association	18,084	3.56
	Evergreen Oak Woodland	1221	Coast Live Oak Alliance	13,139	2.59
	Evergreen Oak Woodland	1222	Interior Live Oak Alliance	5,297	1.04
	Evergreen Oak Woodland	2128	Sparse California Juniper-Canyon Live Oak-California Bay-California Buckeye / Steep Rock Outcrop NFD Alliance	516	0.10
	Evergreen Oak Woodland, Deciduous Oak Woodland	1223	Mixed Oak Alliance	28,703	5.66
Total Oak Woodland				**161,976**	**31.92**

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Table 4-3. Continued

Land Cover Type	Biotic Community	ICE Map Code	MCV Biotic Community (used in ICE map)	Area (in acres)	Percentage of County
Riparian woodland	Mixed Willow woodland	3221	Mixed Willow Super Alliance	542	0.11
	Mixed Willow woodland	5222	Brewer Willow Alliance	272	0.05
	Valley Oak woodland	3101	Valley Oak - (California Bay - Coast Live Oak - Walnut - Ash) Riparian Forest NFD Association	5,721	1.13
	Valley Oak woodland	3102	Valley Oak - Fremont Cottonwood - (Coast Live Oak) Riparian Forest NFD Association	558	0.11
	White alder woodland	3201	White Alder (Mixed Willow - California Bay - Big Leaf Maple) Riparian Forest NFD Association	967	0.19
Total Riparian Woodland				**8,060**	**1.59**
Coniferous forest	Cypress forest	2125	Sargent Cypress Alliance	2,044	0.40
	Cypress forest	2124	McNab Cypress Alliance	2,387	0.47
	Douglas-fir/Redwood Forest	2201	Coast Redwood – Douglas-fir / California Bay NFD Association	2,876	0.57
	Douglas-fir/Redwood Forest	2222	Douglas-fir Alliance	17,280	3.41
	Douglas-fir/Redwood Forest	2224	Douglas-fir - Ponderosa Pine Alliance	9,196	1.81
	Douglas-fir/Redwood Forest	2230	Coast Redwood Alliance	324	0.06
	Pine forest	2122	Knobcone Pine Alliance	5,892	1.16
	Pine forest	2123	Ponderosa Pine Alliance	168	0.03
	Pine forest	2126	Sugar Pine - Canyon Oak NFD Association	3	0.00
	Pine forest	2121	Foothill Pine Alliance	1,874	0.37
	Pine forest	2104	Foothill Pine / Mesic Non-serpentine Chaparral NFD Association	939	0.19
Total Coniferous forest				**42,984**	**8.47**
Aquatic	Freshwater wetlands	6402	(Bulrush - Cattail) Fresh Water Marsh NFD Super Alliance	271	0.05
	Freshwater wetlands	6403	(*Carex* spp. - *Juncus* spp - Wet Meadow Grasses) NFD Super Alliance	282	0.06
	Salt Marsh	6501	Saltgrass - Pickleweed NFD Super Alliance	3,550	0.70
	Streams and reservoirs	9400	Water	28,804	5.68
	Streams and salt marsh	9002	Riverine, Lacustrine and Tidal Mudflats	389	0.08
Total Aquatic				**33,296**	**6.56**
Rock Outcrop	Rock Outcrop	9001	Rock Outcrop	1,687	0.33
	Serpentine Rock Outcrops	9003	Serpentine Barren	51	0.01
Total Rock Outcrops				**1,739**	**0.34**
Agricultural Cropland	Agricultural Cropland	9200	Agricultural Cropland	64,423	12.70
Total Agricultural Cropland				**64,423**	**12.70**
Developed Lands	Developed Lands	9100	Urban or Built-up	26,461	5.21
	Developed Lands	9300	Vacant*	1,782	0.35
Total Developed Lands				**28,244**	**6**
Other	Other	9999	Other	1,159	0.23
	Other	1100	Winter-Rain Sclerophyll Forests & Woodlands Formation	620	0.12
	Other		blank	3,221	0.63
Non-native woodland	Non-native woodland	1123	Eucalyptus Alliance	408	0.08
Total Other				**5,408**	**1.07**
Total				**507,419**	**100**

Note:

* Vacant refers to areas that are unvegetated, apparently due to human disturbance.

Letter B2 Cont.

Table 4-4. Distribution of MVC Biotic Communities Across Napa County's Thirteen Evaluation Areas

			Acreage by Evaluation Areas												
Community Type	Biotic Community	MCV Biotic Community (used in ICE map)	Angwin	Berryessa	Carneros	Central Interior Valleys	Eastern Mountains	Jamieson/American Canyon	Knoxville Area	Livermore Ranch Area	Napa River Marshes	Napa Valley Floor	Pope Valley	Southern Interior Valleys	Western Mountains
Grassland	Annual Grassland	Sparse Bush Lupine / Annual Grasses / Rock Outcrop NFD Alliance	0	0	0	0	0	0	0	0	0	0	0	5	0
	Annual grassland and Native grassland	Upland Annual Grasslands & Forbs Formation	122	539	833	586	644	2,060	1,327	18	1,314	1,612	1,737	835	526
	Annual grassland and Native grassland	California Annual Grasslands Alliance	52	5,132	552	1,764	7,723	5,917	5,613	298	84	1,047	3,861	3,877	3,254
	Native grassland	Perennial Bunchgrass Restoration Sites	0	0	0	0	0	0	256	0	0	0	0	0	0
	Serpentine grassland	Serpentine Grasslands NFD Super Alliance	0	539	0	152	150	0	853	2	0	5	360	2	54
Total Grassland			**174**	**6,211**	**1,385**	**2,502**	**8,517**	**7,978**	**8,049**	**318**	**1,399**	**2,663**	**5,959**	**4,718**	**3,835**
Chaparral/Scrub	Chaparral	California Juniper Alliance	0	2	0	0	0	0	0	0	0	0	0	0	0
	Chaparral	Scrub Interior Live Oak - Scrub Oak - (California Bay - Flowering Ash - Birch Leaf Mountain Mahogany - Toyon - California Buckeye) Mesic East County NFD Super Alliance	0	5,693	0	620	1,364	0	2,324	0	0	0	226	810	0
	Chaparral	Mixed Manzanita - (Interior Live Oak -California Bay - Chamise) West County NFD Alliance	221	68	6	113	4,252	0	31	2,038	0	1	178	82	1,619
	Chaparral	Chamise Alliance	183	9,543	0	2,072	9,286	0	5,517	341	0	9	1,010	919	2,035
	Chaparral	Chamise - Wedgeleaf Ceanothus Alliance	0	3,201	0	129	137	0	3,329	7	0	0	200	103	0
	Chaparral	Coyote Brush - California Sagebrush - (*Lupine* spp.) NFD Super Alliance	0	0	0	0	17	20	0	0	0	0	0	0	5
	Chaparral	Lotus scoparius Alliance (post-burn)	0	29	0	0	0	0	0	0	0	0	0	0	0
	Chaparral/Scrub	Sclerophyllous Shrubland Formation	0	0	30	17	3,046	0	0	0	0	8	0	174	2
	Total Non-serpentine Chaparral		404	18,536	36	2,951	18,102	20	11,200	2,386	0	18	1,614	2,088	3,661
	Serpentine Chaparral	Leather Oak - White Leaf Manzanita - Chamise Xeric Serpentine NFD Super Alliance	0	6,442	0	2,729	1,084	0	11,650	66	0	2	4,829	9	176
	Serpentine Chaparral	Leather Oak - California Bay - *Rhamnus* spp. Mesic Serpentine NFD Alliance	0	761	0	1,050	359	0	1,602	22	0	0	503	6	96
	Serpentine Chaparral	White Leaf Manzanita - Leather Oak - (Chamise - *Ceanothus* spp.) Xeric Serpentine NFD Super Alliance	0	1,465	0	793	681	0	3,359	93	0	6	1,473	24	111
	Serpentine Chaparral	California Bay - Leather Oak - (*Rhamnus* spp.) Mesic Serpentine NFD Super Alliance	0	1,699	0	1,107	372	0	2,054	33	0	22	1,558	7	324
	Total Serpentine Chaparral		0	10,367	0	5,679	2,496	0	18,664	215	0	30	8,363	45	707
Total Chaparral/Scrub			**404**	**28,903**	**36**	**8,630**	**20,598**	**20**	**29,864**	**2,601**	**0**	**48**	**9,977**	**2,133**	**4,368**
Oak Woodland	Deciduous Oak woodland	Black Oak Alliance	298	156	0	700	395	0	32	161	0	0	386	392	50
	Deciduous Oak woodland	Blue Oak Alliance	1	17,721	0	2,551	2,442	0	10,409	236	0	218	2,889	7,478	157
	Deciduous Oak woodland	Valley Oak Alliance	0	212	54	253	268	20	401	0	0	248	1,179	62	205
	Deciduous Oak woodland	Oregon White Oak Alliance	0	0	0	0	102	0	0	0	0	112	0	0	910
	Evergreen Oak Woodland	California Bay - Madrone - Coast Live Oak - (Black Oak Big - Leaf Maple) NFD Super Alliance	10	265	22	693	4,649	25	0	396	0	526	458	791	10,416
	Evergreen Oak Woodland	Canyon Live Oak Alliance	28	83	0	6	314	0	9	111	0	0	0	112	0
	Evergreen Oak Woodland	Tanbark Oak Alliance	44	0	0	124	9	0	0	0	0	0	68	0	0
	Evergreen Oak Woodland	Coast Live Oak - Blue Oak - (Foothill Pine) NFD Association	45	931	0	5,944	9,279	0	0	165	0	866	2,095	7,050	0

Letter B2 Cont.

Table 4-4. Continued

Community Type	Biotic Community	MCV Biotic Community (used in ICE map)	Acreage by Evaluation Areas												
			Angwin	Berryessa	Carneros	Central Interior Valleys	Eastern Mountains	Jamieson/American Canyon	Knoxville Area	Livermore Ranch Area	Napa River Marshes	Napa Valley Floor	Pope Valley	Southern Interior Valleys	Western Mountains
	Evergreen Oak Woodland	Interior Live Oak - Blue Oak - (Foothill Pine) NFD Association	0	10,937	0	1,240	0	0	5,574	59	0	0	273	0	0
	Evergreen Oak Woodland	Coast Live Oak Alliance	5	338	105	558	5,837	355	0	0	0	1,283	169	1,000	3,489
	Evergreen Oak Woodland	Interior Live Oak Alliance	0	3,994	0	172	9	0	1,045	0	0	0	16	61	0
	Evergreen Oak Woodland	Sparse California Juniper-Canyon Live Oak-California Bay-California Buckeye / Steep Rock Outcrop NFD Alliance	0	241	0	0	0	0	266	0	0	0	0	10	0
	Evergreen Oak Woodland, Deciduous Oak Woodland	Mixed Oak Alliance	480	3,519	30	2,548	8,571	0	405	969	0	704	3,087	2,630	5,759
Total Oak Woodland			**911**	**38,397**	**212**	**14,789**	**31,877**	**399**	**18,143**	**2,098**	**0**	**3,956**	**10,622**	**19,586**	**20,987**
Riparian woodland	Mixed Willow woodland	Mixed Willow Super Alliance	0	49	21	51	34	66	26	0	1	90	115	31	56
	Mixed Willow woodland	Brewer Willow Alliance	0	30	0	15	74	0	90	17	0	0	47	0	0
	Valley Oak woodland	Valley Oak - (California Bay - Coast Live Oak - Walnut - Ash) Riparian Forest NFD Association	0	261	226	624	410	42	575	0	1	1,957	683	558	383
	Valley Oak woodland	Valley Oak - Fremont Cottonwood - (Coast Live Oak) Riparian Forest NFD Association	0	0	87	0	40	13	51	0	0	270	36	60	0
	White alder woodland	White Alder (Mixed Willow - California Bay - Big Leaf Maple) Riparian Forest NFD Association	0	19	1	52	450	0	5	99	0	27	26	35	252
Total Riparian Woodland			**0**	**359**	**336**	**742**	**1,008**	**121**	**747**	**116**	**2**	**2,345**	**908**	**684**	**692**
Coniferous forest	Cypress forest	Sargent Cypress Alliance	0	961	0	51	1	0	98	0	0	0	933	0	0
	Cypress forest	McNab Cypress Alliance	0	26	0	10	0	0	2,225	43	0	0	84	0	0
	Douglas-fir/Redwood Forest	Coast Redwood - Douglas-fir / California Bay NFD Association	12	0	0	0	105	0	0	13	0	0	70	0	2,675
	Douglas-fir/Redwood Forest	Douglas-fir Alliance	26	0	0	89	4,688	0	0	1,563	0	878	89	0	9,949
	Douglas-fir/Redwood Forest	Douglas-fir - Ponderosa Pine Alliance	1,350	0	0	317	2,557	0	0	2,515	0	22	2,299	0	137
	Douglas-fir/Redwood Forest	Coast Redwood Alliance	0	0	0	8	23	0	0	0	0	16	24	0	253
	Pine forest	Knobcone Pine Alliance	0	0	0	0	2,545	0	40	2,263	0	19	267	0	758
	Pine forest	Ponderosa Pine Alliance	133	0	0	0	10	0	0	0	0	0	25	0	0
	Pine forest	Sugar Pine - Canyon Oak NFD Association	0	0	0	0	0	0	0	3	0	0	0	0	0
	Pine forest	Foothill Pine Alliance	31	276	0	57	389	0	82	237	0	5	643	1	154
	Pine forest	Foothill Pine / Mesic Non-serpentine Chaparral NFD Association	0	418	0	30	33	0	209	152	0	8	10	18	61
Total Coniferous forest			**1,552**	**1,680**	**0**	**562**	**10,351**	**0**	**2,655**	**6,788**	**0**	**947**	**4,443**	**19**	**13,986**
Aquatic	Freshwater wetlands	(Bulrush - Cattail) Fresh Water Marsh NFD Super Alliance	4	0	15	15	33	4	3	0	14	27	123	32	1
	Freshwater wetlands	(Carex spp. - *Juncus* spp - Wet Meadow Grasses) NFD Super Alliance	1	10	0	10	54	37	67	1	0	1	40	60	0
	Freshwater wetlands	Vernal pools	None mapped**	Present**	Present**	None mapped**	Present**	Present**	Present**	None mapped**	Present**	Present**	Present**	Present**	Present**
	Salt Marsh	Saltgrass - Pickleweed NFD Super Alliance	0	0	9	0	0	127	0	0	3,407	7	0	0	0
	Streams and reservoirs	Water	94	18,714	258	152	1,171	54	275	11	6,326	681	528	442	99
	Streams and salt marsh	Riverine, Lacustrine and Tidal Mudflats	0	4	0	0	6	0	169	0	198	0	11	0	0
Total Aquatic			**99**	**18,728**	**282**	**177**	**1,264**	**222**	**514**	**13**	**9,946**	**716**	**701**	**534**	**100**

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Table 4-4. Continued

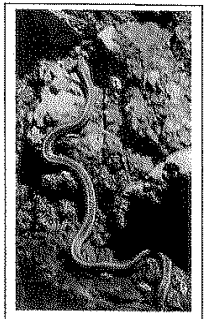
Community Type	Biotic Community	MCV Biotic Community (used in ICE map)	Acreage by Evaluation Areas												
			Angwin	Berryessa	Carneros	Central Interior Valleys	Eastern Mountains	Jamieson/American Canyon	Knoxville Area	Livermore Ranch Area	Napa River Marshes	Napa Valley Floor	Pope Valley	Southern Interior Valleys	Western Mountains
Agricultural Cropland	Agricultural Cropland	Agricultural Cropland	773	267	7,377	2,593	4,166	4,318	569	114	701	30,343	5,455	1,505	6,242
Total Agricultural Cropland			**773**	**267**	**7,377**	**2,593**	**4,166**	**4,318**	**569**	**114**	**701**	**30,343**	**5,455**	**1,505**	**6,242**
Rock Outcrop	Rock Outcrop	Rock Outcrop	0	18	0	9	894	0	73	533	0	9	29	27	95
	Serpentine Rock Outcrops	Serpentine Barren	0	9	0	0	1	0	35	2	0	0	5	0	0
Total Rock Outcrops			**0**	**27**	**0**	**9**	**895**	**0**	**108**	**535**	**0**	**9**	**34**	**27**	**95**
Developed Lands	Developed Lands	Urban or Built-up	921	845	584	400	1,632	2,569	611	43	1,455	16,059	276	174	892
	Other	Vacant	4	92	21	36	305	207	50	25	158	589	13	13	270
Total Developed Lands			921	845	584	400	1,632	2,569	611	43	1,455	16,059	276	174	892
Other	Non-native woodland	Eucalyptus Alliance	0	0	104	0	4	183	0	0	23	65	0	0	29
	Other	Winter-Rain Sclerophyll Forests & Woodlands Formation	0	0	0	0	618	0	0	0	0	0	0	2	0
	Other	Unknown	5	198	28	51	289	6	178	33	79	55	51	149	38
	Other	blank	0	0	257	2	81	101	121	818	1,657	0	41	22	123
Total Other			**9**	**290**	**410**	**89**	**1297**	**497**	**349**	**876**	**1,917**	**709**	**105**	**186**	**460**
Total			**4,843**	**95,707**	**10,622**	**30,491**	**81,605**	**16,123**	**61,610**	**13,501**	**15,420**	**57,795**	**38,479**	**29,565**	**51,657**

Notes:

* Vacant refers to areas that are unvegetated, apparently due to human disturbance.

** Vernal pool acreage is not mapped with sufficient accuracy to report here. However, presence or absence of mapped vernal pools is indicated.

Letter B2 Cont.



A variety of reptiles, including the common garter snake (*Thamnophis sirtalis*), are characteristic of annual grassland.

Although once extensive in the greater Bay Area and Central Valley, invasion by exotic annual grasses and improper livestock grazing has led to the decline of this land cover type.

SPECIAL-STATUS SPECIES

Appendices B and C provide a list of special-status plants and animals species potentially occurring in annual grassland. Showy Indian clover (*Trifolium amoenum*), bent-flowered fiddleneck (*Amsinckia lunaris*), dwarf downingia (*Downingia pusilla*), adobe lily (*Fritillaria pluriflora*), Colusa layia (*Layia septentrionalis*), northern harrier, and the white-tailed kite are among the special-status species that use annual grasslands in the County for habitat.

In total, 38 special-status plants and 18 special-status animals utilize annual grassland habitat type in the County.

NATIVE GRASSLAND

GENERAL DISTRIBUTION

Native grasslands dominated by a mixture of annual and perennial grasses, such as small fescue (*Vulpia microstachys*), purple needlegrass (*Nasella pulchra*), and nodding needlegrass (*Nasella cernua*), likely occurred in the County in most areas currently occupied by annual grassland (Heady 1988, Wester 1981). Although once extensive in the greater Bay Area and Central Valley, invasion by exotic annual grasses and improper livestock grazing has led to the decline of this land cover type. Some native grasslands contain high concentrations of wildflowers and are referred to as *wildflower fields*. Wildflower fields are recognized as a sensitive community by the DFG.

Historical records do not provide definitive data on the distribution of native perennial grasslands, but research indicates human use of fire may have had a profound impact on the distribution and extent of historic grasslands. Prior to European settlement, native perennial grasslands in the County were likely subject to regular burning by Native American people. Keeley (2002) surmises that because dense scrub or chaparral had little value to Native Americans, they used periodic burning to clear shrubs and provide habitat for fire tolerant native grasses. Keeley (2002) also implies that the current mosaic of grassland is likely a result of historic vegetation management that favored open grasslands over chaparral.

Starting in 1769, another human-made change to the landscape occurred with the introduction and spread of many nonnative plants throughout California. These plants include Mediterranean annual grasses and herbs such as wild oats, bromes, barleys (*Hordeum*), ryegrass (*Lolium*), and thistles (*Centaurea*, *Cirsium*) (Bartolome and Gemmill 1981). European settlers grazing livestock in the study area likely became more widespread after the gold rush of the 1850s. The combination of livestock grazing, drought, and spread of exotic grasses and herbs dramatically altered the native grasslands that occurred in the County prior to the 1850s (Heady 1988). Grazing by livestock and wildlife continues today in almost all of the grasslands in the County, although less intensively than in the past. While most grasslands in the County are dominated by nonnative annuals, small patches of native grasses, below the resolution of the land cover map, are found in many of these grasslands (Rugyt, personal communication; Callizo, personal communication).

It is difficult to estimate the overall acreage of native grassland remaining in the County, but it is likely on the order of thousands of acres, not tens of thousands, covering less than 1% of the County. One significant area of native grassland in the County is located in the Wantrup Preserve in Pope Valley.

COMMON PLANTS

Native grassland is an herbaceous grassland community in which perennial grasses such as purple needlegrass or nodding needlegrass are dominant or co-dominant species (Holland 1986, Sawyer and Keeler-Wolf 1995). In the County, native grassland generally occurs as patches within the larger annual grassland complex. Accordingly, native grassland contains an abundance of nonnative annual grasses mixed with perennial grasses and forbs.

Species commonly found associated with native grassland in the County include slender wild oats (*Avena barbata*), one-sided bluegrass (*Poa secunda*), prairie junegrass (*Koeleria macrantha*), California golden violet (*Viola pedunculata*), common lomatium (*Lomatium utriculatum*), California poppy, Douglas's lupine (*Lupinus nanus*), notched clover (*Trifolium bifidum*), blue dicks (*Dichelostemma capitatum*), ookow (*Dichelostemma congestum*), harvest Brodiaea (*Brodiaea elegans*), smooth tidy tips (*Layia chrysanthemoides*) and arroyo lupine (*Lupinus succulentus*).

COMMON WILDLIFE

The wildlife that use native grassland are the same as those that use annual grassland (see *Common Wildlife* discussion in *Annual Grassland* above).

SPECIAL-STATUS SPECIES

The same special-status species that potentially occur in annual grassland potentially occur in native grassland. However, the likelihood of occurrence for these species is much higher (Appendices B and C). Three subclasses of native grassland are considered sensitive by DFG: creeping ryegrass (*Leymus triticoides*) grassland, purple needlegrass grassland, and one-sided bluegrass grassland. Moreover, the very limited extent of this vegetative community in the County clearly makes native grasslands a sensitive community from a local standpoint.

SERPENTINE BUNCHGRASS GRASSLAND

GENERAL DISTRIBUTION

Serpentine bunchgrass grassland has always been a rare plant community in the landscape (McCarten 1987). Residential and vineyard development, particularly in the last 35 years, has slightly reduced serpentine habitat in the County (California Natural Diversity Database 2004). While serpentine soils are not prime agricultural lands, they may sometimes be used for vineyards, as the serpentine soils provide a natural source of desired stress to the vines (e.g., Silver Oak's Geyserville Vineyard, Louis Martini Winery in St. Helena).

Today serpentine grassland covers about 2,100 acres or 0.5% of the County, making this a sensitive habitat from a local standpoint. Moreover, three subclasses of serpentine grassland found in the County (i.e., creeping ryegrass grassland, purple needlegrass grassland, and one-sided bluegrass grassland) are considered sensitive by DFG. The Knoxville and Berryessa Evaluation Areas contain about 65% of the County's serpentine grassland.

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COMMON PLANTS

Serpentine bunchgrass grassland occurs on soils derived from serpentinite and generally has less overall vegetation cover, and less cover of non-native species than the other grasslands discussed (McNaughton 1968, Holland 1986). As a result, the amount of forage provided is lower. The native bunchgrasses typically occur in patches of both single and multiple species (McCarten 1987).

As with other grasslands in the County, the dominant grasses late in the season are nonnative annual grasses, primarily medusa head, goatgrass (*Aegilops triuncialis*) and foxtail brome (*Bromus madritensis*) are nonnative annual grasses, primarily slender wild oats, Italian ryegrass, soft chess (*Bromus hordeaceus*), and foxtail barley (*Hordeum murinum* ssp. *leporinum*). However, nonnative annuals are much less dominant in serpentine areas (Harrison et al. 2003).

Patches of native grasses, including purple needlegrass, small fescue, California melic (*Melica californica*), and one-sided bluegrass and squirreltail grass (*Elymus multisetus*), are scattered throughout. Herbaceous species characteristic of serpentine bunchgrass grassland in the County include California goldfields (*Lasthenia californica*), hayfield tarweed (*Hemizonia congesta*), navarretia (*Navarretia* spp.), willow herb (*Epilobium brachycarpum*), fringed sidalcea (*Sidalcea diploscypha*), warty spurge (*Euphorbia spathulata*), bull clover (*Trifolium fucatum*), lotus (*Lotus* spp.), delphinium (*Delphinium* spp.), annual mountain dandelion (*Agoseris heterophylla*), owl's clovers (*Castilleja* spp.), California plantain (*Plantago erecta*), and blue dicks.

The characteristics of native bunchgrasses in serpentine habitat are generally similar to those in non-serpentine habitats, although serpentine populations may be more tolerant of heavy metals present in the soil and may have lower growth rates compared to non-serpentine populations (Huntsinger et al. 1996).

COMMON WILDLIFE

The types of wildlife that use serpentine bunchgrass grassland are the same as those that use annual grassland (see discussion above). Serpentine grasslands are less productive for wildlife, however, due to the reduced forage and cover available.

SPECIAL-STATUS SPECIES

Serpentine grassland provides habitat to the same suite of special-status wildlife species found in other grassland types. However, 13 special-status plant species are preferentially associated with serpentine grasslands (Appendix B). These species appear to be adapted to the low nutrient levels and high levels of toxic minerals in serpentine soils. Tiburon Indian paintbrush (*Castilleja affinis* ssp. *neglecta*) and Jepson's milk-vetch (*Astragalus rattanii* var. *jepsonianus*) are two of the special-status plant species found in serpentine grasslands.

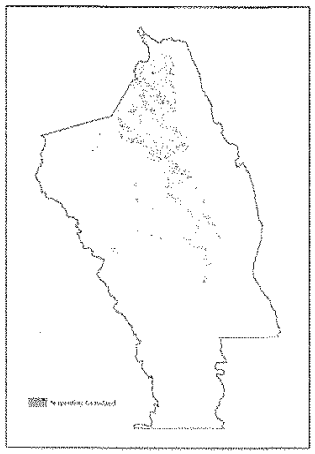
ECOSYSTEM PROCESSES

The primary sources of disturbance to annual, native, and serpentine grasslands are grazing, fire, and recreation.

Annual grasslands appear to be relatively stable, recovering rapidly following cessation of disturbance (White 1966). Burning appears to have little long-term effect on annual grassland (Heady 1988, Kyser and Di Tomaso 2002). Grazing also appears to have little effect, although overgrazing may affect the species composition (Heady 1988). Both grazing and burning may serve to maintain grasslands, which may otherwise convert over time to chaparral (Keeley 2002).

Serpentine bunchgrass grassland has always been a rare plant community in the landscape. Residential and vineyard development, particularly in the last 35 years, has slightly reduced serpentine habitat in the County.

Non-serpentine native grasslands in the County are generally found as small patches in a mosaic of annual nonnative grasslands. There is great interest throughout California in using disturbance as a tool to increase cover and diversity of native grasses in California grasslands. The effects of disturbance on native species composition, however, are not clear. It appears that the effects of grazing and burning vary depending on their timing and intensity. Some studies have shown that grazing and burning may result in increased numbers of exotic species in non-serpentine grasslands (Harrison et al. 2003). Other studies indicate that these disturbances can result in an increase in cover of native bunchgrass species compared to annual grasses (Bartolome et al. 2004, Dyer 2003).



Schematic map showing serpentine bunchgrass grassland.

GRAZING

Grazing may have little effect on species diversity in serpentine grasslands (Harrison 1999) or it may alter the species composition, favoring species that are more tolerant of grazing (McCarten 1987). Because invasive nonnatives generally are not tolerant of serpentine soils (with the important exception of goatgrass and medusa head), these species are less invasive in serpentine bunchgrass grasslands that in non-serpentine grasslands (Harrison 1999). Serpentine substrates in the County, as in the San Francisco Bay Region generally, are lighter and more plastic than other crust and mantle rocks, due to their alteration by hydrothermal activity in the subduction zone (Elder 2001). This may explain the observation that serpentine areas appear to be more prone to slumping than non-serpentine areas, and large slumps with accompanying erosion may be present in serpentine bunchgrass grasslands.

FIRE

Grasslands are considered a fire-tolerant community type (Howard 1998). The direct effect of fire on grassland is to remove essentially all of the aboveground biomass. Fires in grassland are therefore described as stand-replacing fires. The immediate effect of this biomass removal on annual grasses is negligible, as they have typically completed their growth cycle before fires occur (Howard 1998). Perennial bunchgrasses suffer a temporary loss of foliage, but regenerate immediately through tillering and regrowth of green foliage that typically remains in the center of grass tussocks (Steinberg 2002).

The immediate effect of a fire in grasslands is typically an increase in annual forb germination and flowering and an increase in overall productivity in response to the light and nutrients made available by the removal of the mulch layer (Harrison et al. 2003). In the 2–3 years following a fire, the elimination of

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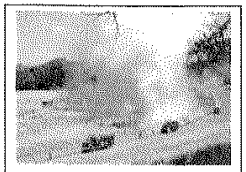

A controlled burn of a grassland.

the mulch layer may shift the species composition of grasslands towards annual forbs and small-seeded species such as purple needlegrass (*Nasella pulchra*) and little quakinggrass (*Briza minor*) (Steinberg 2002, Howard 1998). In the absence of heavy grazing, however, a heavy mulch layer will be re-established in approximately three years, and this effect will disappear. Burning appears to have little long-term effect on annual grassland (Heady 1988, Kyser and Di Tomaso 2002, Paysen et al. 2000). In grasslands that are already dominated by non-native annual grasses, non-natives may increase their dominance following fire by outcompeting natives for the newly available space and light. Native grasses may increase their dominance in serpentine grasslands following fire through the same mechanism (Harrison et al. 2003). More discussion on fire is in *Fire Ecology*, included in this report. See Chapter 18.

RECREATION

Recreational use of grasslands in the County includes hunting, bird watching, biking, mountain biking, horseback riding, and off highway vehicle (OHV) use. OHVs in the County are restricted to the Knoxville area. Recreation may reduce habitat value for wildlife, due to increased human disturbance. Recreation may increase the frequency of fire, as increased access may lead to a greater number of ignitions. Recreation may increase the spread of noxious weeds to areas not yet infested by them, as humans often transport weed seeds on their vehicles and clothing. If recreation is not properly managed through appropriate trail maintenance and prevention of off-trail use, it may be a source of erosion, reducing grassland productivity and degrading streams.

Grasslands in the County provide opportunities for recreation, including horseback riding.

ECOSYSTEM FUNCTIONS

The primary ecosystem functions of grassland in the County are the following:

- maintain water quality through soil retention and by filtering out sediment and nutrients from run-off;
- prevent flooding and minimize channel erosion by slowing surface runoff;
- increase infiltration to groundwater;
- provide wildlife habitat;
- provide fodder for grazing livestock; and
- provide opportunities for recreation, including but not limited to hunting, bird-watching, hiking, horseback riding, and OHV use.

The key characteristics of grassland habitat that enhance these functions are a high-cover of native herbaceous vegetation, a low-cover of woody vegetation, and low to moderate levels of disturbance.

THREATS

The main threat to grasslands today and in the past has been conversion to urban or agricultural uses other than grazing. Non-native invasive species also constitute a threat.

HABITAT CONVERSION

Grasslands in the County have in the past and continue today to be lost to residential, commercial, and industrial development, and conversion to agriculture uses other than grazing. Overlaying the County's 1993 and 2002 vineyard datalayers with the land cover layer indicates that approximately 2,662 acres of grassland (5% of the County's grasslands) were converted to vineyard during this period. Only 0.7 acre of the grasslands converted to vineyards were mapped as serpentine grassland.

While loss of annual grasslands to development is generally not regarded as a significant impact, the San Francisco Bay Area Gap Analysis (Wild 2002) identified annual grasslands as in need of protection for several reasons: less than 20% of grasslands in the Bay Area are protected, this community supports a wide diversity of plant and wildlife species, they have already undergone a severe decline in the County, and they continue to be highly threatened by development.

INVASIVE SPECIES

Grasslands in the County are threatened by the spread of noxious weeds. While non-native annual grasses have dominated much of the grassland in the County for over a century, noxious weeds such as yellow star-thistle (*Centaurea solstitialis*) and Harding grass (*Phalaris aquatica*) may further reduce the cover of native species and degrade habitat for wildlife. Yellow star-thistle reduces grassland forage value and depletes soil moisture levels (Gerlach and DiTomaso 2005). Harding grass can increase fire intensity (Harrington and Lanini 2005). Of particular concern is the spread of barbed goatgrass (*Aegilops triuncialis*) in serpentine grasslands, which have in the past had lower cover of non-native annual grasses and which are critical to the special-status plant species that are endemic to this habitat.

CHAPARRAL/SCRUB

DISTRIBUTION

Chaparral/scrub is the second most common land cover in the County, covering approximately 107,000 acres or 21% of the County (Map 4-3 and Table 4-3). This community is dominated by woody shrubs, with less than 10% cover of trees, and generally occurs in settings that are too hot, dry, rocky, and steep to support tree-dominated habitats (Holland 1986). They occur especially on south and southwest-facing slopes.

Chaparral/scrub occurs on a wide variety of rock types including recent volcanic rocks with shallow soils, serpentinite, slates, and metamorphosed volcanic rock; they do not occur on alluvial soils. The

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parent material, particularly serpentinite, often influences species composition. Chaparral shrubs have thick, stiff, leathery evergreen leaves, called sclerophylls, an adaptation to heat and drought.

Chaparral/scrub forms over 20% of the total land area of seven of the 13 evaluation areas. It is particularly abundant in the Knoxville Area, forming almost half of the land cover there. Chaparral/scrub is found throughout the rest of the County and is a dominant land cover in five other evaluation areas, forming between one-fifth and one-third of the land cover in the Berryessa, Central Interior Valleys, Eastern Mountains, Livermore Ranch, and Pope Valley Evaluation Areas.

TYPES

Thorne and his colleagues (2004) recognize 12 alliances within the chaparral/scrub group in the County. Two alliances are dominated by chamise (*Adenostoma fasciculatum*), six are mixed chaparral types, and four are serpentine chaparral (Table 4-3).

Mixed serpentine chaparral is considered a sensitive community by the State of California (California Department of Fish and Game 2000) and a conservation priority for the Bay Area by Wild (2002). The DFG designation of mixed serpentine chaparral corresponds to the four serpentine chaparral alliances found in the County. Moreover, mixed serpentine chaparral was given a high conservation priority score by Wild (2002) (7 out of 10). Vernal pools, which are also a sensitive community, are sometimes found in chaparral/scrub areas of the County (e.g., in Pope and Foss Valleys).

The three most common chaparral/scrub types present are chamise chaparral, leather oak–white leaf manzanita–chamise (a serpentine chaparral), and scrub interior live oak–scrub oak (*Quercus berberidifolia*).

Cypress woodland and foothill pine (*Pinus sabiniana*) woodland are often found in close proximity to chaparral. Foothill pine forest frequently contains chaparral species in the understory. The adaptation of these coniferous forest communities to fire and their ability to grow in steep areas with thin soils results in their association with chaparral communities.

For discussion purposes the chaparral/scrub group has been divided into 3 major sub-groups: chamise-dominated chaparrals (two types), mixed chaparrals (five types), and serpentine chaparrals (four types).

CHAMISE CHAPARRAL

Chamise chaparrals occupy the most extreme, dry, steep south facing slopes and are climax communities, whereas mixed chaparrals occur on more mesic sites.

DOMINANT PLANTS

Chamise-Dominated Chaparral

In the two chamise-dominated chaparrals, the chamise alliance and the chamise-wedge leaf ceanothus alliance, chamise is the dominant species. In chamise alliance, chamise is the sole dominant; other shrubs present in small amounts include toyon (*Heteromeles arbutifolia*), buckbrush (*Ceanothus* spp.), sticky monkeyflower (*Mimulus aurantiacus*), coyote brush (*Baccharis pilularis*) and manzanitas (*Arctostaphylos* spp.).

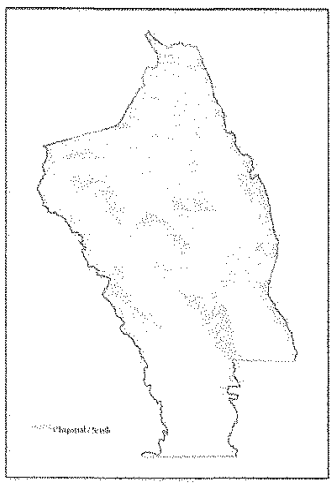
In the chamise-wedge leaf ceanothus alliance, chamise is co-dominant with wedge leaf ceanothus (*Ceanothus cuneatus*), with associate species similar to those present in chamise alliance. The ground layer is generally sparse in both chamise-dominated types because of the typically continuous canopy cover.

Chamise chaparrals occupy the most extreme, dry, steep south facing slopes and are climax communities, whereas mixed chaparrals occur on more mesic sites.

Mixed Chaparral/Scrub

Five types of mixed chaparral/scrub are mapped (Table 4-3), three of which are classified as evergreen sclerophyllous chaparral. The two remaining types are deciduous (deer brush) or microphyllous (coyote brush–California sagebrush [*Artemisia californica*]) and are both very small in extent in the County.

The sclerophyllous chaparral types are dominated by various species of shrubby oaks: interior live oak (*Quercus wislizenii*), leather oak (*Quercus durata*) and scrub oak or manzanitas, and others. Associate species are highly variable depending on type and physical site characteristics, and include California bay (*Umbellularia californica*) on more mesic sites and chamise on xeric sites. Other shrubs present as associates include birch-leaf mountain mahogany (*Cercocarpus betuloides*), flowering ash (*Fraxinus dipetala*), coffeberry (*Rhamnus* spp.), pitcher sage (*Lepechinia calycina*), toyon, sticky monkeyflower, chaparral pea (*Pickeringia montana*), poison oak (*Toxicodendron diversilobum*) and several *Ceanothus* species as minor components.



Schematic map showing distribution of chaparral/scrub in County.

Serpentine Chaparral

Four types of serpentine chaparral are recognized on the ICE map, and together they form almost 10% of the total land cover of the County (Table 4-3). Serpentine chaparral grows on infertile soils derived from serpentinite rock that have a unique mineral composition with high concentrations of iron and magnesium and low concentration of nutrients such as nitrogen and calcium (Kruckeberg 1984). These harsh soils support a distinctive flora, including many endemic species. Ten percent of California's endemic plants are confined to serpentine soils (Skinner and Pavlik 1994).

The dominant shrubs of serpentine chaparral are usually leather oak, chamise (*Adenostoma fasciculatum*), or white leaf manzanita (*Arctostaphylos viscida*). Species composition is related to aspect, mineral content, and soil moisture levels, and the transition between chaparral types can be subtle. On more mesic, north-trending sites, California bay becomes a dominant, with smaller components of toyon, foothill pine, and cypress species (*Cupressus* spp). On xeric sites, chamise may be dominant. Other shrubs present include musk brush (*Ceanothus jepsonii* var. *albiflorus*), silk-tassel bush (*Garrya congdonii*), toyon, deer brush (*Ceanothus integerrimus*), and fremontia (*Fremontodendron californicum*). Scattered emergent foothill pine trees are generally present.

Letter B2 Cont.

Letter
B2
Cont.

EXHIBIT 7

Letter
B2
Cont.

The City of St. Helena will conduct city affairs on behalf of our citizens using an open and creative process.

March 25, 2011

Ryan Gregory
Reichers Spence & Associates
1515 Fourth Street
Napa CA 94559

Re: Completeness of Hunter Tentative Map Application (2010-40)

Dear Mr. Gregory,

Debra Hight, Assistant Director of Public Works, and I have reviewed all the Hunter Tentative Map application re-submittal materials that were received by City of St. Helena staff on February 24, 2011, with your transmittal letter dated February 23, 2011. We have concluded that your letter dated February 23, 2011, and all related materials submitted with the letter, meet all of the City of St. Helena's Subdivision Ordinance and Tentative Map handout application requirements.

For ease of reference, I am attaching annotated copies of my two prior Incompleteness Letters, dated December 23, 2010 and January 15, 2011, that specify how the various previously outstanding completeness items have been satisfied. I have made similar annotations to a copy of your transmittal letter. All of those annotated copies are attached for your information. Also attached is the memorandum dated March 24, 2011 from Debra Hight stating that the Public Works Department finds that you have addressed the completeness review items requested in my letter dated January 15, 2011. That letter of mine included all of the completeness items requested by Ms. Hight representing the Public Works Department. Lastly, please do not forget the information in the attached September 16, 2010 communication from DSI, the firm that provides contract Building Official and Fire Marshall services.

There are some items previously requested from your team that we agreed at our City-Applicant teams meeting on February 4, 2011, were to be provided by the City of St. Helena Public Works Department. Those items include:

- Information about the production quantity, rate and quality of the well on the property. That well was used by the City and its contractors during construction of the City Flood Control Project. City Engineer John Ferons stated on February 4, 2011, that he would gather any available well information for your and

Letter
B2
Cont.

Planning staff's use, as that would be the only and most recent such information available. (Item e., pg. 3 in your February 23, 2011 letter)

- City Engineer John Ferons also stated on February 4, 2011, that he would provide information regarding the drainage report prepared for the City Flood Control Project that includes analysis of the Hunter property as fully developed consistent with the current St. Helena General Plan. You need that report from the City to confirm the analysis done for the sizing of the detention basin. (Your Item g., pg. 4)
- Likewise, you have requested a copy of that existing drainage report for the City Flood Control Project, as that report would have included 10-, 50- and 100-year storm events detention requirements. You need a copy of that report to confirm the analysis done for the sizing of the detention basin. (your Item h., pg.4)
- Planning staff's use, as that would be the only and most recent such information available. (Item e. in your February 23, 2011 letter)
- City Engineer John Ferons also stated on February 4, 2011, that he would provide information regarding the drainage report prepared for the City Flood Control Project that includes analysis of the Hunter property as fully developed consistent with the current St. Helena General Plan. You need that report from the City to confirm the analysis done for the sizing of the detention basin.
- Likewise, you have requested a copy of that existing drainage report for the City Flood Control Project, as that report would have included 10-, 50- and 100-year storm events detention requirements. You need a copy of that report to confirm the analysis done for the sizing of the detention basin.

The only other previous request for a completion item that you met in a different way than requested concerns note 3 on Sheet TM-1. Instead of changing the text of that note, you provided the requested information about current one-hundred year floodplain on the appropriate TM sheets.

If you have any questions, please contact me prior to April 1, 2011. As of that date, Greg Desmond, currently Senior Planner, will be the City of St. Helena's Acting Planning Director.

Sincerely,

Anne Cronin Moore AICP

cc: Mary Neilan, City Manager
John Truxaw, City Attorney
Greg Desmond, Senior Planner
John Ferons, Director of Public Works/City Engineer
Debra Hight, Assistant Director of Public Works
Clay Clement, Applicants' Attorney
Ken Blackman (via email as requested)

Letter
B2
Cont.

Project File

City of St. Helena • 1480 Main Street, St. Helena, CA 94574
Phone: (707) 967-2792 • Fax: (707) 963-7748 • Website: www.ci.st-helena.ca.us

Letter
B2
Cont.

City of St. Helena
Planning Department
1480 Main Street
St. Helena, CA 94574
(707) 967-2792

TENTATIVE PARCEL MAP

Office Use Only - Do Not Write in this Area

File Number 2010-40
General Plan Medium Density Residential Zoning MR/FLP
Flood Plain Overlay
Background Files LLA 2008-04 / Flood Control Project
Related Applications

Initial Deposit Received $1500 Received By CC

Please Type or Print

Project Name Hunter Subdivision Site Address Dennis Hunter

APN 009 - 030 - 057 - - Site Area Sq. Ft. (or) 16.92 Acres

☐ Residential ☐ Commercial ☐ Industrial

	Residential	Commercial	Industrial
# of Lots Existing	1		
# of Lots Proposed	53		

Units		Construction	
Existing units	0	Existing square footage	0
Existing units to be demolished	0	Existing s.f. to be demolished	0
Proposed units	76	Proposed square footage	
Total residential units:	76	Total square footage	

New Units

Single-family attached 0 Multi-family (2-4 units) 0 Mobile homes 0
Single-family detached 51 Multi-family (5+ units) 25 Accessory dwellings 0

Property Owner(s) Dennis Hunter
(Last Name, First Name)
Mailing Address 900 College Avenue
City Santa Rosa State CA ZIP Code 95404
Phone Number 707.579.0120

Applicant(s) Ben & Kelly Vanzutphen
(Last Name, First Name)
Mailing Address 237 Lorraine Court
City Healdsburg State CA ZIP Code 95448
Phone Number 707.431.8582

Letter
B2
Cont.

NOTE: Additional property owners and/or applicants (name, address, phone number, and signature) shall be attached to the application. In the case of a partnership, all general and limited partners shall be identified. In the case of a corporation, all shareholders owning 10% or more of the stock and all officers and directors shall be identified.

If you would like project correspondence and notice of meetings to be sent to parties other than the applicant, please list their names, address and telephone numbers on a separate sheet.

I, BEN VANZUTPHEN, hereby file this application for a development project and agree to pay any and all processing fees imposed by the St. Helena Municipal Code and City Council Resolutions (as they may be amended from time to time).

Staff time is billed at an hourly rate and the initial deposit may not be sufficient for processing your application. If expended staff time exceeds the initial deposit, you will be notified that additional funds are required. Applications with a negative balance at the time of the public hearing will be continued until the balance is paid in full.

In the event the property owner is different from the applicant, the property owner must sign to indicate her/his/its consent to the filing and agreement to be liable with the applicant for payment of the processing fees.

Failure to pay all accumulated fees by the time of public hearing will result in a continuance or denial of the project.

A finance charge of 12% per annum shall accrue on any balance unpaid after 30 days.

In the event the City is required to take legal action to enforce any of the terms and conditions of this application, Applicant and Property Owner agree to pay to City reasonable attorney fees and costs incurred in such action.

We, the owner and the applicant, will defend, indemnify and hold the City, its agents, officers, and employees harmless from any claim, action or proceeding to attack, set aside, void or annul an approval of the City concerning the project, as long as the City promptly notifies the applicant of any such claim, action or proceedings and the City cooperates fully in the defense. We have also reviewed the requirement to disclose the complete list of partners and/or shareholders.

Date: 9/9/10 Applicant's Signature: Dennis R Hunter

x [signature]

x Ben [signature]

Revised 03/05

Letter
B2
Cont.

ATTACHMENT 7

Napa County Department of Environmental Management
CUPA-Related Business Activities Form

Business Name: HUNTER SUBDIVISION

Business Address:

Contact: BEN VANBUTPHEN Phone #: 707.431.0582

A. HAZARDOUS MATERIALS Have on site (for any purpose) hazardous materials at or above 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases (include liquids in AST's and UST's or handle radiological materials in quantities for which an emergency plan is required pursuant to 10 CFR Parts 30, 40 or 70?	☐ YES ☒ NO
B. UNDERGROUND STORAGE TANKS (UST's) 1. Own or operate underground storage tanks?	☐ YES ☒ NO
2. Intend to upgrade existing or install new UST's?	☐ YES ☒ NO
C. ABOVE GROUND STORAGE TANKS (AST's) Own or operate AST's above these thresholds: -Any tank capacity with a capacity greater than 660 gallons, or -The total capacity for the facility is greater than 1,320 gallons?	☐ YES ☒ NO
D. HAZARDOUS WASTE 1. Generate hazardous waste?	☐ YES ☒ NO
2. Recycle more than 220 lbs/month of excluded or exempted recyclable materials (per H&SC §25143.2)?	☐ YES ☒ NO
3. Treat hazardous waste on site?	☐ YES ☒ NO
4. Treatment subject to financial assurance requirements (for Permit by Rule and Conditional Authorization)?	☐ YES ☒ NO
5. Consolidate hazardous waste generated at a remote site?	☐ YES ☒ NO
E. OTHER 1. Does the business activity include car/fleet washing, mobile detailing, auto-body related activities?	☐ YES ☒ NO
2. Does the business handle Extremely Hazardous Substances in amounts that would qualify for the Risk Management Program? Some examples and their thresholds common to Napa County include: Ammonia – 500 lbs, Sulfur Dioxide – 500 lbs, Chlorine – 500 lbs.	☐ YES ☒ NO

Business Activity.doc (1/99) - 1/2

Rev. 1-02

Letter
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Cont.

HUNTER SUBDIVISION
PROJECT DESCRIPTION

GENERAL INFORMATION

The subject property is a 16.9-acre parcel (APN 009-030-057) located north of Hunt Avenue and east of Adams Street. The site is bounded by single-family homes to the west and southwest, a mobile-home park to the southeast, the flood control project to the east and a City-owned parcel (for access to the flood control project) to the north. There is existing vineyard over a portion or the property with the remaining land being vacant and recently disturbed/graded as part of the flood control project.

The owner, Mr. Dennis Hunter, seeks approval to subdivide the parcel into 51 single-family residential lots, 11 of those with affordable granny units, and a parcel designated for a future 25-unit workforce/affordable housing development. The parcel currently has a *Medium Density Residential* Zoning and General Plan designation allowing for a density range of 5.1 to 16.0 du/acre and maximum yield of 270 du. The proposed 87 units (51 lots + 11 granny units + 25 future multi-family units) results in a density of 5.1 du/acre thereby meeting the minimum requirement.

In terms of development standards, the resulting lots meet or exceed all the shape, size and setback requirements of the MR zoning district. Houses are not being proposed at this time or as part of this application. The affordable units will be deed restricted for a minimum of 30 years (per SB 1818). This project is a housing development entitled to a density bonus and multiple incentives and concessions under the provisions of Government Code §65915.

As indicated above, there are a few remainder parcels being proposed as part of this subdivision. Parcel A is 3.13 net acres and will be set aside for a future 25-unit multi-family development. There is also a small sliver of land along the north PL that is Parcel B.

The project will be served by new public streets including the interconnection of Starr Avenue to Adams Street. These streets are classified as collectors and have been designed to the 60-foot right-of-way standard. All others streets are designed to the minor residential standard (56'). Adams Street is shown on the City-owned parcel with a small portion lying on the subject property.

In terms of utilities, there is an existing sanitary sewer in Hunt Avenue and new water and storm drain lines that run through the property, all of which are accessible for connection by the new project. There are also existing dry utilities nearby in Hunt Avenue and in Adams Street for service of gas, electric, cable and phone to the project. There is an existing well near the southeastern end of the property that is proposed to be maintained in place and used for irrigation of the project's landscape areas. It is a high-producing well that it also capable of supplying additional water to the project should it be found necessary.

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Cont.

HUNTER SUBDIVISION
PROJECT DESCRIPTION

The grading design for the project, as shown on the Tentative Map, is based on the Soil Stockpile Grading Plan dated January 2009 prepared by Mead & Hunt for the flood control project. The grades have been set to utilize the pad that is being constructed and to achieve an earthwork balance in an effort to avoid future offhaul of material. The fill slope along the south and southeast property lines being constructed will be replaced by a retaining wall and drainage swale, also as shown on the Tentative Map. The grading and drainage design has been coordinated with the flood control project based on feedback from and a field meeting with Jon Lander.

It is anticipated that site improvements for the project will be complete within one and one-half years after the approval of the project's entitlements.

HISTORY OF PRIOR KNOWN DEVELOPMENT ACTIVITY

The architectural firm Dahlin Group was retained in May of 2005 to prepare a Master Plan for the site. Following several meetings with City Staff, at Staff's suggestion, the design work was halted to allow for the completion of the General Plan Update program. On May 23, 2006 the Civil Engineering firm Riechers Spence & Associates (RSA) was retained to start Tentative Map work but again at the suggestion of City Staff the work was halted to permit the completion of the General Plan Update program.

In June of 2007 the City first contacted Mr. Hunter with a request for right of entry to the property to explore Indian remains identified in their Cultural Resources Study. The City explained that their flood control project was a life-safety project for the senior residents of the mobile home park. Mr. Hunter signed the right of entry (without charge) on October 11, 2007.

?\, soils ?.

During the summer of 2006 the City again contacted Mr. Hunter to see if he would consider allowing the spoils from the flood control project to be placed on his property. This action would reduce the cost of the flood control project to the City. Mr. Hunter agreed subject to the fill being placed in a compacted form, suitable for development. It was the City's estimate that 37,000 cubic yards of fill would be available. A grading plan was prepared by Civil Design and submitted to the City and a Soils Report for the site was prepared by Miller Pacific Engineering Group.

In the spring of 2008 the City again approached Mr. Hunter to see if he was interested in a possible trade in lieu of the purchase of his property for the flood control project. A number of meetings were held and a lot line adjustment agreed upon. Land was appraised and a price was established. The Agreement of Purchase and Sale was signed in December of 2008.

In the fall of 2007 the City again approached Mr. Hunter asking if he would support placing an Assessment District on property benefiting from the flood control project. Additional money was required to complete the City's project. Mr. Richard McDonnell

Letter
B2
Cont.

assessment district

HUNTER SUBDIVISION
PROJECT DESCRIPTION

of Vineyard Valley Mobile Home Park, on Marcy 21, 2008 protested the Assessment District which constituted a majority protest and killed the Assessment District. Mr. Hunter agreed to the Assessment District which would place a lien of $586,084.96 on his property.

All of the meetings with the City to this point, including meetings held with Councilman Eric Sklar in attendance, envisioned development of the Hunter parcel. The values of property arrived at for the land trade/sale with the City was based on developable land prices. And, the placement of City fill on the Hunter property was to be done consistent with the future urban development of the parcel. Furthermore, to accommodate development and as part of the land swap, the City's Flood Control Project:

- Removed grape vines along the north side of the property for the extension of Adams Street and through the middle of the site where Starr Avenue was to be extended.
- Moved the water main from the center of the property to the location of the future Starr Avenue right-of-way.
- Up-sized the retention pond and pumps to serve the developed Hunter parcel.
- Created an easement and moved the sewer line.
- Created an easement to facilitate the extension of Starr Avenue.

In September of 2009 architect Mark Scheurer was retained as designer of the project and Mark met with City Staff. In December of 2009 the design work was again put on hold to allow for the completion of the General Plan Update program. The Civil Engineering firm RSA then rejoined the development team.

At the present time the right-of-way for Adams Street has been graded and rocked, the right-of-way for Starr Avenue has been cleared and the water utility installed. The easterly half of the Hunter property has been used as a construction staging area by the City and is devoid of any vegetation. And the stockpile is currently being placed and compacted on the eastern portion of the site (per the stockpile Plan referenced above). The ground water well on the site previously used for irrigation of the grape vines is presently used by the City (free of charge) to start the landscape required by their flood control project.

before application completed

Dennis Hunter
Applicant *or* Property Owner Signature

Sept 9, 10
Date

Letter
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Cont.

CONSULTING CIVIL ENGINEERS
GIECHERS & SPENCE
ASSOCIATES

#4110047.0
September 9, 2010

City of St. Helena Planning Department
1480 Main Street
St. Helena, CA 94574

RE: Hunter Subdivision-
Tentative Subdivision Map Submittal

To Whom It May Concern:

On behalf of our client, Dennis Hunter, and applicant, Ben and Kelly vanZutphen, we are submitting the following items to initiate concurrent processing of both a Conceptual Map review and a Tentative Subdivision Map application for a subdivision on Mr. Hunter's property. Per the City's checklist, the following items are included in this package:

- (20) 24x36 copies of the Conceptual Map
- Completed application form, with property owner and applicant signatures
- Written Statement, signed and dated
- (13) 24x36, (13) 11x17 & (1) 8-1/2x11 copies of the Tentative Subdivision Map, including:
    a. Cross Sections
    b. Grading Plan/Contour Map
- (13) 24x36, (13) 11x17 & (1) 8-1/2x11 copies of the Landscape Plan, including,
    a. Fence/Wall details
- Site Photos
- A mailing list of all owners of property within a 300' radius of the subject property
- Current Preliminary Title Report
- Napa County Solid Waste Disposal Info Form
- Processing Fee Initial Deposit of $1,500

Additional items to accompany the Subdivision Map (not already included above) are:

- Listed Item #8- A cost estimate for all off-site improvements

Letter
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Cont.

Lastly, for your easy reference, the following technical and environmental studies are attached which were performed as part of the flood control project:

- Geotechnical Report
- Army Corps 404 Permit
- Archeological Report

Note that, as described in the written statement, homes or structures are not proposed as part of this application. Mr. Hunter seeks approval of the subdivision only at this time. So, the floor plans and presentation plans/exhibits listed in the checklist are not included in this package.

Please call if you have any questions in regards to this submittal, and we'll connect you with the applicant and/or the property owner.

Sincerely,

Francis Adrias, PE
Project Manager

cc: Dennis Hunter w/ enclosure
Ben vanZutphen

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Cont.

Job No. 4110047.0
Date: Sept 8, 2010
By: JCP

Carolyn Mason Debbie Don
Walter ~~Tom~~ Sue Melanie Mathew
Terry

HUNTER SUBDIVISION - OFFSITE IMPROVMENTS
St. Helena, California
OPINION OF PROBABLE CONSTRUCTION COSTS
Based on DESIGN REVIEW PLANS
Prepared By: Riechers Spence and Associates, Dated: Sept 8, 2010

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
A. GRADING AND STREET WORK				
Mobilization	1	l.s.	$ 8,000.00	$ 8,000.00
Clearing and Grubbing	1	l.s.	$ 5,000.00	$ 5,000.00
Rough Grading	1,800	c.y.	$ 6.00	$ 10,800.00
Overexcavation & Recompaction	1	l.s.	$ 5,000.00	$ 5,000.00
Finish Grading - Streets	10,830	s.f.	$ 0.30	$ 3,249.00
Asphalt Concrete *	200	ton	$ 100.00	$ 20,000.00
Class II Aggregate Base *	270	c.y.	$ 45.00	$ 12,150.00
Saw-cut and conform	160	l.f.	$ 4.50	$ 720.00
Traffic Striping and Signage	1	l.s.	$ 2,000.00	$ 2,000.00
Traffic Control	1	l.s.	$ 5,000.00	$ 5,000.00
Erosion Control	1	l.s.	$ 15,000.00	$ 15,000.00
			Subtotal	$ 86,919.00
B. CONCRETE WORK				
Standard Curb and 12" Gutter	580	l.f.	$ 25.00	$ 14,500.00
Pedestrian Ramp, (Caltrans - Case A)	1	each	$ 1,600.00	$ 1,600.00
4" Thick Concrete Sidewalks	1,940	s.f.	$ 7.00	$ 13,580.00
			Subtotal	$ 29,680.00
C. SEWER SYSTEM WORK				
8" PVC Sanitary Sewer Pipe	175	l.f.	$ 42.00	$ 7,350.00
Sanitary Sewer Manhole	1	each	$ 4,000.00	$ 4,000.00
Connect to existing sewer system	1	l.s.	$ 1,200.00	$ 1,200.00
			Subtotal	$ 12,550.00
E. WATER WORK				
8" PVC Water Pipe	40	l.f.	$ 48.00	$ 1,920.00
Connect to existing water system	1	l.s.	$ 1,200.00	$ 1,200.00
			Subtotal	$ 3,120.00
			Total	$ 132,269.00
			15% Contingency	$ 19,840.35
			GRAND TOTAL	**$ 152,109.35**

* Pavement section is assumed. Actual section will be based on the projects geotechnical report recommendations.

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Cont.

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT

NOTES:

1. This estimate of probable construction costs is prepared as a guide only and is subject to possible change. It has been prepared to a standard of accuracy, which, to the best of our knowledge and judgment, is sufficient to satisfy our understanding of this estimate.

2. This estimate does not include the following:

   a. Comcast, Pac-Bell, AT&T and PG&E (dry utilities) costs.
   b. Relocation of power poles.
   c. Landscaping/hardscape costs.
   d. City of St. Helena fees.
   e. Detention facilities or maintenance costs.
   f. Cost associated with environmental mitigations.
   g. Fence relocations.
   h. Phased construction or out-of-regular-sequence construction.
   i. Land costs, acquisition of right of way, easements, and/or rights of entry.
   j. Costs associated with high groundwater or inclement weather conditions.
   k. Costs associated with limitation on construction access.
   l. Demolition of existing structures or facilities.

3. Costs presented herein represent an opinion based on historical information and previous bid prices on current projects. No provision has been made for inflation.

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Cont.

EXHIBIT 8

Letter
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Cont.

STAFF REPORT

DATE: April 11, 2012

TO: Mayor and City Council

FROM: City Staff

RE: Water Supply and Demand Conditions Update

Summary

Discussion of City water supply and demand conditions related to certification of the General Plan Update EIR and adoption of the General Plan Update document.

Background

The General Plan Update process has been underway since late 2008. The process was initiated through a public workshop in early 2009 followed by monthly General Plan Update Steering Committee meetings throughout 2009 and 2010. In early 2010, there was another public workshop followed by two Town Hall meetings and a communitywide survey. Public hearings for the adoption of the General Plan Update document and Certification of the General Plan Update EIR were initiated in August of 2010.

November 9, 2010 City Council Meeting

On November 9, 2010, the City Council held a public hearing on the General Plan Update EIR and declared that Mitigation Measure Utilities 1-a (page 4.R-20) which outlines a conservation program intended to result in a reduction in annual water demand of 495 AF is not feasible and that even with the remaining mitigation measures (Mitigation Measures 1-b, 1-c, 1-d), the impact of the increased demand for water from new development would be significant and unavoidable. Because the City Council determined that these specific measures would not mitigate this impact, additional and/or revised mitigation measures were required. Staff was directed to work with the Infrastructure Committee and consultants to develop appropriate measures. At that meeting the City Council approved the General Plan Update document and directed staff to re-circulate the EIR once it had resolved the water-related issues. The minutes from the November 9, 2010, City Council meeting are attached.

Safe Yield Committee

At their meeting on December 14, 2010 the City Council appointed the Safe Yield Committee to ascertain the annual safe yield of the City's water system. The goal of the committee was to determine, at the present time, if potable water usage was below, above or equal to the safe yield of the potable water system. The meaning of safe yield was defined by the Planning Commission and approved by the City Council during the review/approval process of the General Plan Update during the fall of 2010. The definition is as follows:

The safe annual yield of the St. Helena water supply system is that quantity of water which can be reliably delivered on an annual basis through most rainfall years, including a Dry Year (rainfall at 22" to 25.9") without undue hardship on water customers through water shortage restrictions. It is recognized that the safe annual yield, as so defined, could place significant

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hardship on water customers in a Critically Dry Year (rainfall at 21.9" or less) or in periods of two or more consecutive Dry Years."

The Safe Yield Committee presented their recommendations to the City Council at their meeting on March 22, 2011. The Committee determined that the annual safe yield of the City's potable water supply system is currently 1,950 acre feet. To calculate annual demand, the Committee recommended using a five-year rolling average. As shown in the table below, the supply/usage balance equation yielded a deficit of 206 acre feet in FY 09-10 and 133 acre feet in FY 10-11. It is interesting to note that actual water demand in both of these years was lower than the annual safe yield of 1,950 acre feet. Because the five-year rolling average is used in the equation, it takes some time for reductions in water usage to "catch up" in the calculated surplus/deficit. As shown in the italicized projections in the table below, if water demand remains at the FY 10-11 level, water emergency restrictions could potentially be lifted in July 2012. Furthermore, a surplus of 107 acre feet could be realized at the end of FY 12-13.

Fiscal Year	Water Use *(acre feet)*	Unaccounted for Water (UAF)[1] *(acre feet)*	Annual Total Water Use *(acre feet)*	5-Year Rolling Average Total Water Use[2] *(acre feet)*	Surplus/ (Deficit) *(acre feet)*
2005 - 2006	1,853	327	2,180		
2006 - 2007	2,026	358	2,384		
2007 - 2008	1,894	334	2,228		
2008 - 2009	1,807	319	2,126		
2009 - 2010	1,581	279	1,860	2,156	(206)
2010 - 2011	1,573	206	1,779	2,083	(133)
2011 -2012 est.	*1,573*	*206*	*1,779*	*1,915*	*35*
2012-2013 est.	*1,573*	*206*	*1,779*	*1,843*	*107*

[1]Unaccounted for water is estimated at 15% of total water use for FY 05-06 through FY 09-10 years 2006 to 2010. UAF water for FY 10-11 is the actual usage.

[2]The five-year rolling average for FY 09-10 is computed by averaging water use and adding 15% UAF water use (water use 5-year average ÷ .85). The five year rolling average for FY 11-12 and FY 12-13 projections use 12% UAF water use in the calculation (water use 5-year average ÷ .88).

Update on Water-Related Activities in 2011

In its final report dated March 27, 2011, the Safe Yield Committee recommended the City develop a new system for triggering water emergencies, and on October 25, 2011 the Council adopted a new Water Shortage Emergencies Ordinance, amending Chapter 13.04 Water Service Systems, Article 2, Water Shortage Emergencies. The new ordinance incorporated the definition of Safe Annual Yield and added a new definition for Supply/Usage Balance, as follows:

"Supply/Usage Balance" is the difference between the Safe Annual Yield and total current usage. Total current usage is average usage as determined by taking total metered potable water supply entering the water system's distribution system over the last five fiscal years, divided by five. The city shall calculate that the Supply/Usage Balance as soon after the end of each fiscal year as is practicable, as well as at any time that there is a material change in potable water supply. The Balance is positive when the Safe Annual Yield exceeds total current usage. The Balance is negative, or in Deficit, when the Safe Annual Yield is less than total current usage.

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The ordinance establishes three water shortage emergency phases with increasing water use restrictions. Phase I water regulations are triggered when the supply/usage balance is in deficit, as is currently the case. Under Phase I regulations, water customers are prohibited from expanding or installing new water-using appliances, plumbing, or improvements, such as landscaping and pools, unless the installation will result in no increase in water use. Replacement fixtures and appliances must be water-efficient. In addition, new water connections for new development may only be approved if the projected water demand for the project can be offset by a corresponding reduction in the existing water demand on the City water system.

City of Napa Water Agreement. On November 8, 2011, the city adopted and amended its water supply agreement with the City of Napa to provide 600 acre-feet per year (afy) under all hydrologic conditions through the end of 2035. This is a significant change from the previous three tier system. The net effect is to provide more water in a critically dry year, the same amount of water in a dry year, and less water in wet, normal and below normal years.

Water Rate Increase. On July 1, 2011, new water rates went into effect which increased rates by an average of 56%. The new rates have a higher tiered rate structure than the previous water rates and should encourage increased water conservation. The impact of the new water rates on water demand is not yet known, as the most recently reported supply/usage balance covers the period before the new water rates went into effect.

Discussion

Building on the information developed by the Safe Yield Committee, the City requested West Yost Associates to prepare a report that would supplement and update the information contained in the 2010 Water Supply Plan (West Yost Associates, October 2010). The West Yost technical memorandum, dated April 5, 2012, is attached to this staff report.

The technical memorandum shows that, without water conservation measures, the metered water demand is projected to increase from 1,875 afy (2,080 afy including unaccounted for water) to 2,116 afy (2,350 afy including unaccounted for water) by the year 2030 under the likely build-out scenario, an increase of approximately 270 afy in total projected water use (Table 1-1). Staff notes that the 2010 metered water use and total water use estimates incorporated in the report are significantly higher than the actual water use figures for 2010, but approximate the five-year rolling average.

The technical memorandum describes the existing revised potable water supply under different hydrologic conditions, and compares water demand projections to water supply, given the new water shortage emergency regulations. Table 3-3 shows that total potable water supply is not capable of providing reliable supplies under all hydrologic conditions for the likely build-out scenario, except during a critically dry year, due to a combination of the impact of the Phase III water shortage emergency restrictions and increased groundwater pumping. The technical memorandum assumes the City's current groundwater use practice of using groundwater for up to 20 percent of the water supply in most years, and 30 percent in dry and critically dry years.

Beginning on page 13 of the technical memorandum, West Yost explores several strategies to mitigate the water supply deficit between the potable water supply and projected water demand

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under the likely build-out scenario. One strategy is to increase groundwater pumping; according to West Yost, it appears that the City could increase groundwater pumping by at least several hundred acre-feet per year – enough to reduce or eliminate the water supply deficit – and not exceed the perennial yield of the groundwater basin. West Yost cites a 2050 Napa Valley Water Resources Study that indicates that groundwater levels in the Napa Valley Groundwater Basin, including the St. Helena area, have been stable over 55 years and that there is no indication that the perennial yield has been exceeded. Furthermore, the perennial yield of the basin has been estimated as being anywhere from 21,000 afy to almost 30,000 afy, with a volume in storage of over 200,000 acre-feet. Although only a portion of the total basin recharge and storage would be attributable to the immediate area around St. Helena, the City's long-term pumping average of 450 afy is not a significant draw on the groundwater basin, amounting to approximately 2% of the annual basin recharge. Water Strategy 1, discussed below, would increase pumping to 650 afy, or approximately 3% of the annual basin recharge.

The technical memorandum reviews the Water Use Efficiency Recommendations discussed in the 2010 Water Supply Plan, and concludes that these options still apply. The recommendations and corresponding potential water savings listed below would be refined once a water conservation plan is fully developed and implemented.

- Hire a full-time Water Conservation Coordinator (necessary to achieve reductions listed below)
- Modify rate structure to increase high tier rates (unspecified)
- Update the new construction offset program, 227 afy
- Fully develop the meter leak detection and monitoring program, 90 afy
- Establish an Irrigation Advisory Service, 60 afy
- Promote "Smart Irrigation Controllers," 77 afy
- Adopt requirements for "ultra-efficient" plumbing fixtures for new development and rebates to existing users, 15 afy
- Provide incentives for replacement of turf, 13 afy
- Provide incentives for roof water catchment, 13 afy

These measures total 425 afy, although additional water use reductions are likely to occur from the higher water rates already imposed and potential restructuring of high-tier water rates to discourage water waste. In regard to the meter leak detection and monitoring program, staff notes that while the City's recent customer water meter upgrade has contributed to the drop in unaccounted for water from approximately 15% to 12% (an estimated 72 acre-feet in FY 10-11), more work could be done. In particular, the City could conduct a comprehensive leak survey and repair and upgrade leaking water pipes in the municipal system.

In section 4.1, the technical memorandum describes five water supply strategies the City Council could adopt to ensure sufficient and reliable water supplies to meet needs of the likely build-out scenario. These strategies provide several points on a continuum between low water conservation action plans combined with more groundwater use than the current practice, to high water conservation action plans combined with lower groundwater use than the current practice. These strategies, described in detail on pages 15 and 16 of the technical memorandum, are:

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Strategy 1: Minimize water conservation, resulting in an average long-term groundwater pumping of 650 afy, and no long-term water conservation measures under the likely build-out scenario.

Strategy 2: Hold groundwater to the historical average of 450 afy, resulting in a need for long-term water conservation of 277 afy under the likely buildout scenario (13% of projected demand).

Strategy 3: Hold supply to 2008 levels, resulting in a long-term average groundwater pumping of 481 afy and long-term water conservation measures of 243 afy under the likely building scenario (12% of projected demand).

Strategy 4: Maximize water conservation, resulting in average groundwater pumping of 251 afy and long-term water conservation measures of 495 afy under the likely build-out scenario (24% of projected demand).

Strategy 5: Hold water supply to 1,950 afy and keep the long-term average groundwater pumping to 450 afy, as recommended by the Safe Yield Committee. This results in the need for long-term water conservation measures of 360 afy under the likely buildout scenario (17% of projected demand).

The potential for a water surplus as early as FY 2012-13, and increasing in FY 2013-14, came to light subsequent to West Yost articulation of the 5 Strategies above. West Yost should opine on whether such a water surplus could further reduce the need for groundwater pumping or conservation outlined in the above 5 strategies.

Next Steps

The City Council may select one of the five water strategies described above in order to move forward with the process of certifying the General Plan Update EIR. The Water Use Efficiency Recommendations described above are sufficient to balance water supply and demand for all strategies under the likely build-out scenario except Strategy 4, and in fact, exceed the water conservation amount required under these measures. Strategies 1, 2, 3 and 5 require water conservation measures that would reduce projected demand from 12% to 17%. As described in the attached memo on State Water Regulations, the Water Conservation Act of 2009 requires the state to reduce urban per capita water use by 20% by the year 2020. While the St. Helena Water Enterprise has less than 3,000 connections and is not required to comply with the reporting requirements of SBX 7-7, the City is required to comply with state regulations designed to meet this water reduction goal, including the State Water Efficient Landscape Ordinance and the 2010 CALGreen Building Code, which requires a reduction of indoor water use by at least 20% for all new construction projects. Local water conservation efforts, in concert with these state regulations, could help to bring projected water supply and demand in balance.

Strategies 1 and 3 require an increase in long-term average groundwater pumping to 650 afy and 481 afy, respectively. This would represent an increase of 200 afy and 31 afy above the historical long-term average of 450 afy. In order to determine the feasibility of increasing

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groundwater production, the City could solicit proposals from qualified groundwater hydrogeologists to conduct a comprehensive groundwater assessment that augments the findings from the studies cited in the technical memorandum. The study would provide a better understanding of the long-term yield characteristics of the St. Helena groundwater basin analysis, and could include: an assessment of historical groundwater level, quality, and production data; volumetric assessments of the basin to quantify groundwater availability; and development of a groundwater budget in consideration of present and future water demand and anticipated yields of municipal water supply wells.

While choosing its preferred water supply strategy, the City Council should bear in mind that, due to the recent amendments to the Water Shortage Emergencies Ordinance, new development requiring additional water supplies must prove, through a water demand analysis report, that the proposed development will not create additional water demand. It is envisioned that this practice will be followed until water supply and demand are brought into balance. The rolling five-year average used to calculate "current" water demand in the supply/usage equation ensures that conservation efforts and restructured water rates must translate into real and long-lasting reductions in water demand before new development will be approved.

Recommended Council Action

The City Council should select one of the five strategies analyzed in the West Yost Technical Memorandum dated April 5, 2012, and direct staff to prepare the document(s) necessary for the City Council to certify the General Plan Update EIR. The City's EIR consultant has determined that recirculation of the EIR will not be required if the City Council selects one of the five water strategies.

Alternatives

If the Council chooses not to adopt one of the five water supply strategies analyzed in the West Yost technical memorandum, there will be insufficient water to serve new development under the likely build-out scenario of the draft General Plan Update. The City would then have the following options to consider:

Option One: Reduce all general plan growth to zero. This would require a rewrite of the General Plan Update and EIR and would potentially be in conflict with the City's adopted housing element.

Option Two: Modify the General Plan Update likely build-out scenario to a lower level of growth that can be accommodated with some increase in water supply, achieved through water conservation, increased groundwater pumping, and/or regulations requiring new development to offset existing water usage in the community. This would also require a rewrite of the General Plan Update and EIR, but, depending on the decision the Council makes in regard to the above factors, may be less extensive than Option One.

Option Three: Shorten the term of the General Plan Update, in concert with some mix of water conservation and increased groundwater pumping. Reducing the General Plan horizon to the year 2020, for example, would reduce projected water demand by 120 afy. The water

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conservation measures and/or increased groundwater pumping requirements described in Water Strategies 1-5 would therefore be reduced by 120 afy.

Fiscal Impact

Staff and consultant time to prepare documents to certify the General Plan Update EIR and adopt the General Plan Update. A rewrite of the General Plan Update and EIR could be costly and take a significant amount of time. Staff would need to develop cost estimates with its consultants in consideration of Council's action and the scope of changes that are required.

Attachments

West Yost Associates Technical Memorandum, April 5, 2012
State Water Regulations Memorandum, February 21, 2012
City Council Minutes from the Meeting of November 9, 2010

Distributed Previously

Final General Plan Update Document
Final General Plan Update PEIR

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MEMORANDUM

Date: February 21, 2012
TO: Gary Broad, City Manager
FROM: Christine O'Rourke, Consultant
SUBJECT: State Water Regulations

The purpose of this memorandum is to provide a summary of state water regulations that are designed to improve water efficiency and conservation.

State Water Efficient Landscape Ordinance (AB 1881)
In 2009, the state adopted a new model water efficient landscape ordinance and required all agencies to either adopt it or develop an ordinance that was as efficient as the state's ordinance. The state ordinance went into effect on January 1, 2010. The ordinance applies to: 1) new construction and rehabilitated landscapes for public agencies, commercial development projects, and developer-installed residential projects of 2,500 square feet or greater that require a building or landscape permit, plan check or design review; and 2) new construction landscapes installed by a home-owner or home-owner's contractor that are 5,000 square feet or greater and require a building or landscape permit, plan check, or design review.

The state model ordinance is designed to reduce landscape water use to the lowest practical amount and set an upper water budget that may not be exceeded. Ordinance requirements include the following elements:

- Water-use calculated based on the maximum applied water allowance. Any plants may be used as long as the water budget is not exceeded.
- Smart controllers that use evapotranspiration or soil moisture data.
- Dedicated meters for projects with 5,000 square feet or more of landscape area (except single family homes).
- Rain shut-off sensors.
- No overhead spray for narrow planting areas less than 8' wide.
- 24-inch setback from hard surfaces for overhead spray heads.
- No turf allowed on slopes exceeding 25% unless the toe area is permeable.
- 2" of mulch in most planting areas.

The state reports that several local agencies have adopted ordinances more stringent than the model ordinance. Some of the local provisions include:

- The ordinance applies to all new construction and rehabilitated irrigated landscape areas equal to or greater than 1,000 square feet.
- The ordinance applies to all new landscapes regardless of size or occupancy type.
- The ordinance limits the allowable turf area to 25% of the irrigated area, unless the project applicant chooses to develop a water budget.

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- The ordinance requires at least 80% of the plants in non-turf areas to be native plants, low-water using plants, or no-water using plants, unless the project applicant chooses to develop a water budget.
- The ordinance requires dedicated irrigation meters at all accounts with landscaping that exceeds 5,000 square feet.

2010 CALGreen Building Code
In 2010, the state adopted the CALGreen Building Code which went into effect on January 1, 2011. The code requires a reduction of indoor water use by at least 20%, and provides both prescriptive and performance methods to meet the requirement.

For indoor water use, projects may either show a 20% reduction in water use using the worksheets provided in the code or install the following high-efficiency fixtures:

- Showerheads with a maximum water rate flow rate of 2.0 gallons per minute at a pressure of 80 psi.
- Lavatory faucets with a maximum flow rate of 1.5 gallons per minute at 60 psi.
- Kitchen faucets with a maximum flow rate of 1.8 gallons per minute at 60 psi.
- Toilets that use a maximum of 1.28 gallons per flush.
- Urinals that use a maximum of 0.5 gallons per flush.

In addition, the code requires that irrigation controllers must be weather or soil-based controllers capable of delaying an irrigation cycle during wet weather.

Some local agencies have adopted additional requirements. The Marin Municipal Water District, for example, requires high-efficiency clothes washers and pool covers for all new outdoor swimming pools, as well as high-efficiency fixtures for commercial applications.

Water Conservation Act (SBX 7-7)
Senate Bill X 7-7 requires the state to achieve a 20% reduction in urban per capita water use by the year 2020. The Act requires urban water agencies with 3,000 service connections or sales of 3,000 acre feet to calculate baseline per capita water use and develop water use targets for 2020.
A retail water supplier should also provide a general description in their Urban Water Management Plan of how the supplier intends to reduce per capita water use to meet its urban water use target. An example of the Conservation Measures Description for an Urban Water Management Plan is attached as Appendix A to this memorandum.

Agencies that are not in compliance with the Act by July 1, 2016, are not eligible for state water grants and loans. Failure to meet the 2020 targets will be a violation of the law subject to administrative or judicial proceedings. The City is not currently required to comply with this law, but it may be required to do so in the future.

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Appendix A

Marin Municipal Water District 2010 Urban Water Management Plan Conservation Measure Descriptions

Table 3-15 Conservation Measure Descriptions		
Customer Sector	Name of Measure	Description
SF,MF	Residential Water Surveys - Indoor	This is the indoor component of indoor and outdoor water surveys for existing single-family and multi-family residential customers. Normally those with high water use are targeted and provided customized report to homeowner.
SF, MF	Residential Water Surveys - Outdoor	This is the outdoor component of indoor and outdoor water surveys for existing single-family and multi-family residential customers. Normally those with high water use are targeted and provided customized report to homeowner.
SYSTEM	UFW Reduction	The District will increase efforts to find and repair leaks in the distribution system and take other actions (such as meter replacement) to reduce water losses. A ten year program to reduce unaccounted for water by 3.0 percent is proposed for this measure.
IRR	Water Budgets	90% - 100% of all irrigators of landscapes with separate irrigation accounts would receive a monthly or bi-monthly irrigation water use budget.
COM, INS	Large Landscape Conservation Audits	All public and private irrigators of landscapes larger than one acre would be eligible for free landscape water audits upon request.
SF	Clothes Washer Rebate	Homeowners would be eligible to receive a rebate on a new water efficient clothes washer.
SF, New SF	Public Information Program	Public education would be used to raise awareness of other conservation measures available to customers. Programs could Include poster contests, speakers to community groups, radio and television time, and printed educational material such as bill inserts, etc.
COM, INS	Commercial Water Audits	High water use accounts would be offered a free water audit that would evaluate ways for the business to save water and money.
SF	Single Family Residential ULF Toilet Rebate	Homeowners would be required to replace an existing high volume toilet with a 1.6 gallon per flush efficient toilet when name account changes.
RMF	Multi-Family Residential ULF Toilet Rebate	Homeowners would be required to replace an existing high volume toilet with a 1.6 gallon per flush efficient toilet when name account changes.
SF	Single Family Toilet Ordinance	A single family toilet ordinance to replace existing toilets.
MF	Multifamily Toilet Ordinance	A multifamily toilet ordinance to replace existing toilets.
Existing Customers SF	Rain-Sensor (shut off device) Retrofit on Irrigation Controllers	Agency pays for the $40 rain sensor, homeowner pays for the optional installation ($35).
Existing Customers: SF & MF	High Efficiency Toilet (HET)	Provide a $250 rebate or voucher for the installation of a high efficiency toilet (HET). HET are defined as any toilet to flush 20% less than an ultra-low flow toilet (ULFT) and include dual flush technology. Rebate amounts would reflect the incremental purchase cost.
Existing Customers: SF & Condo	Homeowner Landscaping and Irrigation Classes	Sponsor classes at stores where irrigation equipment is sold or other suitable venues on selection and installation of efficient plant material and irrigation equipment (drip irrigation, smart controllers, low volume sprinklers, etc.).
Existing Customers MF	Coin-Op Washing Machine Rebate	Provide a $400 rebate for efficient coin-op washing machines to existing apartment complexes over a certain size with a common laundry room.

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Table 3-15 Conservation Measure Descriptions		
Customer Sector	Name of Measure	Description
Existing Customers SF, Condo, MF, CII, IRR	Financial Incentives/ Rebates for Irrigation Upgrades including Smart Irrigation Controllers	For SF, Condo, MF, CII, and IRR customers with landscape, provide for rebates towards the purchase and installation of selected types of irrigation equipment upgrade including low volume sprinkler heads, check valves, smart irrigation controllers. Rebate is $450 for residential accounts and up to $650 for mixed use accounts and up to $3,500 for dedicated irrigation accounts. Provide up to $450 for SF, and up to $3,500. Assume average rebate claimed equates to $1,500 for non-Residential accounts.
Existing Customers: CII	Hotel Retrofit (w/ financial assistance) - CII Existing	Following a free water audit, offer the hotel a rebate for equipment identified that would save water. Provide a rebate schedule for certain efficient equipment such as air-cooled ice machines, steamers, washers, cooling towers, and spray rinse valves.
Existing Customers: CII	CII Rebates - Replace inefficient water using equipment	Provide a rebate for a standard list of water efficient equipment. Included would be x-ray machines, icemakers, air-cooled ice machines, steamers, washers, spray valves, efficient dishwashers, replace once through cooling, add conductivity meters on cooling.
Existing Customers: CII	0.5 gal/flush urinals in existing buildings	Provide a $350 rebate for existing buildings to encourage installation of 0.5 gal/flush urinals rather than the current standard of 1.0 gal/flush models.
SF, Condo, MF, COM, INS	Install AMS and Leak Detection Customer Notification	Install advanced metering systems (AMS) and leak detection meters. A call or email will be placed to customers if there is a leak. Will be as automated as possible by a computer program, use 1 full time staff person. Cost will be approximately $100,000 per year.
New Customers: SF, Condo, RMF, COM, INS	Rain-sensor shut off device on irrigation controllers	Require-sensor or rain shut off devices with all new automatic irrigation system installations on new homes and buildings.
New Customers: SF, Condo, RMF, COM, INS	Smart Irrigation Controller	Require developers to provide the latest state of the art SMART irrigation controllers. These SMART controllers have on-site temperature sensors or rely on a signal from a central weather station that modifies irrigation times at least weekly.
New Customers: SF, Condo, RMF, COM, INS	High Efficiency Toilet (HET)	Require developers to install a high efficiency toilet (HET). HET are defined as any toilet to flush 20% less than an ULFT and include dual flush technology.
New Customers: SF, Condo, RMF, COM, INS	Dishwasher New Efficient	Require developers to install an efficient dishwasher (meeting certain water efficiency standards, such as gallons/load).
New Customers: SF, Condo, RMF, COM, INS	Clothes washing machines requirement for new residential	Building departments would be responsible to ensure that an efficient washer was installed before new home or building occupancy.
New Customers: SF, Condo, RMF, COM, INS	Hot Water on Demand	Require developers to equip new homes or buildings with a hot water on demand system or tankless hot water heaters, such as those made by Metland Systems and others. These systems use a pump placed under the sink to recycle water sitting in the hot water pipes.

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Table 3-15 Conservation Measure Descriptions		
Customer Sector	Name of Measure	Description
New Customers: SF, Condo, RMF, COM, INS	High efficiency faucets and showerheads	Require developers to install lavatory faucets that flow at no more than 1.5 gallons per minute (gpm), kitchen faucets at 2.2 gpm, showerheads at 2.0 gpm.
New Customers: SF, Condo, RMF, COM, INS	Landscape and irrigation requirements	Enforce a regulation that specifies that homes or buildings be landscaped according to Xeriscape principals, with appropriate irrigation systems. (Combines with Smart Controller listed above). Goal is overall 25% in irrigation water use (measure 2 and 9 combined).
New Customers: MF	Multi Family Submetering	Require all new multi-family units to provide submeters on individual units. To help reduce financial impacts on tenants, regulators would be adopted that specify acceptable methods of metering and billing.
New Customers: CII	Offer new accounts reduced connection fees for installing efficient process equipment for selected businesses (restaurants, laundry mat, food/groceries and hospital)	Offer reduced water and sewer connection fees to new facilities to install water efficient equipment in new facilities that goes above and beyond the building code requirements. Model program after Santa Rosa's BAT program.
New Customers: CII	0.5 gal/flush urinals in new buildings	Require that new buildings be fitted with 0.5 gal/flush urinals rather than the current standard of 1.0 gal/flush models.

NOTE: RSF = Residential Single Family, RMF = Residential Multi-Family, NRSF = New Residential Single Family, COM = Business, INS = Institutional, IND = Industrial

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WEST YOST
ASSOCIATES
Consulting Engineers

REGISTERED PROFESSIONAL ENGINEER
JAMES P. CONNELL
63052
Exp. 6/30/12
CIVIL
STATE OF CALIFORNIA

TECHNICAL MEMORANDUM

DATE: April 5, 2012 Project No.: 705-04-10-04.003

TO: John Ferons, Public Works Director, City of St. Helena

FROM: Jim Connell, R.C.E. #63052

REVIEWED BY: Gerry Nakano, R.C.E. #29524

SUBJECT: 2010 Water Supply Plan—Impacts of Recent Water Supply Changes

The purpose of this technical memorandum (TM) is to document the recent changes to the City of St. Helena's (City's) potable water demand and potable water supply in support of the City's General Plan Environmental Impact Report. This TM supplements and modifies the information contained in the 2010 Water Supply Plan (West Yost Associates, October 2010). Since the 2010 Water Supply Plan was developed, the City has undertaken three tasks that affect water supply and demand planning. The three tasks are:

Task 1. Re-negotiated the Napa water agreement

Task 2. Amended the Water Shortage Emergency portion of the City Code

Task 3. Set a planning policy re-defining the safe yield from the City's water supply sources

The first two tasks affect the City's water supply and demand balance and the third task impacts the availability of City supplies to serve demands, which would affect growth in the City. This TM will explore the impact that these three tasks have on water supply planning. To be clear, this TM addresses water demand and supply for the public City facilities only and does not address private groundwater wells, or private surface water supplies.

In addition, the City adopted new water rates in 2011. The new water rates have a higher tiered rate structure than the previous water rates and should help encourage water conservation, which would then reduce potable water demand.

To facilitate cross-referencing with the 2010 Water Supply Plan, this TM describes the updates in the same order as the 2010 Water Supply Plan:

- Water Demand
- Water Supplies
- Comparison of Supply and Demand

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- Water Supply Strategies
- Conclusions and Recommendations

1.1 WATER DEMAND

The purpose of this section is to describe the City's estimated and projected potable water demand through two buildout scenarios presented in the draft General Plan Update.

The following topics were discussed in the 2010 Water Supply Plan:

- Recent Historical Water Demands
- Unaccounted For Water
- Land Use and Population Growth
- Per Capita Water Use
- Projected Water Demand
- Impact of City Water Shortage Emergency Phases
- State Senate Billx 7-7 Water Conservation (demand reduction through mandatory conservation)
- Projected Maximum Day Demand

Most of the topics are not affected by the new water shortage emergency code amendments (Task 2), and are only briefly re-iterated herein.

1.1.1 Recent Historical Water Demands

The recent historical metered water demands and unit water demands are discussed in Section 1.1.1 of the 2010 Water Supply Plan and not re-iterated here. This section was not affected by the City's recent work efforts.

1.1.2 Unaccounted For Water

The estimate of historical unaccounted for (UAF) water is discussed in Section 1.1.2 of the 2010 Water Supply Plan and not re-iterated here, except to indicate that historical UAF has been 14 percent to 15 percent of the total water produced, but has recently dropped to 12 percent, according to the City's Public Works Director. This recent reduction in UAF water may be due to the City's recent customer water meter upgrade program, which replaced the customer potable water meters with new meters and registers. Low level leaks are often only partially measured by water meters. The new registers include a feature that will indicate if water use does not stop for a given period of time. This feature has allowed water customers to identify and remove leaks on their side of the water meter, which has the duel effect of reducing potable water demand for that portion of the leak that was accounted for in the meter reading and reduces unaccounted for water for that portion of the leak that did not cause the meter to register. UAF water is any non-metered or non-accounted for water demand, and represents both loss of water supply and lost revenue. This water is lost mainly because of unauthorized or un-measured consumption, meter inaccuracies, and system leaks.

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The City intends to reduce the UAF water to less than 10 percent of the total water supplied, a value that is close to average for a typical, well operated water system. A UAF value of 10 percent of total water supplied is the factor used in these demand projections.

1.1.3 Land Use and Population Growth

The land use and population growth estimates are presented in Section 1.1.3 of the 2010 Water Supply Plan and not re-iterated here. As in 2010, the City is contemplating two buildout scenarios: the "***Likely Buildout Scenario***" and the "***Full Buildout Scenario***". This section was not affected by the City's recent work efforts.

1.1.4 Per Capita Water Use

Recent potable water production, estimated population, and per capita water use are documented in Section 1.1.4 of the 2010 Water Supply Plan. This section was not affected by the City's recent work efforts.

1.1.5 Projected Water Demand

The projected water demand under the ***Likely Buildout Scenario*** and the ***Full Buildout Scenario*** is discussed in Section 1.1.5 of the 2010 Water Supply Plan and briefly re-iterated below, although this section was not affected by the City's recent work efforts.

1.1.5.1 Likely Buildout Scenario

The updated projected metered and total water demands for the ***Likely Buildout Scenario*** at several planning milestones are shown in Table 1-1 (Table 1-7 from the 2010 Water Supply Plan) As shown in Table 1-1, without water conservation measures, the metered water demand is projected to increase from 1,875 acre-feet per year (afy) to 2,116 afy by buildout, an increase of approximately 252 afy. This increase in metered water demand would require a total water supply of 2,350 afy by 2030 once a UAF water demand of 10 percent of total water supplied is added. Because the current UAF is greater than 10 percent, it is recommended that the City develop and execute a program of UAF reduction. Such programs usually include making sure all potable water system uses, whether revenue or non-revenue uses, are accounted for. Next, the City would identify and prioritize the areas of the distribution system that have the highest risk and highest likelihood of leaks (areas with a history of leakage, or older pipes in areas with high water pressure). Once likely areas are prioritized, the City would undertake a leak detection program (usually based on taking sound readings) to identify leaks in pipelines, which would then be repaired.

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Table 1-1. Total Projected Water Use at Milestone Years – Likely Buildout Scenario, acre-feet per year (Table 1-7 from the 2010 Water Supply Plan)

Land Use	2008[a]	2010[b]	2020[b]	2030[b]
Residential	973	987	1,059	1,131
Commercial, Retail, Institutional	357	364	402	440
Industrial	149	149	149	149
Landscaping	83	83	83	83
Outside City Limits	313	313	313	313
Total and Projected Metered Water Demand	**1,875**	**1,897**	**2,007**	**2,116**
Unaccounted For Water (10 percent)	208	211	223	235
Total Projected Water Use	**2,080**	**2,110**	**2,230**	**2,350**

(a) Based on average Unit Water Demands in Table 1-1 of the 2010 Water Supply Plan and actual 2008 land use.
(b) Based on average Unit Water Demands in Table 1-1 of the 2010 Water Supply Plan and projected 2010, 2020, and 2030 land use for Likely Buildout Scenario.

1.1.5.2 Full Buildout Scenario

The updated projected metered and total water demands for the ***Full Buildout Scenario*** at several planning milestones are shown in Table 1-2 (Table 1-9 from the 2010 Water Supply Plan). As shown in Table 1-2, without water conservation measures, the metered water demand is projected to increase from 1,875 afy to 2,340 afy by buildout, an increase of approximately 465 afy. This increase in metered water demand would require a total water supply of 2,600 afy by 2030 once the UAF water demand is added.

Table 1-2. Total Projected Water Use at Milestone Years – Full Buildout Scenario, acre-feet per year (Table 1-9 from the 2010 Water Supply Plan)

Land Use	2008[a]	2010[b]	2020[b]	2030[b]
Residential	973	1,006	1,172	1,338
Commercial, Retail, Institutional	357	366	412	458
Industrial	149	149	149	149
Landscaping	83	83	83	83
Outside City Limits	313	313	313	313
Total Projected Metered Water Demand	**1,875**	**1,917**	**2,129**	**2,341**
Unaccounted For Water (10 percent)	208	213	237	260
Total Projected Water Use (rounded)	**2,080**	**2,130**	**2,370**	**2,600**

(a) Based on Unit Water Demands in Table 1-1 and actual 2008 land use.
(b) Based on Unit Water Demands in Table 1-1 and projected 2010, 2020, and 2030 land use for Full Buildout Scenario.

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1.1.6 Impact of City Water Shortage Emergency Phases

The City has recently adopted amendments to its Water Shortage Emergency (WSE) code. The amendments create three WSE phases instead of the previous five phases. The intent of the amendments is to create WSE Phases that are less likely to be triggered and are more restrictive when triggered. The amended regulations are encoded in City Code Title 13.04, Article 2 Water Shortage Emergencies.

The City now has a worksheet to assist the Public Works Director in determining if water supplies are sufficient to meet demands, or if a Water Shortage Phase should be triggered.

In 2010, West Yost Associates (West Yost) reviewed the then current five Water Shortage Emergency Phases of Action and Triggers, and estimated the impact that each Water Shortage Phase would have on reducing total water demands. For this supplement to the Water Supply Study, West Yost repeated the analysis with the amended City Code and the three Water Shortage Emergency Phases of Action and Triggers.

The estimated impact of the City's current Water Shortage Emergency demand reduction measures on the total potable water demand at buildout of the ***Likely Buildout Scenario*** is shown in Table 1-3 (modified from Table 1-10 in the 2010 Water Supply Plan).

Table 1-3. Projected Effect of City Existing Water Shortage Emergency Phases, Year 2030 Likely Buildout Scenario (Modified from Table 1-10 from the 2010 Water Supply Plan)

Water Shortage Emergency Phase[a]	Estimated Demand Reduction, Percent	Estimated Percent of Normal Demand	Projected Demand in 2030, acre-feet per year[b]
No Shortage	0	100	2,350
I	10	90	2,115
II	25	75	1,763
III	37	63	1,481

(a) Based on current City Code Title 13.04, Article 2 Water Shortage Emergencies.
(b) Based on Likely Buildout Scenario.

The estimated impact of the City's current Water Shortage Emergency demand reduction measures on the total potable water demand at buildout of the ***Full Buildout Scenario*** is shown in Table 1-4 (modified from Table 1-11 in the 2010 Water Supply Plan).

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Table 1-4. Projected Effect of City Existing Water Shortage Emergency Phases, Year 2030 Full Buildout Scenario (Modified from Table 1-11 from the 2010 Water Supply Plan)

Water Shortage Emergency Phase[a]	Estimated Demand Reduction, Percent	Estimated Percent of Normal Demand	Projected Demand in 2030, acre-feet per year[b]
No Shortage	0	100	2,600
I	10	90	2,340
II	25	75	1,950
III	37	63	1,638

[a] Based on current City Code Title 13.04, Article 2 Water Shortage Emergencies.
[b] Based on Full Buildout Scenario.

1.1.7 State Senate Billx 7-7 Water Conservation

The estimation of the impacts that Senate Billx 7-7 (SBx 7-7) would have on the City's water demand if it were required to comply are described in Section 1.1.7 of the 2010 Water Supply Plan. To re-iterate, the City is not required to comply with SBx 7-7 because it serves fewer than 3,000 customers and produces less than 3,000 acre-feet of water each year. However, reducing the per capita water demand would have the impact of increasing the sustainability of the water supply and is often considered a demonstration of good stewardship of natural resources.

SBx 7-7 provides four alternative methods to calculate the target per capita water demand (defined as the total water supply divided by the total service area population). The four methods are discussed in the 2010 Water Supply Study. If the City were required to base its potable water conservation targets on the requirements of SBx 7-7, West Yost would recommend the use of Method 1. With a projected service area population of 7,219 persons in 2020 and 7,654 persons in 2030 for the ***Likely Buildout Scenario***, and a per capita water demand of 227 gallons per capita per day (gpcd) (80 percent of historical average of 284 gpcd), the projected total annual potable water use would be reduced from 2,230 afy to 1,841 afy by 2020 and from 2,350 afy to **1,946 afy by 2030**, assuming buildout under the ***Likely Buildout Scenario***. Under the ***Full Buildout Scenario***, complying with Method 1 would reduce the projected total annual potable water use from 2,360 afy to 2,014 afy by 2020 and from 2,600 afy to 2,263 afy by 2030, because of greater projected population.

If the City were to hold development at the current level, and if it were subject to SBx 7-7, water demands would have to be reduced to approximately 1,715 afy (target per capita water demand of 227 gpcd x estimated service area population of 6,471 persons). The use of Lower Reservoir would count toward the 1,715 afy of total supply, but any use of recycled water would not, and serves to lower the per capita water demand.

1.1.8 Projected Maximum Day Demand

The City's historical and projected maximum day demand is discussed in Section 1.1.8 of the 2010 Water Supply Plan. The changes discussed in this TM do not affect the findings of the 2010 Water Supply Plan for this topic.

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2.1 WATER SUPPLY

The purpose of this section is to describe the City's historical and projected potable water supply through buildout of the draft General Plan in 2030. This section addresses projected water supplies and current contractual agreements. Impacts of proposed policies, including limiting water demand to within the definition of safe yield, are discussed in Section 4 of this TM.

The current sources of potable water include Bell Canyon Reservoir, Napa Contract Water, and groundwater. The agreement with the City of Napa to provide potable water has recently been amended so that the City is guaranteed to receive 600 afy under all hydrologic conditions. Only the water supply components that are affected by the new Napa Water Agreement, which extends to 2035 and can be renewed based on renewal of the State Water Project contracts, are discussed herein.

Lower Reservoir has also been used as a source of non-potable water for landscape irrigation, and recycled water is a potential future source of non-potable water for landscape irrigation.

2.1.2 Bell Canyon Reservoir

Bell Creek (or Howell Creek in some records), as impounded in Bell Canyon Reservoir, has been the City's major water supply source for several decades. The historical and projected yield from Bell Canyon Reservoir is discussed in Section 2.1.2 of the 2010 Water Supply Plan and summarized below. This supply has not been affected by the City's recent work efforts.

The estimated Sustainable Yield is summarized in Table 2-1 (Table 2-3 from the 2010 Water Supply Plan).

Table 2-1. Estimated Sustainable Yield of Bell Canyon Reservoir (Table 2-3 of 2010 Water Supply Plan)

Condition	Minimum Rainfall, inches	Estimated Sustainable Yield[a], acre-feet per year	Notes
Wet Years	38.5	1,100	Corresponds to 40 percent Exceedence
Normal Year	32.7	1,000	Corresponds to 60 percent Exceedence
Below Normal Year	26.0	800	Corresponds to 82 percent Exceedence
Dry Year	22.0	600	Corresponds to 90 percent Exceedence
Critical Dry Year	10.4	500	Corresponds to 100 percent Exceedence

[a] Based on Sustainable Yield Reservoir Model described in Appendix B of the 2010 Water Supply Plan, rounded to the nearest 100 acre-feet.

The estimated Sustainable Yields, summarized in Table 2-1, include consideration of required bypass flows and the effects of evaporation, and therefore represents the supply available to the City.

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2.1.3 City of Napa Water Agreement

The City has entered into and recently amended a water supply agreement with the City of Napa to supplement dry year weather supplies. The agreement took effect in 2006 and extends through the State Water Project contract duration at the end of 2035. This contract can be renewed pending renewal of the Napa Flood Control and Water Conservation District's State Water Project contract. This most recent (third) amendment to the water supply agreement was effective in late 2011 and has one tier of water availability, providing 600 afy under all hydrologic conditions, and available year-round. This is a significantly changed condition from the three-tiered (400, afy, 600 afy, and 800 afy) original agreement as modified by the first two amendments.

2.1.4 Groundwater

According to the Master Water Plan, the City's two groundwater supply wells, known as Stonebridge Wells 1 and 2, have a combined capacity of 650 gallons per minute, which could provide 1,050 afy of potable water per year if both wells could be operated continuously (24 hours per day, for 365 days). Operating any facility at 100 percent capacity on a continuous basis is not recommended. The City will need additional groundwater production capacity to meet water delivery requirements in dry years. This supply has not been affected by the City's recent work efforts.

City practice currently restricts the production from these wells to no more than 20 percent of the total demand, except in Phase II or Phase III water shortage emergencies. The groundwater wells have historically been operated to provide approximately 20 percent of the total potable water produced. The City also maintains wells for non-potable park and landscape irrigation, but their use is restricted to small areas, and is not included in this analysis. Also not included in this analysis is the pumpage from any private groundwater wells whether located inside or outside of City limits.

2.1.5 Lower Reservoir

The City currently uses Lower Reservoir to supply non-potable water to Robert Louis Stevenson Middle School for irrigation of a portion of the playing fields, and to Spring Mountain Winery to serve a portion of their non-potable water demands. According to the Master Water Plan, non-potable water deliveries have ranged from 14 to 19 acre-feet per year from 1996 through 2002. Recently (Fiscal Year 2002-2007) annual metered water use for the two Lower Reservoir water customers has been approximately 50 afy (total for the two customers). This supply has not been affected by the City's recent work efforts.

2.1.6 Recycled Water

In the future, it is the City's intent to be able to serve portions of its non-potable water demands, currently served through the potable water system, with highly treated wastewater (Title 22 tertiary, unrestricted reuse). This highly treated wastewater will become available as funding allows for construction of the necessary treatment/process facilities at the wastewater treatment plant and the associated transmission/distribution piping network.

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The use of recycled water to offset potable demands is not included in the SBx 7-7 calculation of per capita water use; therefore, any volume of existing potable water use that the City can convert to recycled water use would further reduce the City's per capita potable water use. This supply has not been affected by the City's recent work efforts (amending the water supply agreement with Napa, re-structuring the water shortage emergency phases, and defining the safe yield of the water supply). The use of recycled water continues to not be included in the water supply planning assumptions at this time.

2.1.7 Current Water Supply Balance for Planning Purposes

The existing revised (to include the new Napa Water Agreement) potable water supply for planning purposes is shown in Table 2-2. The current groundwater use practice is to use groundwater up to 20 percent of the total potable water supply in most years, and 30 percent of the total water supply in Dry and Critically Dry Years (WSE Phase II and Phase III).

Table 2-2. Estimated Current Potable Water Supply[a], acre-feet per year (modified from Table 2-5 of the 2010 Water Supply Study)

Water Supply[a]	Wet Year (40 percent exceedence) No Water Shortage Emergency	Normal Year (60 percent exceedence) No Water Shortage Emergency	Below Normal Year (82 percent exceedence) Phase I WSE	Dry Year (90 percent exceedence) Phase II WSE	Critical Dry Year (100 percent exceedence) Phase III WSE
Bell Canyon Reservoir	1,100	1,000	800	600	500
Napa Water Agreement	600	600	600	600	600
Groundwater[a]	425	400	350	514	471
Total Potable Water Supply	2,125	2,000	1,750	1,714	1,571

[a] Assumes groundwater will be 20 percent of total supply in most years and 30 percent of total supply in Dry and Critical Dry Years.

It is interesting to note that the amended Napa Water Agreement results in a lower total water supply during Wet, Normal, and Below Normal Years and a greater water supply during Critical Dry Years than calculated in Table 2-5 of the 2010 Water Supply Plan because of changes to the Napa Water Agreement. Water supply during Dry Years does not change.

A comparison of available water supply and projected demand is discussed in Section 3.

2.1.8 Maximum Day Production Capacity

The maximum day production capacity is discussed in Section 2.1.8 of the Water Supply Plan. This capacity has not been affected by the City's recent work efforts.

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3.1 COMPARISON OF SUPPLY AND DEMAND

The purpose of this section is to compare the potable water demand projected in Section 1 to the potable water supply described in Section 2, and to identify several possible measures that could be initiated to better match demand to available supply.

Specific water supply strategies that incorporate the measures described in this section to balance water demand and water supply are described in Section 4.

For purposes of this analysis, West Yost assumed a correlation between each City water shortage emergency phase and hydrologic condition. The assumed correlation is shown in Table 3-1.

Table 3-1. Assumed Correlation Between Hydrologic Condition and Water Shortage Emergency Phase (modified from Table 3-1 of the 2010 Water Supply Study)

Hydrologic Condition	Water Shortage Emergency Phase
Wet Years	No Shortage
Normal Year	No Shortage
Below Normal Year	I
Dry Year	II
Critical Dry Year	III

A comparison of projected total potable water demand without water conservation to the Normal Year water supply, based on the current groundwater use practice and the ***Likely Buildout Scenario*** is shown in Table 3-2 for several milestone years.

Table 3-2. Comparison of Normal Year Potable Water Demand and Supply at Milestone Years – Likely Buildout Scenario, acre-feet per year (modified from Table 3-2 of the 2010 Water Supply Study)

Land Use	2008	2010	2020	2030
Total Projected Water Use[a]	2,080	2,110	2,230	2,350
Total Projected Normal Year Water Supply[b]	2,000	2,000	2,000	2,000
Water Supply Surplus (Deficit)	(80)	(110)	(230)	(350)

[a] See Table 1-1.
[b] See Table 2-2.

The supply and demand comparison at buildout of the draft General Plan (2030) ***Likely Buildout Scenario*** is shown in Table 3-3 for several hydrologic conditions.

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Table 3-3. Comparison of Potable Water Demand and Supply under Several Hydrologic Conditions – Buildout of Likely Buildout Scenario, acre-feet per year (modified from Table 3-3 of the 2010 Water Supply Study)

Water Supply[a]	Wet Year (40 percent exceedence) No Water Shortage Emergency	Normal Year (60 percent exceedence) No Water Shortage Emergency	Below Normal Year (82 percent exceedence) Phase I WSE	Dry Year (90 percent exceedence) Phase II WSE	Critical Dry Year (100 percent exceedence) Phase III WSE
Total Potable Water Demand[a]	2,350	2,350	2,115	1,763	1,481
Total Potable Water Supply[b]	2,125	2,000	1,750	1,714	1,571
Water Supply Surplus (Deficit)	(250)	(350)	(365)	(49)	90

[a] See Table 1-3.
[b] See Table 2-2.

As can be seen in Table 3-3, the Total Potable Water Supply, as documented in Table 2-2, is NOT capable of providing reliable supplies under all hydrologic conditions, except the Critical Dry Year, due to a combination of increased groundwater pumping and Phase III WSE demand management measures. As demands continue to rise through buildout of the ***Likely Buildout Scenario***, additional supplies, or additional conservation (or more aggressive demand management measures) will be required to eliminate the identified supply deficiency through buildout of the ***Likely Buildout Scenario***.

A comparison of projected total potable water demand without water conservation to the Normal Year water supply, based on the current groundwater use practice and the ***Full Buildout Scenario***, is shown in Table 3-4 for several milestone years.

Table 3-4. Comparison of Normal Year Potable Water Demand and Supply at Milestone Years – Full Buildout Scenario, acre-feet per year (modified from Table 3-4 of the 2010 Water Supply Study)

Land Use	2005	2010	2020	2030
Total Projected Water Use[a]	2,080	2,130	2,370	2,600
Total Projected Normal Year Water Supply[b]	2,000	2,000	2,000	2,000
Water Supply Surplus (Deficit)[c]	(80)	(130)	(370)	(600)

[a] Table 1-2.
[b] Table 2-2.

The supply and demand comparison at buildout of the draft General Plan ***Full Buildout Scenario*** is shown in Table 3-5 for several hydrologic conditions, using the same correlation between water shortage emergency phase and hydrologic condition shown in Table 3-1.

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Table 3-5. Comparison of Potable Water Demand and Supply under Several Hydrologic Conditions – Buildout of Full Buildout Scenario, acre-feet per year (modified from Table 3-5 of the 2010 Water Supply Study)

Water Supply[a]	Wet Year (40 percent exceedence) No Water Shortage Emergency	Normal Year (60 percent exceedence) No Water Shortage Emergency	Below Normal Year (82 percent exceedence) Phase I WSE	Dry Year (90 percent exceedence) Phase II WSE	Critical Dry Year (100 percent exceedence) Phase III WSE
Total Potable Water Demand[a]	2,600	2,600	2,340	1,950	1,638
Total Potable Water Supply[b]	2,125	2,000	1,750	1,714	1,571
Water Supply Surplus (Deficit)	(475)	(600)	(590)		(67)

[a] See Table 1-10.
[b] See Table 2-5.

As shown in Table 3-4 and Table 3-5, the City's current groundwater use practice of only providing 20 percent to 30 percent of the total potable water supply, coupled with the City's other water supply sources, cannot provide a reliable water supply for the ***Full Buildout Scenario***.

The deficit between the potable water supply and the potable water demand can be mitigated by some combination of the following three measures:

- Increasing surface water supply;
- Reducing potable water demand; and
- Increasing groundwater supply.

The potential for each mitigation measure is briefly described below.

3.1.1 Increasing Surface Water Supply

Possible methods to increase the City's surface water supply are discussed in Section 3.1.1 of the 2010 Water Supply Plan.

For purposes of this study, increasing the City's surface water supply is not included in the projected water supply, as the previously described options still apply, and continue to remain unviable due to a combination of the cost of increasing the capacity of Bell Canyon Reservoir coupled with concerns over the possible regulatory increase in downstream reservoir bypass flows/releases which could lead to a net decrease in supply availability from Bell Canyon; and, the uncertainty over whether increasing the contract water supply from Napa is possible.

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3.1.2 Reducing Potable Water Demand

Possible methods to decrease the City's potable water demand are discussed in Section 3.1.2 of the 2010 Water Supply Plan, and these options all still apply. The Water Use Efficiency Recommendations discussed in the 2010 Water Supply Plan are listed below:

- Hire a full-time Water Conservation Coordinator;
- Modify rate structure to increase high tier rates;
- Update the new construction offset program;
- Fully develop the meter leak detection and monitoring program (this work has been completed as of this writing);
- Establish an Irrigation Advisory Service and Promote "Smart Irrigation Controllers;"
- Adopt requirements for "ultra-efficient" plumbing fixtures for new development and rebates to existing users;
- Provide Incentives for replacement of turf (New); and
- Provide Incentives for roof water catchment (New).

The City has increased its water rates, including the higher tiers (second bullet). The next step would be to establish water budgets for all potable water customers. This step is data and staff intensive to initiate, but has been shown to reduce potable water demands while maintaining water enterprise revenues. The water budget rate structure should not be attempted prior to filling the Water Conservation Coordinator position.

3.1.3 Increasing Groundwater Supply

Based upon currently available groundwater data, and historical groundwater level trends, it appears that the City could increase groundwater pumping by at least several hundred afy per year and not exceed the perennial yield of the basin. Increased use of groundwater would provide the water supply the City requires to decrease or eliminate its water supply deficiency. In 2005, West Yost provided an assessment of the groundwater under the City area and identified possible new well locations. The assessment concluded that the City's current seasonal groundwater pumping is "well within" the perennial yield of the overall groundwater basin; however, a perennial yield estimate was not developed. Additionally, the 2050 Napa Valley Water Resources Study compiled groundwater resource data from various sources, all of which indicate that, in the main Napa Valley Groundwater Basin, including the St. Helena area, groundwater levels have been stable over the period of record (1950 to 2005) and there is no indication that the perennial yield has been exceeded. The perennial yield (i.e annual basin recharge) of the main groundwater basin was estimated by several qualified hydrogeologists as being anywhere from 21,000 afy to almost 30,000 afy, with a volume in storage of over 200,000 acre-feet. Although only a portion of the total basin recharge and storage would be attributable to the immediate area around St. Helena, the City's long-term pumping average of 450 afy is not a significant draw on the groundwater basin.

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The recent (February 2011) Napa County Comprehensive Groundwater Management Program re-iterates that groundwater levels in the main Napa Valley Groundwater Basin and in the St. Helena area have been stable over the period of record. The monitoring wells with the longest periods of record (roughly 1950 to 2010) are located north and south of the City limits.

City policies to further curtail groundwater use will further exacerbate the water supply deficit, unless paired with either an aggressive reduction in the potable water demand or increasing the available surface water supply.

The water supply strategies discussed in Section 4 provide specific opportunities for the City to evaluate the various water supply deficit reduction strategies, and balance demands and supplies under different hydrologic conditions.

3.1.4 Potable Water Production Capacity

The total potable water production capacity is discussed in Section 3.1.4 of the 2010 Water Supply Plan, and this discussion does not need to be updated.

4.1 WATER SUPPLY STRATEGIES

The purpose of this section is to describe water supply strategies that the City could adopt to ensure sufficient and reliable water supplies to meet current and future water demand needs. This section first describes the five water supply concept strategies, and then applies the strategies to the ***Likely Buildout Scenario*** and the ***Full Buildout Scenario***. The summary tables indicate the amount of groundwater that would need to be pumped under each strategy for the Normal Year hydrologic condition, as well as the long-term water conservation and short-term water conservation action plans that would be required to balance supply and demand. This section is updated from Section 4.1 of the 2010 Water Supply Plan to include the revised water supply and Water Shortage Emergency Phases (which includes and codifies the City's definition of "safe yield"), per the City's Safe Yield Committee's estimation of 1,950 afy as the "safe yield" of the current water supply. The 1993 General Plan and the Draft 2010 General Plan Update both limit development of new water demand to within the "safe yield" of the water supply. In 1993, the "safe yield" was calculated based on the actual historical average supply from Bell Canyon Reservoir, plus an estimated volume to be withdrawn from the new Stonebridge groundwater well. In 2010 and 2011, the City's Safe Yield Committee defined "safe yield" as the Dry Year water supply, and estimated that supply to be 1,950 afy. The City's definition of Safe Yield is less stringent than the 2010 Water Supply Plan's definition of Safe Yield, which is the Critical Dry Year water supply. The City's definition of Safe Yield is similar to the 2010 Water Supply Plan's definition of "Sustainable Yield". In general, the 2010 Water Supply Plan defines the Sustainable Yield as the long-term sustainable yield considering carryover storage under various hydrologic conditions. The City has selected the Dry Year hydrologic condition (90 percent exceedence) as the Safe Yield of the water supply.

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4.1.1 Water Supply Strategy Concepts

The water supply strategies discussed in the 2010 Water Supply Plan and updated below present several points on a continuum between low water conservation action plans combined with more groundwater use than current practice, and high water conservation action plans combined with lower groundwater use than current practice. In addition, in response to the Safe Yield Committee's recommendation that development be restricted when the City's total water demand exceeds 1,950 afy, an additional point on the continuum limiting water demands to 1,950 afy is discussed.

The City can either select the amount of water conservation it will require the public to implement and determine the resulting groundwater use necessary to meet demands, or choose the level of desired groundwater pumping and determine the resulting required water conservation. Additional strategies that incorporate increased or decreased surface water supplies are not being considered at this time. Four concept-level water supply strategies are suggested for discussion purposes, plus the new definition of Safe Yield of 1,950 afy is included as a fifth strategy. Two of the strategies are "bookend" strategies that minimize (Strategy 1) or maximize (Strategy 4) water conservation efforts, but without changing the "look and feel" of the St. Helena landscape. These strategies have been analyzed for both the ***Likely Buildout Scenario*** and the ***Full Buildout Scenario***. Additional groundwater use or much more aggressive water conservation programs would be required under the ***Full Buildout Scenario***.

Strategy 1: Minimize Water Conservation (results in an average long-term groundwater pumping of 650 afy):

The first strategy would be to continue current City conservation activities and not initiate any new long-term water conservation programs. Therefore, to meet demands, the annual groundwater quantity pumped would have to be increased to eliminate Normal Year supply deficits for each analyzed buildout scenario. This strategy would require a total potable water supply of 2,350 afy in Normal Years for the ***Likely Buildout Scenario*** and 2,600 afy in Normal Years for the ***Full Buildout Scenario*** (see Tables 4-2 and 4-5 respectively).

Strategy 2: Hold Groundwater to Historical Average of 450 afy:

A second strategy would be to hold average groundwater use to the current (10 year average) groundwater use of 450 afy. This strategy would require a total potable water supply of 2,043 afy in Normal Years for the ***Likely Buildout Scenario*** and 2,005 afy in Normal Years for the ***Full Buildout Scenario*** (see Tables 4-2 and 4-5 respectively). Water conservation would be required under either buildout scenario, but less conservation would be required for the ***Likely Buildout Scenario*** than for the ***Full Buildout Scenario***.

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Strategy 3: Hold Supply to 2008 Levels (results in a long-term average groundwater pumping of 481 afy) :

A third strategy would be to initiate sufficient water conservation programs to keep the total potable water supply/demand to current (2008) levels (and keep each supply component at 2008 levels). This strategy would require a total potable water supply of 2,080 afy in Normal Years for both buildout scenarios. Water conservation would be required under either buildout scenario, but less conservation would be required for the ***Likely Buildout Scenario*** than for the ***Full Buildout Scenario*** (see Tables 4-2 and 4-5 respectively).

Strategy 4: Maximize Water Conservation (results in a long-term average groundwater pumping of 251 afy):

A fourth strategy would be to initiate sufficient water conservation programs to reduce the total potable water demand to the projected Normal Year surface water supply of 1,800 afy (based on the 2010 Normal Year water supply without using groundwater), thereby minimizing groundwater use. Although included in the summary tables, this strategy is not considered achievable for the ***Full Buildout Scenario,*** because it would require severe changes to the City landscape due to the extensive conservation and demand management programs that would have to be adopted and implemented to reduce demands to the available supplies without the use of groundwater (see Tables 4-2 and 4-5 respectively).

Strategy 5: Hold Water Supply to 1,950 afy, and keep the long-term average groundwater pumping to 450 afy:

A fifth strategy combines the concepts of some of the above strategies by limiting the total water supply to a set amount, similar to Strategy 3 and Strategy 4, except the volume is 1,950 afy instead of 2,080 afy (Strategy 3) or 1,800 afy (Strategy 4). Strategy 5 also requires the long-term groundwater pumping to not exceed the long-term historical average of 450 afy (as in Strategy 2). Although included in the summary tables, this strategy is not considered achievable for the ***Full Buildout Scenario,*** because it would require severe changes to the City landscape due to the extensive conservation and demand management programs that would have to be adopted and implemented to reduce demands to the available supplies without the use of groundwater (see Tables 4-2 and 4-5 respectively).

To develop a weighted average use of each water supply source under each of the water supply strategies over a variety of hydrologic conditions, West Yost applied the estimated frequency of occurrence of each hydrologic condition, discussed in Section 2 and shown in Table 4-1 (Table 4-1 from 2010 Water Supply Plan), to the five water supply strategies discussed above.

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Table 4-1. Historical Frequency of Hydrologic Conditions (Table 4-1 in 2010 Water Supply Plan)

Hydrologic Condition	Exceedence, percent[a]	Frequency of Occurrence, percent[b]
Wet Year	40	40
Normal Year	60	20
Below Normal Year	82	22
Dry Year	90	8
Critical Dry Year	100	10
	Total	100

[a] Percent of the years that would have more precipitation than the hydrologic condition.
[b] To calculate a weighted average of annual groundwater use, any year drier than a "Dry Year", for example, is assumed to be a "Critically Dry Year" for planning purposes.

The impact of the City's Water Shortage Emergency Phases was also taken into consideration when estimating the weighted average use of each water supply source. As shown in Section 1 (Table 1-3 and Table 1-4), under the strictest Water Shortage Emergency Phases, the projected short-term water conservation measures are estimated to reduce potable water demand to less than 1,489 afy and 1,638 afy under the ***Likely Buildout Scenario*** and ***Full Buildout Scenario***, respectively.

4.1.2 Likely Buildout Scenario

The required water supply, long-term water conservation measures, and short-term demand reduction measures necessary to eliminate projected water supply deficits at buildout of the ***Likely Buildout Scenario*** are discussed in Section 4.1.2 of the 2010 Water Supply Study and updated below. **Each scenario assumes complete removal of the projected water supply deficit that was identified in Section 3.**

The Normal Year water supply and required long-term water conservation for 2030 for the five water supply strategies under the ***Likely Buildout Scenario*** are summarized in Table 4-2.

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Table 4-2. Possible Normal Year Water Supply Strategies, Year 2030 Likely Buildout Scenarios, acre-feet per year[a] (Modified from Table 4-2 of 2010 Water Supply Plan)

Water Supply	Strategy 1A Minimize Required Water Conservation (Likely)	Strategy 2A Hold Groundwater Use to Historical Average	Strategy 3A Hold Supply to 2006 Levels	Strategy 4A Maximize Required Water Conservation	Strategy 5A Hold Supply to 1,950 afy
Bell Canyon Reservoir	1,000	1,000	1,000	1,000	1,000
Napa Water Agreement	600	600	600	600	600
Groundwater	550	443	480	200	350
Total Potable Water Supply/Demand	**2,350**	**2,043**	**2,080**	**1,800**	**1,950**
Required Long-Term Water Conservation[b]	—	277	243	495	360

[a] See Section 4.1.1 for a discussion of each strategy.
[b] Required reduction in Metered Potable Water Demand, reduction in total water demand would include UAF water.

As the City initiates more stringent long-term water conservation measures, the ability to reduce water demand under short-term drought conditions is lessened considerably, a phenomenon known as "demand hardening." Applying the impact of the Water Shortage Emergency Phases shown in Table 1-3 to the five water supply strategies shown in Table 4-2 yields the projected required total potable water supply for the five water supply strategies under several hydrologic conditions shown in Table 4-3.

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Cont.

Table 4-3. Projected Required Potable Water Supply for Five Water Supply Strategies under Various Hydrologic Conditions, Year 2030 Likely Buildout Scenario, acre-feet per year[a] (Modified from Table 4-3 of 2010 Water Supply Plan)

Water Supply Strategy	Wet Year (40 percent exceedence) No Water Shortage Emergency	Normal Year (60 percent exceedence) No Water Shortage Emergency	Below Normal Year (82 percent exceedence) Phase I WSE	Dry Year (90 percent exceedence) Phase II WSE	Critical Dry Year (100 percent exceedence) Phase III WSE
Strategy 1A: Minimize Required Water Conservation (Likely)[b]	2,350	2,350	2,115	1,763	1,481
Strategy 2A: Hold Groundwater Use to Historical Average[c]	2,043	2,043	2,043	1,763	1,481
Strategy 3A: Hold Supply to 2010 Levels[c]	2,080	2,080	2,080	1,763	1,481
Strategy 4A: Maximize Required Water Conservation[c]	1,800	1,800	1,800	1,763	1,481
Strategy 5A: Hold Water Supply to 1,950 AFY[d]	1,950	1,950	1,950	1,950	1,950

[a] Values shown are the Normal Year water demands subjected to the City's codified water shortage emergency phase cut backs.
[b] See Table 1-10.
[c] Values are the lesser of Normal Year values in Table 4-2 or the Minimize Required Water Conservation (Likely) values in this table.
[d] As shown in Table 4-4, short-term demand reduction measures (aka Water Shortage Emergency Phases) are not necessary under this scenario.

The values from Table 4-3 were multiplied by the estimated Frequency of Occurrence in Table 4-1 to develop weighted average water supply for each water supply/demand Strategy. The resulting estimated weighted average use of each water supply source, the required long-term water conservation, and the required short-term water conservation for the five water supply strategies is shown in Table 4-4.

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Table 4-4. Weighted Average Water Supply for Five Water Supply Strategies over Several Hydrologic Conditions, Year 2030 Likely Buildout Scenario, acre-feet per year[a] (Modified from Table 4-4 of 2010 Water Supply Plan)

Water Supply	Strategy 1A: Minimize Required Water Conservation	Strategy 2A: Hold Groundwater Use to Historical Average	Strategy 3A: Hold Supply to 2008 Levels	Strategy 4A: Maximize Required Water Conservation	Strategy 5A: Hold Supply to 1,950 afy
Bell Canyon Reservoir	914	914	914	914	900
Napa Water Agreement	600	600	600	600	600
Groundwater Use	650	450	481	251	450
Total Weighted Average Water Supply	**2,164**	**1,964**	**1,995**	**1,765**	**1,950**
Long-Term Water Conservation[b]	—	277	243	495	360
Short-Term Demand Reduction Measures[c]	167	71	77	31	—[d]

[a] Assumes frequency of occurrence of hydrologic conditions shown in Table 3-8.
[b] Table 4-2.
[c] Weighted average reduction in total metered potable water demand based on a comparison of supply and demand for each hydrologic condition, and each water supply/demand strategy.
[d] No short-term demand management measures (aka Water Shortage Emergency Phases) are required; however, groundwater pumping during a Critically Dry Year would be 850 acre-feet.

The projected water supply under Strategy 5A, which is the City's preferred policy based on the "Safe Yield" definition of 1,950 afy, is shown in Table 4-4A for several hydrological conditions.

Table 4-4A. Calculation of Weighted Average Water Supply for Water Supply Strategy 5A over Several Hydrologic Conditions, Year 2030 Likely Buildout Scenario, acre-feet per year[a]

Water Supply	Bell Canyon Reservoir	Napa Water Agreement	Groundwater Use	Total Water Supply	Percent of Weighted Average
Wet Year (40 percent exceedence)	1,065	600	285	1,950	40
Normal Year (60 percent exceedence)	1,000	600	350	1,950	20
Below Normal Year (82 percent exceedence)	800	600	550	1,950	22
Dry Year (90 percent exceedence)	600	600	750	1,950	8
Critical Dry Year (100 percent exceedence)	500	600	850	1,950	10
Long-term Weighted Average	900	600	450	1,950	100

[a] Assumes frequency of occurrence of hydrologic conditions shown in Table 3-8.

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Cont.

The recent historical average groundwater use has been approximately 450 afy (2000-2009). One of the five water supply strategies discussed above (Strategy 4A) would result in a net reduction in groundwater use over the long-term, and two (Strategy 2A and Strategy 5A) are targeted to result in the same long-term average groundwater use. Strategy 5A is intended to reduce the need for Water Shortage Emergencies; however, Strategy 5A would result in long-term average groundwater use of over 23 percent of the total water supplied (450/1,950), which is in excess of the current City policy of limiting groundwater supply to 20 percent of the total supply except during a Phase II or greater Water Shortage Emergency.

4.1.3 Full Buildout Scenario

The required water supply, long-term water conservation measures, and short-term demand reduction measures necessary to eliminate projected water supply deficits at buildout of the ***Full Buildout Scenario*** are discussed below. **Each scenario assumes complete removal of the projected water supply deficit that was identified in Section 3.**

The Normal Year water supply and required long-term water conservation for 2030 for the five water supply strategies under the ***Full Buildout Scenario*** are summarized in Table 4-5.

Table 4-5. Possible Normal Year Water Supply Strategies, Year 2030 Full Buildout Scenario, acre-feet per year[a] (Modified from Table 4-5 of 2010 Water Supply Plan)

Water Supply	Strategy 1B: Minimize Required Water Conservation (Full)	Strategy 2B: Hold Groundwater Use to Historical Average	Strategy 3B: Hold Supply to 2005 Levels	Strategy 4B: Maximize Required Water Conservation	Strategy 5B: Hold Water Supply to 1,950 afy
Bell Canyon Reservoir	1,000	1,000	1,000	1,000	1,000
Napa Water Agreement	600	600	600	600	600
Groundwater	1,000	405	480	200	350
Total Potable Water Supply/Demand	**2,600**	2,005	**2,080**	**1,800**	**1,950**
Required Long-Term Water Conservation[b]	—	537[c]	468	720[c]	585[c]

(a) See Section 4.1.1 for a discussion of each strategy.
(b) Required reduction in Metered Potable Water Demand, reduction in total water demand would include unaccounted for water.
(c) This level of long-term water conservation is not considered to be achievable without mandating harsh changes to the City landscaping and other water use policies.

As the City initiates more stringent long-term water conservation measures, the ability to reduce water demand under short-term drought conditions is lessened considerably, a phenomenon known as "demand hardening". Applying the impact of the Water Shortage Emergency Phases shown in Table 1-4 to the five water supply strategies shown in Table 4-5 yields the projected total potable water demand for the five water supply strategies under several hydrologic conditions shown in Table 4-6.

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Cont.

Table 4-6. Projected Potable Water Supply for Five Water Supply Strategies under Various Hydrologic Conditions, Year 2030 Full Buildout Scenario, acre-feet[a] (Modified from Table 4-6 of 2010 Water Supply Plan)

Water Supply Strategy	Wet Year (40 percent exceedence) No Water Shortage Emergency	Normal Year (60 percent exceedence) No Water Shortage Emergency	Below Normal Year (82 percent exceedence) Phase I WSE	Dry Year (90 percent exceedence) Phase II WSE	Critical Dry Year (100 percent exceedence) Phase III WSE
Minimize Required Water Conservation (Full)[b]	2,600	2,600	2,340	1,950	1,638
Hold Groundwater Use to Historical Average[c]	2,005	2,005	2,005	1,950	1,638
Hold Supply to 2008 Levels[c]	2,080	2,080	2,080	1,950	1,638
Maximize Required Water Conservation[c]	1,800	1,800	1,800	1,800	1,638
Hold Supply to 1,950 AFY[c]	1,950	1,950	1,950	1,950	1,950

[a] Values shown are the Normal Year water demands subjected to the City's codified water shortage emergency phase cut backs.
[b] See Table 1-4.
[c] Values are the lesser of Normal Year values in Table 4-5 or the Minimize Required Water Conservation (Full) values in this table.

The values from Table 4-6 were multiplied by the estimated Frequency of Occurrence in Table 4-1 to develop weighted average water supply for each water supply/demand Strategy. The resulting estimated weighted average use of each water supply source, the required long-term water conservation, and the required short-term water conservation for the five water supply strategies is shown in Table 4-7.

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Table 4-7. Weighted Average Water Supply for Five Water Supply Strategies over Several Hydrologic Conditions, Year 2030 Full Buildout Scenario, acre-feet per year[a] (Modified from Table 4-7 of 2010 Water Supply Plan)

Water Supply	Strategy 1B: Minimize Required Water Conservation (Full)	Strategy 2B: Hold Groundwater Use to Historical Average	Strategy 3B: Hold Supply to 2008 Levels	Strategy 4B: Maximize Required Water Conservation	Strategy 5B: Hold Supply to 1950 afy
Bell Canyon Reservoir	914	914	914	914	900
Napa Water Agreement	600	600	600	600	600
Groundwater Use	881	450	511	270	450
Total Weighted Average Water Supply	**2,395**	**1,964**	**2,025**	**1,784**	**1,950**
Long-Term Water Conservation[b]	—	535[c]	468	720[c]	585[c]
Short-Term Demand Reduction Measures[d]	185	37	49	15	—(d)

[a] Assumes frequency of occurrence of hydrologic conditions shown in Table 3-8.
[b] Table 4-2.
[c] This level of long-term water conservation is <u>not</u> considered to be achievable without mandating extremely harsh changes to the City landscaping.
[d] Weighted average reduction in total metered potable water demand based on a comparison of supply and demand for each hydrologic condition, and each water supply/demand strategy.
[e] No short-term demand management measures (aka Water Shortage Emergency Phases) are required; however, groundwater pumping during a Critically Dry Year would be 850 acre-feet.

The recent historical average groundwater use has been approximately 450 afy (2000-2009). One of the five water supply strategies discussed above (Strategy 4B) would result in a net reduction in groundwater use over the long-term, and two (Strategy 2B and Strategy 5B) are targeted to result in the same long-term average groundwater use.

As with the ***Likely Buildout Scenario***, Strategy 5B in the ***Full Buildout Scenario*** results in a lower groundwater use than in recent history, assuming full use of Bell Canyon Reservoir.

Recommended short term actions are described in Section 5.

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Cont.

5.1 CONCLUSIONS AND RECOMMENDATIONS

The comparison of the projected water demand to the projected water supply, described above, indicates that the City is currently facing water supply shortages under the current operations unless the water demand and water supply are brought into balance. The City policy makers will have to decide what combination of water conservation, acquiring additional surface water from the City of Napa (if possible), expansion of Bell Canyon Reservoir (very expensive), and groundwater use City customers are willing to accept, achieve, and finance to balance existing and future supplies and demands. Under the ***Likely Buildout Scenario***, required water conservation ranges from zero (Strategy 1A) to 495 afy (Strategy 4A). Water conservation of approximately 277 afy under Strategy 2A and 360 afy under Strategy 5A would be required to prevent an increase in groundwater use over the historical average use of 450 afy. The City's current definition of "safe yield" targets Strategy 5A (limiting groundwater pumpage to the long-term historical maximum and limiting total water demand to 1,950 afy) for water supply planning purposes. These conservation measures were previously identified in 2007 and documented in the 2010 Water Supply Study.

All strategies assume the City can pump sufficient groundwater during dry years and fully draw down Bell Canyon Reservoir when required operationally to serve the reduced demands, consistent with the City's Water Shortage Emergency Phases. To accomplish this, the City must increase its seasonal groundwater peaking capacity.

The top recommended actions that the City must approve in the short-term if conservation is to be used to reduce demands and to prevent an increase in groundwater use are:

- Hire a Water Conservation Coordinator;
- Modify and adopt a water rate structure that will ensure adequate program funding while encouraging water conservation by accounting for reduced water consumption in the base water rate and providing incentives to reduce water use; and/or
- Increase groundwater production reliability and peaking capacity.

The City's desire to keep total water supply to within the current definition of "safe yield" of 1,950 afy is reflected in Strategy 5A and Strategy 5B, discussed above. Strategy 5A limits long-term average groundwater pumping to the historical average of 450 afy and requires 360 afy of water conservation.

The long-term water conservation of 360 afy required to keep total supply less than 1,950 afy under the ***Likely Buildout Scenario*** is less than the value of 495 afy, which was identified in 2007 and in 2010 as the likely maximum achievable water conservation without changing the look and feel of St. Helena.

The long-term water conservation of 585 afy required to keep total supply less than 1,950 afy under the ***Full Buildout Scenario*** is greater than the value of 495 afy, which was identified in 2007 and in 2010 as the likely maximum achievable water conservation without changing the look and feel of St. Helena. Therefore, the City would either have to adopt a water conservation program that alters the look and feel of St. Helena, identified as not acceptable by City Council in 2007, or pump groundwater in excess of the long-term average of 450 afy, which was also identified as unacceptable by City Council.

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The long-term groundwater pumping and required water conservation of the ten water supply strategies are shown in Table 4-8.

As indicated above, the City would find it extremely difficult to implement any long-term water conservation programs without a full time water conservation coordinator on staff, and an appropriate water rate structure. The City's recently adopted water rate structure (effective July 2011), with steeper tiered rates, will likely encourage some water conservation. Whether the water conservation accomplished will be persist or will be sufficient to achieve the ***Likely Buildout Scenario*** remains to be seen. A water budget-based rate structure will likely be needed to achieve the water conservation goals identified above. Such a rate structure requires the assignment of water budgets for every water customer, a task that almost certainly requires a Water Conservation Coordinator.

The City should explore any opportunity to increase the production capacity (and volume, if possible) of the supplemental water supplies available from the City of Napa, and increase its groundwater pumping capacity to provide increased seasonal reliability.

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Table 4-8. Weighted Average Water Supply for Ten Water Supply Strategies over Several Hydrologic Conditions, Year 2030, acre-feet per year
(From Tables 4-4 and 4-7 of this TM)

Water Supply	Total Weighted Average Water Supply	Weighted Average Groundwater Pumpage	Required Long-Term Water Conservation(b)	Notes
Likely Buildout Scenario (Total Projected Demand of 2,350 acre-feet per year)				
Strategy 1A: Minimize Required Water Conservation (Likely)	2,164	650	—	Requires groundwater pumping in excess of long-term average Does not require water conservation
Strategy 2A: Hold Groundwater Use to Historical Average	1 964	450	277	Same groundwater pumping as historical average. Water conservation of 13 percent of projected demand.
Strategy 3A: Hold Supply to 2008 Levels	1 995	481	243	Slightly more groundwater pumping than historical average. Water conservation of 12 percent of projected demand.
Strategy 4A: Maximize Required Water Conservation	1 765	251	495	Groundwater pumping would be less than long-term average. Water conservation at perceived maximum (23 percent of projected demand) without affecting look and feel of City.
Strategy 5A: Hold Supply to 1,950 afy	1 950	450	360	Same groundwater pumping as historical average. Water conservation of 17 percent of projected demand.
Full Buildout Scenario (Total Projected Demand of 2,600 acre-feet per year)				
Strategy 1B: Minimize Required Water Conservation (Full)	2,395	881	—	Requires groundwater pumping in excess of long-term average. Does not require water conservation.
Strategy 2B: Hold Groundwater Use to Historical Average	1,964	450	535	Same groundwater pumping as historical average. Water conservation of 23 percent of projected demand (not considered achievable without affecting look and feel of City).
Strategy 3B: Hold Supply to 2008 Levels	2,025	511	468	Slightly more groundwater pumping than historical average. Water conservation of 20 percent of projected demand.
Strategy 4B: Maximize Required Water Conservation	1,784	270	720	Groundwater pumping would be less than long-term average. Water conservation of 31 percent of projected demand (not considered achievable without affecting look and feel of City).
Strategy 5B: Hold Supply to 1,950 afy	1 950	450	585	Same groundwater pumping as historical average. Water conservation of 25 percent of projected demand (not considered achievable without affecting look and feel of City).

LETTER B2
Lippe Gaffney Wagner LLP
July 12, 2012

B2-1 This introductory comment does not specifically address the adequacy of the EIR; no further response is necessary.

B2-2 See Master Response #2 – Land Use and Zoning Conformance.

B2-3 See Master Response #2 – Land Use and Zoning Conformance.

B2-4 See Master Response #2 – Land Use and Zoning Conformance.

B2-5 The term "flag lot" was used to describe the general characteristics of the parcel and was not meant to describe the parcel according to the definition of a Flag Lot in the St. Helena Municipal Code.

B2-6 See Master Response #2 – Land Use and Zoning Conformance.

B2-7 Section 15161, Project EIR, of the CEQA Guidelines defines a Project EIR as the most common type of EIR that examines the environmental impacts of a specific development project. It further states that a Project EIR should focus primarily on the changes in the environment that would result from the development project and examine all phases of the project including planning, construction, and operation.

Section 15124, Project Description, of the CEQA Guidelines states that the EIR project description shall include the following:

1) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.
2) A statement of objectives sought by the proposed project.
3) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.
4) A statement briefly describing the intended uses of the EIR.

The Project Description detailed in Chapter III of the Draft EIR provides this information.

The Draft EIR adequately describes the proposed subdivision project including the proposed number of units, square footage of lots and building pads, minimum building set-backs and maximum structure height. The assumptions made are based on the greatest impact—including assuming a 30-foot-high building, consistent with the maximum allowance in the Zoning Ordinance—to fully analyze potential impacts. A Tentative Subdivision and Grading Map and a Landscape Plan are also included. This level of information is adequate and typical of what is provided for a project-level analysis of a subdivision.

The Draft EIR discusses the impacts and mitigations for grading and erosion control, street and utility design, the storm drain, water and sewer systems as well as the phasing and construction schedule. In addition, the City of St. Helena has development standards that regulate the height and bulk of buildings and the design of each building would be subject to design review approval.

The information detailed in the Project Description provides an accurate, stable and finite project description that adequately informs the public and decision makers "what the project is" that the decision makers would consider for approval. Additional detail regarding the architecture and specific siting of each individual building is not necessary for purposes of the CEQA analysis for the Tentative Map.

The City is expecting but has not received future applications to permit development on the proposed lots. These applications would include, but are not limited to, Design Review for each building and a Conditional Use Permit to construct attached dwellings on Lot 52.

When the City considers the subsequent discretionary approvals (i.e., Design Review), it would need to make a determination as to whether additional CEQA review is necessary or if this EIR provides adequate analysis. It is anticipated that this EIR would provide adequate analysis.

B2-8 See Response to Comments B2-7 regarding the project description.

B2-9 The level of detail and analysis is sufficient to consider the proposed Tentative Map and the associated subsequent approvals (i.e., Design Review) relative to the CEQA aesthetic resources significance criteria. It is common for EIRs to make assumptions that are informed by local zoning and development standards and to assume the future building designs would conform to such standards. The cross-sections provided are conceptual and are provided to help the document reviewers visualize and understand what the project would generally look like. The cross-sections are provided for informational purposes and are in no way critical to the findings of the aesthetics resources section. This level of information is not necessary to make a determination that the development of a mix of one- and two-story homes and attached dwellings with a maximum height of 30 feet that is

located on a generally level site immediately adjacent to existing residential and commercial development would not: substantially effect public scenic vistas; damage scenic resources, or degrade the existing visual character or quality of the site.

Having additional details such as whether a building is going to be 2,500 versus 1,900 square feet; 20 versus 30 feet tall; or have a 25 foot versus 30 foot front yard would not change the findings of the EIR analysis.

B2-10 See Response to Comment B2-9 regarding the information contained in the Tentative Map.

B2-11 Identification of "Sensitive Receptors" is not a requirement for an aesthetic analysis under CEQA or a local requirement. However, the Draft EIR analyzed views from key public viewpoints surrounding the project site, as shown in Figures IV.A-1 through IV.A-5. These locations include views from existing publicly accessible places towards views to the hills, vineyards, and project site.

B2-12 The commenter incorrectly cites the Draft EIR with the text*: The City defines "scenic vistas" to include views of the "surrounding agricultural open space," "vineyard[s] hillsides, creeks and major landscape features." (Draft EIR 66, citing 1993 General Plan Policy 4.5.1.*)

The Draft EIR text that the commenter references is as follows:

For purposes of this analysis, the following existing policy from the 1993 General Plan Community Design Element has been used to define vistas:

Policy 4.5.1 *"The sense of a strong connection to the surrounding agricultural open space and hillsides must be preserved in the future. Views of vineyard, hillsides, creeks, and major landscape features should be maintained."*

The City is also considering the following draft General Plan policy:

Policy CD5.1 "*Preserve the visual and physical connection to agriculture by protecting views from streets, parks, and open spaces to vineyards, agriculture, and hillsides. Where new streets are extended adjacent to agriculture, encourage hillside and vineyard views by maintaining agricultural activities at the road edge. Existing east and west entries should be maintained in their current appearance, protecting and improving views of vineyards and the surrounding hillsides wherever possible."*

The policies do not constitute a threshold and also do not provide for protection of private views.

The analysis focuses on the project's potential impact to scenic vistas from public locations. Impacts to private views are not considered significant in this EIR based on the project's consistency with the scale of residential development throughout the city and the CEQA significance criteria utilized in this section. Moreover, no public scenic vistas within or immediately adjacent to the project site are identified in the 1993 General Plan, which represents the City's baseline for defining public scenic vistas. The Hunter site is not identified as a site providing views.

Public scenic vistas are analyzed on page 80 of the Draft EIR, which analyzes the public scenic vistas that could be impacted, views of the distant hills from the residential streets around the site and from the pedestrian trail along the northern edge of the site. As discussed, the project would not significantly alter views. Figures IV.A.2a through 2d demonstrate that the introduction of one- and two-story dwellings would not significantly alter views and nearby hillsides would remain visible.

B2-13 See also Response to Comments B2-15 and B2-16. General Plan Policy 4.3.27 calls for "large specimen street trees and generous landscaping to shade homes and the street and to link various neighborhoods." Additional review will also occur through the design review process, which will review the placement of trees and distances from intersections.

As described in Response to Comment B2-12, there are no identified "public scenic vistas" within or immediately adjacent to the project site. For informational purposes and to respond to the commenter's concern, this response also addresses other views. The Illustrative Landscaping Plan in Figure III-7 of the Draft EIR illustrates how street trees are placed in clusters, with openings at driveway curb cuts and corners. The resulting tree spacing and the type of foliage produced by the identified tree species will not block all light and views and will be consistent with tree plantings located in established St. Helena neighborhoods. No significant impacts under CEQA would result from landscaping.

B2-14 See Response to Comment B2-9. The buildings housing the attached units would also be a maximum of 30 feet in height consistent with the MR District. There would be no available public views of the proposed units where they could potentially block a scenic vista.

B2-15 The Draft EIR includes analysis of the impact of the project on public scenic vistas, resources visible within a state scenic highway, the visual quality of the site and its surroundings and the potential for creation of a new source of substantial light and glare, in accordance with CEQA Appendix G, Significance Criteria. CEQA separates the Significance Criteria regarding the analysis of visual quality and scenic vistas that are conflated by the commenter here and in Comment B2-16.

As discussed on page 81 of the Draft EIR and as modified in Chapter IV: Text Revisions, the analysis of visual quality acknowledges the potential significant impact of the project on the site and its surroundings. The development of the Hunter property site would change the visual character of the project area, since currently, the project site is largely undeveloped with agricultural uses such as vineyards represent some of the visual character. The Draft EIR analyzes this potential impact using cross-sections as the basis for comparison against the baseline existing physical condition.

The baseline for public scenic vistas is the 1993 General Plan which does not identify a public scenic vista within the project site or immediately adjacent to the project site, nor does it identify any scenic vistas or designated parks or public gathering places on the site. The 1993 General Plan Community Design Element states that remaining views out to the vineyards and hills from Highway 29 have been identified in the Land Use Element to be maintained as open space. The Hunter site is not identified as a site providing views, nor is it designated as Open Space. Incidentally, it is identified in the 1993 General Plan as part of a Specific Plan area that includes the Hunt and Hunt Grove neighborhoods, designated Medium Density and Higher Density, respectively, which have since been developed and are adjacent to the project. Also, the Housing Element identifies the Hunter property as a housing site.

B2-16 See Response to Comment B2-15. The site is designated for Medium Density Residential development in the 1993 General Plan and as such has already been analyzed under CEQA and approved by the City for development with medium-density residential. Additionally, the Draft EIR for the Hunter project did not identify significant impacts with respect to the visual character of the project area.

The City requires all major development proposals to undergo design review by the Planning Commission to ensure that the overall design of proposed buildings, scale, massing, use of color, landscaping and similar elements are consistent with surrounding neighborhoods. The design review process is the mechanism by which visual and contextual compatibility and consistency would be achieved for the project. Reliance on post-approval performance standards established in the zoning ordinance and design guidelines is not a deferral of mitigation.

B2-17 The Draft EIR analyzes a proposed tentative map for the subdivision of property on which buildings may reach a maximum height of 30 feet. Monte Vista Avenue, which is a cul de sac that directly abuts the portion of the Hunter project site proposed for attached dwellings, includes at least three multi-family, two-story complexes. Hunt's Grove is a multi-family housing development at the intersection of Starr Avenue and Hunt Avenue that also directly abuts the project site. Therefore, given that the site is bordered by a mix of single-family and multi-family

housing, the project would be consistent with the surrounding neighborhood and the Design Review process could ensure compatibility.

B2-18 See Response to Comment B2-15.

B2-19 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

B2-20 As described on page 295 of the Draft EIR, the outdoor demand factors are based on the State of California's Model Water Efficient Landscape Ordinance (MWELO) which has been adopted by Napa County and the City of St. Helena through its own ordinance. Based on the subdivision unit count, parcel size and configurations with or without granny units, and allowable development envelope, assumptions were made for building and hardscape footprints to determine a maximum landscaped area which was then multiplied by the MWELO maximum irrigation value. The resulting estimates for water use are therefore reasonable and conservative assumptions upon which to assess public service impacts of a proposed residential subdivision. City approval of a required landscape documentation package prior to issuance of building permits would allow the City to ensure that the project irrigation demands are within those estimated and analyzed in the Draft EIR.

B2-21 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

B2-22 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

B2-23 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

B2-24 The analysis and conclusions of groundwater conditions in the Saint Helena sub-basin do include the City's historic and on-going pumping. Also, see Master Response #5 – Water Supply: Groundwater Conditions and Availability.

B2-25 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

B2-26 See Master Response #5 – Water Supply: Groundwater Conditions and Availability and Response B2-29 regarding groundwater recharge.

B2-27 See Master Response #5 – Water Supply: Groundwater Conditions and Availability and Response B2-29 regarding groundwater recharge.

B2-28 This comment appears to be misplaced and does not specifically address the adequacy of this Draft EIR. No further response is necessary.

B2-29 As described in the Draft EIR (starting on page 223), the project would be required to comply with the current NPDES permit, which requires the use of Low Impact Development (LID) design techniques. The goal of LID is to, as closely as possible,

design a project's on-site drainage system to cause as little change to the drainage patterns of the site as possible. In other words, the storm hydrograph (which is the plot of runoff rate or volume discharging from the site over time) for the post-development condition should be similar to the hydrograph for the pre-development condition. This is achieved by distributing numerous stormwater collection and treatment measures throughout the development. These measures retain and infiltrate water in features like stormwater planters, bioswales, and pervious pavements. The Phase II General Permit specifically requires that "Site Design Measures…shall be based on the objective of achieving infiltration, evapotranspiration and/or harvesting/reuse of the 85th percentile rainfall event" (page 96 of the General Permit).

The Draft EIR requires mitigation measures that go beyond what is explicitly required under the current Phase II General Permit (which only describes LID principles in general terms) and require that the project fully implement a strict LID program. The commenter is referred to Draft EIR Mitigation Measure HYD-2 for a full description of the LID requirements.

Implementation of LID measures would ensure that total net infiltration (and resulting groundwater recharge) would remain essentially unchanged.

Once developed, each square foot of the pervious landscaped areas of the project would continue to allow the absorption and deep percolation of precipitation as occurs under the without-project condition for those same areas. Portions of the project that are covered with hardscape features or by the footprint of the homes would not percolate precipitation any longer but LID techniques described above would ensure that the majority of the rainwater runoff on hardscape would be collected and redirected into areas that would percolate into the ground (i.e., adjacent stormwater basin). This reduction in pervious area from current conditions is minimal in relation to the extent of the St. Helena groundwater subarea and the primary filling of the subarea from subsurface lateral flow from surrounding areas (hillsides, up gradient groundwater subareas, river flows).

The impact to reduced percolation due to impermeable hardscapes associated with the proposed project is negligible. Using a comparative analysis of the additional increment of hardscape from the proposed project when added to the City's current hardscape to the total area of the groundwater basin recharge area, the impact to recharge is less than two tenths of one percent. The table below details the analysis using data from the City's General Plan Update as well as data from the Napa County Groundwater Study. The following data and values are used:

From Table 2.1 in the General Plan Update, the total city area is 3,023 acres with 777 of those acres containing residential, commercial, and industrial uses. The remaining City area is comprised of open space, parks, and agricultural uses. It

should be noted that the roughly 16 acres project is included in the residential zoning area. Subtracting the 16 project acres, the remaining 751 acres can be assumed to be hardscape.

Groundwater recharge in the basin in question comes from infiltration of precipitation.6 Specifically: "The high permeability of the alluvium sediments permits precipitation and surface water to readily infiltrate and recharge groundwater throughout the majority of the valley."

The groundwater basin from which the non-potable water would be pumped is a single alluvial plain extending from Calistoga and flowing southeast to Napa. From the project site it is over 10 miles to the upper reaches of the alluvium. The upstream groundwater basin area is about 8,000 acres. The St Helena Sub-Basin is about 12,000 acres. The entire basin upstream of Napa is about 38,000 acres.

The following table shows the resulting negligible effect of the Proposed Project's impact to groundwater recharge (in acres and percent impact):

	Total	Existing	Project	Existing Impact	Project Imapct
Napa Valley Basin	38,000	751	16	1.98%	0.04%
St Helena Sub Basin	12,000	751	16	6.26%	0.13%
Upstream Basin	8,000	751	16	9.39%	0.20%

Furthermore, irrigation systems serving the proposed project's residential landscaping are not expected to operate at 100 percent efficiency. Assuming that 80 percent of the applied water is lost to plant evapotranspiration, the remaining 20 percent would evaporate, percolate, or run off. Under landscaping ordinances, run off from irrigation is not allowed and evaporation is limited, thus the majority of the 20 percent not used by the plants would percolate into the groundwater basin. Since the basin is recharged from a significantly more expansive area than just the project site (as indicated in the table above), the additional percolation from landscape irrigation is considered "additional infiltration" on the project site.

B2-30 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

B2-31 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

B2-32 Proposed pumping under the project (25 acre-feet annually) would be similar to estimated historic pumping rates (22 acre-feet annually) from the on-site well. Please refer to Master Response #5 – Water Supply: Groundwater Conditions and Availability for a discussion of basin-wide groundwater conditions and the sustainability.

[6] County GW Study page 29

With regard to the commenter's claim that existing wells have been going dry, no evidence is provided to support this claim. The preparers of the EIR requested any available information about wells going dry near the project site, but the City did not have any information and was unable to support the claim. The Draft EIR found that impacts to groundwater levels to be less than significant because (1) historic pumping rates are similar to proposed pumping rates under the project, and (2) historic groundwater use at the project site was considered in the regional basin analysis (as described in Master Response #5).

B2-33 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

B2-34 The analysis and conclusions of groundwater conditions in the Saint Helena sub-basin do include the City's historic and on-going pumping. Also, see Master Response #5 – Water Supply: Groundwater Conditions and Availability.

B2-35 The purpose of the basin is to reduce the volume and velocity of stormwater runoff which can cause erosion and flooding in downstream receiving waters. It is this specific potential impact related to new development and redevelopment that was the nexus for the development of the hydrograph modification (or "hydromodification") prevention requirements included in the current municipal NPDES permits. Hydromodification is the process that the commenter is referring to (i.e., downstream erosion impacts related to changes in on-site drainage patterns). The method required by the NPDES permits to address potential hydromodification impacts is the incorporation of LID into new development and redevelopment projects. As described on page 223 of the Draft EIR:

The sustainability practice promotes LID to benefit water supply and contribute to water quality protection. LID has been a proven approach in other parts of the country and is seen in California as an alternative to conventional stormwater management. The Regional Water Quality Control Boards are advancing LID in California in various ways, including provisions for LID requirements in renewed Phase I municipal stormwater NPDES permits. The Phase II General Permit, a draft update of which is currently in review, would likely include additional LID requirements to achieve water quality goals and to protect against stream channel hydromodification.

The goal of LID is to, as closely as possible, design a project's on-site drainage system to cause as little change to the drainage patterns of the site as possible. In other words, the storm hydrograph (which is the plot of runoff rate or volume discharging from the site over time) for the post-development condition should be similar to the hydrograph for the pre-development condition. This is achieved by distributing numerous stormwater collection and treatment measures throughout the development. These measures retain and infiltrate water in features like stormwater planters, bioswales, and pervious pavements.

The Draft EIR-required mitigation measures go beyond what is explicitly required under the current Phase II General Permit (which only describes LID principles in general terms) and require that the project fully implement a strict LID program. The commenter is referred to Draft EIR Mitigation Measure HYD-2 for a full description of the LID requirements. The Regional Water Quality Control Board considers implementation of an LID program adequate mitigation to address potential hydromodification impacts.

Since the Draft EIR (and the Phase II General Permit) require implementation of LID measures to a specific standard and an existing regulatory program is in place to ensure that the standard is achieved, it is not necessary to include the specific design of the LID measures in the Draft EIR. In fact, the design-level of detail for LID measures is rarely fully developed at the environmental review (i.e., CEQA) stage of the project.

Also see Response to Comment B2-29 regarding groundwater recharge.

B2-36 Refer to Response to Comment B2-35.

B2-37 Impacts to fish, including common and protected species, in the Napa River downstream of the project would occur only if the project was to cause some change that would adversely affect the water quality or flow in the Napa River. The Hydrology and Water Quality section of the Draft EIR fully evaluated impacts of groundwater and runoff that would potentially result from the project. For groundwater, the results of the evaluation concluded that use of the on-site well would have a less than significant effect on groundwater because pumping would not exceed safe yield and LID measures required to be implemented by the project would effectively contribute to replenishment of groundwater. Therefore, use of the well would not contribute to reduced summer stream flow and also would not adversely affect fish.

The stormwater system for the project, which includes the existing detention basin that lies between the proposed project site and the Napa River, was designed and constructed as part of the Flood Control Project in St. Helena to limit peak runoff flow into the Napa River to pre-project rates. Therefore, runoff from the project would not increase peak flows and would not contribute to increased sediment loads or destruction of fish habitat or to fish species.

The evaluation found that potential impacts cause by pollutants in runoff during construction, including sediment and various chemical substances, would be reduced to a less than significant level through numerous mitigation elements included the development and implementation of a Storm Water Pollution Prevention Plan. These elements included: Erosion Control BMPs, Sediment Control

BMPs, Tracking Controls, Non-Stormwater Controls, and Waste Management and Materials Pollution Controls.

Finally, the evaluation concluded that potential impacts of pollutants in runoff from the project once it was constructed would be less than significant because a Stormwater Management Plan prepared in accordance with State Water Resources Control Board LID Policy and the Phase II General Permit requirements and reviewed by the City would be required to be developed and implemented. The Stormwater Management Plan would require numerous LID elements be implemented by the project with annual oversight by the City.

The Draft EIR analysis did not observe any special species fish species occurring in the project area, nor does the comment provide any specific evidence of such occurrence. During consideration of potential impacts to biological resources, which included review of the Hydrology and Water Quality section, it was abundantly clear that potential impacts to aquatic resources that could potentially result from water quality or runoff flow caused by the project would be insignificant and, therefore, not a significant impact to aquatic resources on, adjacent to, or downstream of the project, including to fish, fish habitat, or fish movement. CEQA does not require elaborate review of potential impacts that are determined to be not significant.

B2-38 Non-native annual grassland is not considered a sensitive habitat and does not meet the threshold for evaluating as a significant impact. Moreover, most of the non-native grassland, as described in the Draft EIR, is not even on native soil but is the result of grading and filling resulting from the recent Flood Protection Project.

Grassland habitat (all types) occupies 11 percent (53,700 acres) of Napa County, and non-native annual grassland occupies 10 percent (51,000 acres). Approximately 60 percent (12 acres) of the project site is non-native annual grassland, which represents 0.02 percent of the total grassland area within the county.

While non-native annual grassland is not considered sensitive, the occupation or use of this habitat by plant and wildlife sensitive species or by migratory birds and impacts may be considered significant. If sensitive plants are present or have a high or moderate probability of being present, mitigation may be appropriate. For this project site, the high level of disturbance from relatively recent grading and filling (related to the Flood Protection Project) and continuous maintenance of the site creates poor habitat conditions which preclude the possibility of sensitive plants being present. For wildlife, in practice and widely accepted by resource agencies (e.g., U.S. Fish and Wildlife Service and California Department of Fish and Wildlife), non-native annual grassland can be removed as long as no wildlife are harmed in the activity of removal, which can be accomplished by protecting active

nests from disturbance while young are present or removing the habitat at a time when species are not present (e.g., during the fall-winter non-breeding/nesting period and when not foraging). All of the standard information, evaluation, and mitigation measures were included in the Draft EIR evaluation.

Cumulative impacts were addressed in the pertinent section in the Draft EIR. For clarity, additional information is provided here. A list of past, present, or foreseeable future projects was prepared, which included eight projects. All eight projects were within areas that were already developed or as infill and would not impact habitat, including grasslands. Therefore, with regards to past, present, or foreseeable future projects, this project would not create a cumulative impact for habitat loss, including grasslands.

Verbal and written comments from the public and regulatory agencies were solicited during an extended scoping period from September 23, 2011 to January 6, 2012 including at the Scoping Session public hearing on December 6, 2011 and again when the Draft EIR was circulated. There were no comments specific to biological resources, including no comments from plant and wildlife resource agencies, such as U.S. Fish and Wildlife Service and California Department of Fish and Game.

B2-39 With regard to subsidence, the CEQA significance criteria state that a significant impact may exist if the project is located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site subsidence. This significance criterion does not address risk of loss, injury, or death involving subsidence. Subsidence is typically a very slow process and does not pose an injury or fatality risk. The Draft EIR found that regional groundwater levels are reportedly stable and no documented problems associated with subsidence locally have been identified.

The preparers of the Draft EIR agree with the commenter that there is a conflict in the Draft EIR between the geology section statement (p.180, Section F) that "Future water demand from the onsite well for landscaping is expected to be much less than the historic agricultural demand by irrigation of vineyards" and the Public Services, Recreation, and Utilities section statement (Section K, p. 277) that "the estimated demand for outdoor uses for the proposed project would be just under 25 AF annually – a value that nearly mimics the estimated historical and sustainable use [of 22 AF]."

The third paragraph on page 180 of the Draft EIR is revised as follows:

(3) Subsidence

The project proposes using City of St. Helena water supply, and extracting groundwater from the existing on-site well only for landscape irrigation.

> Future water demand from the onsite well for landscaping is expected to be 25 AF annually, a value that is nearly the same as the historic agricultural demand of 22 AF ~~much less than the historic agricultural demand by irrigation of vineyards~~. There are no significant agricultural or industrial activities proposed that would result in the substantial pumping withdrawal of water from the underlying aquifer that could contribute to future subsidence on the project site. Therefore, the potential for the project to result in subsidence is less than significant.

The commenter states that it is improper to use historic use as a baseline for determining this project's impacts, and that the EIR must analyze impacts based on a comparison of the existing use of the well (0 AF per year) and post-project use (25 AF per year)." The commenter is referred to the Master Responses for Water Supply Related Comments for a complete response to this concern. In summary, if the existing on-site well were assumed to not have been used in the past and therefore was not part of the baseline conditions relied on by the City for this Draft EIR, the anticipated 25 AF of annual groundwater use proposed by the project represents about 5 percent of the City's anticipated long-term average of 450 acre-feet of groundwater use. Thus, if added to the City's historic use, the overall groundwater use would still generally be within the parameters defined by the City's Safe Yield Committee.

The Draft EIR found no significant agricultural or industrial activities proposed that would result in the substantial pumping withdrawal of water from the underlying aquifer that could contribute to future subsidence on the project site.

The potential impacts related to subsidence are considered to be less than significant for the following reasons: (1) future water demand from the onsite well for landscaping is expected to be 25 AF annually, a value that is nearly the same as the historic agricultural demand of 22 AF for irrigation of vineyards; (2) the analysis in the Draft EIR (p. 274-277) demonstrated that the proposed use would not represent a noticeable change to the groundwater level conditions in the St. Helena groundwater subarea; (3) the proposed groundwater use is within the parameters defined by the City's Safe Yield Committee, and (4) regional groundwater levels are reportedly stable[7] and no documented problems associated with subsidence locally have been identified.

B2-40 The proposed pumping estimate of 25 AF per year would be for residential landscape uses; this proposed use is not considered agricultural or industrial use. The Draft EIR statement that there are no significant agricultural or industrial activities proposed [by the project] that would result in the substantial pumping

[7] Luhdorff & Scalmanini, 2011. Napa County Groundwater Conditions and Groundwater Monitoring Program, February.

withdrawal of water from the underlying aquifer on the project site does not conflict with the Draft EIR statement that the City pumps groundwater from wells in the area and the on-site well, because the former Draft EIR statement refers to proposed uses, and the later statement refers to existing uses.

Impacts of proposed project groundwater extraction have been evaluated in conjunction with the impacts of the City's groundwater extraction. Please see Master Response #5 for Water Supply Comments.

B2-41 The Draft EIR's evaluation of subsidence was based on Tully & Young's water supply analyses performed for this Draft EIR, and the detailed report prepared for the Napa County Department of Public Works entitled *Napa County Groundwater Conditions and Groundwater Monitoring Recommendations* (February 2011). Please see Master Response #5 for Water Supply Comments for additional facts regarding groundwater conditions and available supply. No additional impacts regarding subsidence have been identified in the Response to Comments process. As a result, the Draft EIR would not require recirculation based on the evaluation of subsidence.

B2-42 The Draft EIR's analysis of potential pesticide impacts was based on a review of historical land use records, which indicated that the project site was under agricultural cultivation by 1940. Aerial photos from 1940 and 1958 show orchards and what appear be field crops on the project site, and photos on and after 1965 show rows of plants indicative of vineyards.

The classes of chemicals of potential concern, which include metals and organochlorine pesticides, bind to soil after application and typically do not migrate to groundwater. Therefore, any residues would be limited to surface soils. The DTSC Interim Guidance for Sampling Agricultural Properties (Third Revision), cited in Mitigation Measure HAZ-1, notes that "Based on the extensive data DTSC has reviewed for agricultural properties, only surface samples [are] required for the screening assessment." As groundwater and surface water are not potentially affected by agricultural chemicals, no further analysis of groundwater or surface water quality is warranted.

With regard to the potential for the presence of hazardous materials in the drainage adjacent to the site, this is an existing condition. The only potential for project activities to disturb these soils is during grading and utility placement.

To ensure that construction workers are adequately protected from exposure to potential contaminants in soils, the first bullet under Mitigation Measure HAZ-1 on page 209 of the Draft EIR is modified as follows:

Shallow soil samples shall be collected by a qualified environmental professional within all areas of the project area proposed for residential uses and areas disturbed by excavation and analyzed for pesticides and herbicides in accordance with DTSC's Interim Guidance for Sampling Agricultural Properties. The sampling shall be conducted prior to site grading and development activities. As specified in the Interim Guidance, any detected organic compounds or metals above naturally-occurring concentrations must be evaluated in a human health risk assessment as described in the DTSC Preliminary Endangerment Assessment (PEA) Guidance Manual or in comparison to California Human Health Screening Levels (CHHSLs).

B2-43 The Draft EIR includes a detailed analysis and public disclosure of the potential for hazardous materials to be present in project site soils. As noted above, under Response to Comment B2-42, the nature and extent of the potential contamination is known. Agricultural chemical residues have the potential to be present in shallow soils at concentrations that could affect the health and safety of construction workers and future site residents.

Mitigation Measure HAZ-1 requires that this potential impact be mitigated in accordance with performance standards contained in the DTSC Interim Guidance for Sampling Agricultural Properties (Third Revision). This guidance document includes detailed protocols for soil investigation and health risk assessment to evaluate this impact. As specified in the Interim Guidance, any detected organic compounds or metals above naturally-occurring concentrations must be evaluated in a human health risk assessment as described in the DTSC Preliminary Endangerment Assessment (PEA) Guidance Manual or in comparison to California Human Health Screening Levels (CHHSLs).

Should remediation such as soils removal be required, Mitigation Measure HAZ-1 includes performance standards for the remedial activity. Any potential added health risks to construction workers, maintenance and utility workers, site users, and the general public as a result of hazardous materials must be reduced to a cumulative risk of less than 1×10^{-6} (one in one million) for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens, or as required by a regulatory oversight agency. This performance standard describes conservative risk levels often used by regulatory agencies to determine that a risk has been reduced to a less-than-significant level. Any remedial activity would be subject to active oversight by DTSC or other regulatory agencies, and the mitigation measure notes that if extensive on-site excavation and/or soil off-haul were determined to be the appropriate response action, additional CEQA review may be required to evaluate potential impacts related to air quality, noise, and traffic.

As the nature and extent of potential agricultural chemical residues have been described, and performance standards for the mitigation of this potential impact have been clearly defined, this analysis is technically and legally adequate.

B2-44 See Master Response #2 – Land Use and Zoning Conformance.

B2-45 See Master Response #2 – Land Use and Zoning Conformance.

B2-46 See Master Response #2: Land Use and Zoning Conformance and refer to Response to Comment B2-12 to B2-16.

B2-47 See Master Response #4 – Traffic Analysis.

B2-48 All volumes presented in the Draft EIR and all analyses DO NOT assume this roadway connection. No project traffic is shown in the analysis to be distributed via this connection. Examinations of aerial photos show the reason for this feature in the graphic base of the Draft EIR. Due to the presence of a parking lot and alleyway, there are minor paved surfaces between Pope Street and Hunt Avenue south of Railroad.

B2-49 See Master Response #1 – CEQA Process.

Letter
B3

Lippe Gaffney Wagner LLP www.lgwlawyers.com

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Thomas N. Lippe
Brian Gaffney
Keith G. Wagner
Kelly A. Franger

August 8, 2012

Via U.S. Mail and email

Greg Desmond, Interim Planning Director
City of St. Helena
Planning Department
480 Main Street
St. Helena CA 94574
gregd@ci.st-helena.ca.us

Re: Request for Extension of Public Comment Period and Rescheduling of Public Hearing - Hunter Subdivision Project Draft Environmental Impact Report (SCH: 2012032048).

Dear Mr. Desmond:

This office represents St. Helena Residents for Responsible Growth regarding the Hunter Subdivision Project (Project). I write now regarding the public comment period for the Draft Environmental Impact Report (DEIR). 1

At the July 12, 2012 Planning Commission hearing, the commissioners stated that the City would make the materials referenced in the DEIR available to the public and renotice the public comment period to allow a meaningful opportunity for public review and response. The Planning Commission did not, however, take any such action at the July 12, 2012 hearing. 2

Although this office submitted both written and oral comments on this subject and formally requested that the City renotice the comment period after providing public access to the material cited in the DEIR, we have not yet received notice that either the materials referenced in the DEIR are available for public review or that a new 45-day review period and hearing have been noticed in accordance with CEQA's requirements. 3

Nor is this information provided on the City's website. Although the City's webpage for the Hunter Subdivision Project (http://ci.st-helena.ca.us/section.cfm?id=347) has been updated with some additional project information, the materials referenced in the DEIR are not posted. The only Notice of Availability of the DEIR is for the public comment period that ended on July 13, 2012. The City's "Public Hearing Notices" webpage (http://ci.st-helena.ca.us/section.cfm?id=252) does not include a notice for a hearing for the Hunter Project and DEIR. 4

Letter
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Cont.

This letter is the latest of our continuing efforts to obtain current information from the City regarding the Hunter Subdivision Project and DEIR. Most recently, on Monday, July 30, 2012, I left a voicemail message for you, which you have not returned. 5

If and when the City makes all materials referenced in the DEIR available for public review and renotices the 45-day CEQA comment period, please notify this office either by email to tlippe@lgwlawyers.com and kfranger@lgwlawyers.com, by U.S. mail to 329 Bryant St., Ste. 3D, San Francisco, CA 94107, and/or by fax 415.777.9809.

Thank you for your attention to this matter.

Very Truly Yours,

Kelly A. Franger

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LETTER B3
Lippe Gaffney Wagner LLP
August 8, 2012

B3-1 This introductory comment does not specifically address the adequacy of the EIR; no further response is necessary.

B3-2 See Master Response #1 - CEQA Process.

B3-3 See Master Response #1 - CEQA Process.

B3-4 See Master Response #1 – CEQA Process.

B3-5 See Master Response #1 – CEQA Process.

Letter
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Thomas N. Lippe
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August 28, 2012

Via Hand Delivery

Greg Desmond, Interim Planning Director
City of St. Helena
Planning Department
480 Main Street
St. Helena CA 94574
gregd@ci.sthelena.ca. us

Re: Hunter Subdivision Project Draft Environmental Impact Report (SCH: 2012032048).

Dear Mr. Desmond:

This office represents St. Helena Residents for Responsible Growth, an association dedicated to protecting environmental values in the St. Helena area. I am writing on behalf of St. Helena Residents for Responsible Growth to comment on the Draft Environmental Impact Report (DEIR) for the Hunter Subdivision Project (Project) pursuant to the California Environmental Quality Act ("CEQA," codified at Pub. Resources Code, §§ 21000, et seq.) and to object to the approval of the Project. 1

I. BIOLOGICAL IMPACTS.

A. The DEIR's Description of the Environmental Setting For Biological Impacts Is Improperly Limited to a Description of the Project Site. 2

The DEIR's description of the environmental setting is deficient because it does not describe the environment in the vicinity of the project, from either a local and regional perspective.

"An EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, from both a local and regional perspective." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722, quoting Guidelines, § 15125.) "Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project." (*Id.* at p. 723, quoting Guidelines, § 15125, subd. (a), emphasis added.)

Instead, the DEIR describes only the existing biological conditions at the project site. (DEIR 123-137.) For instance, the DEIR states that the "[h]abitat types on the site are now limited to non-

2 cont.

native grassland, agricultural land (vineyard), and a drainage ditch with limited riparian vegetation." (DEIR 123, emphasis added.) Elaborating, the DEIR states:

> **Non-Native Grassland.** The majority of the project site supports non-native grassland and ruderal species. The grasslands are dominated by non-native annual and perennial species, such as perennial ryegrass (Festuca perennis), wild oat (Avena fatua), barley (Hordeum sp), and brome (Bromus sp.) A few weedy species also occur in the grasslands, such as Fluella (Kicksia elatine), sweet fennel (Foeniculum vulgare), redstem stork's bill (Erodium cicutarium), wild radish (Raphanus sativus), and bristly ox-tongue (Picris echioides). Grassland habitat is not listed as a sensitive natural community in the California Natural Diversity Database (CNDDB).
>
> The grasslands on the site are of limited value to wildlife because of their mowed and disced condition. Species which may use this habitat include black-tailed jackrabbit (Lepus californicus), California vole (Microtus californicus), mourning dove (Zenaida macroura), and foraging raptors.
>
> Agricultural Land. Agricultural land on the site consists of vineyards in the southwestern portion of the site. This habitat is of limited value for wildlife because of the absence of cover, and is not considered a sensitive natural community type. Wildlife species associated with agricultural lands include small birds and mammals, such as California vole, white-crowned sparrow (Zonotrichia leucophrys) and killdeer (Charadrius vociferous).
>
> **Drainage Ditch**. The drainage ditch along the southeastern edge of the site transports runoff water into the stormwater detention basin located off-site to the southeast, via a concrete culvert. This ditch connects to a previously delineated upstream drainage ditch verified as being jurisdictional by the Corps of Engineers in 2008 (Corps File No. 400151N). The ditch contains sparse riparian vegetation including valley oak (Quercus lobata), California wild rose (Rosa californica), Himalayan blackberry (Rubus armeniacus), and California buckeye (Aesculus californica).
>
> **Perimeter Trees and Shrubs.** Trees and shrubs along the perimeter of the site, even though they may or may not be within the property boundaries of the site, could serve as roosting habitat for bats and/or nesting habitat for special-status or migratory bird species protected under State Fish and Game Code and the Migratory Bird Treaty Act.

(DEIR 123-124, emphasis added.) Nowhere does the DEIR describe the riparian and aquatic habitat associated with the Napa River or the regional environmental setting.

3

The DEIR's discussion of fish and wildlife species is likewise improperly limited to species that nest or roost on the Project site. It states:

Letter B4 cont.

(2) Special-Status Species

The following provides a discussion of special-status species and conclusions regarding occurrence on the site.

[...]

Special-Status Animal Species. The California Natural Diversity Data Base of the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service maintain records of special-status animal species reported from the vicinity of the project site. These species are listed in Table IV.D-1. Only two of these species were considered moderately likely to occur onsite based on evaluation of habitats present. No special-status species were considered highly likely to occur, and none were observed during the site visit (see Table IV.D-2).

The two species moderately likely to occur are:

- **Western Red Bat** (*Lasiurus blossevili*). California Species of Special Concern, Western Bat Working Group High Priority Species. This species is typically solitary, roosting primarily in the foliage of trees or shrubs. Its day roosts are commonly in edge habitats adjacent to streams or open fields, in orchards or urban areas near riparian habitat. It is moderately likely to occur in foliage along the perimeter of the project area. Open areas, ponds, and the Napa River in the vicinity provide suitable foraging habitat.

- **White-tailed Kite** (*Elanus leucurus*). California Fully Protected Species. This species resides year-round in coastal and valley lowlands, often in agricultural areas. It preys mainly on small mammals, but will also hunt birds, insects, reptiles, and amphibians. Nests are located atop oak, willow or other trees. It is moderately likely to occur in the project area because suitable nesting habitat is present in oak, ash and willow trees at the perimeter, and foraging habitat is present in the vineyards and grassland.

These two special-status wildlife species have legal protective status under state law. The remaining species in Table IV.D-1 are not expected to occur on the site because of the absence of suitable habitat. Past filling activities, agricultural disking, construction disturbance, and development surrounding the site precludes the occurrence of most species of concern.

3 cont.

(DEIR 124-125, emphasis added.)

Similarly, with respect to plant species, the DEIR states:

Special-Status Plant Species. Several special-status plant species have also been reported from Napa County and the area of St. Helena. Special-status plant species with potential to occur in the area are listed in Table IV.D-1. None of these species were considered likely to occur on the site, because of recent extensive grading and

4

Letter B4 cont.

> the resulting absence of suitable habitat. Although systematic surveys have not been conducted to conclusively determine the presence or absence of rare plants on the site, the extent of past disturbance, disking and fill activities on the site likely precludes the occurrence of populations of special-status plant species.

4 cont.

(DEIR 136.)

Nowhere, in the biological impacts "setting" discussion or elsewhere, does the DEIR identify which species occur in the region, primarily because the "project area" lacks suitable habitat. (DEIR 123-137.) Accordingly, the DEIR violates CEQA because it does not adequately describe the existing environment; and, as such, it is impossible to accurately assess the project's impacts or to determine appropriate mitigation measures for those impacts. 5

B. The DEIR Fails To Analyze Impacts To Protected Species That May Use The Project Site For Vital Life Processes Other Than Nesting. 6

Although the DEIR acknowledges the existence of some protected species that may occur in the "vicinity of the project area," the DEIR does not discuss how the Project may impact any species unless it is likely to nest or roost on the Project site.

For example, the DEIR concludes that numerous special status species are unlikely to occur in the Project area, despite the existence of forage habitat in the Project area, on the ground that there is no suitable "nesting" habitat. The DEIR reached this conclusion for Pallid bat, Townsend's bigeared bat, Silver-haired bat, Long-eared myotis, Fringed myotis, Golden eagle, Bald eagle, and Prairie falcon. (DEIR 129-131.)

This violates CEQA because the Project may significantly impact species even if it does not directly kill or injure an individual member of a species or destroy "nesting" habitat. Indeed, even the DEIR recognizes that "[h]arm" is [] defined by USFWS to include killing or harming of wildlife by significant obstruction of essential behavior patterns (i.e., breeding, feeding, or sheltering) through significant habitat modification or degradation." (DEIR 125, emphasis added.) 7

Additionally, the DEIR states that the California red-legged frog and Western pond turtle "may be present in the Napa River or in ponds adjoining the project area," but concludes that they are unlikely to occur within the "Project area" because "graded and disced fields of the project area would provide poor [nesting or aestivation] habitat for [these] species." (DEIR 131.) This violates CEQA because the Project may adversely impact wildlife habitat in and near the Napa River by increasing stormwater runoff and withdrawing groundwater from the onsite well. (See July 12, 2012 Comment Letter at pp. 18-19; Exhibit 2 thereto.) 8

The City must analyze whether and to what extent the Project may harm special status species that occur in the Project area or the "vicinity," (1) by altering or degrading habitat near the Project site; (2) by altering or degrading habitat supporting these species' life processes—including foraging habitat; and (3) by disrupting behavior patterns, such as feeding. Additionally, the DEIR's 9

Letter B4 cont.

cumulative impacts analysis must discuss whether and how these species may be impacted by the combined effects of Project and other projects in the region which may modify or degrade habitat which supports these species' essential behavior patterns. 9 cont.

C. The DEIR Fails To Analyze Potentially Significant Impacts To Migratory Routes for Fish and Wildlife Species.

The DEIR's failure to analyze impacts to fish species in the Napa River is discussed at length in our July 12, 2012 letter and the attached comment of fisheries biologist Jeff Hagar. (See July 12, 2012 Comment Letter at pp. 18-19; Exhibit 2 thereto.) The following supplements that comment. 10

Under CEQA, and as the DEIR recognizes, a project may have a significant environmental impact if it could "interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites." (DEIR 140, citing Guidelines, Appendix G.)

The Initial Study found that the Project may cause a "potentially significant impact" under this threshold of significance due to potential impacts to fish species in the Napa River. It states:

> Existing migratory routes for fish and wildlife species could be impacted by project development since the site is located near the Napa River as well as adjacent open space areas. This topic will be analyzed in the EIR.

(DEIR, Appendix A at p. 34-35, emphasis added.)

The DEIR, however, simply concludes that this impact will be less than significant because of the existence of other development and the Project will not impact the flood control levee:

> **(4) Migratory Wildlife Corridors**
> The project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or nursery sites. The project is adjacent to already developed areas on three two [sic] sides and is separated by a new flood control levee from the Napa River. The flood control levee protects a new riparian zone along the river, which provides an important migratory corridor for wildlife. The project will not impact this migratory corridor.

(DEIR 142, emphasis added.)

Neither rationally supports the conclusion. First, the existence of other development does not justify additional environmental harm and the magnitude of an existing environmental problem "cannot be used to trivialize the cumulative contributions of [the project under review]." (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1218.) If anything, the altered or degraded areas near the Project indicate the importance of maintaining the 11

Letter B4 cont.

site in its undeveloped state to support sensitive species and to prevent additional degradation of the Napa River. Second, the fact that the Project will not impact the flood control levee or the "migratory corridor for wildlife" that the levee "protects" says nothing of the Project's impacts on the Napa River and fish species therein. 11 cont.

Indeed, neither comment addresses impacts to the Napa River or to fish species. The DEIR is plainly inadequate, as it fails to analyze a potentially significant environmental impact identified in the Initial Study. 12

II. TRAFFIC IMPACTS.

As explained in our July 12, 2012 letter, the DEIR does not include the full traffic study prepared for the Hunter Subdivision and the DEIR does not provide the data underlying its analysis or explain many important and fundamental assumptions underlying the traffic study's conclusions. (Exhibit 4 [July 9, 2012 Letter of Dan Smith].) Indeed, even the most basic data regarding the traffic counts conducted in November 2011, the locations of those counts, and the method used to estimate and include peak harvest season traffic was not presented in the DEIR or its appendices. 13

St. Helena Residents requested a copy of the full traffic analysis conducted by Crane Transportation Group so that the DEIR's conclusions could be independently and meaningfully reviewed. Following the July 13, 2012 hearing, the City released a CD which, it claims, includes all of the materials relied upon in the DEIR (the "administrative record"). However, the CD contains only one document from Crane Transportation Group's analysis of the Project: "signal warrant charts" for one of the 12 intersections addressed in the DEIR (Silverado Trail/Pope St). (AR Document 56a-Crane Trans Group, 2012, Signal Warrant Charts.pdf.) 14

Nowhere in the DEIR, Appendix E (which contains some traffic data), or the recently-released administrative record are the actual results of Crane's traffic counts or an explanation of how the actual traffic counts were adjusted to reflect higher "harvest season" traffic volumes. Similarly, as explained by traffic engineer Dan Smith, the DEIR is fatally deficient because it fails to disclose assumptions and methods applied in its analysis, including: 15

- disclose the annual growth rate applied to account for regional growth from 2011 to 2020 (DEIR 321 [stating only that the applied growth rate was "small"]
- provide a fact-based justification for the 2011 to 2020 growth rate applied in the DEIR's traffic analysis
- provide a fact-based justification for the 2020 to 2030 "growth rate developed by the City [of] 0.75 percent per year" to forecast 2030 traffic impacts
- disclose the number and distribution of the vehicle generated trips by the Project, as estimated and applied in the traffic impacts analysis (see DEIR at pp. 335-336)
- explain how high pedestrian volumes at some are taken into account in the LOS calculations, particularly for the intersections of (3) Adams Street/SR 29; (4) Adams St./Railroad Ave.; (6) Hunt Ave./SR 29; (7) Hunt Avenue/Railroad.; and (9) Pope St./SR 29 (see Appendix E Figures IV.E-1, IV.E-2 and IV.E-3)

Letter B4 cont.

- disclose the Level of Service (LOS) calculation sheets and, where performed, queue calculation sheets (instead, presenting only the City's conclusions)
- disclose and explain the evidence and rationale underlying the DEIR's conclusion that the Project will alter the routes of some non-project traffic and thereby have beneficial effects (instead, disclosing only the impacts at study intersections and failing to disclose the overall flow patterns of diversions).

15 cont.

(July 12, 2012 Comment Letter, Exhibit 4 at pp. 3-4.)

On the whole, the DEIR's traffic analysis presents only conclusions and entirely omits "facts and analysis" necessary for the public to judge whether its assumptions, figures, and analysis are correct and reasonable. Thus, the DEIR is inadequate as an informational document under CEQA. (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831 ["The EIR must contain facts and analysis, not just the bare conclusions of a public agency"].) 16

1. The Crane Traffic Study Did Not Include the Pope Street/College Avenue/ Paseo Grande Intersection.

The DEIR presents conclusions regarding traffic impacts at 12 intersections. (See DEIR 303 [Figure IV.L-2].) The DEIR cites Crane as the source for all traffic data and analysis. However, Crane conducted traffic counts at only 11 intersections.[1] (DEIR 309-310.) Indeed, Appendix E of the DEIR, which contains "traffic and circulation data" prepared by Crane, includes adjusted "harvest" pedestrian, bicycle, and ambient traffic volume data for 11 intersections. 17

The intersection that Crane did not study, but which is analyzed in the DEIR, is the College Avenue/Pope Street/Paseo Grande Intersection (No. 11 in the DEIR's figures). There is no indication, whatsoever, how the City obtained the existing traffic volume data necessary to analyze impacts at this intersection or who analyzed those impacts.

2. The DEIR Failed to Conduct A Signal Warrant Analysis For Two Unsignalized Intersections.

The DEIR states that Crane conducted a "signal warrant analysis" to determine whether a traffic signal should be considered at study intersections. (DEIR 306.) Of the 9 unsignalized intersections discussed in the DEIR (see DEIR 303 [Figure IV.L-2]), conclusions regarding the 18

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[1] See also *Traffic study underway for Hunter project,* St. Helena Star, November 10, 2012 (Reporting on City's removal of video cameras initially used for the Hunter traffic study, including "Main/Fulton, Main/Adams, Railroad/Hunt, Main/Hunt and Hunt/Library." Traffic consultant required to obtain a permit and conduct counts at 11 intersections by hand (the "old-fashioned way") because the cameras were illegal and "ropes that are usually used for traffic counts won't suffice in this case because they can't monitor the behavior of pedestrians and bicyclists, and can't capture vehicles' turning movements.")

Letter B4 cont.

signal warrant analysis are presented for only 7 intersections[2] (DEIR 317 [Table IV.L-6 Signal Warrant Evaluation: Do Volumes Meet Peak Hour Signal Warrant #3 Criteria Levels?]). The DEIR must conduct the signal warrant analysis for the remaining two unsignalized intersections: (7) Hunt Avenue/Railroad Avenue (side street stop sign control) and (8) Hunt Avenue/Starr Avenue (all-way stop sign control). 18 cont.

3. The DEIR Does Not Disclose the Signal Warrant Analyses and Data For Six of the Seven Analyzed Intersections.

The DEIR states that the signal warrant charts, which present the analysis and underlying data, are located in Appendix E. (DEIR 307.) They are not. The administrative record includes the signal warrant charts for one only intersection: Silverado Trail/Pope St. (AR Document 56a-Crane Trans Group, 2012, Signal Warrant Charts.pdf.) 19

The warrant charts for all other intersections have not been released to the public.[3] As a result, there is no factual basis for the DEIR's conclusion that increases in traffic associated with the Project will not require traffic signals. 20

Additionally, and curiously, the DEIR represents that Crane determined that intersection (11) College Avenue/Pope Street/Paseo Grande will not require a signal under the Warrant 3 analysis, though this intersection was not analyzed in the Crane study. (DEIR 306 [Table IV.L-6], citing "Source: Crane Transportation Group, 2012".) The Warrant 3 analysis requires consideration of "criteria such as actual traffic volume, pedestrian volume, presence of school children, and accident history." (DEIR 306 [Table IV.L-6].) The pedestrian and bicycle volume data collected by Crane does not include data for this intersection. (DEIR, Appendix E.) Nor does the Crane report include an accident history for this intersection. (DEIR, Appendix E.) Proper analysis of this intersection and public disclosure of the impacts is particularly important because school children are present at the Montessori School (which is currently expanding) on the corner of College Avenue and Pope Street. (DEIR 322.) 21

4. The DEIR Failed to Analyze All Intersections that May Be Impacted By the Project.

The DEIR failed to analyze queue length and adequacy of queue storage capacity at numerous left turn lanes that may be impacted by increased traffic and delays associated with the Project. At any intersection where the Project adds traffic and increases overall delay, the Project 22

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[2] Table IV.L-6 presents conclusions for: (2) Fulton Lane/Railroad Ave.; (4) Adams St./Railroad Ave.; (5) Adams St./Library Ave.; (6) Hunt Ave./SR 29; (10) Pope St./Starr Ave.; (11) Pope St./College Ave./Paseo Grande; and (12) Pope St./Silverado Trail.

[3] Warrant charts are missing for (2) Fulton Lane/Railroad Ave.; (4) Adams St./Railroad Ave.; (5) Adams St./Library Ave.; (6) Hunt Ave./SR 29; (10) Pope St./Starr Ave.; and (11) Pope St./College Ave./Paseo Grande.

Letter B4 cont.

may cause queues on left turn storage lanes to exceed available storage lengths. (July 12, 2012 Comment Letter, Exhibit 4 at p. 2.) Consequently, the DEIR must, but does not, analyzed the Project's impact on "queue storage adequacy for the northbound left at Fulton-Madrona and Main, the northbound left at Adams and Main, and the northbound left at the compound intersection of Pope, Mitchell and Main. (*Id.* at p. 3.) 22 cont.

5. The DEIR Failed to Analyze the Impacts of Increased Traffic on the Character of Residential Streets.

Many of the streets that would carry Project traffic, including Hunt Ave., Starr Ave., Pope St., and portions of Adams St. are residential in character. (DEIR 67; July 12, 2012 Comment Letter, Exhibit 4 at p. 3.) Although the DEIR mentions that "construction traffic impact[s] (or perceived impact) would potentially be considered more of a problem by the residential neighborhoods," the DEIR fails to analyze how increased traffic (both construction-related and operational) would impact the residential quality of life along the affected streets. (July 12, 2012 Comment Letter, Exhibit 4 at p. 3.) 23

As traffic engineer Dan Smith pointed out, the DEIR's impact analysis applies only traffic service metrics: congestion, delay and levels of traffic service (LOS); utterly failing to consider and apply widely-recognized metrics for evaluating traffic impacts to residential character. (*Id.*) Thus, the DEIR is deficient in its failure to assess residential traffic impacts. (*Id.*) 24

6. The DEIR's Failed to Analyze Delay Associated With the Napa Wine Train.

The Napa Wine Train rail line runs through St. Helena just east and parallel to SR 29. (DEIR 308.) The current weekday Wine Train schedule and presence of the train in St. Helena consists of a 15-minute stop from about 1:00 to 1:15 p.m. and a second 15-minute stop from about 6:30 to 6:45 p.m. (DEIR 336.) The DEIR does not disclose the Train's weekend schedule. 25

The DEIR failed, however, to analyze the impacts of increased Project traffic in conjunction with the Wine Train. Crane observed traffic for the Weekday AM peak period (7:00-9:00), PM peak period (3:30-5:30), and Saturday PM peak period (3:00-6:00). (DEIR 309.) Accordingly, delays and queuing impacts associated with increased Project traffic and the Wine Train are not considered in the weekday peak period analysis. Otherwise, the DEIR considered the impact of the Train only to the extent that it may impede emergency access. 26

As traffic expert Dan Smith explained,

> There is virtually no separation between the Wine Train trackway and the intersections of Adams Street and Hunt Avenue with Railroad Avenue. The respective queue storage distance on Adams and Hunt between their intersections with Railroad Avenue and their intersections with Main Street is about 254 feet (storage for 10 to 12 cars) and about 135 feet (storage for 5 to 6 cars). On Pope

Letter B4 cont.

> Street, the separation between the trackway and Main Street is only about 56 feet (sufficient for storage of only a 2 to 3 car queue, even less if a large truck were in the mix).

26 cont.

(July 12, 2012 Comment Letter, Exhibit 4 at p. 2.) Delays associated with Project traffic and the Wine Train could cause traffic to exceed the available queue storage, obstructing Main Street, and thereby presenting a significant public safety and traffic impact. (See *id.*) The DEIR's traffic impacts analysis is thus inadequate without consideration of train-passage related eastbound queues on the above-named streets, with and without the Project in the current and 2030 scenarios. (*Id.*)

III. UTILITIES – GROUNDWATER USE.

27

The DEIR states that, under the Draft General Plan Update, Implementing Action PF1.H, the City may

> Permit no new development relying on groundwater unless and until it is determined that the incremental production of groundwater to support the development will not adversely impact the water production capability of the aquifer supporting the City's wells.

(DEIR 283.)

As explained in response to the City of Napa's comment that "development in accordance with the General Plan Update would increase the demand for water, creating the potential for insufficient water supplies," this "implementing action" is a mitigation measure adopted to "ensure that significant impacts on groundwater resources are avoided." (St. Helena General Plan Update FEIR October 2010 p. 3-37, 6-14.) The City explained that "the scope and outcome of any future aquifer studies is beyond the scope of th[e General Plan] EIR," but that "[t]he policies proposed for the General Plan Update minimize production from groundwater unless and until a hydrogeologist concludes that the City can withdraw more groundwater without harm to the aquifer." (St. Helena General Plan Update FEIR October 2010 p. 3-37.)

The DEIR, however, does not include any information regarding how "incremental production of groundwater to support" the Project may impact the aquifer, much less a study of the aquifer from which the well withdraws water conducted by a qualified hydrogeologist. Moreover, although the City provided data regarding the well to the Project applicant and we specifically requested this data, the City failed to release any such data as part of the administrative record for the Project.

28

Letter B4 cont.

IV. CUMULATIVE IMPACTS.

1. Aesthetic Resources.

An "EIR must compare the impacts of a project with 'the actual environment upon which the proposal will operate' and not with the existing general plan." (*San Joaquin Raptor, supra,* 27 Cal.App.4th p. 723, fn3, quoting *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354. See 1 Practice Under CEQA, supra, § 12.26, p. 485; Guide to CEQA, supra, at pp. 190-191.) 29

The DEIR's analysis of cumulative impacts to aesthetic resources violates this requirement because it assumes that such impacts would be less than significant based on an assumption that this and other projects will be consistent with the St. Helena General Plan: 30

> The proposed project is consistent with the City's General Plan Land Use designation for the site and together with reasonably foreseeable future development projects is subject to the City's design review process. The purpose of the design review process is to consider the design treatment and relationship of buildings to the surrounding built environment and ensure no significant adverse aesthetic impacts would result. Thus, the proposed project would not combine with, or add to, any potential adverse aesthetic impacts that may be associated with other cumulative development.
>
> Cumulative development in combination with the proposed project would result in new buildings of similar size and scale being developed one vacant infill site in the area. A consideration of reasonably foreseeable future development reveals that the project is generally consistent with adopted plans and the overall vision for the area. Based on the information in Section IV.A, Aesthetic Resources, of this document and for the reasons summarized above, the project would not contribute to any significant adverse cumulative aesthetic impacts when considered together with past, present, and reasonably foreseeable future development. Therefore, the proposed project would have a less-than-significant cumulative impact on aesthetics.

(DEIR 382, emphasis added.)

Additionally, the DEIR improperly concludes cumulative aesthetic impacts are insignificant on the ground that the other project with potential visual additive consequences is "consistent with" development elsewhere in the City of St. Helena. It states: 31

> One project on the cumulative project list is in the vicinity of the project to the west on Adams Street and could create a potential cumulative effect. However, it is consistent with commercial and more urban uses closer to the downtown. For these reasons, the incremental change to the visual resources associated with development of this project would not be significant.

Letter B4 cont.

(DEIR 382.) This is utterly absurd. The fact that the Adams Street project is "consistent with commercial and more urban uses closer to the downtown" says nothing about how the project may, in conjunction with the Hunter Project, impact visual resources in the project area and does not provide any reasonable basis for finding that such impacts are less than significant. The DEIR provides no information, whatsoever, about how or to what extent the "Adams Street" project would impact the existing visual setting or how its impacts may combine with this Project to impact aesthetic resources. 31 cont.

2. Biological Resources.

An EIR must "define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1216, quoting Guidelines, § 15130, subd. (b)(1)(B).) The geographic scope of the cumulative impacts analysis "cannot be so narrowly defined that it necessarily eliminates a portion of the affected environmental setting." (*Id.*) 32

The geographic area considered for the biological cumulative analysis — the "City of St. Helena — is impermissibly narrow because it eliminates portions of the affected environmental setting. (DEIR 384.) As we explained in our July 12, 2012 letter, the Project will impact sensitive species and habitat in the Napa River in numerous ways. The Project will also destroy grasslands habitat, which may have a cumulatively significant regional impact. As a result, the geographic scope of the cumulative impacts analysis is drawn so narrowly that it eliminates consideration of cumulative impacts to the entire affected environment.

The DEIR states that this geographic "area was defined because it includes the project site, the immediately surrounding neighborhoods, and the larger City context for the project." (DEIR 384.) This is utterly irrelevant to the biological resources at issue, including, for example, fish species in the Napa River. Thus, the DEIR does not provide a "reasonable explanation" for failing to include the Napa River and other impacted regional habitat in the cumulative impacts analysis. 33

Additionally, the DEIR unlawfully concludes that, because the impacts of the Project alone will be mitigated to a level of insignificance, the Project will not result in significant cumulative biological impacts. (DEIR 384-385.) Under CEQA, the very purpose of cumulative impacts analysis is to ensure that such individually "insignificant impacts" do not combine with the impacts of other projects to cause cumulatively significant consequences. (*Communities for a Better Environment v. Ca. Resources Agency* (2002) 103 Cal.App.4th 98, 115.) Accordingly, it is improper to summarily conclude with no substantive discussion or analysis that no cumulative impacts will occur simply because the EIR has concluded that the Project's impacts, in isolation, areless than significant. 34

Letter B4 cont.

3. Hydrology and Water Quality.

The DEIR improperly assumes that any cumulative impacts to water quality or hydrology will be less than significant because (1) the Project's individual impacts will be mitigated to a level of insignificance and (2) other projects will be consistent with the General Plan. (DEIR 385-386.) It states: 35

> Development of the project would result in an increase in impervious surface area and an increase in the amount of storm water generated in the project area. Construction and operational impacts to stormwater that would result from implementation of the proposed project would be minimized through implementation of the SWPPP. Existing General Plan Policy 9.4.1 and Draft General Plan Update policies PF3.A and PF3.E require review of development plans by the City to ensure that new development provides adequate storm drainage infrastructure and that post-project runoff is limited to pre-project peak flow rates for the five- and ten-year storms. Other current, pending or foreseeable projects in St. Helena would be required to undergo the same stormwater maintenance measures, and would not result in cumulative adverse impacts to water quality.

(*Id.,* emphasis added)

As an initial matter, the cumulative impacts analysis misrepresents the requirements of the existing General Plan. Policy 9.4.1 provides that "[n]ew development should provide adequate drainage improvements to handle generated storm runoff from the site to the nearest major watershed." (DEIR 266.) This relates only to the way in which stormwater is moved from the Project site to the Napa River and in no way mitigates the impacts that increased runoff will have once it reaches the river, including increased flooding, stream channel erosion, and habitat and water quality degradation. 36

Additionally, the unadopted policies of the Draft General Plan Update are irrelevant to the assessment and mitigation of the Project's individual and cumulative impacts. There is no way to know whether the proposed draft policies will actually be adopted or whether they will be considered "guidelines" or implemented as firm requirements. As the Project applicant's representative explained at the July 13, 2012 Planning Commission hearing, it is plainly improper to rely on the unadopted, Draft General Plan because it is not in effect. 37

Moreover, it is improper to conclude that no cumulative impacts will occur simply because the individual impacts of a project would be "minimized" to the extent feasible or subject to General Plan policies. 38

The DEIR also improperly concludes that any cumulative impacts associated with levee failure are insignificant because the probability of failure is low: 39

Letter B4 cont.

> The potential for the levee to fail would be considered a very low probability event and therefore, levee failure under CEQA will be considered a less-than-significant impact.

39 cont.

(DEIR 386.) This conflicts with the DEIR's impacts analysis, which finds that the individual impact is significant, despite the probability of levee failure:

> [E]ven though the potential for levee failure is remote, the consequences would be significant, and therefore the potential property loss and injuries to residents related to potential levee failure is a significant impact.

(DEIR 246.) Either way, the City is not excused from its obligation to conduct a cumulative impacts analysis on the basis that individual project impacts have been deemed insignificant. The DEIR must properly study and disclose the cumulative impacts that may result in the event of levee failure. 40

4. Noise and Vibration

The analysis of cumulative impacts associated with noise and vibration suffer from the same flawed assumption that cumulative impacts will be insignificant because the Project's individual impacts will be mitigated. The DEIR states: 41

> Cumulative noise analysis considers both short-term construction related noise and longer-term operational and traffic related noise. Short-term noise impacts are related to the noise generated by heavy equipment operating on the site. Site preparation phases are typically the loudest phases of construction due to the types of equipment used.
>
> The worst case combined noise level during this phase of construction would be approximately 88 A-weighted decibels (dBA) Lmax at a distance of 50 feet from an active construction area. The <u>impacts from construction noise would be reduced to less-than-significant levels with implementation of recommended mitigation measures</u> included in Section IV.J, Noise and Vibration. <u>With implementation of these mitigation measures, this cumulative impact would be considered less than significant</u>.

(DEIR 386.)

Moreover, the DEIR does not even attempt to identify other sources of noise and vibration to determine whether a cumulative impact would result in conjunction with the "unmitigated" noise and vibration from the Project. Instead, the DEIR considers only the combined impacts of the construction and operational phases of this Project. (DEIR 386 ["Cumulative noise analysis considers both short-term construction related noise and longer-term operational and traffic related noise"].) 42

Letter B4 cont.

5. Public Services.

With respect to water supply, the DEIR's cumulative impacts analysis states: 43

> The water supply analysis determined that there is adequate water supply for the project as well as future development in St. Helena while conforming to the City's Safe Yield limit of 1,950 acre feet per year of available water supply.

(DEIR 387.) This is incorrect. Far to the contrary, an April 11, 2012 City staff report to the Mayor and City Council that incorporates 2010 and 2011 data indicates that current demand (2,083 acre feet per year) exceeds the Safe Yield limit of 1,950 acre feet per year. (DEIR 272, fn11.) Although the DEIR states that demand is "trending downward," that too is belied by the April 11, 2012 City staff report, which explains that demand will continue to increase and outstrip supply unless the City takes some preventive action. (See Exhibit 2 hereto. [I'll send this to you.].) The City has not taken any such action. (See *id.*)

With respect to other public services, the DEIR states:

> Development of the proposed project would result in a cumulative increase in the demand for public services, parks, and recreation facilities and utilities. This cumulative increase could result in the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives. However, future development would occur pursuant to General Plan policies and mitigation measures adopted for the General Plan that reduce the potential impact on services to less-than-significant levels (including payment of the City's development impact fees and school fees). As a result, development of the project together with the impact of planned and future development would not result in significant cumulative public service impacts. 44

(DEIR 387.) Again, CEQA requires consideration of facts and analysis of those facts — the bare assumption that future projects will be mitigated to the extent that no cumulative impacts could occur does not suffice.

V. THE RE-NOTICED PUBLIC COMMENT PERIOD.

At the July 12 hearing, the Commission directed staff to "research" another 45-day period and declined to take action on the matter. Indeed, the last statement before the hearing adjourned was the Commission's clarification that, in the event that the comment period is not extended for another 45-days, the public still had until August 20th to submit comments. 45

Almost inconceivably, the minutes of the July 12 Planning Commission hearing state that the Planning Commission did, in fact, take action to re-notice the comment period on the DEIR. They state: 46

Letter B4 cont.

MOTIONS: It was moved by Commissioner Galbraith, seconded by commissioner Pitts to extend the Hunter Subdivision Project for an additional 45 days.
Ayes: Commissioners Galbraith, Pitts, Parker & Chairperson Heil
Noes: None
Absent: Commissioner Kistner
Abstain: None

46 cont.

One need only review the video of the July 12 meeting, posted on the City's website at http://sthelena-ca.granicus.com/MediaPlayer.php?view_id=2&clip_id=305, to confirm that this motion did not, in fact, occur.

47

The Notice of Availability (NOA) was purportedly posted with the County, published in the St. Helena Star, and mailed to property owners within 300 feet of the Project site on or before July 20, 2012. The announcement in the St. Helena Star is dated July 26, 2012. (See http://napavalleyregister.com/star/news/local/hunter-comment-deadline-extended-to-sept/article_97bccab4-d6b8-11e1-b1fb-0019bb2963f4.html.) The NOA was not then posted on the City's website for the Hunter Project.

48

This office made numerous phone calls to the City regarding whether the comment period would be re-noticed. We were informed by a City employee that the hearing and comment period had not yet been formally re-noticed.

On July 30, I left a voicemail for Mr. Desmond, requesting an update on the status of the comment period. On August 8, 2012, my call unreturned, I drafted a letter requesting the same. (See Exhibit 1 hereto.)

In response to my letter, Mr. Desmond informed me, in a telephone call on August 8th, that the comment period had been re-noticed on July 20th. Mr. Desmond claimed that he did not receive my July 30 voicemail and, with respect to our discussions with other City employees, stated that he and the City Manager were the only people in the City who could speak to such matters.

In response to my request, the City posted the new NOA on the Hunter Project webpage on August 8, 2012.

VI. COMMENTS SUBMITTED AT THE JULY 13, 2012 PLANNING COMMISSION HEARING.

49

The public, the Project applicant's representative, and even St. Helena Planning Commissioners raised many substantial flaws in the DEIR and the Project at the July 13, 2012 Planning Commission. We incorporate those comments herein.

Of particular note, the public and the Planning Commission expressed well-founded skepticism that the mitigation measure for offsetting the Project's water demand (MM SVCS-1) would be feasible or effective. MM SVCS-1 provides that the developer may offset the increased demand of 12af/yr demand by installing water-efficient fixtures in <u>existing</u> homes or nonresidential

Letter B4 cont.

properties. (DEIR 299.) Chairperson Matthew Heil stated that a feasibility report for this mitigation measure, including a survey of residents who would be willing to retrofit their entire homes — names and addresses included — must be included in the DEIR and presented to the Commission before it could determine that the Project's increased water demand would be mitigated to a level of insignificance. 49 cont.

The Project applicant's representative explained that the DEIR's alternatives analysis is inadequate because it does not include any data underlying its conclusions regarding the relative environmental impacts of the alternatives and the Project as proposed. Planning Commissioner Parker stated that a new traffic study must be prepared, noting that the flaws in the existing study were obvious. Commissioner Parker further explained that the DEIR's analysis of stormwater, groundwater, and water supply impacts is not strong enough to withstand legal challenge. We strongly agree.

Thank you for your attention to this matter.

Very Truly Yours,

/s/ *Kelly Franger*

Kelly A. Franger

G:\LGW\cases\Hunter\C00c - SENT Second Comment Letter on DEIR.wpd

LETTER B4
Lippe Gaffney Wagner LLP
August 28, 2012

B4-1 This introductory comment does not specifically address the adequacy of the EIR; no further response is necessary.

B4-2 The existing setting describes the general nature and condition of the environment in the area of the project. The California Natural Diversity Data Base was consulted for special-status plant and animal species in the vicinity of the site (see Table IV.D-1 on page 126 of the Draft EIR. The Napa River was described as being more than 500 feet from the project site and separated from the project site physically and visually by a levee and a detention basin. The Draft EIR further describes the conditions of the site itself in more detail.

B4-3 The Draft EIR correctly lists all of the special-status species that could occur in the region, including in and around the project site. It also concludes that because of the level of existing development and disturbance surrounding the project site, most of the species in the list are precluded from being on the site and in the surrounding area.

B4-4 Comment noted.

B4-5 The Draft EIR states, as the commenter noted, "Special-status plant species with potential to occur in the area are listed in Table IV.D-l.". Therefore, all of the species listed in the table, which included 30 plants and 28 wildlife species, were identified as occurring in the region.

B4-6 Values that habitats provide to sustain wildlife include reproduction (nesting), foraging/food, and shelter. These values were analyzed in the Draft EIR in describing and consideration of the type of habitat present. Not all habitat types or the condition of habitats provide suitable habitat for the various life processes. The habitat types and condition (non-native annual grassland, recently graded and filled, continuous maintenance) at the project site make it unsuitable for providing habitat values for most species. Nesting for some species was considered as possible, and the standard mitigation required by resource agencies (U.S. Fish and Wildlife Service and California Department of Fish and Wildlife) was stated in the Draft EIR (Mitigation Measure BIO-1). The site may be used as foraging habitat, however, removal of non-native grassland foraging habitat is not considered a significant impact for most species, including all of the species that were identified as having potential for presence.

B4-7 The quote referenced by the commenter is specific to species listed by the U.S. Fish and Wildlife Service as endangered or threatened with extinction. None of the species considered as having potential for presence are listed endangered or threatened species, and impacts to habitat are not held to as high a standard as for listed endangered and threatened species.

B4-8 As indicated in the Hydrology and Water Quality Section of the Draft EIR and as described in the Response to Comment B2-37, the project is designed to reduce potential impacts related to surface water quality and peak runoff flow and groundwater availability to levels of less than significance. This would result in no impacts to aquatic resources.

B4-9 Regarding special status species, see the Response to Comments B4-2, B4-6 and B4-7. See Response to Comment B2-38 regarding cumulative impacts.

B4-10 The Initial Study identified a potentially significant impact. However it later became clear from Hydrology and Water Quality analyses that potential impacts to aquatic resources that could potentially result from ground water use and surface water quality or runoff flow would be insignificant because of project design and, therefore, not a significant impact to aquatic resources on, adjacent to, or downstream of the project, including to fish, fish habitat, or fish movement. This was stated in the Draft EIR.

Because of development adjacent to and surrounding the project site including residential development and vineyards, it was concluded there likely was no active corridor movement by terrestrial wildlife through the project site perpendicular to the Napa River; however, the riparian habitat along the river in newly created open space would provide an important movement corridor. The riverside corridor, however, would not be impacted by the project because it was separated from the project both physically and visually by barrier features (detention basin and levees) and a distance of approximately 500 feet. The project does not add cumulatively to impacts to the movement corridor.

B4-11 See Response to Comment B4-10 above, describing the lack of active corridor movement by terrestrial wildlife through the project site and explaining that the project would not add cumulatively to impacts to the movement of wildlife. The presence of other development was not used to trivialize potential impacts that may be caused by the project. Rather, the presence of existing urban development on two sides of the site was identified to demonstrate the lack of active wildlife movement. For information purposes, the Draft EIR identifies the new riparian zone along the river, protected by the flood protection project, which provides a migratory corridor for wildlife. The project would not significantly impact this migratory corridor.

B4-12 Stormwater runoff could potentially impact the Napa River and fish species in the river. This impact is identified and mitigated in the Hydrology and Water Quality section of the Draft EIR. The impact discussion beginning on page 235 of the Draft EIR addresses this potential impact and includes mitigations HYD-1 and HYD-2 for both construction and operational activities on the site.

B4-13 See Master Response #4 –Traffic Analysis.

B4-14 The full traffic study is presented in the Draft EIR. Requested background data and appendices are provided in Revised Appendix E of this Response to Comments Document.

B4-15 For the 9-year period from 2011 to 2020, a small percentage of growth, 0.5 percent per year (a total of 4.5 percent for nine years), was applied, in addition to traffic generated by development projected to occur in the St. Helena planning area by 2020. The small growth rate was projected based upon a survey of Caltrans traffic data along SR 29 between 2002 and 2011, when a large sampling of volumes were observed to remain the same or slightly decline over the 9-year time period. Crane Transportation Group obtained a list of planned and approved, but not built, projects supplied by City staff to determine anticipated build-out in the City of St. Helena. This list of eight projects is included in the Draft EIR appendix, titled *Memorandum from Crane Transportation Group to Greg Desmond, City of St Helena*, dated February 7, 2012. City staff provided a planning horizon date for the time of expected construction and occupancy of these projects. For purposes of the analysis, it was assumed that the planning horizon for build-out of known projects is year 2020. To project growth on the roadway network to 2030, City staff provided a growth rate of 0.75 percent per year for the St. Helena area. This rate was applied to turning movements for each time period analyzed.

For each project listed by the City, trip generation and distribution was determined and distributed to the roadway system. Trip generation was based on ITE standard trip rates for AM, PM and Saturday conditions, utilizing the best available ITE historical data for each land use. Distribution for each project was based on existing turning movement counts conducted in November 2011 for the Hunter Property project, plus knowledge of land uses served by the local and regional roadway system.

Project vehicle trips are shown in t he Draft EIR Table IV.L-12 and project trip distribution is shown in Figures IV.L-10, IV.L-11 and IV.L-12 for the AM, PM, and Saturday PM peak hour time periods.

For many, if not most analyses, it would be considered adequate to input the number of pedestrians and let the software account for them. However, being aware of the focused concern for pedestrian movements in St. Helena, a minimum green time of between 18 and 27 seconds was used for all signalized intersections in order that the analysis software would allow plenty of time for pedestrians to cross on every phase. At unsignalized intersections, the number of pedestrians were conservatively *doubled* to fully account for pedestrians movements at intersections.

LOS calculation worksheets and queuing calculations are provided in the Revised Appendix E of this document.

Appendix E, Figures A-7, A-8 and A-9, provides traffic diversion turning movements for Existing and Year 2030 with Project conditions. The "diversion" is due to traffic re-routed through the project's roadway connection between Adams Street and Hunt Avenue, proposed as a part of the project's circulation system and consistent with the City's General Plan for roadway connections.

B4-16 The traffic section of the Draft EIR contains the entire traffic analysis and does not omit any part of the analysis.

B4-17 Crane conducted counts and analysis at all 12 intersections. As stated in the Draft EIR, traffic counts were conducted at 11 intersections in November 2011. The intersections counted were:

1. Fulton Lane/SR 29 (signal control)
2. Fulton Lane/Railroad Avenue (side street stop sign control)
3. Adams Street/SR 29 (signal control)
4. Adams Street/Railroad Avenue (all-way stop control)
5. Adams Street/Library Avenue (side street stop sign control)
6. Hunt Avenue/SR 29 (side street stop sign control)
7. Hunt Avenue/Railroad Avenue (side street stop sign control)
8. Hunt Avenue/Starr Avenue (all-way stop sign control)
9. Pope Street/SR 29 (signal control)
10. Pope Street/Starr Avenue (side street stop sign control)
11. Pope Street/Silverado Trail (side street stop sign control)

B4-18 The Draft EIR Appendix provided warrant charts for locations where the project would have a significant impact that would require mitigation. Thus, the warrant charts for the Pope Street/Silverado Trail intersection were provided. The Revised

Appendix E of this Response to Comments Document includes all signal warrants in response to this comment. Table IV.L-6 Signal Warrant Evaluation required footnotes to correspond to the warrant charts provided in the Revised Appendix E. The footnotes address two locations: Adams St/Railroad Avenue and Hunt Street/Main Street. The Adams St/Railroad Avenue intersection is shown in the Draft EIR graphics as having single lane approaches, but for signal warrant analysis purposes, the westbound intersection approach is observed to accommodate westbound vehicle right turns separating from through movements or left turns. As the intersection is not striped (i.e., painted, defining the lanes), the Warrant #3 analysis must show this observed condition, which affects the warrant evaluation. The footnote in the table describes this observed condition. The Hunt Street/Main Street signal warrant analysis is a borderline condition, thus, this is called out in the footnote to Table IV.L-6.

B4-19 Warrant charts for all unsignalized intersections are provided in this Response to Comments Document Revised Appendix E.

B4-20 Warrant charts for all unsignalized intersections are provided in this Response to Comments Document Revised Appendix E.

B4-21 The intersection was analyzed in the Draft EIR for all-way stop control, but was determined not to meet the all-way stop warrant. Neither does the intersection meet Warrant #3 (the peak hour traffic volume signal warrant) for any time period. This is shown in the signal warrant charts in this Response to Comments Document Revised Appendix E. As requested, pedestrian and bicycle volumes for this intersection were counted during February, 2013, and are shown on Figure A-10 for the weekday AM and PM peak hours, and Saturday PM peak hour time periods. The commenter also requested accident data for this intersection which was obtained from the St. Helena Police Department. St. Helena Police Chief Rubin responded that for the 14 month-period that data is currently accessible through the City's computer system for this intersection, there are no recorded accidents (e-mail from Chief Jackie Rubin to Crane Transportation Group, February 15, 2013).

B4-22 The Draft EIR analyzed vehicle queuing storage for all locations where project traffic might result in a measurable impact. Thus, intersections along S.R 29 where project traffic would create several through or turn movements were analyzed in the Draft EIR. In addition, the commenter has requested analysis for turning movements where project traffic has very minor effects (i.e., SR 29 [Main Street] *northbound left turns* at Fulton-Madrona, Adams Street and Pope-Mitchell. Project turning movements occur *southbound* at these intersections, but *would not be expected to occur northbound at these intersections during peak hour traffic periods.* However, the requested queuing analyses are supplied in the Response to Comment Document Revised Appendix E as a summary table, and queue lengths

are also shown in appendix worksheets. The referenced northbound left turn queues would not result in significant project impacts per the City's impact criteria.

B4-23 Quality of life issues can be very subjective, and the City does not have impact threshold criteria that address this category of impact.

The Draft EIR describes and utilizes standard methods for measuring traffic impacts for CEQA purposes. This methodology includes standards stated in the Transportation Research Board's Highway Capacity Manual and Caltrans' Guide for the Preparation of Traffic Impacts Studies, intended to provide a consistent basis for evaluating traffic impacts to State facilities.

In addition, the quantitative analysis for this project exceeded typical traffic studies by providing traffic volumes for three peak time periods, and for two time horizons, as the basis for the traffic evaluation. This approach to traffic impact analysis has been previously utilized in evaluation of projects in the City of St. Helena, and is considered to meet or exceed the standard of evaluation for prior EIRs conducted in the City. To minimize disturbance from construction vehicles and construction activity, the following traffic control plan measures could be incorporated into the Conditions of Approval by the City:

Construction delivery routes shall be approved by the City of St. Helena.

Construction schedules (deliveries, worker hours) shall be set to avoid the weekday commute peak hours.

Delivery of construction materials shall be consolidated to the extent possible, with trips confined to non-peak hours.

Construction worker parking and construction staging areas shall be located within the boundaries of the project.

Heavy truck trips shall be restricted to weekdays between the hours of 9:30 AM and 4:00 PM.

The City of St. Helena shall agree to a before and after evaluation program of the pavement along affected streets in order to determine if project-generated truck traffic causes any additional pavement deterioration. The applicant shall be responsible for repairing any deteriorated pavement.

B4-24 Please refer to response to comment B4-23.

B4-25 The weekend Napa Valley Wine Train schedule, active from March 1 through December, includes a lunch-time stop and an evening stop (within a 7:45 – 8:15 PM timeframe). During both time periods the train is in St. Helena for about 30 minutes (Napa Wine Train receptionist, telephone conversation with the EIR traffic

analyst, February, 2013). The train is not allowed to obstruct intersections (i.e., it cannot stop in a roadway intersection), thus, the obstruction is as described in the Draft EIR: the train passes through intersections in St. Helena, backing up traffic for the time it takes to pass through the intersection. There is no weekend Wine Train or evening service during the months of January and February. (Napa Valley Wine Train receptionist, telephone conversation with the EIR traffic analyst, February, 2013).

B4-26 The Draft EIR analyzes existing and long-term conditions for weekday and weekend peak time periods. As stated in the Draft EIR, the current weekday Wine Train schedule and presence of the train in St. Helena consists of a 15-minute stop from about 1:00 to 1:15 p.m., and a second 15-minute stop from about 6:30 to 6:45 p.m. As stated in the Response to Comment B4-25, the weekend service also does not operate in St. Helena during the traffic peak time periods studied in the EIR analysis. These peak time periods reflect the standard approach to roadway analysis and design in St. Helena and in the majority of other jurisdictions.

It is noted that the Napa Valley Wine Train is also discussed in the Draft EIR in relation to emergency access, as this is of concern at any time, and not only during peak traffic periods.

B4-27 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

B4-28 See Master Response #1- CEQA Process. It is also noted that city water well information is provided to anyone requesting the data.

B4-29 See Response to Comment B2-15. The actual environment with regard to aesthetics and community character and reasonably foreseeable future development is found in the General Plan. The commenter suggests that land use, which dictates future uses and parameters of development is not the basis for determining the nature of future development in St. Helena. Only in the absence of General Plan guidance would there be a reason to rely on information other than the General Plan. This is not the case in St. Helena.

In assessing the cumulative aesthetic impacts of the project, the Draft EIR methodology follows the analysis prescribed by CEQA by evaluating reasonable foreseeable development identified by the City. The aesthetic impact of the project was determined to be less-than-significant because it is consistent with the scale and density of residential uses, both single-family and multi-family, located adjacent to the proposed project along the southern and western boundary of the project site and could not contribute to future development to the north and east where the land is either designated parks and recreation or is beyond the urban limit line.

B4-30 See Response to Comment B4-29 regarding the cumulative aesthetic impacts.

B4-31 See Response to Comment B4-29 regarding the cumulative aesthetic impacts.

B4-32 The geographic area considered for biological cumulative analysis was the entire City of St. Helena. As described in Section IV.D, Biological Resources, the project would have a less-than-significant impact on riparian habitats, sensitive plans and vegetative communities. Potentially significant impacts on biological resources include impacts on nesting special-status birds like raptors, including the white-tailed kite as well as impacts on wetlands. With implementation of Mitigation Measures BIO-1 and BIO-2, potential impacts would be reduced to less-than-significant levels.

B4-33 See Response to Comments B2-38 regarding the cumulative biological impacts.

B4-34 See Response to Comments B2-38 regarding the cumulative biological impacts.

B4-35 The storm drain infrastructure includes a detention basin which is drained by a levee culvert that is designed, under low-to-moderate-flow conditions, to discharge storm water by gravity flow into the Napa River. During flood events, the water level in the detention pond is discharged via pumps to the Napa River.

As described in Section I, Hydrology and Water Quality, the project proposes activities that could cause impacts related to hydrology and water quality, including discharges of water that could contain pollutants and impacts related to flooding. Other ongoing and future projects that include ground disturbance and/or operational discharges of water potentially containing pollutants could cause impacts to surface water quality, including water quality within local creeks. The potential impacts to surface water quality associated with the proposed project (e.g., discharges of stormwater) and the cumulative projects could be cumulatively significant. The significant flooding impact discussed in the Draft EIR (Impact HYD-4), related to levee breech or overtopping, is a project-level impact that would affect only the new homes proposed by the project (and therefore would not contribute to cumulative effects).

With implementation of Mitigation Measures HYD-1 and HYD-2, which require compliance with existing NPDES regulations and additional measures, the project's contribution to any localized cumulative impacts related to degradation of surface water quality would not be cumulatively considerable. The State Water Board and the Regional Boards have developed the NPDES program to address the cumulative impacts to water quality and stream hydromodification, and have determined that if a development project fully complies with these programs, that impacts to water quality are less than significant.

B4-36 The preparers of the Draft EIR agree that, by itself, General Plan Policy 9.4.1 does not adequately mitigate the potential for water quality degradation and stream hydromodification. However the Draft EIR does not rely solely on this policy. Refer to Response to Comment B4-35 for additional discussion of cumulative water quality impacts.

B4-37 Sections of the General Plan and Draft General Plan were cited in the Draft EIR to illustrate the consistencies between the two documents as they relate to the project should the General Plan be adopted. The cumulative analysis did not rely upon the General Plan (see cumulative analysis methodology on page 380 of the Draft EIR).

B4-38 The prescribed mitigation measures would result in a less-than-significant impact; therefore it was determined that the cumulative impacts of the project as they relate to hydrology would be minimal.

B4-39 Impact HYD-3, referred to by the commenter, which addresses potential impacts related to placing housing in the 100-year flood hazard area, has been modified (i.e., changed from a significant impact to a less-than-significant impact) because no portion of the project site is now located within the 100-year flood hazard area. FEMA has accepted the Flood Protection Project and has officially revised the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map.

B4-40 Although the chances of a levee failure were found to be low in the Draft EIR, implementation of Mitigation Measure HYD-4 would ensure potential project impacts from a levee failure would be reduced to a less-than-significant level.

Section 15130 of the CEQA Guidelines requires that an EIR evaluate potential environmental impacts when the project's incremental effect is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The cumulative impacts analysis for hydrology did not identify any additional sources of flooding hazards in the project vicinity that would compound or exacerbate this impact. Therefore, the Draft EIR analysis did not identify any significant cumulative impacts related to levee failure. CEQA Guidelines section 15130, related to cumulative impact analysis, states that "An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR."

B4-41 The cumulative impact analysis for noise and vibration was based on scientific studies, including a traffic study. It was determined that short-term noise and vibration from construction activities could be sufficiently mitigated and long term

noise (modeled for the existing conditions and the year 2030) from cumulative development in the area would not increase the noise level over 5dBA.

B4-42 The cumulative impacts of long-term noise for the vicinity were analyzed in the Draft EIR and based on modeling of noise for existing conditions as well as for the year 2030 based on the cumulative projects considered in the traffic analysis (see Table IV.L-10, Planned and Approved Development Trip Generation, on page 323 of the Draft EIR.

B4-43 See Master Response #5 –Water Supply: Groundwater Conditions and Availability.

B4-44 As listed on pages 282-284 of the Draft EIR, General Plan policies require the provision of necessary infrastructure to accommodate new growth and maintain adequate levels of service. Conclusions as to the impacts on each service area, including parks and recreation facilities, and water supply, are described in the Draft EIR. The conclusions regarding the cumulative increase in demand for public services are based on the fact that the City has requirements for impacts fees that are in proportion to the demand created by individual projects.

The City of St. Helena collects impact fees on new development or conversions to pay for improvements related to civic projects, public safety, sewer projects, water projects, traffic mitigation, and storm drainage. Civic Improvement fees are collected to provide funds for the acquisition, construction, and reconstruction of city hall, the St. Helena library, public parks, playgrounds, open spaces, community facilities, recreation facilities and equipment and other capital purposes needed for providing civic services. The public safety impact fund is used for capital purposes needed for the City's fire and police department in providing police and fire protection services.

B4-45 See Master Response #1 – CEQA Process.

B4-46 See Master Response #1 – CEQA Process.

B4-47 See Master Response #1 – CEQA Process.

B4-48 See Master Response #1 – CEQA Process.

B4-49 Please see Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

CEQA Alternatives Analysis do not require a quantitative analysis. Please see Master Response #5 – Water Supply: Groundwater Conditions and Availability, Master Response #4 – Traffic Analysis and Responses to Comments B2-35 and C13-6 regarding stormwater.

Letter
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Thomas N. Lippe
Brian Gaffney
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September 4, 2012

Via e-mail & U.S. Mail

Greg Desmond, Interim Planning Director
City of St. Helena
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Re: The City's Erroneous and Incomplete Hunter Project DEIR Must be Revised and Recirculated Before An FEIR is Prepared (CEQA Guidelines, § 15088.5, subd. (a)): Hunter Subdivision Project Draft Environmental Impact Report (SCH: 2012032048).

Dear Mr. Desmond:

I write on behalf of our client, St. Helena Residents for Responsible Growth and its members, to correct a serious violation of the California Environmental Quality Act's (CEQA) information disclosure and public participation procedures urged by the applicant's CEQA Consultant at the Planning Commission's August 28, 2012 hearing on the Draft Environmental Impact Report (DEIR) for the Hunter Subdivision Project (Project). This letter also provides photographic evidence in support of Mr. John Milliken's comments at the August 28, 2012 hearing, which Mr. Milliken has provided to our client for inclusion in the record. 1

I. CEQA'S PROCEDURES MANDATE THE CIRCULATION OF AN INFORMATIONALLY ADEQUATE DEIR BEFORE, NOT AFTER, THE PREPARATION OF A FEIR.

At the Planning Commission's August 28, 2012 hearing, I testified that the City must correct the current DEIR's serious information disclosure errors and gaps in a revised and recirculated DEIR, before the City prepares or certifies any Final EIR (FEIR) for the Project. The applicant's CEQA consultant then testified. In response to my request for a revised and recirculated DEIR, the applicant's consultant wrongly asserted that CEQA's recirculation procedures arise only after a Final EIR has been prepared. The City Attorney made no effort to correct the consultants obvious misstatement of law. Having been misled, several Planning Commissioners stated their view that the question of recirculation should be assessed only after the Final EIR is prepared and certified. 2

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CEQA Guidelines section 15088.5 expressly states as follows:

> (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review.... New information added to an EIR is..."significant" [if]...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.... "Significant new information" requiring recirculation includes, for example, a disclosure showing that...
>
> (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded..

(CEQA Guidelines, 15088.5, subd. (a)(4) [emphasis added], citing *Mountain Lion Coalition v. Fish & Game Commission* (1989) 214 Cal.App.3d 1043).)

In *Mountain Lion Coalition,* a coalition of conservationists successfully challenged and invalidated Fish and Game Commission regulations that would have allowed the sport hunting of mountain lions in 1987, because the commission had not complied with CEQA. "Specifically, [the Commission and the California Department of Fish and Game were] directed that if they intended to authorize a mountain lion hunt, they would have to prepare and circulate [for public review and comment] an environmental impact document...containing a legally sufficient analysis of the cumulative impact associated with conducting such a hunt." (*Mountain Lion Coalition*, 214 Cal.App.3d 1043, 1045.)

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In 1988 the Commission attempted to adopt new regulations authorizing a 1988 mountain lion hunt. "The court [again] examined the draft EI[R] [that] was circulated for public review, and again found its cumulative impact analysis inadequate.... The court did not reach the question of whether the final EI[R], which contained more complete analysis and documentation, cured some of the defects found in the draft EI[R] because the cumulative impact analysis in the final EI[R] had not been circulated for public review." (*Mountain Lion Coalition*, *supra*, at p. 1049 [emphasis added].)

The *Mountain Lion Coalition* court explained:

> We do not reach the question of whether the final EI[R]...clears up some of the deficiencies of the draft. The cumulative impact analysis contained in the final EI[R] has never been subjected to public review and criticism. If we were to allow the deficient analysis in the draft EI[R] to be bolstered by a document that was never circulated for public comment...we would be subverting the important public purposes of CEQA. Only at the stage when the draft EI[R] is circulated can the public and outside agencies have the opportunity to analyze a proposal and submit comment. No such right exists upon issuance of a final EI[R] unless the project is

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> substantially modified or new information becomes available. ([citation omitted].) To evaluate the draft EI[R] in conjunction with the final EI[R] in this case would only countenance the practice of releasing a report for public consumption that hedges on important environmental issues while deferring a more detailed analysis to the final EI[R] that is insulated from public review.
>
> The EIR has been described as "an environmental 'alarm bell'" whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. ([citation omitted].) .... [The Commission] paid only token observance to this warning in their attempt to authorize a mountain lion hunt in 1988. Should they wish to proceed in the future with another attempt to authorize a mountain lion hunt, they must provide a cumulative impact analysis to the public that encourages rather than impedes meaningful public discussion of these important issues.

(*Mountain Lion Coalition*, *supra*, 214 Cal.App.3d 1043, 1052-53.)

2 cont.

In 1993, the California Supreme Court in *Laurel Heights II* expressly endorsed *Mountain Lion Coalition*. The Supreme Court confirmed that recirculation of a revised Draft EIR is required before the preparation of a Final EIR, where "the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1130 ["*Laurel Heights II*"], citing *Mountain Lion Coalition*, *supra*, 214 Cal.App.3d 1043.)

Shortly thereafter, the California Resources Agency amended CEQA Guidelines section 15088.5 to reflect the plain requirements set forth in both *Mountain Lion Coalition* and *Laurel Heights II*: it is a fundamental violation of CEQA's public participation and informed decisionmaking procedures for an agency to circulate a Draft EIR for public review that contains significant analytical errors and gaps, and then attempt to bypass CEQA's public review process by 1) adding the necessary corrections and missing information to the FEIR; and then 2) approving the Project.

St. Helena Residents for Responsible Growth has now submitted two formal comment letters and the public has presented hours of oral testimony documenting the Hunter DEIR's numerous analytical errors and informational gaps. These significant errors and omissions have precluded a meaningful opportunity for public review or response regarding a broad range of the Project's direct, indirect and cumulative impacts, including, but not limited to: traffic, biological resources, hydrology and surface water quality, groundwater, geology and soils, aesthetics, and public services. 3

As a matter of black letter law established by 1) the California Court of Appeal in *Mountain Lion Coalition*; 2) the California Supreme Court in *Laurel Heights II*; and 3) CEQA Guidelines section 15088.5, subdivision (a)(4), the City is procedurally forbidden from preparing or certifying any Final EIR for the Hunter Project at this time. Under CEQA's mandatory public participation and informed decisionmaking procedures, the City must first prepare a revised Draft EIR correcting 4

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the current DEIR's significant informational errors and omissions, and then circulate that revised DEIR for CEQA's minimum 45-day public review period. To paraphrase the Court of Appeal's ruling in *Mountain Lion Coalition*: " If [the City] were [instead] to allow the deficient analysis in the draft EI[R] to be bolstered by a document that was never circulated for public comment...[the City] would be subverting the important public purposes of CEQA." (*Mountain Lion Coalition*, *supra*, 214 Cal.App.3d at p. 1053 [emphasis added].) 4 cont.

II. PHOTOGRAPHIC EVIDENCE IN SUPPORT OF PUBLIC TESTIMONY AT AUGUST 28, 2012 PLANNING COMMISSION HEARING ON THE DEIR.

At the August 28, 2012 Planning Commission Hearing on the DEIR, Mr. John Milliken testified regarding sedimentation impacts and the Federal Emergency Management Agency's (FEMA) decertification of levees in the State of California, and the substantial and direct financial liability the City of St. Helena will face in the event of sediment discharge to the Napa River and levee failure associated with this Project. After the August 28, 2012 meeting, Mr. Milliken provided to St. Helena Residents for Responsible Growth the attached photographic evidence in support of his comments. Our client agrees with Mr. Milliken's concerns, and hereby incorporates his testimony and the enclosed photographic evidence as its own, further objection to the DEIR's inadequate environmental risk disclosure and analysis, and to the corresponding fiscal threat that approval of the Project poses for future City taxpayers. 5

III. CONCLUSION.

For the foregoing reasons, St. Helena Residents for Responsible Growth continues its ongoing objection to approval of the Hunter Project. St. Helena Residents also continues its objection to the City's circulation of an informationally inadequate DEIR for public review, and demands the City's scrupulous compliance with CEQA by preparing and circulating a revised DEIR for public review and comment before any FEIR is prepared or certified for the Project. (CEQA Guidelines, § 15088.5, subd. (a)(4); *Laurel Heights II, supra,* 6 Cal.4th at p. 1130; *Mountain Lion Coalition*, *supra*, 214 Cal.App.3d at p. 1053.) 6

Sincerely,

/s/ *Keith G. Wagner*

Keith G. Wagner

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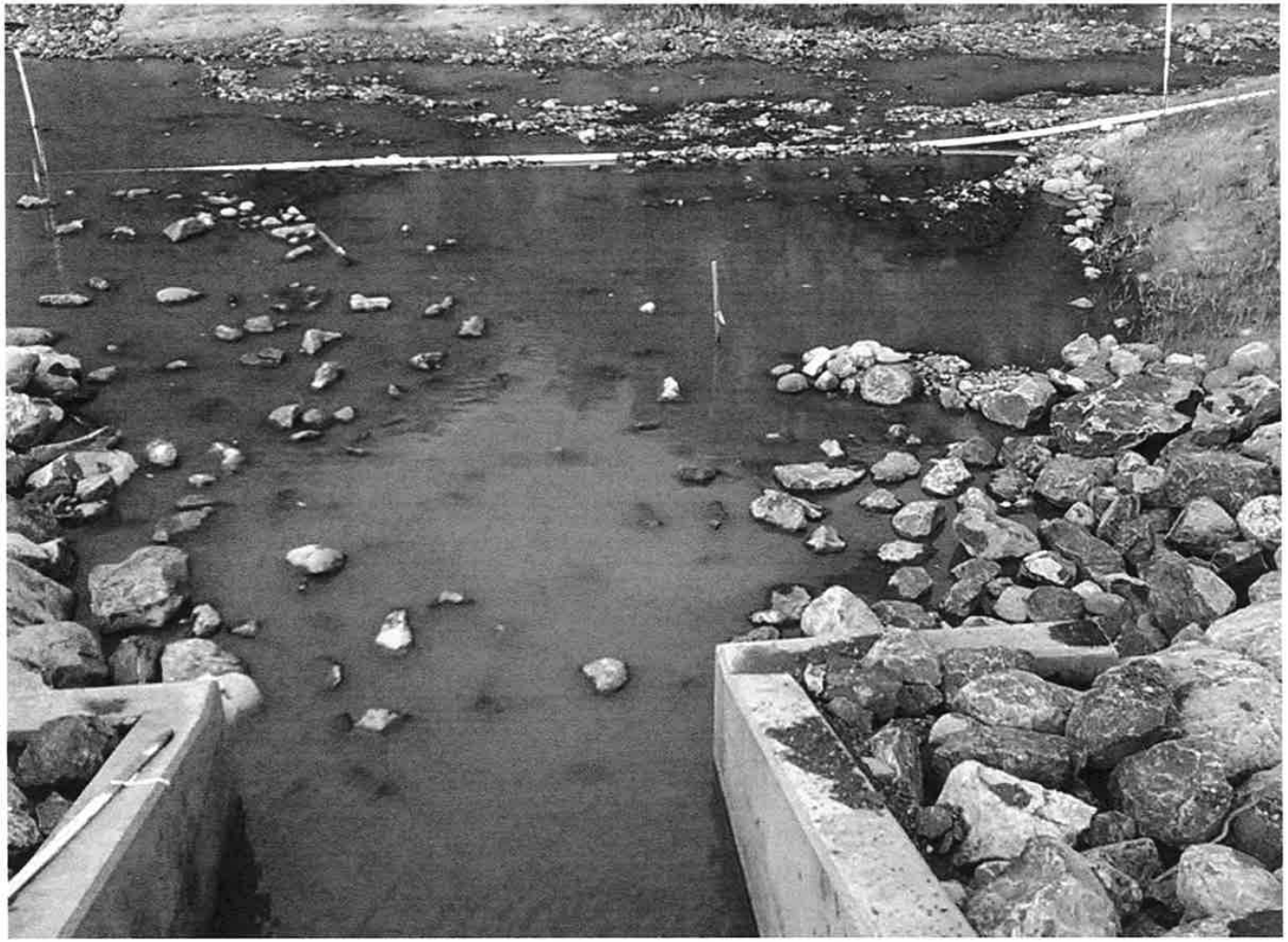

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LETTER B5
Lippe Gaffney Wagner LLP
September 4, 2012

B5-1 This is an introductory comment. The general objection to the Draft EIR is noted. No further response is necessary.

B5-2 The City did not see merit in the arguments for revising or re-circulating the Draft EIR. Further, the City is not accountable for statements made by the project applicant or its representative.

B5-3 This comment is a general objection to the Draft EIR. The general objection is noted and responses to the specific comments regarding the Draft EIR sections listed in this comment are addressed in previous and subsequent responses.

B5-4 No significant new information has been provided in response to comments that requires recirculation.

B5-5 The commenter's support for Mr. Milliken's testimony is noted.

B5-6 The commenter's objection to the approval of the Hunter project is so noted. See response B5-4.

C. INDIVIDUALS

Letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments.

Letter
C1

-----Original Message-----
From: Ron Nunn [mailto:rhnunn@aol.com]
Sent: Thursday, May 31, 2012 8:16 AM
To: Greg Desmond
Subject: Hunter Project

Greg,
WE QUESTION THAT WATER AND SEWER ISSUES HAVE BEEN ADDRESSED! 1

Ron Nunn / Architect
rhnunn@ aol.com

Sent from my iPad

LETTER C1
Ron Nunn
May 31, 2012

C1-1 This comment is incomplete and does not raise a specific question or issue regarding water and/or sewer issues in the Draft EIR. No further response is required.

Letter
C2

From: Wendell Laidley [mailto:wlaidley3@gmail.com]
Sent: Tuesday, June 05, 2012 4:21 PM
To: Greg Desmond
Subject: City Policies cited in Hunter project EIR

Greg:

I left a message on your phone about who is responsible for supervising/enforcing City policies, and particularly if you have anything to do with the policy cited as 9.4.4 on page 226 of the Hunter EIR (copy attached). The EIR cites that as a "Policy" but is it from the '93 General Plan or the Municipal Code, and who is responsible for its enforcement? I'd appreciate if you could enlighten me and will hope to see you at the PC tonight. 1

Wendell

Wendell Laidley
Home (707) 968-9594
Mobile (707) 815-7721
email: wlaidley3@gmail.com

Letter C2 Cont.

b. Regulatory Setting

Applicable policies related to hydrology and water quality are described below.

(1) Existing 1993 General Plan

The existing 1993 General Plan contains the following policies that apply to the project:

PUBLIC HEALTH AND SAFETY
Flood Hazards
POLICY 8.6.1 Prohibit the introduction of intensive urban development into designated Flood Hazard Areas.
POLICY 8.6.3 Prohibit the construction of structures or flood barriers which would unnaturally divert flood waters or would increase flood hazards in other areas.
POLICY 8.6.4 Require a grading permit for any filling, grading, or dredging that may increase potential for flood damage.
POLICY 8.6.7 Encourage the use of Flood Hazard Areas within new development areas for open space and recreation uses, including parks and greenbelts.
POLICY 8.6.8 Ensure that any new development that is allowed within the floodplain is constructed so that the lowest floor elevation is at least one foot above the 100-year flood level.
PUBLIC FACILITIES AND SERVICES
Storm Drainage/Flooding
POLICY 9.4.1 New development should provide adequate drainage improvements to handle generated storm runoff from the site to the nearest major watershed. The watersheds include York Creek, Sulphur Creek and the Napa River.
POLICY 9.4.2 If a City storm drain is available, the developer should participate in the funding to the extent it benefits the development.
POLICY 9.4.3 Extension of existing downstream drains which have adequate capacity should be completed at the developer's expense with future reimbursement for oversizing costs at the time of connection by others.
POLICY 9.4.4 Grading and earth filling within the designated 100-year floodway should not be permitted except for public streets or bridges.
POLICY 9.4.5 Encroachments into the 100-year floodway should not result in any increase in flood levels during the occurrence of the base flood discharge.
POLICY 9.4.6 Standards for subdivisions should include the following: ▪ All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood. ▪ All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered civil engineer or surveyor and provided to the floodplain administrator. ▪ All subdivision proposals shall be consistent with the need to minimize flood damage. ▪ All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage. ▪ All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

LETTER C2
Wendell Laidley
June 5, 2012

C2-1 This comment does not address the adequacy of the Draft EIR. No further response is necessary.

Letter
C3

From: Ron Amoroso [mailto:RJAmoroso@myastound.net]
Sent: Monday, June 18, 2012 12:37 AM
To: Greg Desmond
Subject: Hunter Project EIR

Mr. Desmond:
Thank you for the opportunity to submit my views and comments regarding the Hunter project EIR. With very nearly four decades of construction experience, I have read and understood many Construction Specification documents but this is my first EIR. So far, I have read through 53 pages and find many un-answered questions within the stated "mitigations". I am surprised with how the document, at least to this point, seems to devote three sentences toward identifying a "EIR", then devotes a page or three toward showing how this concern can become "less than significant". With the number of questions that have arisen within 50+ pages, I felt it might it might make good sense to submit comments/questions "in sections" as the review progresses. As stated earlier, these comments cover the first 53 pages. 1

Since 2006 I have had a home at 1365 Grove Court in St. Helena.

Attached please find my questions/comments to date on the first 53 pages of the EIR.

Thank you,

Ron Amoroso

Letter
C3
Cont.

Hunter Project EIR

Pages 1-53

C. AIR QUALITY

AIR-1 #2 My first question pertains #2 of this section that calls for constructions areas and roadways being "watered down" twice daily. 2
Question: Where does this “wash down” water come from and how much will be used??

AIR-2, AIR-2a, AIR- 2b 3
Question: Who will police and enforce these functions and who will bear the cost?? Will there be a “on-site” person who will report directly to the city building department??

E. CULTURAL AND PALEONTOLOGICAL RESOURCES
B-3 “West of Star Ave, current project plans call for lowering the current grade by 1 foot (plus trenching for utilities and excavating for road base, foundations, etc. 4

Question: Who will monitor work for archeological discoveries?? Who bears the cost of this person?? The document appears to indicate that part of this area (CA-NAP-406) is already identified as a arch. Site.

CULURAL- 2b Construction worker training + intermittent construction monitoring by a qualified archeologist.

Question: Documented and enforced by who?? A city employee that already exists or a new position paid by the developer??

HYD-1 Construction vehicle/equip “washing schedule”, “Washing Stations”, “Fueling Stations”, “Tire Wash Stations”.

Question: Once again, policed and enforced by who and at a cost the expense of who??? Is there going to be a “on-site”

Letter C3 Cont.

authority who directly reports to the city building department?? Does the city currently employ this person or will a new position need to be established?? 4 cont.

The "street sweeping" provision within this item conflict appears to prohibit washing the streets to clean them. As such, it appears to conflict with AIR-1 #2. 5

As a possible mitigation to runoff/storm-water pollution, this document proposes the possibility of narrower than "standard" streets with sub-standard parking provisions, elimination of sidewalks and driveways. Even with this level of mitigation, this document continues to list this concern as "Less Than Significant". 6

HYD-3 This section completely "side-steps" the REAL threat of elevated flood damage due to the "improvements" making 16+ acres (some of which are already within the 100 year flood plane) less absorbent due to hard surfaces such as house foot-prints, streets, driveways, walkways, etc. 7

HYD-4 #1, #2, "In Addition" (Page 34) 8

Maybe most important toward city liability by allowing building behind "flood protection". The city needs to have approval authority over the wording of the disclosure that will be provided to potential buyers and/or tenants who will own/occupy these properties. If we have learned anything since the creation of this new levee, it is that given time, ALL levees eventually get breached via overtopping, erosion, or ??? The misleading term "100 year flood" needs to be simply explained and the potential and frequency of flooding needs to be illustrated so it can easily be understood.
Even after all of the above is considered, this concern/impact is rated "Less Than Significant"???

J-Noise and Vibration
d- I and II

Letter
C3
Cont.

The “normal” work week should be “Monday through Friday” between 8:00 AM and 5:00 PM. None of us living within the “Noise” range want to be listening to construction on Saturday while we are trying to entertain guests on our patio’s. A “normal” CONSTRUCTION work is a 40 hour week and does not include Saturday. 9

K- Public Services, Recreation, and Utilities
SVCS-1

This one is the “best” one so far. If it wasn’t so important, it might be comical. Ultra Low Flush toilets are one of those things that give people the opportunity to “lie” and “Mislead” using numbers. Any of us who have any experience with these plumbing fixtures very quickly learn that to avoid frequent stoppages, one need to “multiple flush” these toilets. In order for the fixture to operate properly with only 1.6 gallons of water, the traps need to be reduced in size. Even the units with the larger traps need to be flushed once for solids (before adding any paper) and again for the paper to avoid frequent stoppages. Now your 1.6 gallon toilet is using 3.2 gallons. 10

Any case, my suggestion would be to only allow this (water neutral) theory to prevail once it has “proven” to have saved 12 AF of water through the retrofit of the ULF toilets throughout the city. Secondly, how do we know these 87 units will not use more than 12 acre feet of water. Especially since 25 units might be tenants who typically have water included in their rent. 11

This section goes on to say that “all water for outdoor use” will be supplied via a existing well. Sorry, but this is simply “too simple” to be accurate. “ALL WATER FOR OUTDOOR USE” would include private landscape, pools, car wash. Is this developer planning to run two water systems to each property??? Water from a utility/water from the aquifer, it all has a limit. To protect the aquifer, I cannot add a well for my landscape/garden needs. Why is this different to provide a “LTS” rating?? 12

Letter
C3
Cont.

III Project Description

To page 53 there is no mention of the condition contained within the proposition that funded the construction of the flood control project. That is would not be used as a tool toward developing land “newly protected” by the levee. In this case, if these units are approved, it should be as though there was no levee in place since no-one is willing to guarantee they will “never” be subject to flooding. 13

Again, thank you for allowing the input.

Ron Amoroso

LETTER C3
Ron Amoroso
June 18, 2012

C3-1 This is an introductory comment. See Responses to Comments C3-2 through C3-13 that address the specific comments detailed in Mr. Amoroso's letter.

C3-2 St Helena has a "Raw Water Permit" for non-potable water from the Elmhurst Pump Station from the Lower Reservoir that is required to be used for dust control.

During grading or other large earth moving activities, watering down could require 10,000 gallons per day. After earth moving is complete, 1,000 gallons per day is estimated for dust suppression on roadways until they are paved.

C3-3 The Mitigation Monitoring and Reporting Program (MMRP) adopted with this EIR details the implementation and monitoring responsibilities associated with the mitigations mentioned in this comment, which typically assign responsibility for implementation to the developer and contractor, while City staff such as building inspectors and planners are assigned monitoring responsibilities. The project applicant will be required to reimburse the City for all costs associated with monitoring and enforcing EIR mitigation measures.

C3-4 The applicant/contractor would be responsible for the costs associated with the implementation of Mitigation Measure CULT-1, and all other mitigation measures. The applicant will have to have a qualified archeologist prepare a monitoring plan that details who will conduct the monitoring. The plan will be submitted to the City for review and approval prior to the issuance of a grading permit, as detailed in the MMRP. The City has to adopt a MMRP for the project if it approves the project. See Response to Comment C3-3.

C3-5 Page 26 of the Draft EIR describes Mitigation Measure HYD-1, which includes street sweeping and vacuuming the construction site daily, but it does not explicitly prohibit the use of water. As described in AIR-1, dust would be removed by wet power vacuuming. As a result, most of the water would be vacuumed up with the dust and sediment and would not result in significant run-off into the storm drains.

C3-6 The Mitigation Measure for HYD-2 on page 32 of the Draft EIR includes reducing impervious area by reduction of street width to the minimum possible while still allowing ample room for emergency vehicles and traffic flow. It does not prescribe the reduction in street width to such an extent that traffic congestion or road hazards would occur, nor does it call for narrowing that would prevent emergency vehicle access. Mitigation Measure HYD-2 does not prescribe eliminating all

sidewalks, but rather it calls for limiting unnecessary sidewalks and driveways. Mitigation Measure HYD-2 also proposes limiting parking with the goal of increasing transit use, but does not propose a sub-standard parking plan.

C3-7 Impact HYD-3, referred to by the commenter, which addresses potential impacts related to placing housing in the 100-year flood hazard area, has been modified (i.e., changed from a significant impact to a less-than-significant impact) because no portion of the project site is now located within the 100-year flood hazard area. FEMA has accepted the Flood Protection Project and has officially revised the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map. With regard to the creation of new impervious surfaces (e.g., houses, streets and driveways), please refer to Response to Comment B2-35.

C3-8 As is outlined on page 217 of the Draft EIR, the recently completed Flood Projection Project includes infrastructure and design standards that provide flood protection from a 200-year flood event. Based on the current FEMA FIRM (revised by the November 2012 LOMR), the project site is not located within the 100-year flood hazard area and therefore no impacts related to placing housing or other structures in the 100-year flood hazard area would occur. At the time of this writing, the real estate disclosures have not been written. Prior to issuance of a building permit, the project sponsor will have to submit a draft of the real estate disclosures to the City's Planning Department for review and approval in accordance with adopted City standards.

C3-9 As is explained on page 36 of the Draft EIR, delivery of materials and equipment to the site and truck traffic would be limited to Monday through Friday. This would prevent excess noise from heavy machinery and large vehicle traffic around the site during the weekend. Normal construction activities would be allowed on Saturday in order to expedite the completion of the project, thereby decreasing the total number of days that surrounding residents would hear noise from the construction site. St. Helena Municipal Code, Section 8.29.010, governs hours of construction and limits days of construction from Monday through Saturday, excluding holidays.

C3-10 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C3-11 The estimated indoor water use for the 87 single-family dwelling units is based on a meter analysis of existing similar single-family residences. This historic indoor use data provides a reasonably basis for expectations for the new dwelling units. Outdoor use was determined through a comprehensive analysis of potential landscape area, local evapotranspiration data, and formulas dictated as part of the State of California's Model Water Efficient Landscape Ordinance, which was adopted by the City.

Furthermore, as stated in City Municipal Code 13.04.050 *Water service connections—Installation generally*, the project would be required to provide an individual meter to each of the 25 attached units. The Codes states:

C. Multiple Connections Prohibited Generally. No one service connection shall supply water to more than one premises.

D. Exceptions to Multiple Connection Requirements. If under particular circumstances it be determined by the city council that it be impracticable to install one service connection for every premises and advantageous to the department to furnish water to more than one premises through one service connection, then water may be so furnished by the department. After any such installation of water service for more than one premises through one service connection, the city council may, if it determines that by reason of changed circumstances, it has become practicable to install one service connection for each of the premises, then the city council may elect to install a separate service connection and meter for each of such premises at the cost and expense of the owner of the premises, to be paid for by the owner of the premises.

E. Service to More Than One Consumer Through One Connection and Meter. Where there is more than one consumer supplied through one service connection and one meter, the department shall hold the applicant or other person agreed upon responsible for payment of all water furnished through the one service connection or one meter; provided, that where practicable to serve each consumer through a separate service connection, the city council may at its election install a separate service connection and meter for each such consumer at the cost and expense of the property owner or consumer, to be paid for by the property owner or consumer, and thereafter collected at the established meter rates for water supplied through each meter.

C3-12 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

Furthermore, the project would install a dual-plumbed water system for potable and non-potable uses.

C3-13 As is outlined on page 217 of the Draft EIR, the City's Flood Projection Project includes a new levee, floodwall, a storm drainage system—all of which are currently complete and in place—and design standards that provide flood protection from the 200-year flood event. CEQA requires the environmental analysis to utilize a baseline of existing conditions of the site and its surrounding environment as well as any applicable regulations that existed or were in place at the time the Notice of Preparation (NOP) was issued (September 23, 2011). The

levee was in place at that time, therefore it would conflict with CEQA to assume no levee in place.

This analysis respectfully disagrees with the commenter; the flood protection project is not being used to increase new developable land. The project site has been planned for urban uses and residential development at least since the adoption of the 1975 General Plan and before Measure A was adopted.

Letter
C4

From: Ron Amoroso [mailto:rjamoroso@myastound.net]
Sent: Monday, June 18, 2012 1:24 PM
To: Greg Desmond
Subject: Hunter Proj. EIR

Hi Greg:

As you know, one of the major concerns regarding the approval of this project is what it might mean to the health of the City of St. Helena in the event that the Napa River water somehow gets on the "wrong" side of the levee after these units are constructed, sold, and inhabited. As such, I would pose the following concern and ask the consultant how they would rate this concern and what abatement strategies they would bring to bear in an effort to make the risk "sensible". 1

Thank you,

Ron Amoroso

Letter
C4
Cont.

HUNTER PROJECT EIR

Prior to reading further into the EIR, I would like to pose this question. At this time, I do not know if it is already addressed within the report. Since I may not get all the way through the report, I would like to ensure this concern gets address. That concern being the potential liability upon the city of St. Helena in the event it approves the building of these housing units and the levee gets "over-topped" at some point in the future. 2

In my mind, the reason the over-topping might render the City responsible (even though it is an act of nature) is that the City did NOT have to grant permanent building of homes where they KNOW (as stated by FEMA, Army Corps and DWR) that NO levee can guarantee protection from flooding.

Since this exact spot HAS flooded 3 times in the last 25 years, and protection from that happening again is a City built levee that is supposed to function a certain way, and the City knows it can fail - then granting ADDITIOANL homes on that site would certainly seem make the city responsible via "reckless/negligent behavior/decisions.

LETTER C4
Ron Amoroso
June 18, 2012

C4-1 This is an introductory comment. See Response to Comment C4-2 addressing the specific comments detailed in Mr. Amoroso's letter.

C4-2 While liability issues are not a subject that CEQA addresses, the Draft EIR does go into considerable detail regarding the potential for the levee to be overtopped or fail (see Draft EIR Impact HYD-4 starting on page 242).

With the acceptance of the Flood Protection Project and the revision of the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map, FEMA has indicated that the project site has an acceptable level of protection from the 100-year flood event. This 100-year level of protection is the standard of significance that is specified by the CEQA Guidelines to determine if a potential flooding impact is significant or less than significant. In this case, the potential flooding impact, under CEQA, is less than significant.

As described in the Draft EIR (page 243), levees reduce the risk of flooding. They do not eliminate it. It is up to the decision-makers to determine if the CEQA standard is appropriate in this case.

The commenter also indicates that the project site has flooded three times in the last 25 years. It should be noted that these floods occurred before completion of the Flood Protection Project which created a new levee and flood wall that effectively removed the project site from the FEMA 100-year flood hazard area.

Letter
C5

"LETTER TO THE EDITOR"

RECEIVED
JUN 25 2012
CITY OF ST.HELENA

WATER? WHAT WATER?

The EIR for the Hunter Project is now available for the general public to read. 1

I question the section pertaining to water consumption. It is listed as "less than significant" IF mitigation measures are followed.

The impact of ANY water usage in St. Helena will never be "less than significant".

We recently have had an excellent, professional water report presented to the City Council . The report from the professional members of the committee reported that we have NOT had enough water in the past, do NOT have enough water now and will NOT have enough water in the future!

The solution was rationing and much higher water bills. Been there and done that! The lawn is gone and I, along with many other St. Helena residents are paying much higher water bills. We now receive our water bills on a monthly basis, not every 2 months!

The Hunter project could be rendered "water-neutral IF enough old toilets and sinks around town are replaced" According to the EIR it would take about 380 retrofits to make the project "water-neutral". 2

Letter
C5
Cont.

Wow! Step right up! The idea of retrofitting old toilets and sinks around town has merit BUT how many residents want to step up in order to assist out-of -town developer Dennis Hunter build a huge, unnecessary and intrusive development?

I believe the "retrofitting" idea appeared a few years ago and now it is back. This idea will never make the Hunter development "water neutral". 2 cont.

Throw in the old well which again is a very questionable idea and we still come up with an impossible water situation. I ask again, "Water, What Water"? 3

I respectfully ask the Planning Commission and the City Council to send this much-flawed EIR report back to where it orginated and ask that the entire Hunter project be carefully reexamined.

Thank you
Jan Johnson Oddy
St. Helena

LETTER C5
Jan Johnson Oddy
Received June 25, 2012

C5-1 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C5-2 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C5-3 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

Also, please see page 211 of the Draft EIR that addresses hydrology and water quality, as well as Title 13 of the St. Helena Municipal Code (Public Services).

Letter
C6

From: Michael Buchanan [mailto:buchanan147@comcast.net]
Sent: Thursday, July 05, 2012 11:56 AM
To: Greg Desmond
Cc: Council
Subject: Adams Street Hunter project.

Dear Mr. Desmond,

Of my many concerns with regard the related Environmental Impact Report we feel that it should be rejected based simply on the fact that the material for this report was gathered in the month of November. It is absurb to consider that the data therein reflects the traffic conditions that prevail in St. Helena at the height of the tourist season which, of course, occurs in our summer months. 1

Further to that it clearly seems that violent and unpredictable (world-wide) weather patterns are now the norm. From levee breaches in St. Orleans and Dakota to the current extended heat wave that is devastating agricultural crops throughout the central / mid west of America (the media focus on property destruction in Colarado). With these grim precedents how can it be argued that it is responsible to build behind the recently constructed Napa river levee. 2

Sincerely,

Kathy and Michael Buchanan
709 Hunt Avenue
St. Helena.

LETTER C6
Michael Buchanan
July 5, 2012

C6-1 See Master Response # 4 –Traffic Analysis and Response to Comment B4-15.

C6-2 The preparers of the Draft EIR agree with the commenter that it is possible that weather patterns could change in the future. Climate scientists predict that portions of North America may experience more severe winter storms (while they also predict that some areas may receive less precipitation). For example, the International Panel on Climate Change states that:

- Annual-mean precipitation is projected to decrease in the southwest of the U.S. but increase over the rest of the continent (California is included in the Southwest area, as defined by the IPCC).
- In general, projected changes in precipitation extremes are larger than changes in mean precipitation.
- Recent analyses indicate no consistent future trends in El Niño amplitude or frequency. [8]

Also, according to the US EPA, the most likely climate effect in California is increasing temperatures and more frequent and severe droughts.[9] The level of precision of the output from current climate models regarding which areas are most likely to experience more severe storms vs. those areas likely to experience more droughts is not high. Any kind of quantitative evaluation of the potential for these potentially changed future climate conditions to cause flooding at the proposed project is not feasible at this time. Further, any qualitative evaluation would be speculative.

The purpose of the Draft EIR is to determine the impacts of the specific proposed project on the environment. The effects of climate change on the region is beyond the scope of the Draft EIR; studies such as greenhouse gas emission analysis (Appendix C) were performed to calculate the impact of the project on the environment.

[8] Field, C.B., L.D. Mortsch,, M. Brklacich, D.L. Forbes, P. Kovacs, J.A. Patz, S.W. Running and M.J. Scott, 2007: North America. Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, M.L. Parry, O.F. Canziani, J.P. Palutikof, P.J. van der Linden and C.E. Hanson, Eds., Cambridge University Press, Cambridge, UK, 617-652.

[9] USEPA, 2013, Southwest Impacts & Adaptation website accessed 1/25/13: http://www.epa.gov/climatechange/impacts-adaptation/southwest.html.

Letter
C7

Respectfully submitted by:
Donna & Mike Hardy
620 Harvest Lane
Saint Helena, CA 94574
(707) 963-2928
mhardysh@att.net

After reviewing the Hunter Project's EIR we have several concerns which need to be addressed: 1

1) Water Use-Per the EIR page 47-"The Project must be water-neutral through any combination of on-site water conservation system and/or off site retrofitting and/or well water." It is an unwise precedent to use an existing Agriculture well for residential outdoor watering and requiring a developer to retrofit existing high water use toilets in town to compensate for interior water use to make the Hunter Project "water neutral". Eight other projects are presently planned and in the approval process by the City of Saint Helena, three hotels with 125 rooms, one housing development with 45 homes and apt units, and 163,954 s.f. of commercial and Retail space. These projects were mentioned in the EIR with their impact on circulation and transportation but not with water usage. Saint Helena has wells that are used as back-up to the city's reservoir supplies or for park irrigation. At a time when the city is trying to control the drilling of new household wells and preserving the aquifer for agricultural use, it is a bad precedent to allow a new housing project to use an existing agricultural well for residential exterior watering. The EIR states that the homes should not require more water than the grapes that are presently planted on the land. If the exterior water is not metered and if homeowners are not charged for the quantity of water used, they will use more. Is the water output from the well and the aquifer that it draws from sufficient to accommodate the project? Specifics on the well were not addressed in the EIR. 2

   Interior water use is to be water neutral by retrofitting existing toilets in town and on site water conservation system (page 47). If an old toilet uses 3.6 gallons of water and a new one uses 1.25-1.6 gallons, how many toilets would need to be retrofitted to save water for showers, baths, cleaning, cooking, dish washing, clothes washing, and all the other usage of interior water in 87 homes? Once new homes are built all homeowners in the city could be affected in dry years. 3

2) Circulation and Transportation- primarily, the impact of added traffic on Starr Ave, Pope St East of Starr to the Silverado Trail, and the Pope/Silverado Trail intersection has not been properly addressed . The EIR stresses that the Hunter Project is in accordance with the land use stated in the 1993 General Plan and that the extension of Starr Ave and Adams St. are also listed to be extended in that plan. The Hunter EIR did not mention that Adams St was also slated to be connected to the Silverado Trail in the 1993 General Plan, which is not proposed to be done at this time. If Adams street does not go through to the Silverado Trail, traffic from the Hunter project to the trail would most likely go south on 4

Letter
C7
Cont.

Starr to Pope St., East on Pope to the Trail. If Adams Street were extended to the Trail many vehicles now using the narrow Pope Street Bridge would take a more direct route to downtown or to Safeway on Adams Street. This would alleviate some of the back-up at peak commute hours on Pope St. With two large parcels of agricultural land presently for sale on Pope Street, both zoned for Medium density development, it is just a matter of time before a bad traffic situation becomes even worse. Even before the Hunter Project traffic impact is considered the Pope Street/Silverado Trail intersection has a level of service AM Peak rating of D and PM peak hour rating of F. Per the Hunter Project EIR the additional traffic added at these peak times could be mitigated by the developer paying his fair share cost to extend the striping on the NB left hand turn lane on the Silverado Trl at Pope Street. Since the south bound traffic turning right from the trail onto Pope would also be affected, the developed would make his fair share contribution to stripe a right turn lane at that intersection. The developer would also contribute a fair share toward the signalization of the intersection. Per the 1993 General Plan, Transportation Policy 5.10.2 "The city desires that the Adams St. extension to Silverado Trail be completed in an expeditious manner. The city will work with potential developers to acquire the needed combination of public and private financing required to implement this project." In fairness to the existing homeowners in the area surrounding the proposed Hunter parcel, if Adams Street is not extended to the Silverado Trail the Hunter Project should not be developed. 4 cont.

3) Possible violation of Measure A fund use- If Hunter Project homes are constructed on land considered to be in the 100 year flood plain prior to the levee, and allowed to be built to standards as if they are outside the 100 year flood plain once the land is recertified by FEMA in November 2012, this could be construed as using the levee to increase population and promote growth which is in violation of Measure A. Money used for Measure A is not to be used to benefit commercial or development, only to protect existing residences from flooding. 5

4) Multi-family Project and Granny Units- Per page 68 of the EIR, "The city of St. Helena has carry-over residential units available to residential projects that consist of a unit count that is at least 40% affordable. The proposed project meets this criteria and the applicant intend to apply for a portion of these carry-over allocation." Also stated is: "The multi-family portion of the project could be constructed and managed by an affordable housing non-profit organization" which indicates that Hunter may not develop this less profitable part of the project himself. Only the land is being set aside for the multi-family units. 6 Per the EIR page 66, the Granny units "may be" income-restricted. Even if the Granny units were low cost restricted on the deed it would be hard to enforce. 7 Both the multi-family units and the granny units are considered together when figuring the project is 40% or more low cost to qualify the project for extra building permits saved by the city. Does this project really qualify as 40% or more affordable or is it just presented to appear so to qualify for the carry-over building permit allocation? If the project is approved and the market rate homes are built first, 8

Letter
C7
Cont.

8

there is no assurance that the Multi-family low cost homes will be any more than the 3.4 acres set aside for that multi-family portion of the project. There is also no assurance that owners of the Granny Units will rent them at a reasonable rate unless it is restricted on the deed. How will that be enforced? In an effort to increase the number of low cost and working class homes the city may end up with only additional market rate homes. Does St. Helena need more market rate housing for part-time residents?

LETTER C7
Donna & Mike Hardy
NO DATE

C7-1 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C7-2 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C7-3 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C7-4 According to CEQA Guidelines, the Draft EIR must compare the project to existing conditions. Although the Adams Street extension to Silverado Trail is illustrated and identified as a new street in the City's General Plan, it does not currently exist, and therefore is not part of the existing street network. Page 53 of the Draft EIR discusses the details of the proposed Adams Street and Starr Avenue extensions, as outlined in the General Plan. However, the street extension of Adam Street through to the Silverado Trail is not part of the proposed project as defined in the project description, though it is planned in the General Plan.

The future Adams Street extension is currently owned by the City in fee. This road extension has been shown on the St. Helena General Plan and the City has therefore acknowledged that this road extension will eventually occur. However, only a small portion of the road extension is shown on the Tentative Map, with most of the street being a local, in-tract Street.

As a result, comments regarding the potential Adams Street extension to Silverado Trail and potential future development on Pope Street are not relevant to the adequacy of this Draft EIR. The comment regarding project approval and the extension of Adams Street does not relate to the adequacy of the EIR, but the City may consider this item during the review of the project merits.

The commenter is referred to the Draft EIR for existing and future traffic conditions on the surrounding roadway networks. This includes volumes, delay, and level of services on Pope Street, Starr Avenue, Hunt Avenue, and other nearby segments. The Draft EIR found that the project would add more than five seconds average delay at the unsignalized Pope Street/Silverado Trail intersection, which already operates at LOS F. Even with mitigation measures, the impact could not be reduced to a less-than-significant level.

C7-5 As discussed in the Response to Comment C3-7, the property is no longer within the 100-year flood plain. FEMA has accepted the Flood Protection Project and revised the Flood Plain map so that the project site is no longer in the 100-year flood hazard area.

The project site has been planned for urban uses and residential development at least since the adoption of the 1975 General Plan and before Measure A was adopted. Therefore, the City respectfully disagrees with the commenter; the additional housing units and population accommodated by this project are not a result of flood protection funds and not in violation of Measure A.

C7-6 This comment does not address the adequacy of the Draft EIR. The City may consider these issues as part of the project merits during the project approval process. As the commenter describes, granny units are discussed in the Project Description and topical sections of the Draft EIR. Granny units are planned on 11 of the single-family lots, resulting in two units per lot. These units may be income restricted, but given their size—smaller than 850 square feet—even market rates may be affordable for moderate or lower income levels.

C7-7 This comment does not address the adequacy of the Draft EIR. The City may consider these issues as part of the project merits during the project approval process. Also see Response to Comment C7-6.

C7-8 This comment does not address the adequacy of the Draft EIR. The City may consider these issues as part of the project merits during the project approval process. Also see Response to Comment C7-6.

Letter
C8

RECEIVED
JUL 09 2012
CITY OF ST.HELENA

June 30, 2012

St. Helena Planning Commission
1480 Main Street
St. Helena, CA 94574

Dear Planning Commission:

While I live on the west side of St. Helena, I grew up on the east side of town. I go there frequently and enjoy walking along the levy with my dog. There are very few open spaces where residents can walk their dogs off leash in town. We have less parks per resident than the national average, which is surprising for an upscale rural community. The Hunter project would destroy an area that many residents use for hiking, not to mention the fact that it would eliminate a wonderful old vineyard that cannot be replicated. 1 2

I do not believe the EIR took into account these two issues to the extent they deserve. We need more open space, parks and places where people can walk and jog, not less. We also need to maintain our history as a premier grape growing region, and protect the heirloom vineyard that exists behind the library. 3

The EIR needs to address the quality of life we enjoy as residents of St. Helena and somehow prove to the residents that this quality of life will not be negatively impacted. I do not believe the EIR did that, but will certainly review a revision if those issues are studied again. 4

Sincerely,

Sean Belhumeur
2610 Spring Street
St. Helena, CA 94574

CC: St. Helena City Council
St. Helena Star
St. Helena City Clerk

LETTER C8
Sean Belhumeur
June 30, 2012

C8-1 This comment does not address the adequacy of the Draft EIR. The City may consider these issues as part of the project merits during the project approval process. No further response is necessary. The Draft EIR analyzes recreational impacts on page 291.

C8-2 This comment does not address the adequacy of the Draft EIR. The City may consider these issues as part of the project merits during the project approval process. No further response is necessary.

C8-3 The Draft EIR analyzes recreational impacts on page 291. The levee wall and land between the project site and the Napa River would remain passive recreational open space. This area has been identified by the City as a future park site. The project would be subject to a Civic Improvement Fund impact fee which provides funding for parks and other community infrastructure.

C8-4 The Draft EIR addresses the impacts of the project on the physical environment, which is what is required by CEQA, and discusses possible mitigation measures to decrease those impacts.

Letter
C9

June 26, 2012

St. Helena Planning Commission
1480 Main Street
St. Helena, CA 94574

Dear Planning Commission:

As a long time property owner and resident of St. Helena, I am concerned with the direction the City is going regarding development. I currently live in Vineyard Valley and fear my property will be at risk of flooding if the Hunter project is allowed. 1

Although Vineyard Valley has flooded in the past, my property is next to Pope Street and has never flooded. That was one of the reasons I purchased the home in which I now reside. When the levy is breached, and someday that is likely to happen, the massive torrent of water will do far more damage than prior floods ever did. The levy that was built to protect Vineyard Valley may swamp us instead.

Additionally, if the Hunter project is approved and 88 houses are built, the ecosystem will be changed dramatically. We have the two issues of insufficient water during draught years and excess water in times of heavy rainfall. The Hunter project will impact the ability of the land to absorb water and runoff will be increased. Instead of our rainfall going into the ground to replenish the water table, it will be shunted off into the Napa River. Once that water leaves St. Helena, it will be gone forever. 2

I believe the EIR has not properly addressed the issues of overabundance and scarcity of water. Although the report is approximately 200 pages long, I am not convinced that the consultants sought to protect the City from a development that will negatively impact the residents. 3

Respectfully,

Millicent Horne

Millicent Horne
4 Del Monte Court
St. Helena, CA 94574

RECEIVED
JUL 09 2012
CITY OF ST.HELENA

Cc: St. Helena City Council
St. Helena Star
St. Helena City Clerk

LETTER C9
Millicent Home
June 26, 2012

C9-1 The City of St. Helena implemented the Flood Protection Project. As is outlined on page 217 of the Draft EIR, the City's Flood Projection Project includes building a new levee and floodwall, a new storm drainage system (all currently complete and in place) and design standards that provide flood protection from the 200 year flood event. The Flood Protection Project seeks to protect the project site as well as the Vineyard Valley mobile home from a 200-year flood event. As described in the Draft EIR and shown in Figure IV-I.4, Vineyard Valley is also identified to be outside the revised Flood Hazard Area.

C9-2 See Response to Comment B2-35.

C9-3 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

Letter
C10

June 27, 2012

RECEIVED
JUL 09 2012
CITY OF ST.HELENA

St. Helena Planning Commission
1480 Main Street
St. Helena, CA 94574

Regarding: EIR for the Hunter Project

Dear Planning Commission:

While I have not waded through the entire EIR for the Hunter Project, I was surprised and found it almost laughable that they believe low flush toilets will mitigate the amount of water this development will utilize. How can it possibly pencil out that approximately 300 new residents will not negatively impact the water supply in our city? 1

Although we in our household do our best to conserve water, I have received notices that we violated Phase III water allotment yearly except last year when the City changed its methodology for computing violations. I was relieved not to receive a notice last year, but admit I was a bit suspicious of the motivation of our water department since we have had no new sources of water in St. Helena for many years. 2

When I received my notice in September of 2010, I was very frustrated as our landscaping looked dry and parched from lack of water. I called Mandy Kellogg in the Water Department and she told me that 754 letters similar to mine were sent to residents. At that time, there were 2,056 homes that the City monitored, which did not include multi family situations such as apartments, condos and mobile home parks. If over 1/3 of our households violated the Phase III water allotment, it would seem that we do not have enough water to add an additional 88 homes.

I believe the EIR is flawed regarding St. Helena's ability to supply water to the Hunter development and the consultants should conduct more research. 3

Letter
C10
Cont.

It appears that our ground water supply has been decreasing every spring. An excellent study was done by the Water Sub-Committee which showed the trend towards a decrease in the replenishing water supply. 4

The EIR consultants should review that report and address all the points made by the Water Sub-Committee. Until that is done to the satisfaction of the residents of St. Helena, the EIR should not be accepted and this project should not be allowed to go forward. 5

Sincerely,

Kathleen Forni

Kathleen Forni
610 Harvest Lane
St. Helena, CA 94574

Cc: St. Helena City Council
St. Helena Star
St. Helena City Clerk

LETTER C10
Kathleen Forni
June 27, 2012

C10-1 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C10-2 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C10-3 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C10-4 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

C10-5 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

Letter
C11

RECEIVED
JUL 09 2012
CITY OF ST.HELENA

June 29, 2012

St. Helena Planning Commission
1480 Main Street
St. Helena, CA 94574

Dear Planning Commission:

The traffic study done by the EIR for the Hunter development surprised me. As I understand it, the traffic study was done in November, which is hardly a typical month in the life of the average St. Helena resident. 1

We live off Starr Avenue and we must be extremely careful when we make either a left or right turn on Starr. The reason is that Starr is a wide street and people tend to speed down it. There is an obstructed site distance on Starr that makes it impossible to see oncoming traffic until we nose our car out past the stop sign on Harvest. 2

If the Hunter development is approved, it will increase traffic on Starr dramatically. It will also increase traffic on the Pope Street bridge and at the signal light onto Highway 29. I do not believe the EIR accurately accessed the traffic situation that would result from such a large development and there needs to be further study.

Respectfully,

Mike Forni
610 Harvest Lane
St. Helena, CA 94574

Cc: St. Helena City Council
St. Helena Star
St. Helena City Clerk

LETTER C11
Mike Forni
June 29, 2012

C11-1 See Master Response #4 -Traffic Analysis.

C11-2 Sight lines were field checked from the eastbound Harvest approach to Starr Avenue by the City's traffic consultant for this EIR. As measured from a vehicle stopped on Harvest, pulled forward even with the curb line, the sight line to the left (north) is 200 feet, and to the right (south) is over 300 feet. At the posted 25 mph speed limit, the required stopping sight distance per AASHTO guidelines is 155 feet (distances are interpolated from design speeds provided in Exhibit 3-1. Stopping Sight Distance, from *A Policy on Geometric Design of Highways and Streets*, American Association of State Highway and Transportation Officials (AASHTO), Fifth Edition, 2004). Thus, the existing sight distance is considered adequate per standard engineering evaluation methods.

Letter
C12

To: Council
Cc: Greg Desmond
Subject: Public Comment on Hunter Development EIR

Dear Mr Desmond,

My husband and I have owned a house at 681 McCorkle, St Helena, for 12 years. We plan on retiring to St Helena in the next few years. As property owners and future residents, we are concerned that the Hunter EIR proposes information that is either not accurate or is seriously un-supported. The conclusions of the EIR are erroneous and should be scrutinized further with regard to: 1

1. Additional liability of the residents of the City of St Helena to Hunter homesites when the levee fails 2
2. Water shortage issues are not adequately represented 3
3. Traffic issues are unresolved regarding any feasible connection to The Silverado 4

I encourage the Planning Commission to reject the EIR, as submitted, and request a more thorough assessment of the negative impact of the proposed Hunter Development on these extremely critical issues. 5

Thank you

Anne Fisher

--
Anne Fisher Associates
1914 Bigelow Ave N
Seattle, WA 98109
Phone: 206-328-1400
afisherassoc@gmail.com

LETTER C12
Anne Fisher Associates
NO DATE

C12-1 This is an introductory comment. The general objection to the Draft EIR is noted. See responses to comments C12-2 through C12-5 that address the specific comments detailed in Ms. Fisher's letter.

C12-2 See Response C3-7.

C12-3 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C12-4 A potential future connection to the Silverado Trail is not a part of this project.

C12-5 This comment is a general objection to the Draft EIR and does not address a specific issue upon which a response can be generated.

Letter
C13

To: Greg Desmond
Subject: Comments On Hunter DEIR

Greg,

Please make the following available to the Planning Commission.

Before I begin to comment on the inadequacy of the DEIR in Section I: Hydrology and Water Quality, I would like to provide my thoughts on the DEIR in general. I found the ponderous document overly concerned with the impacts of the construction phase and less concerned with the long lasting impacts that this project will have on our community. 1

At a scoping meeting, I proposed an analogy of this project as being like a large rock thrown into a small pond. The DEIR somewhat describes the size of the rock, but did a very poor job of identifying the impacts and mitigations for the waves that will spread over the pond. For example, the traffic portion of the report devolved into complicated speculation on intersection wait times instead of stating the obvious, that the character of the neighborhood for residents who live on Starr Avenue will never be the same if the Adams – Starr extensions are built. 2

Much of the DEIR had a similar tone. There seems to be very little advocacy for the concerns of residents who want preserve the rural, small town character of their community. Instead, we are presented with an incomplete analysis that seemingly serves the interests of the out of town developer and exhibits a "check the box" mentality on the DEIR submission indicating that most impacts are summarily dismissed as less than significant after incomplete analysis. 3

As stated previously, I have serious concerns about the impact of this project on the water quality of run off into the Napa River. This proximity of this project to the river leaves very little room for treating run off before it empties into the river. 4

I see no mention of the Federal designation of the Napa River as an Impaired Waterway. As an Impaired Waterway, there must be particular attention paid to reducing human-caused sediment sources from entering the river in order to enhance fish habitat. The DEIR goes to great lengths to state how a SWPP will be in place for the construction phase of the project, but virtually ignores the pollutants that will necessarily emanate from the development in perpetuity after construction. 5

The only mitigations suggested are that the size of sidewalks, driveways, roads and other impervious surfaces be reduced, and that the storm water capacity built by the City would be sufficient. There was no data provided on potential amounts or types of pollutants. No mention of human-caused sediment, runoff from roads, fertilizers, insecticides, herbicides, or all of the other pollutants that would accompany an 86-unit development located primarily in the flood plain of the Napa River. And, there was no mention of the impacts these pollutants would have on a designated Impaired Waterway. 6

The DEIR also seems to imply that there will be treatment of storm water by the storm water detention facilities built for the flood project. It should be understood that these facilities provide no treatment; rather, they are sufficient for handling flow. The storm water detention basin is a gravity flow system backed up by a pumping system that kicks in during a flood event when the gravity flow outlet is overwhelmed. Storm waters simply flow through the detention basin and exit almost directly into the river. Being a gravity flow system, the word detention is a misnomer. 7

Thank you for attention in this matter and the opportunity to comment,

John Milliken
1256 Hudson
St. Helena, CA 94754

LETTER C13
John Milliken
NO DATE

C13-1 This is an introductory comment. Please see Responses to Comments C13-4 through C13-7 that address the specific issues raised in Mr. Miliken's letter.

C13-2 The commenter's general comment is noted. With regard to traffic, the task of the EIR is to conduct a quantitative analysis of potential impacts, the net change that would result from implementation of the proposed project, not a qualitative analysis as the commenter suggests. The traffic section was prepared by a professional firm hired by the City that specializes in technical analysis, Crane Transportation Group. Traffic modeling of vehicle trips is necessary to contrast the current traffic levels with those predicted for a new development and predict the net change in conditions. Consistent with the requirements of CEQA, this EIR analyzes physical changes to the environment. Physical impacts of the proposed project, as well as consistency of the proposed project with all City development policies and regulations, will be considered by the St. Helena Planning Commission and City Council as part of the project approval process.

C13-3 The Draft EIR was prepared by a well-qualified planning firm, Urban Planning Partners, which specializes in preparing EIRs. They were selected and hired by the City, not the developer. The EIR was prepared consistent with the requirements of CEQA, which dictates the content of a Draft EIR, and requires an independent analysis of potential physical changes of the project. It is not intended to be an advocacy document, but to provide an unbiased, thorough, and informational analysis of the potential physical impacts associated with the project.

C13-4 As described in Draft EIR in Impact and Mitigation Measures HYD-1 and HYD-2 (starting on page 235), the project would be required to comply with both the NPDES Construction General Permit to ensure that construction-period erosion does not affect the Napa River and the current Phase II General Permit to ensure that the operation period of the project includes best management practices and a maintenance plan to ensure that receiving water quality is protected during the life of the project.

C13-5 The Draft EIR discusses the current status of the Napa River as a water quality limited segment "due to impairment from nutrients, pathogens, and sediment/siltation" starting on page 223.

The Draft EIR goes on to discuss the current status of the Total Maximum Daily Load (TMDL) development process for each pollutant. As described in Response to Comment C13-4, compliance with Mitigation Measure HYD-1 and HYD-2 and

existing NPDES regulations would ensure that the project's operation includes best management practices and a maintenance plan to protect receiving water quality over the long-term life of the project, and that erosion and sedimentation in the Napa River resulting from the project would be reduced to a less-than-significant level.

C13-6 The Draft EIR discusses potential pollutant sources both during construction (Draft EIR page 235) and operation (Draft EIR page 240). Specifically, the Draft EIR discusses the potential sources and types of pollutants that would be associated with the proposed project, including: roadways, driveways, and landscaping, which are potential sources of various stormwater pollutants, such as sediment, metals, pesticides, petroleum hydrocarbons, nutrients, and trash and debris. This statement addresses the potential sediment, runoff, and other pollutants that would be potential impacts of the proposed project. To address these potential pollutants, Mitigation Measure HYD-2 calls for a Storm Water Management Plan and describes all the requirements that the project would be subject to (both existing regulations and Draft EIR-imposed mitigation) related to treatment of runoff prior to discharge. These include an inventory of potential contaminant sources and strategies for the protection of storm water quality to the maximum extent practicable.

C13-7 The purpose of the stormwater detention facility is to catch and temporarily store stormwater, as described in the Draft EIR. The existing stormwater detention facility is not a part of the proposed project. The proposed project is anticipated to have less-than-significant impacts related to runoff water and the capacity of existing or planned stormwater systems. Additionally, the proposed project would be subject to Mitigation Measure HYD-1, which requires consistency with the statewide Construction General Permit and City Stormwater Management Standards, and would be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for the construction period and a Storm Water Management Plan during the project's operation.

Letter
C14

Sent: Thursday, July 12, 2012 2:25 AM
To: Greg Desmond
Cc: Council
Subject: Hunter Development

Commissioners and Council members:

With great respect and humility, I would offer the following input for your careful consideration on the above referenced subject. 1

The first +- 40 pages of the Draft EIR for the Hunter Project rather matter of fact and routinely "mitigate" all manner of concerns resulting or potentially resulting from the creation of the Hunter Development. Throughout all this "mitigation", the EIR makes no mention as to who will be responsible for monitoring, policing, or enforcing the stated actions that would mitigate the identified concerns. In addition, the report neglects to point out who would bear the cost of those same (monitoring, policing, or enforcing) activities. 2

The "elephant in the room" however (and there could very likely be more than one) may well be the issue of water. Both the uncontrolled abundance of water (commonly known as a "flood") and the lack of potable water (known as the water supply). Only Mother Nature can mitigate either of these conditions. Certainly "Ultra Low Flush" toilets ARE NOT GOING TO PROVIDE THE ANSWER to the water supply issue. As evidenced by what has taken place in St. Helena regarding drinking/potable water over the past +- year between studies and water rates, it would be difficult at best to not conclude that St. Helena is already "out of available water". Even considering the construction of 87 additional units, of which roughly 30% of the residents will not even be directly paying for the water they use, is beyond reason or logic. Traditional building methods typically involve installing one water meter on multi-family buildings so that all of the water being used by the occupants of the building goes through one meter and is paid for by the building owner. Expecting Mr. Hunter will not voluntarily add to the cost of his development by installing separate water meters for each unit in each of the multi-family properties, approximately 30% of the new occupants will be using water coming through a "common" water meter shared with other users so water use will not be paid for or accountable to individuals. This condition typically leads these individuals to be less than concerned with their level of consumption of the less than abundant water. 3

The "Water Neutral" theory, through the "projected" water savings that would result by the installation of some number of Ultra Low Flush toilets is stretching the limits of our gullibility. Anyone who has experienced the operation of these fixtures knows first hand that they get flushed many times more than their higher capacity counterparts in order to perform their primary function. San Francisco has mandated the installation of these fixtures whenever any new or replacement toilets get installed. That policy is having some very negative consequences that are causing the utility to spend additional money and do things that many experts are certainly not 4

Letter C14 Cont.

happy about. It's hard to imagine these fixtures could conceivably save enough water to offset the entire (sewage, shower, laundry, etc.) water use of hundreds of new occupants. This water issue brings to mind three questions: 4 cont.

1- How much TOTAL WATER would the entire population of this new development (X number of "tenants", who are not directly paying the water bills, plus the additional folks who are paying for their own water consumption) use? 5

2- Demonstrate a equal or higher reduction in water consumption through the use of the "water neutral" plan/theory that is being proposed prior to approving any permits for new construction on this proposed development. 6

3- Assuming you succeed in saving enough water to make the "water neutral" theory real, you will be increasing the volume of waste by 300 - 400 additional occupants (whatever the projected number is) and attempting to float it to the treatment plant using the same amount of water you currently are using. This hasn't worked well in San Francisco. Is there any reason to believe it will work any better in St. Helena?? San Francisco runs their storm water through their sewer system so there is at least enough water flow during the rainy season. Not so, in St. Helena so St. Helena might not even fare as well as SF. 7

There are so many other concerns and questions with regard to safety, expense, quality of life, legal liability, lasting effect on a rural setting, etc. I will defer to others, hopefully, to address those concerns and concentrate my comments here to what I feel is the most overwhelming and least controllable issue. 8

Thank you for considering my input.

Ron Amoroso

St. Helena

LETTER C14
Ron Amoroso
July 12, 2012

C14-1 This is an introductory comment. Please see Responses to Comments C14-3 through C14-8 that address the specific issues raised in Mr. Amoroso's letter.

C14-2 The contractor would be responsible for implementing. City staff would monitor as part of the building permit process. The City will be required to adopt a MMRP if it approves the project that details the implementation and monitoring responsibilities associated with each mitigation measure detailed in the EIR, which typically assign responsibility for implementation to the developer and contractor, while City staff such as building inspectors and planners are assigned monitoring responsibilities. It is common for infill projects similar to this one, where the site is adjacent to existing development and the proposal is consistent with existing zoning requirements and the City's General Plan, to utilize typical or "routine" Mitigation Measures.

C14-3 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard. Additionally, please see Response to Comment C3-11 for a discussion of City Municipal Code 13.04.050 *Water service connections—Installation.*

C14-4 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C14-5 The analysis in the Draft EIR on pages 292 through 298 provides detailed analysis of estimated project water demands.

C14-6 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C14-7 The sewer infrastructure design would recognize the anticipated indoor water use rates estimated for the project, including water conservation methods, and design the system accordingly to ensure full system operations.

Additionally, see Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard, which describes the water neutrality standard, and recognizes that current ultra-low-flush (ULF) model toilets have proven more effective than past models.

C14-8 This is a general comment. Please see previous responses to comments for letter C14 that address the specific issues raised in Mr. Amoroso's letter.

Letter
C15

July 12, 2012

Dear Members of the St. Helena Planning Commission:

1. My wife and I are upset that the City could, inconceivable as it sounds, move ahead with the **Hunter Project (HP).** On the surface the EIR appears to argue against the project making the conclusion **puzzling.** 1
2. We are particularly concerned that the HP may impact our **Prescriptive Rights (PR).** 2
3. By PR, I refer to an understood and mutually beneficial **easement** or land space between two farm properties, e.g., a dirt road between two vineyards where farm owners share tractor turnarounds and grape harvesting at ends of vineyard rows.
4. Our vineyard is of **historic significance**. Founded January 12, 1860, it is the oldest continuously owned and operated family vineyard in California, **152 years**. Even our PR is of historic significance, our having maintained these vineyard rights longer than anyone else in the state. Our neighbors east are the Beards and to the west Navones. Our neighbor to the south used to be Joe Miller. Now it is the City of St. Helena and HP.
5. Today, we use trucks and tractors to exercise our PR. We used to use **horse-drawn** plows to cultivate between vines and **horse-drawn wagons** to harvest grapes.
6. Officials at City Hall are familiar with our concern of a possible loss of PR. On several occasions we have been **assured** by the City that we need not worry about an infringement on our PR by HP.
7. Yet, as we review the EIR we are concerned with the **ambiguity** of the language. Is PF protected or is it not? If subjected to a vote, I believe **St. Helenians would want to keep things as they are**.
8. The **California Department of Conservation** (CDC) recognizes **Prime Farmland (PF)**, Farmland of Statewide Importance (FSI) and Unique Farmland (UF). The **Williamson Act (WA)**, CDC and 1993 **General Plan (GP)** all spell out the need to protect prime vineyard land from unnecessary urban encroachment. According to CDC definition and mapping, Fulton Vineyard is designated PF. 3
9. Implied in the protection by CDC, WA and GP are **normal farming practices and normal use of easements** within prime farmland that lay adjacent to urban developments. Nowhere is it stated or implied that urban projects are encouraged to request the City to provide better access to and from developments, i.e., one that **reaches beyond boundaries to diminish or remove the normal farming practices and/or property lines** of adjacent prime farmlands.
10. We have heard that to complete the levee access road **more road space and more sidewalk space** will be needed. Such expansion would clearly butt up against if not

Letter
C15
Cont.

overlap that last rows of our vineyard. Such a plan would cause us to lose some of the best of our vines -- some of the best Napa Valley has to offer. 3 cont.

11. It's understood how and why a government (St. Helena) could invoke eminent domain for public use such as to relieve downtown congestion, i.e., to extend Adams Street straight through to the Silverado Trail. Such a project would easily be seen as beneficial to the citizens of St. Helena. Not understood is the suggestion of a less ambitious plan, one that provides **limited access to and from or around the side** of the Hunter Project. It would benefit project residents in either or both directions, i.e. from Adams to Main and/or from to Starr and Pope. Although to some this would seem helpful. Rather, we believe such a plan would merely **exacerbate already congested traffic areas** in the City. In no way could such a limited plan be described to benefit the whole of St. Helena. Imagine even longer lines at stop lights on Main Street or at a new stop light at Pope and Starr. 4

12. Increased **liability** to the town's people. St. Helenians understand and applaud the building of the levee to offer some protection to residents of Vineyard Valley. The decisions by those residents who have purchased property and now live within the flood plain, have already been made. Not understood is how our city could support inviting and thereby encouraging a new set of people to purchase property in the future within the same flood plain behind a newly constructed but not fully guaranteed levee. The City and, hence, citizens of St. Helena would be the ones holding the liability bag when the levee breach occurs. Experts agree that it **not a question of if** a levee will break **but when**. 5

Fulton

Fulton I. Mather
David Fulton Winery
825 Fulton Lane
St. Helena, CA 94574
707-967-0719
Fulton@DavidFultonWinery.com

LETTER C15
Fulton Mather
July 12, 2012

C15-1 This is an introductory comment. Please see Responses to Comments C15-2 through C15-5 for responses to the specific issues raised in Mr. Mather's letter.

C15-2 The subdivider will need to request a right of entry and/or an encroachment permit from the City. Both road extensions (Adams and Starr) can then be constructed. The project approval will require the subdivider to request these approvals from the City. Please see Responses to Comments C15-3 through C15-8 for responses to the specific issues raised in Mr. Mather's letter.

C15-3 The project would not encroach on Mr. Fulton's property located at 825 Fulton Lane, to the north of the Hunter project. The developer would stay within the properties that are owned by the developer or the City. The proposed site boundary is shown on the Tentative Subdivision Map on page 51 of the Draft EIR.

The City recommends the following condition of approval be placed on the subdivision map: "Future property owners within the proposed subdivision shall recognize that there exists a right to farm on nearby properties. There is a good faith expectation that no complaints will occur regarding the legal, normal agricultural operations on properties near the subdivision. Such activities may include day and night disbursement of chemicals (spraying), and creation of dust, noise, or fumes."

C15-4 Eminent domain is not proposed, nor would it be necessary as part of the project.

C15-5 The City of St. Helena implemented a Flood Protection Project which included building a levee and a floodwall between the Napa River and the Hunter project site. The levee was built to withstand the 200-year flood event (under CEQA, the criteria for flood protection is the 100-year event). FEMA has accepted the Flood Protection Project and has officially revised the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map. Impact HYD-3, which addresses potential impacts related to placing housing in the 100-year flood hazard area, has been modified (i.e., changed from a significant impact to a less-than-significant impact) because no portion of the project site is now located within the 100-year flood hazard area.

Letter
C16

Dear Mr. Desmond;

I am writing to list my reasons for my opposition to the Hunter project and the inadequacy of the EIR. I have owned my home and lived in St. Helena for twenty years. 1

1. A EIR study of circulation issues in November is not representative of St. Helena's traffic. The studies should include a summer month or the harvest season or a period that accurately reflects the traffic patterns. 2

2. EIR failed to address Adams extension. Who is paying for it? Land cannot be "donated" to a developer. 3

3. There has been a water shortage for years. The EIR says the aquifer is replenishing itself. Where is the data to back up the assertion? It is contrary to what the City has said. 4

4. EIR does not address issue of flood risk adequately. What is the burden to the tax payer for problems with the levee? 5

5. Regarding commitments to affordable housing, they must be affiliated and managed by a public agency. 6

In summary, the EIR has not adequately addressed the primary concerns with this project: traffic, no water, flood risk, as well as the cost to the tax payer. The matters needing the most specificity are the most vague. Who is paying for these things the developer, the City, the taxpayer ?; if so, how much? 7

I am concerned about how much money is depleted from the city with lawyers, consultants,
etc. on the Hunter project. What is the cost to the City and taxpayers so far?

As we have seen with the Magnolia Oaks subdivision, the developer is now asking for more concessions and wanting to limit affordable housing years after the contract was made. As with any contract, costs need to be made clear in advance, not after the fact. 8

Sincerely,

Maxine L. Angell
2101 Spring Street
St. Helena

LETTER C16
Maxine Angell
NO DATE

C16-1 This is an introductory comment. The general objection to the Draft EIR is noted. See responses to comments C16-2 through C16-8 that address the specific comments detailed in Ms. Angell's letter.

C16-2 Please see Response to Comment B4-15, where seasonal factoring of the November traffic counts is explained.

C16-3 Page 53 of the Draft EIR discusses the details of the proposed Adams and Starr Street extensions. See Response to Comment C7-4.

C16-4 See Master Response #1 – Water Supply: *Groundwater Conditions and Availability.*

C16-5 The Draft EIR discusses the potential of flooding of the project site (by levee failure or overtopping) in considerable detail starting on page 242 and finishing on page 247. The issue of burden to the taxpayer is not a CEQA issue and is not addressed in this Draft EIR.

Additionally, FEMA has accepted the Flood Protection Project and has officially revised the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map. Impact HYD-3, which addresses potential impacts related to placing housing in the 100-year flood hazard area, has been modified (i.e., changed from a significant impact to a less-than-significant impact) because no portion of the project site is now located within the 100-year flood hazard area.

C16-6 The commenter's concern related to the affiliation and management of commitments related to affordable housing is noted. This comment does not pertain to the adequacy of the Draft EIR and no further response is necessary.

C16-7 The cost of the Hunter project is beyond the scope of the Draft EIR.

CEQA general does not consider economics and fiscal effects unless such effects would result in adverse physical impacts to the environment.

For informational purposes, the City has not incurred any direct costs associated with processing this development application as the City has a reimbursement agreement that requires the applicant to reimburse the City for all costs associated with processing the application and preparing the EIR.

C16-8 The developer's agreement with the City regarding the affordable housing component of the project is beyond the scope of the Draft EIR.

Letter
C17

CITY OF ST. HELENA

Response to "Hunter Property Residential Subdivision Project Draft EIR" on Adams Street in St. Helena, in which, under "Hydrology and Water Quality, HYD-1,2 and 3", the threat of polluting Napa River and flooding out the proposed project were deemed "Not Significant" 1

Please include the attached Letter to the Editor as part of my Hunter DEIR comment. 2

July 17, 2012

To the St. Helena Planning Commission and Greg Desmond- City Planner: 3

A recent (6/14/12) St. Helena Star Editorial suggested that, while actual demand for market-rate housing was uncertain right now, the only aspect of the Dennis Hunter subdivision EIR that the Editorial board considered inadequate was a firm commitment to include affordable housing; and any other shortcomings were insignificant and could be easily remedied. The Board's basic message to the local community, when it came to the idea of expressing a contrary opinion was: "You're nothing but a bunch of ignorant hysterics, so butt out!" The Editorial went so far in its effort to quash dissent that they wrote: 4

"We would all do well to recall that every recent development in St. Helena-Vineyard Valley (and two others)- was built amid loud controversy, yet now the doomsayers are forgotten."

This incredibly ignorant (or stupid- I'm not sure which) remark chilled me to the bone. I don't know if any of you were here in March of 1986, when, after a terrible two year drought, it rained like hell for three days and flooded much of the upper valley including most of Vineyard Valley, which thanks to previous flood prevention efforts, became, not a protected sanctuary but a really deep, really large swimming pool. As your local postmaster back then, I dealt firsthand with the devastation to that community, as elderly people lost everything and, their lives in ruin, were scattered across the country, never (so far as I know) to return.

I wrote the attached response to the Star editorial, describing the very real doom that fell on the heads of a lot of vulnerable people who could least afford to deal with the aftermath of a disastrous flood. Now, the Star is not only giving a big thumbs up to the Hunter subdivision proposal; they are trying to assure that another group of people: the most vulnerable among us who must take what they get in low income housing, will be wounded even more than others in the subdivision when the next flood occurs and the old Vineyard Valley lake grows a whole lot bigger and deeper.

It is crazy to build in the historic flood plain, with or without a levee. When the next massive flood hits, and it surely will, the levee and the Sulphur Creek flood wall will hold water in, not keep it out as flood waters fill up the valley floor and pour into that development from every direction. Do we learn nothing from history? I don't know if any of you are paying attention to the increasingly erratic and violent extremes in weather all across the country and the world. Climate Change is here, and St. Helena is hardly immune. We in Napa Valley sit on the edge of two massive opposing weather patterns that bring, on an oscillating basis, both great heat and drought, and then chill and relentless rains. Across the globe, the intensity of both those extremes is increasing. Terrible Florida flooding from a "small" Tropical Storm and the ferocious "Derecho" that tore across half the US last week in the middle of a terrible Eastern heat wave are harbingers of what is in store for all of us. Where has the DEIR in "Sections HYD-1,2 and 3" dealt with that? 5 6

Meanwhile, continuing deforestation/vineyard conversion in the mountains above the Upper Valley will worsen flash flood problems here in heavy storms. Where does the Draft Hunter DEIR calculate for that? The threat of worse flooding from future deforestation must be factored in. The fact that major floods have historically inundated properties on the western edge of Napa River from **all sides** as the whole valley floor goes under water has been **ignored** in DEIR HYD-3, which assumes the 7

Letter
C17
Cont.

flooding threat can be dealt with by the levee alone. The DEIR must consider what will happen when flood waters pour into the project from the North and West during a major flood, and whether the levee and big new Sulphur Creek flood wall will turn Vineyard Valley and the new development into a comparable or even deeper giant swimming pool than happened in 1986, **which I witnessed.** 7 cont.

The DEIR's conclusion that Mitigation Measure HYD-3 will reduce the threat to the development to a less-than-significant level in a "hundred year flood" is not based on how major floodwaters fill the upper valley floor and attack low-lying properties on the west side of the river; and "DEIR Mitigation Measure HYD-3" also fails to deal with the reality that the old "100 year flood" timetable is woefully out of date and that new Climate Change realities which are afflicting us now force us to demand vastly increased Mitigation Measures in HYD-3 that will withstand what used to be considered "500" and "1000 year flood" events, but could now happen at any time. 8

The DEIR must look at the now undeniable reality of Climate Change and the extreme weather events that are occurring, not just in this country but worldwide, and acknowledge that the "100 year flood" model is now irrelevant. Given recent more violent weather patterns that already have rendered the old flood statistics obsolete, we could see so-called "100 year floods" happening every five years, and "500" or "1000 year floods" happening unpredictably each decade or two. 9

One impact of such massive flooding renders the assumptions of "Mitigation Measure HYD-1" meaningless. A huge pulse of polluted storm water escaping from the construction site over the next number of years during an upcoming major rain event and flood will overwhelm the Mitigating Measures even after the proposed "SWPPP" and so-called "Best Practices" are in place. The DEIR must propose measures that will be adequate during what were recently considered 500 and 1000 year events, but are now acknowledged to be at least as likely as the standard 100 year event was once thought to be. 10

The same argument holds true regarding HYD-2. The proposed "HYD-2 Mitigation Measure" for the long term must also meet far higher standards than are required for a so-called "100 year flood". Given that this measure of protection must be sufficient to handle a span of time over many decades, the mitigations taken to protect Napa River must be especially stringent, for they will be repeatedly tested by flood events that are certain to become increasingly extreme over the coming decades. One wonders if such a level of protection is even feasible, given the project's location in the historic flood plain. 11

Unless and until the DEIR is expanded to include an evaluation of real-world flooding potential in Napa Valley now and in the future by acknowledged experts in Climatology, the "HYD-1,2 and 3" assumptions made in the Hunter DEIR carry no legitimacy. 12

The Star Editorial Board must be walking in its sleep. I am hoping that you: the Planning Commission and City Planners, who must make tough decisions that affect all our lives, are wide awake. ***Kill this project*** and allow agriculture/open space to remain there, out in the historic flood zone, where households and other permanent structures do not now and never will belong. 13

Sincerely,

Peter Mennen

P.O. Box 421
St. Helena, CA 94574
707-963-1170

Letter
C17
Cont.

Peter Mennen P.O. Box 421 St. Helena, CA 94574
Please attach this letter to the Editor — 707963-1170
which ran in the June 28, 2012 Star —
to my Hunter Subdivision proposal DEIR.

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is $25,250. College loans typically are 10-year loans with payments beginning 6 months after graduation. Under the subsidized interest rate of 3.4 percent, the average monthly payment is $248.51. When the rates go to 6.8 percent, the monthly payment will be $290.58. This difference of $42.07 should not impede people from going to college as the representative presumes.

Subsidizing student loans has actually made college more expensive. Federal aid for students has increased 164 percent over the past decade, adjusted for inflation, with college costs rising 75 percent during the same period. The federal aid has led to the "Bennett effect": "Increases in financial aid in recent years have enabled colleges and universities blithely to raise their tuitions." This "effect" is named for William Bennett, a former Secretary of Education. Also, Dr. Thomas Sowell states, "Since the government is so willing to throw so much public subsidy at colleges, they have no incentive to reduce costs. So they just charge through the roof."

In any case, this is not the time for more federal subsidy of college education.

Richard Becker
St. Helena

SEEKING HELP FOR MORE CATS

Editor: I am an animal lover but have an affinity for cats. My partner and I do what we can in our neighborhood to trap, fix and care for feral cats with the help of the wonderful Napa Spay & Neuter Clinic's feral package.

In addition, we do what we can to help support programs like We Care and Whiskers, Tails and Ferals. I just read about the wonderful renovation done to the We Care facility in St. Helena. It is with great sadness when I visit Petco in Napa and see all the beautiful, caged cats that don't have the kind of freedom the cats at We Care enjoy.

I am asking if some of the wealthy benefactors of the We Care facility and other animal lovers in the Napa Valley, can do something more to help Whiskers, Tails and Ferals in the great job they are doing to provide a better environment for these beautiful animals.

Thank you.

P.S. I am not affiliated with either of these organizations (other than by donations when I can), so there is no agenda other than to help these animals have a better life.

Beth Wagner
Napa

EDITORIAL BOARD'S VIEWS MISGUIDED

Editor: Most of the way through the Star's June 14 editorial, which promoted approval of (Dennis) Hunter's proposed residential development along Napa River, I threw the paper down in disgust. What made my hair stand on end was the following outrageous comment:

"We would all do well to recall that every recent development in St. Helena — Vineyard Valley (and two others) — was built amid loud controversy, yet now the doomsayers are forgotten."

As I read those words, two ancient but still relevant sayings came to mind: "We grow too soon old and too late smart," and "Those who forget or ignore the mistakes of the past are bound to repeat them."

I was your postmaster in March 1986, when, at the end of perhaps the worst drought in St. Helena history, it began to rain. When the first drops fell, Napa River and every creek and pond in the valley were dry and our reservoirs were empty. The ground was a parched sponge, riddled with cracks and desperate for moisture, trees were losing their leaves and many wells, including the city's, were failing. Three days later, the worst flood anyone now remembers had turned much of the upper valley into a shallow river, and as the fire and rescue sirens wailed, most of Vineyard Valley Mobile Home Park went underwater, its flood wall useless as water came pouring in from three other directions. Soon the river overtopped the wall as well; and when the rain stopped, Vineyard Valley was a giant swimming pool.

Maybe the editorial board has forgotten, but I and every "doomsayer" employee who still works at the post office haven't. We were intimately involved in the nightmare consequences for hundreds of Vineyard Valley residents whose world was swept away that day, including a man who tried to rescue others but destroyed his boat instead when he ran aground on the roof of his own car. Those people lost everything and were blown to the four winds, unable to return as the city and property owner fought over who should sue the other. I don't believe a single displaced, traumatized Vineyard Valley resident ever moved back. Meanwhile, in violation of postal regulations, we forwarded their mail for years as they drifted, rootless, across the country in old age.

If those rains had come at the end of a wet, or even normal, winter, the impact on everyone in town living near the smallest creek would have been calamitous. We all should know better by now, though it's clear some of us don't. Building in the floodplain, even behind a levee, is nuts, and in California these days it's also illegal. The Star's biased (shades of Doug Ernst!) editorial promoting Hunter's floodplain development is dangerously misguided, and the board ought to rethink.

Peter Mennen
St. Helena

(Editor's note: The editorial discussed the proposed development's environmental impact report and did not take a position on the development itself.)

HAROLD SMITH
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License No. 398901

LETTER C17
Peter Mennen
July 17, 2012

C17-1 This is an introductory comment. Please see Responses to Comments C17-4 through C17-13 for specific responses to Mr. Mennen's letter.

C17-2 This is an introductory comment. Please see Responses to Comments C17-4 through C17-13 for specific responses to Mr. Mennen's letter.

C17-3 This is an introductory comment. Please see Responses to Comments C17-4 through C17-13 for specific responses to Mr. Mennen's letter.

C17-4 The St. Helena Star Editorial Board comments are beyond the scope of the Draft EIR. Please see Response to Comment C9-1 regarding the City's Flood Protection Program.

C17-5 Please see Response to Comment C9-1 regarding the City's Flood Protection Plan.

C17-6 See Response to Comment C6-2.

C17-7 The commenter does not provide any factual evidence supporting the claim that "continuing deforestation/vineyard conversion in the mountains above the Upper Valley would worsen flash flood problems here in heavy storms." In fact, recent studies conducted by the San Francisco Estuary Institute (SFEI) indicated the land use trend in reduction in forest cover from predevelopments times (the 1820s) until the present has been relatively modest in the Napa Watershed (on the order of six percent).[10]

Even closer to the project site, similar mapping in the Sulphur Creek sub-watershed shows that between the 1940s through about 2004, there was actually a slight increase in forest/woodland cover. This same effect is documented in the lower watershed in the Carneros Creek sub-watershed, where vegetation cover types were mapped on time-sequential aerial photographs.

Based on this land use mapping data, the commenter's claim that continuing deforestation on a level that would significantly affect flooding at the project site is not substantiated.

[10] SFEI, 2012, Napa River Watershed Profile: Past and Present Characteristics with Implications for Future Management of the Changing Napa River Valley, Appendix II, Table 3, http://www.sfei.org/sites/default/files/NapaReportComplete_HiRes-web-web.pdf

While new vineyards have been planted in the watershed and are likely to continue to be planted, this does not represent a dramatic change in land use from a hydrologic perspective relative to a widespread conversion to impervious cover. However, it is possible that new vineyards, particularly on previously forested slopes, could result in an increase in runoff. It is for this reason that any new vineyard (or any other agricultural projects involving grading or earthmoving) on slopes greater than five percent and more than 1 acre must apply for an Erosion Control Plan permit. As part of this permit process, the applicant must include a hydrological analysis that demonstrates no increase in peak flow as compared to pre-vineyard conditions. Therefore, it is unlikely that new vineyards would have a substantial effect on flooding at the project site.

C17-8 The Flood Protection Project was designed based on best available hydrology and hydraulic information, including how flood waters move through the valley. FEMA reviewed and accepted the Letter of Map Revision which updates the current Flood Insurance Rate Map. With regard to the effects of climate change on extreme weather events and how this could affect the project, please refer to Response to Comment C6-2.

C17-9 The commenter does not provide any substantiation or project-specific information that current hydraulic modeling (in the terms of the comment – the 100 year flood model) that was used to design the Flood Protection Project is obsolete or that 100-year floods would occur more frequently at the site in the future. With regard to the effects of climate change on extreme weather events and how this could affect the project, please refer to Response to Comment C6-2.

C17-10 For the portion of the comment that asserts flooding conditions at the project site are likely to become more severe in the future, please refer to Responses to Comments C6-2 and C17-7. With regard to whether best management practices (BMPs) designed to minimize erosion and off-site sedimentation during the construction period would be sized adequately, sizing of BMPs is regulated by the NPDES Construction General Permit. The State Water Resources Control Board (SWRCB) has determined the appropriate BMP sizing to capture the compliance storm event and that this would minimize erosion and sedimentation impacts to the maximum extent practicable. These types of BMPs are temporary (i.e., in-place only for the construction period) and are not designed to treat runoff associated with the very large storms because very large storms are infrequent (and not likely to occur during the project construction period) and not the type of storms that most contribute to water quality impacts or receiving water channel erosion. The SWRCB has determined that it is the smaller, more frequent storms that cause most of the stormwater runoff-related water quality degradation. In California, NPDES permits have been established that require that new development and redevelopment appropriately size BMPs for both the construction and operation period to treat these frequent smaller storms.

C17-11 Please refer to Response to Comment C17-10.

C17-12 Please refer to Response to Comment C17-8.

C17-13 This is a general comment that reflects Mr. Mennen's feelings and does not discuss any portion of the Draft EIR. No further response is necessary.

Letter
C18

RECEIVED
JUL 18 2012
CITY OF ST. HELENA

RE: Hunter Project DEIR

July 17, 2012

St. Helena Planning Commission and Greg Desmond: City Planner

RE: "Hunter Property Residential Subdivision Project Draft EIR"

Last year, during a public forum on the City's Draft General Plan Update, the moderator tried to say that the Circulation Element and the Housing Element must be looked at separately, and that approving one of those elements would have no impact on how we dealt with the other. The specific situation he was dealing with was the proposed Hunter development (Housing) and the extension of Adams Street across Napa River to the Silverado Trail (Circulation). This effort to separate the approval of a substantial amount of new housing from the other interlocking half of the equation: the extension of Adams Street across Napa River, was preposterous, and my wife and I stood up and said so. You can't have one without the other, and on an electronic vote after we spoke, 80% of the audience agreed with us.

Not only do the residents of St. Helena agree with us that you cannot do one without the other; if you develop the Hunter subdivision, you **must** build the Adams Street extension plus a bridge to Silverado Trail as well, because the 1993 General Plan specifically requires that those two construction projects **must** be bundled together. You can't have one without the other.

Yet, just like the moderator did at the General Plan forum last year, the proposed Hunter Property project Draft EIR tries to subvert the 1993 General Plan requirement.

The Draft EIR map given to the audience at the July 12, 2012 Public Hearing on the Hunter Property Residential Subdivision Project DEIR pictured the Hunter subdivision at the end of Adams Street, but with no hint of the required Adams Street extension and bridge across Napa River to the Silverado Trail, all of which must be included in the Hunter proposal, and yet no such extension is proposed in the Hunter DEIR.

This is unacceptable. The proposed Hunter project and the Adams Street extension and bridge are two inextricable halves of the puzzle. You cannot take them apart and say: "We'll do this one (the development) now, and then at some later date we'll think about doing the other." You must accept both halves and simultaneously complete both halves, or reject both halves, and there is no legal way out of it.

Now, once we agree on that inescapable fact, the next thing that you must do is require an expansion of the existing Draft EIR to include all the impacts on the community, the environment and the Up-valley traffic patterns that that the Adams Street extension to the Trail would have, plus the destructive impact putting a bridge there would have on the environment, including the dense, unspoiled, shade-giving riparian habitat which would be destroyed by the extended road and bridge, and the healthy, undisturbed portion of Napa River at the proposed bridge crossing where threatened and/or endangered Steelhead and Salmon still thrive and spawn.

There would be multiple, major impacts caused by the Adams Street extension and bridge. In fact, it is very difficult to measure how great these impacts would be until detailed plans for all aspects of this piece of the Hunter development were on the table. For example, when it comes to our Circulation Element, how large would the bridge be? How many lanes wide? Would there be a required stoplight? How many lanes wide would the Adams street extension be? How wide would the shoulders be? What would the impact on adjacent property owners be?

Yet all that is mentioned in the DEIR is a reference to a "Congestion Management Program- Pope Street/Silverado Trail intersection (SU)" in the "Traffic and Transportation" portion of the DEIR, as if through some magic we could solve the huge potential impact on Circulation once an Adams Street extension, bridge and connection to the Silverado Trail is built. The truth is: There is nothing anyone can do to

Letter
C18
Cont.

improve the daunting experience of crossing Pope Street bridge in anything larger than a compact car, and no amount of fiddling there will improve Pope Street congestion. The recent attempt to improve the approach to Pope Street bridge from town only made the experience more hair-raising, and the smudgy evidence of many vehicles' tires striking the concrete curbs on the way onto the bridge tells the story.

Pope Street is never going to be a viable approach for anything more than a trickle of traffic to get in or out of St. Helena, even if you put a light on Silverado Trail at the intersection. In fact, the off-kilter joining of the Trail, Pope Street and Howell Mountain Road at that sharp bend by the bridge would be a nightmare to try to regulate with a stoplight at the very misaligned "intersection". A major road realignment there would have to be carried out by Caltrans to make the very idea of a light feasible, and even then you still wouldn't be able to squeeze any more traffic across the narrow Pope Street bridge than we do now, plus you would be encouraging big problems by making the bridge look attractive to larger vehicles that would get stuck or be overweight. Meanwhile, the light will really mess up throughput on the Silverado Trail, which presently is a nearly clear shot that invites through traffic to avoid Highway 29. These days that's a lot of traffic we don't want on Hwy 29.

So, there will never be any real improvement in traffic flow from the Trail across the Pope Street bridge and visa versa. But, once a broad, convenient new Adams Street bridge is built, everyone who used to cross from the Trail to St. Helena on Pratt Street, Pope Street, Zinfandel Lane and even Deer Park Road from the north will decide to avoid all of them and cross the Adams Street bridge for various good reasons:

1)Pratt Street and its bridge are narrow, just like Pope Street, and exiting onto the Trail from Pratt is near suicide,

2) Zinfandel Lane is a long way from the southern end of town and anyone coming into town from the south will get stuck in a mile of crawling traffic on slow days,

3) Pope Street is avoided when possible because of extreme danger getting across to Howell Mountain Rd. or turning left onto the Trail from town, or turning onto Pope Street Bridge from the Trail, the narrowness of the bridge and difficulty navigating the high-risk approaches, the likelihood of getting gummed-up behind an RV or truck on the bridge, the potential for hitting the sides of the bridge while trying to cross it, the fear of sideswiping a wide car coming the other way on the bridge itself, and no doubt other good reasons,

4) The Deer Park Cross has the same problems as Zinfandel Lane, only coming from the other direction.

Furthermore, once the word is out, many, many people- not just locals but tons of tourists- who sit idling on Highway 29 and fume as they try to get to town will learn to duck over to the Trail from the north and south, taking Zinfandel or Deer Park Road, so they can take the new, easy-access Adams Street bridge, and then they will pour down Adams Street toward town in droves, quickly hitting the choke point where Adams enters the town proper. It already is a nightmare trying to cross Main at Adams. I have seen so many near misses as pedestrians and other cars nearly get clipped by folks in a hurry running the orange or red, or try to turn with people in the crosswalks, etc. The frenzy we will cause when not just the highway running through town, but Adams Street (and probably Fulton, Railroad and Pope at the light as well) are all crammed with angry drivers with no place to go now that we've destroyed our existing marginal throughput, will be ugly to behold.

You need to do a wide-ranging, comprehensive, creative Circulation Study of what is going to happen to all that tourist and truck freight traffic coming in from north and south, as well as our own folks trying to get in, out and around town, if you put in an Adams Street extension and bridge. You need to consider the various sizes of bridge and street- how the various sizes of bridge and road would affect the amount of traffic generated and how the proposed Hunter development and whatever development would follow would affect Adams Street flow. Would we need a traffic light there too?... (By the way, what **would** follow there behind the levee once you have opened the

Letter
C18
Cont.

development floodgates? The DEIR needs to factor in the traffic impact caused by that potential development as well, and not only traffic, but other impacts caused by development such as water usage.

There have been plans showing the Adams Street extension as an elevated highway. The DEIR needs to explore just what the street would look like. An elevated levee-like road would have huge implications. It would dam all the water coming down the broader valley floor, as been proven to occur in big floods. Review documents and photos from the 1986 flood, which showed large sections of upper valley roads swept off their bases and pushed into roadside ditches and vineyards. So the DEIR would have to determine the impact of such a levee on the valley to the east, where a huge amount of water would be shoved, to Napa River itself, which would have its flood crest raised very markedly below the levee where the flood waters were pinched in, and how that elevated flood would impact the Hunter property and its levee right below it.

When the Measure A project for St. Helena was being studied back in 2004 or so, a flow study was conducted by hydrological experts to determine how the different proposals would affect the Napa River's flow down to the Pope Street Bridge. Putting an Adams Street levee across the valley would have a huge but unknown impact on the river's flow. Once again, it would be essential to hire experts to model what impact such a levee would have on the river and all the properties below, at least to the Pope Street bridge. Other properties besides Hunter would surely be put at risk.

If Adams Street were raised on a levee, there would be major but unknown ecological effects as the flood plain would be diminished in a major way by the water being thrust elsewhere, to likely ram into the east side of the river, doing major damage to the river bank and all that riparian area, and perhaps threatening the Silverado Trail's integrity, since enough flood water being slammed over there might wash the road out.

Would there be an attempt to link the Adams Street levee to the [redacted] Hunter levee? How much more flood plain would that remove, and again, what impact would that have on water movement during a flood? What impact on the ecology would removing many more acres of flood plain have? Would that removal justify more development behind the huge new space boxed in by Adams Street and the Hunter levee? How does such a large amount of added development work out, given the reality of St. Helena's limited amount of water to supply our existing residents? Would such a levee still be legal, given California's tightening restrictions on building levees in flood plains?

If Adams Street extension is not built on a levee, what impact would that have on all the people who are proposed for a maxed-out Hunter development plus whatever else could be added in the space behind the [redacted] levee, when another huge flood like the one in 1986 hits and the non-elevated Adams Street extension might be washed out? How would all those people get out? How many people, when all that available space has been built up are we talking about? What mitigations would be made for them under the Adams Street extension DEIR? How would they reach town or the hospital in a flood?

The Adams Street extension and bridge would have massive environmental impacts on the flood plain and the presently rich riparian habitat on Napa River, as well as on the threatened/endangered fish species that depend on deeply shady stream banks to keep the water cool and on an undisturbed river habitat between the undisturbed banks. This is where salmon and steelhead spawn and the fry remain as they grow up enough to make their way downstream. An Adams Street bridge would destroy this still pristine section of Napa River, which is especially important now that so much previously shady area along the banks just below that area was destroyed as part of the river widening and deforestation that supposedly made Vineyard Valley less likely to flood. Given the already major loss of steelhead/salmon spawning grounds and habitat at Vineyard Valley, what DEIR mitigations could be created to legitimately offset this further harm to Napa River's threatened and/or endangered species?

Sincerely,

Peter Mennen

P.O. Box 421
St. Helena, CA 94574
707-963-1170

LETTER C18
Peter Mennen
July 17, 2012

Retracted.

Letter
C19

RECEIVED
JUL 20 2012
CITY OF ST.HELENA

July 20, 2012

St. Helena Planning Commission and Greg Desmond: City Planner

RE: "Hunter Property Residential Subdivision Project Draft EIR"

Last year, during a public forum on the City's Draft General Plan Update, the moderator tried to say that the Circulation Element and the Housing Element should be looked at separately, and that approving one of those elements would have no impact on how we dealt with the other. The specific situation he was dealing with was the proposed extensive (17 acre) Hunter residential development (Housing) and the extension of Adams Street across Napa River to the Silverado Trail (Circulation). This effort to separate the approval of a large amount of new housing from the other interlocking half of the equation: the extension of Adams Street across Napa River, was preposterous, and my wife and I stood up and said so. You can't have one without the other; and on an electronic vote after we spoke, nearly 80% of the audience, once they understood the point we were making, felt exactly the same way. 1

Most St. Helenans believe that if you add the Hunter subdivision, you've got to build the Adams Street extension including a connective bridge to the Silverado Trail. And now, over the past year, they have learned through community outreach efforts that the 1993 General Plan states that Hunter's proposed housing development and major new circulation to handle it must be bundled together. Joining the proposed new Hunter development with an Adams Street extension including a connective bridge to the Silverado Trail not only makes common sense to most St. Helena residents; **it's required under the General Plan.** Yet, just like the moderator did at the General Plan forum last summer, the proposed Hunter Property Draft EIR tries to ignore and subvert the 1993 General Plan Adams Street extension and connective bridge requirement. 2

The Draft EIR map given to the audience at the July 12, 2012 Public Hearing on the Hunter Property Residential Subdivision Project DEIR pictured the Hunter subdivision at the end of Adams Street, but with no hint of the required Adams Street extension and bridge across Napa River to the Silverado Trail, all of which must be included in the Hunter proposal, and yet no such extension is proposed in the Hunter DEIR.

This is unacceptable. The proposed Hunter project and the Adams Street extension and bridge are two inextricable halves of the puzzle. You cannot take them apart and say: "We'll do this one (the development) now, and then at some later date we'll think about doing the other." You must accept both halves and simultaneously complete both halves, or reject both halves, and there is no legal or logical way out of it. 3

Now, once we agree on that inescapable fact, the next thing that you must do is require an expansion of the existing Draft EIR to include all the impacts on the community, the environment and the Up-valley traffic patterns that that the Adams Street extension to the Trail would have, including the destructive impact putting a bridge there would have on the environment. A high level of protection must be given to the dense, unspoiled, shade-giving riparian habitat which could be destroyed by the extended road and bridge, and the healthy, undisturbed portion of Napa River at the proposed bridge crossing where threatened and/or endangered Steelhead and Salmon still thrive and spawn. 4

There would be multiple, major impacts caused by the Adams Street extension and bridge. In fact, it is very difficult to measure how great these impacts would be until detailed plans for all aspects of this piece of the Hunter development were on the table. For example, when it comes to our Circulation Element, how large would the bridge be? How many lanes wide? Would there be a required stoplight? How many lanes wide would the Adams street extension be? How wide would the shoulders be? What would the impact on adjacent property owners be, including the historic vineyard planted in 1860 and still operated by the original family?

Letter C19 Cont.

Yet all that is mentioned in the DEIR when it comes to Circulation is a reference to a "Congestion Management Program- Pope Street/Silverado Trail intersection (SU)" in the "Traffic and Transportation" portion of the DEIR, as if through some magic we could solve the huge potential impact on Circulation and the congestion this project will have on the oldest stone bridge in Napa County if the proposed Hunter residential subdivision is approved. The truth is: There is nothing anyone can do to improve the daunting experience of crossing Pope Street bridge in anything larger than a compact car, and no amount of fiddling there will improve Pope Street congestion. The recent attempt to improve the approach to Pope Street bridge from town only made the experience more hair-raising, and the smudgy evidence of many vehicles' tires striking the concrete curbs on the way onto the bridge tells the story. 5

Pope Street is never going to be a viable approach for anything more than a trickle of traffic to get in or out of St. Helena, even if you put a light on Silverado Trail at the intersection. In fact, the off-kilter joining of the Trail, Pope Street and Howell Mountain Road at that sharp bend by the bridge would be a nightmare to try to regulate with a stoplight at the very misaligned "intersection". A major road realignment there would have to be carried out by the county to make the very idea of a light feasible, and even then you still wouldn't be able to squeeze any more traffic across the narrow Pope Street bridge than we do now, plus you would be encouraging big problems by making the bridge look attractive to larger vehicles that would get stuck or be overweight. Meanwhile, the light will really mess up throughput on the Silverado Trail, which presently is a nearly clear shot that invites through traffic to avoid Highway 29. These days there's a lot of traffic using the Trail between Napa and Calistoga that none of us want on 29. 6

So, there will never be any real improvement in traffic flow from the Trail across the Pope Street bridge and visa versa. But, once a broad, convenient new Adams Street bridge is built, everyone who used to cross from the Trail to St. Helena on Pratt Street, Pope Street, Zinfandel Lane and even Deer Park Road from the north will decide to avoid all of them and cross the Adams Street bridge for various good reasons:

1) Pratt Street and its bridge are narrow, just like Pope Street, and exiting onto the Trail from Pratt is near suicide,

2) Zinfandel Lane is a long way from the southern end of town and anyone coming into town from the south will get stuck in a mile of crawling traffic on slow days,

3) Pope Street is avoided when possible because of extreme danger getting across to Howell Mountain Rd. or turning left onto the Trail from town, or turning onto Pope Street Bridge from the Trail, the narrowness of the bridge and difficulty navigating the high-risk approaches, the likelihood of getting gummed-up behind an RV or truck on the bridge, the potential for hitting the sides of the bridge while trying to cross it, the fear of sideswiping a wide car coming the other way on the bridge itself, and no doubt other good reasons,

4) The Deer Park Cross has the same problems as Zinfandel Lane, only coming from the other direction.

Furthermore, once the word is out, many, many people- not just locals but tons of tourists- who sit idling on Highway 29 and fume as they try to get to town will learn to duck over to the Trail from the north and south, taking Zinfandel or Deer Park Road, so they can take the new, easy-access Adams Street bridge, and then they will pour down Adams Street toward town in droves, quickly hitting the choke point where Adams enters the town proper. It already is a nightmare trying to cross Main at Adams. I have seen so many near misses as pedestrians and other cars nearly get clipped by folks in a hurry running the orange or red, or try to turn with people in the crosswalks, etc. The frenzy we will cause when not just the highway running through town, but Adams Street (and probably Fulton, Railroad and Pope at the light as well) are all crammed with angry drivers with no place to go now that we've destroyed our existing marginal throughput, will be ugly to behold. 7

Letter C19 Cont.

You need to do a wide-ranging, comprehensive, creative Circulation Study of what is going to happen to all that tourist and truck freight traffic coming in from north and south, as well as our own folks trying to get in, out and around town, if you put in an Adams Street extension and bridge. You need to consider the various sizes of bridge and street- how the various sizes of bridge and road would affect the amount of traffic generated and how the proposed Hunter development and whatever development would follow ~~one~~ would affect Adams Street flow. Would we need a traffic light there too? 8

An elevated Adams Street extension would have some huge implications which the DEIR has not explored. In major floods, fast-running water spreads out across most of the valley floor. The Adams extension would dam nearly all of it west of the Napa River. Review documents and photos from the 1986 flood, which showed how large sections of upper valley roads were swept off their bases and pushed into roadside ditches and vineyards. There is not just the issue of whether or not that flooding would top the levee. There is the issue of just how much pressure the fast-moving water would place on the levee itself. The extension is promoted for its potential ability to make safe passage for people at risk in the flood plain, but the truth is that levees, even those touted as state-of-the-art, are breached with regularity. Remember, flood waters are both powerful and **heavy.** Six inches of rushing water will knock down a man. Two feet will move a big car. No one will be able to make their way through a levee breach. And what will happen in a major flood later on when our levees age and begin to look like our local streets, since upkeep money is notoriously hard to come by? The DEIR has to consider an Adams Street extension levee failure and the catastrophic and almost instantaneous flooding of the Hunter and Vineyard Valley, determine how severe the flooding would be, and come up with adequate, realistic Mitigating Measures. 9

The DEIR would have to determine the impact of the Adams Street extension on the valley to the east, where a huge amount of flood water would be shoved into Napa River itself, which would have its flood crest raised very markedly along the levee where the flood waters would be pinched in. We also need to know in the DEIR how that elevated flood water bouncing off the bank of Napa River directly to the east might impact the Hunter and Vineyard Valley levees on the west. Would it be high enough to top the levee, or would its rebounding force be powerful enough to breach the levee, when its pressure is added to the already substantial stresses a flood will cause? 10

It would be essential to hire experts to model what impact those redirected flood waters would have on all the properties on Napa River's east bank as well, at least to the Pope Street bridge. Other properties besides Hunter would surely be put at risk.

There would be major environmental effects as redirected flood waters were thrust eastward, ramming that side of the river, doing major damage to the river bank and all that riparian area, and threatening the Silverado Trail's integrity, since enough flood water being slammed over there might wash the road out. Then where would we and the Hunter/Vineyard Valley folks go to make our great escape?

But the Hunter levee would just as surely cause floodwaters, which follow the line of least resistance, to curl around the **western** edge of the Hunter levee. Making the assumption that the West Side's theoretical flood plain limit will remain the same as was drawn on the Flood Insurance Rate map (FIRM) when a wall of water slams into the Adams Street levee flies in the face of physics. Water can't be squeezed. It doesn't compress. A broad flood racing down-valley will squirt out to both the left and right when it hits a barrier; and the volume that squirts to the **west** will pour right into the Hunter and Vineyard Valley floodplain. Surprise! Well, that's not an acceptable surprise. The DEIR must get a handle on the cubic footage of flood volume that would race around the western edge of the levee and what we can do about it.

No one seems to be considering one very likely scenario in a major flood. In my 37 years here, I have noticed that major floods usually cause severe erosion in the Napa River and feeder creeks, especially Sulphur Creek, whose geology upstream is very unstable. The banks **DO** wash out and huge old trees from willows to bays to oaks to 11

Letter C19 Cont.

redwoods fall into the creeks and are washed into the river. The arched openings on Pope Street bridge become very narrow as you go up. It would not take a lot for the bridge openings to get jammed with big trees, which would rapidly cause a vast amount of smaller vegetation carried by the flood to back up against the big stuff and pretty much plug the bridge. At that point, all theoretical calculations of the limits of this or that flood plain map go out the window. If the Hunter levee breaks and cars, Hunter houses and mobile homes get swept into the bridge, it will be a nightmare from Hell. The DEIR must acknowledge this possibility and figure out mitigating measures. 11 cont.

Alternatively, you could tear out the levee and add an Adams Street extension built on pilings across the floodplain to the Trail. But then, of course, all the Hunter structures would be washed out in a flood, as a revised DEIR would have to point out. 12

Even if you built the Adams Street extension on elevated pilings, an improperly located bridge would require that many large oak trees and other vegetation be cleared away, which would have massive environmental impacts on the presently rich riparian habitat of Napa River at the river crossing, as well as on the threatened/endangered fish species that depend on deeply shady stream banks to keep the water cool, and also on the existing high-quality river habitat between the undisturbed banks. This is where salmon and steelhead spawn and their fry remain as they grow up enough to make their way downstream. 13

To avoid that problem, the new Adams Street bridge could be located at the upper end of Vineyard Valley where all the native Valley and Coast Live Oaks, willows, Bay trees and every native under-story tree, shrub, vine and any other riparian vegetation taller than an herbaceous perennial has already been torn out. The DEIR should consider that alternative placement to avoid doing more ecological damage, and design it with on-and-off ramps to Vineyard Valley as a big bonus. 14

However, after looking at the "Flood Insurance Rate Map (FIRM) revised to reflect LOMR effective November 5, 2012," and talking to local officials about the location of the proposed Adams Street bridge, I understand it is planned to jut off from the levee somewhat north of Vineyard Valley and punch right through healthy riparian habitat. What DEIR mitigations could be created to legitimately offset further harm to Napa River's threatened and/or endangered species that would be destroyed by the bridge? 15

Finally, the Adams Street levee extension and bridge have been heavily promoted to local residents as a safe way out of town to St. Helena Hospital in case of flooding. Yet looking at the updated "FIRM", it is clear that even it its present proposed location, the new bridge would dump traffic onto the Silverado Trail deep in Napa River's 100 year flood plain. So there would be no benefit in "escaping" to the east across the Adams Street extension during a flood. And if, for environmental reasons, the bridge were located closer to or alongside Vineyard Valley, the location where it met up with the Trail would be even deeper into the hundred year flood plain. The DEIR needs to come up with a way to mitigate that problem, in which, as things stand now, the bridge would carry people into the largest flood zone in St. Helena and simply giving our "escapees" another place to drown. It would require a tremendous highway project on the Trail to raise it above flood stage all the way from the new bridge connection to a safe place on Deer Park Road for the trip to the Hospital, and the DEIR needs to explain and fully cost out how we would do it. 16

FEMA's NFIP records state that Vineyard Valley mobile home park and surrounding properties like Hunt's Grove are one of the highest repetitive flood loss locations in California, **as documented in the City's own "Flood Project Grant Application,"** yet nothing in the DEIR makes mention of how vulnerable the area is, and in fact states the threat of flooding is insignificant! The effort put into the Hunter DEIR was either inexcusably shoddy or downright deceptive and dishonest. Here we are, attempting to add more vulnerable housing and an Adams Street extension right in the repetitive flooding bullseye. Asking for trouble is bad enough. Do we really have to *beg* for it? 17

Sincerely,
Peter Mennen

P.O. Box 421
St. Helena CA 94574
707-963-1170

LETTER C19
Barbara Monnette
July 20, 2012

C19-1 Page 53 of the Draft EIR discusses the details of the proposed Adams Street and Starr Avenue extensions, as outlined in the General Plan. The road extension to Silverado Trail is not included as part of the proposed project. Please see Responses to Comments C19-2 through C19-13 for responses to the specific issues raised in Mr. Mennen's letter #3.

C19-2 See Response to Comment C7-4. Page 53 of the Draft EIR discusses the details of the proposed Adams Street and Starr Avenue extensions, as outlined in the General Plan. The City decision makers may consider the street extension issues as part of the project merits when considering approval of the project. The General Plan guidance to extend Adams Street through to Silverado Trail is not a requirement at any point in time. The volumes of traffic generated by this proposed project together with other traffic assumed under the cumulative condition would not require a connection between Adams Street and the Silverado Trail; a number of other environmental constraints related to crossing of the river may constrain development of such a crossing.

C19-3 The commenter's statement regarding the Adams Street extension is noted. The City decision makers may consider the street extension issues as part of the project merits when considering approval of the project. Please see Response to Comment C19-2 regarding the proposed street extensions.

C19-4 Page 301 of the Draft EIR begins the chapter on traffic and transportation. Detailed analysis is provided for both existing conditions and conditions that are modeled for the year 2030. Adams Street is included in the analysis. The Adams and Starr Street extensions would each have a width of 60 feet, as shown in Figure III-5 on page 54 of the Draft EIR. Each street would include parking on both sides and 4-foot wide sidewalks. The project would provide adequate access for pedestrian and bicycle movement within and through the project and would support subsequent extensions to provide non-vehicular access, such as the Vine Trail, as per the General Plan. The extension of Adams Street through to the Silverado Trail (and over the Napa River) is not proposed as part of this project, nor would the project result in an increase in traffic great enough to require such an extension. The fact that the General Plan shows Adams Street ultimately connecting to the Silverado Trail does not require this project to implement such improvement. See Response to Comment C19-2.

C19-5 A detailed analysis and modeling of traffic patterns was performed for existing conditions as well as for the year 2030, per CEQA requirements. The Draft EIR contains this analysis in the Traffic and Transportation chapter, beginning on page 301 as well as in Appendix E: Traffic and Circulation.

The Draft EIR found that the project would have significant impacts at the Silverado Trail/Pope Street intersection due to the increase in average delay at this intersection, and the contribution of increases in traffic to the intersection, where Rural Sign Warrant #3 criteria levels are currently met during weekday AM and PM and Saturday peak traffic hours. While the Draft EIR found these impacts would be mitigated with the implementation of Mitigation Measure TRAF-1 and Mitigation Measure TRAF-2, described on page 349 of the Draft EIR, the analysis found that even with mitigation these impacts would be significant and unavoidable.

C19-6 Please see Response to Comment C19-5 regarding the scope of the traffic analysis performed in the Draft EIR. The comment is noted, and the transportation and traffic conditions commented upon here contribute to the Draft EIR's finding of significant and unavoidable impacts.

C19-7 The comment reflects the commenter's opinion regarding traffic and circulation issues and is noted.

C19-8 Please see Response to Comment C19-5 regarding the scope of the traffic analysis performed in the Draft EIR. Potential impacts of a future expansion of Adams Street to connect to the Silverado Trail are not within the scope of this EIR. This EIR does, however, provide a wide-ranging, complete and thorough analysis of the traffic impacts that could result from the proposed project.

C19-9 The proposed project does not include an elevated road extension over the Napa River. Please see Response to Comment and C9-1 regarding the City's Comprehensive Flood Protection Program.

C19-10 The proposed project does not include an elevated road extension over the Napa River. Please see Response to Comment C9-1 regarding the City's Comprehensive Flood Protection Program.

C19-11 The commenter is correct that the typical hydrologic and hydraulic analyses that are used to determine the extent of the FEMA flood hazard areas do not take into account debris jams or other types of blockages that could occur at bridges. FEMA's expectation is that municipal and/or resource agencies would conduct appropriate maintenance of the channels to reduce this potential.

However, as described in the Draft EIR, the Flood Protection Project included a levee and floodwall with a 200-year level of flood protection and 3.0 feet of

freeboard above the 100-year flood level. This additional level of protection (beyond the 100-year flood) is specifically designed and included into these types of projects to account for potential real world variations that may occur in flood levels, including the type of scenario described by the commenter. Consistent with the CEQA standard, the project is protected by the 100-year flood event.

C19-12 This comment reflects the opinion of the commenter, and is noted. No further response is necessary.

C19-13 This comment reflects the opinion of the commenter, and is noted. No further response is necessary.

C19-14 This comment reflects the opinion of the commenter, and is noted. No further response is necessary.

C19-15 This comment discusses the Adams Street roadway extension to the Silverado Trail and potential environmental issues that should be considered. This roadway extension to the Silverado Trail is not part of the project. Therefore, this comment does not specifically address the adequacy of the EIR; no further response is necessary.

C19-16 This comment discusses the Adams Street roadway extension and potential public safety and hazardous issues that should be considered. This roadway extension is not part of the project. Therefore, this comment does not specifically address the adequacy of the EIR; no further response is necessary.

C19-17 The vulnerability of the mobile home park east of the project site was significantly reduced with the completion of the levee and floodwall associated with the Flood Protection Project. With FEMA's acceptance of the LOMR, the mobile home park is no longer in the FEMA 100-year flood hazard area (it was before). That the City would document localized flooding and detail the vulnerable land uses in its application for a flood control project is appropriate. But now that the Flood Control project is complete, the Draft EIR appropriately describes the current flood vulnerability of the project site as less than significant.

Letter
C20

Council Members, Mayor, and Interim City Planner,

I just read the attachment below regarding levee maintenance. It is detailed and daunting. Pages 9 and 10 and appendix B are especially noteworthy. I, as a St. Helena citizen, am commenting on the EIR for the Hunter Project, and request that the EIR recognize the need for the City of Saint Helena to demonstrate that there are adequately trained personnel, adequate funds set aside to pay these trained personnel, availability of this trained personnel during potential flood events, and a detailed protocol to maintain the levee appropriately, and to respond appropriately during high river events, before determining that the threat from the levee is less than significant. 1

I am

Sincerely yours,

Barbara (Bobbi) Monnette
(707) 963-2840

LETTER C20
Barbara Monnette
August 1, 2012

C20-1 The Flood Protection Project was designed based on best available hydrology and hydraulic information, including how flood waters move through the valley. FEMA reviewed and accepted the Letter of Map Revision which updates the current Flood Insurance Rate Map. The City has prepared an Operation and Maintenance Manual to provide guidance on required maintenance.[11] This manual is available for review at St. Helena City Hall during normal business hours.

[11] City of St. Helena, 2011. *Operations and Maintenance Manual for the St. Helena Comprehensive Flood Protection Project*, June.

Letter
C21

RECEIVED
AUG 31 2012
CITY OF ST. HELENA

644 Mc Corkle Avenue
Saint Helena, CA 94574
August 30, 2012

Matt Heil, Chair of the Planning Commission
Planning Commission Members
City Hall, Main Street
Saint Helena, Ca 94574

c: CC
PC
CM ✓
BD

HUNTER PROJECT DRAFT EIR

After public comments at the Planning Commission meeting on Tuesday, 8/28/12, Scott Stedman stated that "...it would be sufficient to address the comments in the final EIR." This statement was in response the Keith Wagner's assertion that "...the draft EIR has so many shortcomings that the city should issue a new draft that addresses the concerns raised by opponents and the planning commission." He further said that a new 45 day comment period should have taken place after the City and Consultants made appropriate changes to the DEIR, before a final draft was written up. 1

As reported in the Saint Helena Star on Thursday, 8/30/12, "... commissioners sided with Stegman" on this issue.

After the Tuesday meeting, I discussed this issue with Mr. Wagner. He stated that CEQA does not require a 45 day comment period after the final draft EIR is complete. It only requires, by law, that a 45 day comment period occur after the Draft EIR is submitted. That is why he suggested that the Planning Commission instruct the City to incorporate the comments and changes suggested at the last two PC meetings into the Draft EIR, and open a new comment period after that is completed. It may be traditional for there to be a 45 day comment period after the Final Draft is completed, but because that is not required by CEQA, I question the wisdom of waiting for the Final Draft before reopening the process for final comments.

Mr. Wagner stated case law around this issue that should be of interest to all of you. As a Citizen of Saint Helena, I am concerned about these discrepancies in the understanding and opinion of the two lawyers involved in the discussion last Tuesday. I request that the Planning Commission instruct the City Attorney to look into this issue, including the case law cited by Mr. Wagner at our last meeting, and inform the Commission and the Public before closing off the possibility of emending the Draft EIR and resubmitting it for public comment as a DEIR, as required by law, before the final draft is completed.

In addition, Mr. Wagner stated that the Minutes from the July 12, 2012 meeting were in error. I believe he stated that the motion made at the end of the July 12, 2012 meeting, directed the City to incorporate the changes and concerns expressed by the Commission into the Draft EIR, at which time the new public comment period would begin on that Draft EIR. He claimed that 2

Letter
C21
Cont.

the minutes only mentioned that the City was instructed to institute a new 45 day Public Comment Period.

2
cont.

Mr. Wagner referred to the tape of that meeting (7/12/12), for clarification of that motion. As a public citizen, I am concerned that the PC did not address that important alleged discrepancy in the minutes, and assume that the results of an investigation into this matter will be made clear in the minutes of the 8/28/12 meeting.

Sincerely,

Barbara Monnette

Bobbi Monnette (707) 963-2840

CC Mayor Britton
Gary Broad, City Manager

LETTER C21
Bobbi Monnette
August 30, 2012

C21-1 Please see Master Response #1: CEQA Process.

C21-2 Please see Master Response #1 – CEQA Process.

Letter
C22

September 3, 2012

Planning Department

City of St Helena

St Helena CA

Attn: Jerry Haag

The following are comments upon the Draft EIR for the Hunter Project and submitted on their behalf. Various documents are referenced in this comment. Documents already in the possession of the City are so identified. In cases where it is unclear that the City already has a document, it will be separately submitted. 1

Comment 1

The current General Plan description of the MR land use category indicates that both detached and attached single-family housing is allowed. Consistent with that, the current Zoning Code standards for the Medium Density District allows condominiums, town homes, duplexes, and triplexes, subject to stated design standards and a Use Permit. The Tentative Subdivision Map clearly indicates that the affordable housing component to be on Lot 52 is not determined at this time. While the TM does show one configuration relying upon apartments, the TM clearly states this is a "conceptual" layout. Moreover, the Project description as submitted by the Applicant clearly states that the nature of the affordable units had yet to be determined. 2

Comment 2

The Lipee letter also addresses and challenges other potential scenarios, such as a "Flag Lot" project to buttress their claim of Zoning inconsistency, but these are both premature and irrelevant. 3

Comment 3

The DEIR makes frequent reference to the pending General Plan Update and its associated EIR. In some cases, policies of the pending General Plan are used to assess both General Plan consistency as well as potential impacts under CEQA. Any reference to or reliance upon that document is inappropriate and should be removed. There is only one General Plan in force as a basis for CEQA review. It would be speculative to assume that the pending document will reflect any final version. The City Council has repeatedly considered significant changes in the current pending version of the General Plan Update. 4

Comment 4

In contrast, the adopted Housing Element is given minimal review for the purposes of assessing General Plan consistency and Project impacts. The fact that the "housing" issues per se were screened out during the scoping process does not mean that the Housing Element has no bearing on impact assessment under CEQA. Furthermore, there are many policies within the Housing Element that apply to the processing and approval of affordable housing projects. 5

A stated Project Objective is to support implementation of the programs and policies of the Housing Element. Pertinent policies include the encouragement of affordable housing, providing workforce housing, providing second units, ensuring the minimum anticipated densities are met with buildout of Housing Opportunity Sites, provision special housing and Granny units, etc.

Furthering existing Housing policies is a stated Project Objective, and provides both a basis for making Findings of Overriding Public Benefit and a basis for identifying and assessing Project Alternatives.

One significant and pertinent Housing Element policy that requires that the MR District Zoning Code requires that no Use Permit be required for multi-unit housing (Condominiums, townhomes, duplexes, and triplexes) after June of 2012. HCD required this deadline as a condition of approving the Housing Element.

Comment 5

<u>The DEIR does not distinguish which City policies and Code apply to the Project.</u>

The City Letter confirming Application Completeness serves to establish what policies are applicable to the Project. Thus any Municipal Code changes made subsequent to the Completion Date would not be applicable to the Project. The City has previously considered various policy and or Code changes to restrict or preclude the Project, subsequent to issuance of the Completeness Letter. Contract legal Counsel to the City advised the City that any after the fact General Plan or Municipal Code changes could not be applied to the Project or serve as a basis for denial. (Meyers Nave letter in City records) Give that critical timing aspect, the DEIR should focus on Code provisions and policies in force prior to issuance of the Completion Letter. 6

<u>Comment s regarding Unmitigated Significant Impacts</u>

<u>Comment 6</u>

The DEIR identifies three Significant Unmitigated Impacts resulting from the Project and Cumulative Impact assessments. The applicant believes these three issues can be reduce to less-than-significant impacts, based upon additional information not 7

reflected in the DEIR, prior CEQA actions taken by the City with respect to this parcel, and Conditions or further mitigations proposed by the applicant. 7 cont.

Comment 7

The DEIR identifies a significant impact with respect to the Loss of Prime Agricultural land. The DEIR appears to have exclusively relied upon the California Department of Conservation Important Farmland Mapping Program. Impact AGRI-1 states the Project would "convert Prime Farmland to non-agricultural use" (DEIR pg 10). This is incorrect. Prime Farmland must exhibit certain soil types and character, but also must have been under agricultural irrigation for at least four years "prior to the Important Farmland Map date"(attached). The Project site has not had agricultural irrigation since FILL, as confirmed by the vineyard manager and the City (Attached). The site well is used, but only for the purpose of irrigating the biotic portion of the St Helena flood control project to the east of the Project. The applicant has filed a formal request with the Department of Conservation to correct this designation. The EIR should take notice of the incorrect mapping of the Project site with respect to impacts under CEQA. 8

Comment 8

The DEIR also notes that the Project site has been designated for Medium Density housing in the 1993 General Plan now in force, and prior to then was designated as Urban Reserve (DEIR pg 95). The DEIR then offers up Mitigation Measure AGRI-1 that requires the applicant to replace acre for acre the current Prime Farmland that would be loss through some combination of conservation easements, farmland banking credits or other offsets. But concludes that while these measures will help minimize the project's 9

Significant environmental effects associated with the conversion of Prime Farmland, but not to a less-than-significant level. When farmland is converted to urban use, a requirement that conservation easements be obtained on other land does not replace the converted land, but such an easement can help diminish the development pressures created by the conversion of farmland. As a result, the City finds this impact significant and unavoidable.

This fails to differentiate between a "significant impact" versus a "less than significant impact". The implications of an absolute impact threshold is that a Project that converts one square foot of Prime Farmland would constitute a Significant Unmitigated Impact, thus triggering an EIR. impact, . This is not and never was the intent of the Department of Conservation mapping program. The purpose of the mapping is not to address CEQA compliance, but one of disclosure only.

Comment 9

Public comment in the Planning Commission hearing questioned how the Wine Train would affect traffic and safety. The Public Utilities Commission addressed this issue in their approval of Wine Train operations by assigning the responsibility to the Wine Train in consultation with the City (attached). 10

The CEQA checklist makes no differentiation between significant impact as opposed to a less than significant impact. Under that circumstance, it becomes appropriate to rely on local application and interpretation of "significance" and "mitigation".

Comment 10

The City of St Helena has already made a determination through the Housing Element Mitigated Negative Declaration that the loss of farmland on the Project site has been addressed both in the 1993 General Plan and the 2009 Housing Element Update.(in which the City designated the Project site as a "Housing Opportunity Site" as submitted to and approved by HCD. 11

The EIR for the 1993 General Plan discusses agricultural resources on pages II.A-3 and 4. Impact II.A.4 (found on page II.A-19), states that development consistent with the proposed General Plan Update's land use designations could lead to the conversion of prime agricultural land to urban use or the impairment of the productivity of prime agricultural land.
The Housing Element does not include any goals, policies, or actions that would result in impacts to agricultural resources above those previously identified in the General Plan EIR. No impacts to agricultural resources will result from the adoption of this update to the Housing Element.

Comment 11

The Housing Element MND also includes a mandatory Policy that states :

HE1.H Amend zoning for the Vidovich site (APN 009-180-034) from High Density Residential to Agricultural Use.

The Housing Element MND notes this would offset land lost toward Housing Opportunity sites.

Comment 12

In summary,

the Project sites does not qualify as Prime Farmland ,

the City has previously determined both in 1993 and 2009 that the site is designated for housing,

that both those determinations were made concluding that no significant impacts would result, with no legal challenge to either determination,

that the CEQA determinations made for the 1993 General Plan and the Draft EIR provides no substantial evidence that the loss of any amount of Prime Farmlands results in a significant unmitigated impact, 11 cont.

and the Hunter Project DEIR provides no new information that would run counter to the prior CEQA determinations made regarding this parcel.

<u>The Unmitigated traffic impacts are mitigatable and do not accurately reflect the Project</u>

Comment 13

The DEIR notes that the only Significant Unmitigated impacts are associated with the intersection of Pope Street and Silverado Trail as stated in Mitigation Measure TRAF-2 3, 4, 5, and 6. All of these reflect the need for signalization and extra lane capacity on Silverado Trail . 12

But after identifying the mitigations in items TRAF 2-6, the DEIR states that the impacts remain significant and unmitigated. No evidence is included that explains why the mitigations are insufficient.

Comment 14

The DEIR traffic section also is unclear whether the proposed signal at Pope/Silverado Trail was factored into the Project and Cumulative traffic analysis, including the potential that the Signal in and of itself, would reduce the impact to less than significant. . 13

Comment 15

Some of the traffic mitigations suggest that the additional lane capacity on Silverado Trail will be a function of the signalization. The DEIR should clearly describe the degree of mitigation offered by signalization, and then describe what remaining mitigation is required to address Silverado lane capacity both north and south. 14

Comment 16

The potential significance of the Pope Street bridge was reflected in public comments during the first Planning Commission in which speakers noted the current bridge as a traffic problem that was both unsafe and restricting traffic flow. The EIR should assess whether the Pope Street bridge affects local traffic flow. 15

Comment 17

The DEIR must also clarify the controlling jurisdiction for the proposed traffic signal at Pope Street and Silverado Trail, as well as the lane configuration for both north- 16

bound and south-bound traffic. While the DEIR does not discuss City versus County jurisdiction with respect to mitigation feasibility , the City Staff report dated for the first Planning Commission hearing stated, 16 cont.

Although Mitigation Measures TRAF-1, TRAF-2 and TRAF-3 recommends that the project sponsor provide a fair share contribution to improve this intersection, the intersection is largely out of City jurisdiction and this impact would remain significant and unavoidable.

The staff report does not elaborate further on the statement that the intersection is primarily n the County. The General Plan map indicates the intersection is in City jurisdiction with respect to the potential signalization site, and that a significant stretch of Silverado Trail near that intersection is also in the City control. This is further reinforced by the parcel- specific map prepared by the local LAFCO agency also shows that the intersection and associated approaches are in City control. (attached).

Comment 18

The EIR should also address the scenario where the necessary improvements to the Pope/Silverado that Trail lie within City jurisdiction would satisfactorily address the potential for the Applicant to resolve the SU impacts. 17

Comment 19

If the EIR determines that the "fair-share" funding by the applicant would not reduce the Pope/Silverado intersection significant impacts, than the EIR must examine the potential for the applicant to front additional funds under the terms of a reimbursement agreement that would accelerate some additional portion of the stated improvements. 18

Comment 20

Lastly, the Project objectives 3 and 4 specifically cite the intent to provide "work force" housing, consistent with local and regional policies, providing the potential to greatly reduce greenhouse gas emission, reduce traffic noise, support City stated policies for economic sustainability, and reduce traffic volumes to below current levels. The applicant further elaborated the proposal at the first Planning Commission hearing, specifically stating they were receptive to offering all market-rate and affordable units to households where the individuals presently live in the immediate area of Napa while commuting to St Helena. First priority could be given to qualifying public safety employees, followed by other public employees , such as City infrastructure positions (water and wastewater), local hospital staff, and local teachers. The common thread is to provide an opportunity for residents on Napa to relocate into the community in which they work on a daily basis(attached) 19

Comment 21

The DEIR must validate the assumption that new traffic associated with the Project would follow the same traffic distribution pattern as exists at present. There is no consideration that the affordable housing units or second units might not mimic the 20

generic flow distribution of present day. This becomes a critical issue when considered in the context of stated Project Objectives and adopted Housing Element policies. 20 cont.

The Air Quality analysis has a number of issues that must be corrected before any determination can be made with respect to potentially significant impacts and associated mitigations and determinations.. The Applicant believes that the conclusions reflected in the DEIR are not consistent with Project Objectives, are not consistent with Bay Area Air Quality Management District standards, does not apply the appropriate CEQA thresholds, and does not address the air pollutant reductions associated with Tier 4 technology already in common use at construction sites. 21

Comment 22

The DEIR does not appear to address the seasonal air movements along the Napa from the Bay to the upper valley. Studies show a significant pattern where not only is air movement reversed seasonally, but that the pollutants of concern vary consistently between summer and winter. This suggests the ability to craft a grading schedule that would further reduce impacts upon adjacent residents. 22

Comment 23

The DEIR also assumes a construction schedule and duration substantially longer that predicted by the Applicant . While the DEIR speaks of an 18-month period of rough grading and infrastructure, which is the primary contributor to the contaminants of concern, the Applicant has proposed a shorter timetable of three to six months, thus reducing the volume of contaminants of concern, and reducing the total annual production of contaminants of concern. 23

Comment 24

The DEIR Air Quality Analysis relies exclusively upon the 2010 CEQA Thresholds adopted by the BAAQMD for assessing air quality impacts, their significance, and potential mitigations. The Air Quality portion of the DEIR repeatedly cites the 2010 CEQA Guidelines and makes no reference to any other guiding documents or policies. 24

This becomes a critical issue since the BAAQMD has been ordered by the County of Alameda Superior Court to withdraw the 2010 CEQA Guidelines until those very Guidelines are assessed under CEQA. While an Alameda County Superior Court order outside of Sonoma County might not apply in Napa County, the BAAQMD took the practical approach to direct all local jurisdictions in their District to cease any use of the 2010 CEQA Thresholds document and revert to the prior version;

…the Air District has been ordered to set aside the Thresholds and is no longer recommending that these Thresholds be used as a general measure of a project's significant air quality impacts. Lead agencies may continue to rely

on the Air District's 1999 Thresholds of Significance and they may continue to make determinations regarding the significance of an individual project's air quality impacts based on the substantial evidence in the record for that project. (attached) 24 cont.

Comment 25

The DEIR acknowledges the retraction of the current CEQA threshholds on page 106 of the DEIR, and then asserts: 25

The City of St. Helena Planning Department, as the lead agency, has determined that BAAQMD's adopted Air Quality thresholds are appropriate for determining air quality impact significance for the proposed project

Comment 26

This is contrary to the guidance issued by the BAAQMD, as well as being inconsistent with the procedures for adoption of local CEQA Guidelines. The BAAQMD advisory specifically states that while the CEQA documentation can be used for technical functions(such as pollutant level calculation), the Thresholds portion should not be used for assessing the significance of impacts.

Comment 27

The City of St Helena cannot adopt the proposed Air Quality Thresholds without conditioning its own CEQA review of the BAAQMD policy. The BAAQMD did not conduct any CEQA review of the 2010 CEQA Guidelines, which means the City must conduct its own CEQA review for applying the 2010 rules, even if only to declare that adoption of the BAAQMD CEQA Thresholds of 2010. Since St Helena has not made its own determination with regard to adopting the 2010 rules as there own, they cannot be used for this EIR process. The default option is to use the prior BAAQMD 1999 Thresholds .(attached) 26

Comment 28

The inherent problem that resulted in the adverse Superior Court decision also applies in this case. Opponents to the proposed Thresholds noted that the Thresholds would work at cross-purposes with State objectives of encouraging more compact development and increased reliance on public transportation. This same issue applies to the proposed Project, with the disputed Thresholds running counter to various Housing Element policies. If the City is going to rely upon those Thresholds, they must demonstrate that there is substantial evidence to support using those Thresholds rather than the pre-existing 1999 Thresholds as recommended by the BAAQMD. 27

Comment 29

Nor can the City adopt City-wide air quality Thresholds without going through Public Notice process and potentially a public hearing. Regardless of whether the City adopts Thresholds by Ordinance, Resolution, or other means, some minimal level of discussion and disclosure must occur (attached) 28

Another issue with local reliance upon the BAAQMD withdrawn CEQA Thresholds is that CEQA provides for a very specific process to adopt Threshholds for a specific community. These include public notice and a public hearing prior to adopting community-specific thresholds. No such public process has been used to legitimize using Thresholds now withdrawn by the sponsoring Agency and overturned by a Court.

Comment 30

Lastly, even if the City went through the public process of adopting local air quality CEQA Thresholds, they would not be applicable to this Project, which obtained a Letter of Completion prior to the new CEQA rule. (see Meyers Nave letter attached) 29

Comment 31

Another issue to be clarified is the assumptions with respect to the degree of pollution controls on diesel equipment. The DEIR apparently did the bulk of its emission assumptions based upon Tier 2 equipment, while noting that Tier 3 would FILL. Contact with contractors in the North Bay indicates that larger construction firms have already upgraded to Tier 4 standards for diesel construction equipment. The Applicant is committed to using Tier 4 Equipment and will provide documentation and a complete analysis of pollutant reduction. That being the case, the air quality analysis should be examined in light of greater emission controls over diesel emissions than assumed in the DEIR Air Quality assessment. The applicant is committed to complete site preparation within 3 to 6 months using Tier 4 equipment. 30

Comment 32

The Air Quality analysis should also distinguish between Project impacts upon current residents, as opposed to impacts upon the residents residing in the Hunter Project. Several CEQA Appellate Court decisions have reinforced the premise that CEQA is focused on the environment as it existing prior to the Project This is consistent with the fundamental premise that impacts are measured against the "baseline" condition,in this case, the residences in the existing neighborhood to the south of the Project site. 31

<u>The DEIR has some areas of internal inconsistency that should by reconciled.</u>

Comment 33

The discussion of the levee and flooding boundaries is addressed in two locations in the DEIR and produce two different mitigations. Impact HYD-3 states that 32

The proposed project could result in development within the 100-year flood hazard zone and increase flood inundation depths at and away from the site.

The proposed Mitigation is to rely upon Code Section 15-52 that requires specific floor heights within a "FEMA 100-year flood hazard Zone" with respect to "current " FEMA base map elevations. While the compliance occurs prior to occupancy, the word "current" can be interpreted to mean current as per the FEMA mapping at the time the EIR was initiated or the FEMA Map in force at the time of applying for Occupancy Permits.

Comment 34

Contrary to that approach ,Impact HYD 4 notes potential impacts associated with levee failure, and the associated mitigation requires all floor elevations be based upon the pre-levee flood mapping, in spite of the flood control project. The flood control project is accepted as providing control over a 200-year flood event, which is comparable to the high standards required by California law and policy for the Central Valley (documents previously submitted). 33

Comment 35

HYD-4 then addresses levee failure by stating that a study must be done to determine that "portions of the site within the pre-Flood Control Project floodplain would not be inundated during a worst-case levee failure scenario". No definition is provided for the legal or engineering definition of inundation. Finally, the Mitigation states that only those portions of the prior flood zone "that are not at risk of damage from a levee failure may be issued building permits. 34

Comment 36

This has several flaws. The first is that the DEIR already relies upon City Code provisions with respect to floor height over 100-year flood levels. There is not clear impact shown that should bind the Project engineering to an outdated flood zone boundary. Secondly the mitigation introduces undefined and ambiguous terms such as "inundated" and "damage". The blanket damage rule as described would negate the purpose of having an established and accepted design standard in the City Code.

Third, much of the levee failure discussion on DEIR page 242-246 consist of an extended discussion of the very low probability of levee failure, as well as providing qualitative references to FEMA information. The striking omission is that at no time does the DEIR attempt to determine the relative risk of levee failure within the stated 2030 cumulative impact time horizon. As described in the DEIR, it would take a sequence of unlikely occurrences to occur simultaneously to result in the

inundation outcome. Even when tested against the FEMA guidelines for levee risk (Previously submitted), the DEIR sets all of that aside and proposes a mitigation that bars any residences in the current 100-year zone if they might suffer (undefined) damage in an inundation (also undefined) generated by an extreme storm event (also undefined). The result is a determination of a significant impact without references to the probability of an adverse event, the scope of acceptable risk, and applicability of standards and thresholds from the two controlling agencies of FEMA and the Department of Water Resources. The Applicant has previously submitted a levee failure report into the Record based upon the engineering data of the St Helena levee and agency standards. 34 cont.

Comment 37

The impact analysis with regards to flooding and levee failure should be revised to first identify applicable thresholds or standards, then integrate the FEMA remapping with respect to capacity and safety under FEMA standards, then determine the scope of unacceptable risk factors or events, then determine the probability of such events in the context of site-specific data within by 2030, and finally apply City Codes and policies to the extent they predate the Letter of Completion. 35

<u>The Public Services portion of the DEIR contains incorrect information and incomplete information with respect to Project site well usage.</u>

Comment 38

The DEIR incorrectly states the Project site well has historically used for vineyard irrigation. As noted above, the well has not been used for agricultural irrigation for over a decade. Its present use is limited to providing water to landscaping associated with the St Helena Flood Control Project habitat restoration. 36

Comment 39

At the first public DEIR hearing before the Planning Commission, two residents stated that there are groundwater problems since their own wells have periodically gone dry in the summer. This is not substantial evidence under CEQA since there are too many unknown variables , such as depth of well, water usage levels, drawdown recovery time, static level, etc. The information previously provided by the Applicant show fluctuation between years and seasons, but no evidence of overdrafting as a continuing trend. Well data submitted by City. County, and State agencies do not reflect any significant overdrafting , and show drawdown only in the immediate vicinity of wells. 37

Comment 40

The DEIR discussion of City ordinances and policies should not reflect any material or actions that were subsequent to the Letter of Completion for the Project submittal. 38

Comment 42

The DEIR must acknowledge with respect to water supply and allocation that the City is required to and address the Government Code Section 65589.7(a) and Housing Element Policy HE.1.D with respect to the City providing priority access to water or sewer capacity ahead of other new projects. The applicant has previously submitted an estimate of Project water demand to the City Public Works Department, so as to preserve that allocation (previously provided). 39

Comment 42

Setting aside the No Project Alternative, the two other Alternatives both rely upon reducing Project unit count. The current Project is already at the minimum yield under the current General Plan Land Use Category and the MR Zoning District. The DEIR acknowledges this conflict but resolves it by proposing changing the Land Use Designation to Low Density and rezoning to the Low Density Residential District. But the DEIR fails to examine these changes any further. 40

43

The DEIR also fails to address consistency of the two Reduced Unit alternatives with the current Housing Element. The site is designated as a Housing Opportunity Site with a stated minimum yield. As noted above, the significant reduction in units is contrary to the Housing Element as certified by HCD. 41

Comment 44

The Reduced Unit alternatives are not consistently assessed against multiple Project Objectives. The DEIR incorrectly states that the only Project Objective not satisfied by the Reduced Unit Alternatives is Objective 1 that calls site development consistent with the General Plan. 42

Comment 45

The Applicant is proposing one additional Alternative. This is the Traffic Mitigation Workforce Alternative. This alternative is identical to the Project as proposed, with one significant difference. The Applicant has previously indicated their intent to provide a significant workforce housing component, as stated to the Planning Commission and reflected in Project Objectives and the current Housing Element. This alternative would provide a number of workforce housing (market and affordable) to target public employees who work in St Helena and presently live in southern Napa County. The specific number of such units would be capped at the point that the reduced traffic flow eliminates the Significant Unmitigated Impacts at 43

the intersection of Pope Street and Silverado Trail as associated with the Project as submitted. As stated previously, the Applicant is willing to work with City staff to ensure the completion of the workforce component, as reflected in either EIR mitigations or Conditions of Approval. 43 cont.

Thank you for your efforts, and we look forward to ending with a robust and helpful EIR. If you need to have any documents resubmitted, please feel free to let me know. 44

Scot Stegeman

LETTER C22
Scot Stegeman
September 3, 2012

C22-1 This is an introductory comment. Please see Responses to Comments C22-2 through C22-30 for responses to the specific issues raised in Mr. Stegeman's letter.

C22-2 This is a clarification of the conceptual proposal for attached units and is not a comment on the adequacy of the Draft EIR. No further response is necessary.

C22-3 Please see Response to Comment B2-5. The term "Flag Lot" on page 50 of the Draft EIR was used only for description purposes and was not intended to mean Flag Lot as it is defined in the City's Municipal Code.

C22-4 The Draft General Plan was used for illustrative purposes only to show the potential similarities and differences between the current General Plan and the Draft General Plan.

C22-5 The Draft EIR discusses the City's Housing Element and its relationship to the project on page 46. Under the discussion of the General Plan Update, the Draft EIR explains that the Hunter property is one of 15 Key Opportunity Sites listed in the Housing Element. The Staff Reports prepared for the Planning Commission and City Council public hearings will contain a thorough and complete analysis of the proposed project in light of the City's Housing Element and other General Plan Elements.

C22-6 This is a clarification of the applicable policies regulating the project and is not a comment on the adequacy of the Draft EIR.

C22-7 This comment is noted. See individual responses below.

C22-8 See Master Response #3 – Loss of Agricultural Land.

C22-9 See Master Response #3 – Loss of Agricultural Land.

C22-10 This comment does not relate to the adequacy of the Draft EIR. No further response is necessary.

C22-11 See Master Response #3 – Loss of Agricultural Land.

C22-12 The mitigations would be sufficient to address the identified impact. The impact is only considered significant and unavoidable because the intersection is not entirely within the City of St. Helena, and accomplishing the improvements (i.e., mitigating the impact) would require participation with the County of Napa. The Draft EIR cannot assume mitigation without working with the County first, thus, the mitigation is considered significant and unavoidable as determined by the City of St. Helena. Additionally, numerous complications would make improvements to the Silverado Trail/Pope Street intersection economically infeasible, including the close proximity of the Napa River, the presence of a historic bridge, and the current narrowness of Pope Street on the bridge.

C22-13 The signal and turn lane improvements shown in the Draft EIR as mitigation measures for the Pope Street /Silverado Trail intersection are required to mitigate project traffic impacts.

C22-14 The northbound left turn lane improvement (lengthening) and southbound right turn lane improvement (add a formal southbound right turn lane), in combination with signalization of the intersection, would provide the needed mitigation for the impact identified at the Pope/Silverado Trail intersection. The project would be required to contribute its fair share to these improvements.

C22-15 The Pope Street Bridge restricts traffic flow over the bridge to one-lane each direction. It has the effect of slowing traffic speeds. At existing traffic levels, the flow of traffic is acceptable at this location.

C22-16 Over one-half of the Pope Street/Silverado Trail intersection is within the unincorporated portion of Napa County. The City of St. Helena has no authority to approve improvement plans for this intersection and has no legal authority to require Napa County to approve such plans. The City would work in cooperation with the County of Napa to make all improvements to this intersection, but the impact remains potentially significant and unavoidable since this improvement cannot be guaranteed.

C22-17 Cities and counties regularly work together to accomplish roadway and intersection improvements. There is no reason to assume that this cannot be done. However, since the mitigation requires cooperation between jurisdictions, the EIR cannot assume this mitigation, and for legal reasons, must consider the impact Significant and Unavoidable.

C22-18 This comment regarding the applicant's potential funding of intersection improvements is not an issue for the EIR, but could be addressed as a Condition of Approval during the City review process.

C22-19 This comment deals with the potential unit mix (affordable and market rate) and the City's housing policy as it relates to the Hunter development and its future residents, which is outside the scope of the Draft EIR.

C22-20 It is necessary to have a factual basis for determining traffic distribution, and observed traffic patterns are often the best indicators. There is no reason to assume that attached units or lower cost housing would have a different distribution pattern than that of single family housing, however, the trip rates for these land uses are different, as shown in Table IV.L-12, Project Trip Generation. For the Hunter Subdivision project traffic, the proposed new roadway connection (extension of Starr Avenue) between Hunt Avenue and Adams Street creates localized redistribution of ambient and project-generated traffic. This redistribution is shown in detail in Appendix Figures A-7, A-8 and A-9.

C22-21 See Responses to Comments C22-22, C-23 and C-24 below.

C22-22 The commenter refers to studies that show seasonal patterns of wind flow and pollutants of concern. Since the commenter did not provide reference to any specific studies, it is not possible to evaluate whether these studies are relevant. However, air quality impacts are evaluated based on the project's potential to impact both regional and local air quality. To evaluate the impact on regional air quality, the emissions from construction were quantified and compared against the thresholds of significance in units of pounds per day, which do not consider prevailing wind directions. An evaluation of the localized impact may be performed with consideration of meteorological conditions, including seasonal variations of prevailing wind direction; however, such an evaluation could not be performed for this project since a detailed construction schedule had not been determined at the time the analysis was conducted.

C22-23 The air quality impact from construction was evaluated based on the schedule as stated in Section 4 (Phasing and Construction Schedule) of the Draft EIR, "the applicant anticipates that the site improvements (including but not limited to overall grading and installation of roads, water, sewer, telecommunication, electrical and natural gas lines) for the project would be completed within 18 months." It should be noted however, that reducing the period of construction would not reduce the amount of pollutants emitted during construction.

C22-24 The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency involved, based to the extent possible on scientific and factual data. As the Lead Agency for the project, the City of St. Helena has the authority to determine the appropriate thresholds of significance for air quality impacts.

The use of the BAAQMD's CEQA Guidelines 2011 was consistent with the methodology used for evaluation of the St. Helena General Plan update 2010. Substantial evidence supporting the BAAQMD's CEQA Guidelines 2011 thresholds of significance for air quality impacts can be found in BAAQMD, *Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance*, October 2009.

BAAQMD's adoption of the thresholds was called into question by an order issued March 5, 2012, in *California Building Industry Association v. BAAQMD* (Alameda Superior Court Case No. RGI0548693). The order required BAAQMD to set aside its approval of the thresholds until it has conducted environmental review under CEQA. The final decision on the case has not yet been made.

The claims made in the case concerned the environmental impacts of adopting the thresholds, that is, how the thresholds would indirectly affect land use development patterns. Those issues are not relevant to the scientific basis of BAAQMD's analysis of what levels of pollutants should be deemed significant. This analysis considers the science informing the thresholds as being supported by substantial evidence. Scientific information supporting the thresholds was documented in BAAQMD's proposed thresholds of significance analysis.[12] This analysis herein uses the thresholds and methodologies from BAAQMD's May 2011 CEQA Air Quality Guidelines to determine the potential impacts of the project on the existing environment.

C22-25 Please see Response to Comment C22-24.

C22-26 Please see Response to Comment C22-24.

C22-27 Please see Response to Comment C22-24.

C22-28 Please see Response to Comment C22-24.

C22-29 Please see Response to Comment C22-24.

C22-30 Emission standards for diesel construction equipment are based on the manufacture year of the engine. The quantification of emissions from construction was performed using the most current version of Urban Emissions (URBEMIS) model in accordance with BAAQMD guidelines. The model uses the California Air Resources Board's OFFROAD2007 model for off-road vehicle emissions. The emissions from construction equipment are County specific and based on the estimated population of specific types of construction equipment and the year

[12] BAAQMD. 2009. *California Environmental Quality Act Guidelines Update Proposed Thresholds of Significance*. December.

manufactured. In other words, the emissions used are an average for Napa County, based on prediction of the type of construction equipment operating in Napa County and the varying ages of that equipment. Since the project, as defined, does not restrict the use of older construction equipment this is a reasonable and conservative assumption.

As stated in the Draft EIR, California Air Resources Board's In-Use Off-Road Diesel Vehicle and Large Spark Ignition Fleet Regulations would require construction equipment fleet operators to upgrade to newer equipment or retrofit older equipment to meet specified fleet averages. At the time the Draft EIR was prepared, the schedule for implementing and enforcing the In-Use Off-Road Diesel Vehicle and Large Spark Ignition Fleet Regulations was uncertain. The current schedule for construction equipment operators to meet the requirements is: January 1, 2014, for large fleets, January 1, 2017, for medium fleets, and January 1, 2019, for small fleets. Therefore, there is no regulatory requirement that any or all of the equipment would meet Tier 4 emission standards.

In addition, the requirement that construction equipment manufacturers produce equipment meeting Tier 4 emission standards did not begin until this year – 2013.Some construction equipment manufactured in 2013, although not all, are required to meet *Interim* Tier 4 standards. The requirement to meet Tier 4 emission standards in 2013 only applies to equipment with 25 to 49 horsepower engines. Equipment with 175 to 750 horsepower engines would not be required meet Tier 4 emission standards until 2014; all equipment would be required to meet Tier 4 standards by 2015. Therefore, to assume that all the equipment used in the project's construction phase would be equipped with Tier 4 would not be realistic.

To reduce the potential localized air quality impact from construction on the nearby residences, Mitigation Measure Air-2b requires the use of construction equipment with Tier 3 or retrofitted older equipment to meet Tier 3 emission standards. It is expected that Tier 3 engines or retrofitted older equipment would be readily available for use during construction.

C22-31 The air quality analysis provides potential criteria pollutant concentrations for construction and operational impacts as well as exposure to Toxic Air Contaminants by sensitive receptors. These analyses apply to both current residents (construction analysis) and future residents (operational analysis).

C22-32 Impact and Mitigation Measure HYD-3, referred to by the commenter, which addresses potential impacts related to placing housing in the 100-year flood hazard area, has been modified (i.e., changed from a significant impact to a less-than-significant impact) because no portion of the project site is now located within the 100-year flood hazard area. FEMA has accepted the Flood Protection

Project and has officially revised the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map. Since the project site is no longer in the 100-year flood hazard area, placement of fill would not raise flood inundation depths at or away from the project site. This mitigation measure is no longer necessary (and has been deleted from the EIR).

C22-33 The City continues to support this mitigation to provide an additional level of protection for the residences constructed behind the levee in the remote chance of levee breech or overtopping.

The third full paragraph on page 245 of the Draft EIR is revised as follows:
The Flood Protection Project levee system is designed to provide protection for the 200-year flood event (under CEQA, the criteria for flood protection is the 100-year event) with 3 feet of freeboard. By approving the current FIRM, FEMA has recognized the levee. Recognition of the levee system by FEMA is a critical step in the process of risk evaluation. FEMA has indicated that the City has adequately addressed all the levee safety criteria described above.

C22-34 The preparers of the Draft EIR agree with the commenter that the mitigation measure was not adequately specific with regard to the definition of "inundation." Notably, FEMA has accepted the Flood Protection Project and has officially revised the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map and the project site is no longer located within the 100-year flood hazard area. The Draft EIR text has been modified to clarify that inundation refers to flood water levels exceeding the lowest finished floor elevation.

The Mitigation Measure on page 246 of the Draft EIR is revised as follows:

> Mitigation Measure HYD-3: Based on consultation with the City and to provide an additional level of protection for the residences constructed behind the levee:
>
> 1) All residences located within the existing former~~existing~~ FEMA 100-year flood hazard zone (the pre-Flood Protection Project floodplain) shall be constructed so that the lowest floor elevation is a minimum of 18 inches above the pre-Flood Protection Project base flood elevations. The applicant shall prepare grading plans and construction specifications that demonstrate that any homes proposed to be constructed within the pre-Flood Protection Project 100-year hazard zone are elevated so that the lowest floor is 18 inches above the base flood elevation (i.e., the elevation of the 100-year flood). During construction, these elevations shall be confirmed by a licensed land surveyor and documentation, signed and stamped by the land surveyor, submitted to the City prior to issuance of occupancy permits.

1) To address levee failure, an engineering analysis performed by a qualified professional engineer shall be prepared that demonstrates that those portions of the project site within the pre-Flood Protection Project floodplain would not be inundated during a worst-case levee failure scenario (inundation refers to flood water levels exceeding the lowest finished floor elevation). The analysis shall be reviewed by the City and only those portions of the pre-Flood Control project floodplain that are not at risk of damage from a levee failure may be issued building permits.

In addition, the project sponsor . . .

The preparers of the Draft EIR do not agree that the analysis and requirement for mitigation must be limited or tied to existing City Code requirements.

Regarding submission of a levee failure report, the comment is noted and no further discussion is required.

C22-35 Please refer to Response to Comment C22-34 for a discussion of the 2030 planning horizon and the use of City Codes in development of mitigation measures. The City continues to support this mitigation to provide an additional level of protection for the residences constructed behind the levee.

C22-36 Please see Master Response #5 – Water Supply: Groundwater Conditions and Availability.

C22-37 Please see Master Response #5 – Water Supply: Groundwater Conditions and Availability.

C22-38 Unclear as to what policies or ordinances the commenter is referring to.

C22-39 The referenced policy has been added to the Draft General Plan discussion on page 283 of the Draft EIR.

The existing General Plan policy table on page 283 is revised as follows:

PARKS AND RECREATION
POLICY 10.3.5 Encourage developers to provide open space and recreational facilities as part of new residential developments. The City may consider density bonuses for the inclusion of significant public recreational facilities in new development
POLICY 10.3.6 Assess park development fees on all new commercial, industrial, and residential development sufficient to fund City-wide park improvements.

HOUSING
POLICY 1.D Give projects that include affordable housing units priority access to water and sewer resources over other new projects should the capacity of the local water or sewer systems become inadequate to meet the full demand for new connections.

C22-40 The Residential/Agricultural Preserve Alternative assumes the minimum density permitted in the MR Zoning District—5.1 dwelling units/acre—on the portion of the site designated as residential. The reminder of the site would be need to be redesignated and rezoned for Agriculture purposes. The Reduced Density Alternative assumes a density less than the minimum required in the MR Zoning District and therefore would require redesignation and rezoning to Low Density as noted by the commenter. If one of these alternatives were selected, the City would have to identify additional sites, as per Government Code Section 65863(b), to meet the no net loss in residential unit capacity. The 2009 Housing Element identifies a surplus of sites to meet the Regional Housing Needs Allocation, across all income levels.

C22-41 See Response to Comment C22-40.

C22-42 The Residential/Agricultural Preserve and Reduced Density alternatives both satisfy each of the project objectives, except for Objective 1, as stated in the Draft EIR. Although each of these alternatives reduces the total number of units, each still provides a range of housing types as supported in Objective 2 and documented in Tables V-1 and V-2. These alternatives also support Objective 3 by contributing housing which could be developed at workforce or affordable housing levels. Moreover, these alternatives do not preclude meeting the Regional Housing Needs Allocation as described in Comment C22-40.

C22-43 The Reduced Density Alternative and the Residential/ Agricultural Preserve Alternative both reduced the total units from 87 to 50. According to preliminary testing by the EIR traffic consultant, to reduce traffic impacts from the project over existing conditions, traffic from existing development and the project would need to decline by 55 percent to address the Level of Service issue, by 17 percent to address the signal warrant issue, and by 40 percent to address the westbound left turn queue issue. Traffic from future conditions in 2030, including the project, would need to be reduced by 75-80 percent to address the Level of Service issue, by 9% to address the signal warrant issue, and by 40% to address the westbound left turn queue issue to reduce traffic impacts to a less than significant level.

C22-44 Comment noted.

Letter
C23

Noise, Light, Air – to consider for the EIR

How will the noise generated from the extension of Adams Street impact the neighborhoods in Grove Court and Monte Vista whose back yards will become a through way for traffic in the East West direction across the City? 1

What is the noise, light and air quality environmental impacts of the extension of Adams, and what is the environmental affect on people's privacy, peace and safety in the Grove Court and Monte Vista neighborhoods? Why was this not quantified in the EIR?

People who live along in those neighborhoods now, have no noise, lighting or pollution. Since their back yards will be along the street, how will the project impact their safety and security?

How will the increased traffic through Starr affect those people's peace, safety and security? What are the projected number of additional trips down Starr which will result from extending Starr to Adams? You have to include the numbers showing the expected trips from West Side to East side that will occur as everyone in town on the West side takes the Adams/Starr connection to get across town or to the Trail the fastest and most direct way. How will this increased traffic be mitigated for those of us who live on Starr, Pope Street, Grove Ct and Monte Vista neighborhoods? 2

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Jack Mitchell

LETTER C23
Jack Mitchell
NO DATE

C23-1 The rear yard of homes at the terminus of Grove Court and Monte Vista Avenue would remain immediately adjacent to vineyards as the right-of-way for Adams Street is located approximately 50 feet beyond the rear property line of the existing residential properties and the existing vineyards on that 50-foot wide piece of the property would remain. The rear yards of the multi-family (primarily two-story) residential located on the north side of Monte Vista Avenue would be adjacent to the proposed attached-unit residential development. Pages 259-261 of the Draft EIR discusses the noise and vibration impacts from traffic on Adams and Starr Avenues. The noise study indicated that noise levels, after the project is complete, would not increase over 5dBA , which is categorized as a less-than-significant impact according to established standards. The noise levels on the existing portion of Adams Street are projected to be less than 52dBA at 50 feet from the center of the road. Traffic volumes on the new extension of Adam Street would be lower than the existing segment. As a result, the noise levels would be incrementally lower. As shown in Table IV.J-3, noise levels less than 55dBA are identified as completely compatible with all land use types including residential, according to the City's 1993 General Plan. Please see Table IV. J-6 on page 261 of the Draft EIR for the data on Adams Street and Starr Avenue. Light and glare impacts are addressed by AES-1 on page 86 of the Draft EIR.

C23-2 Traffic levels would be increased by the volumes disclosed in the Draft EIR. Project volumes for peak traffic time periods are shown on Starr Avenue in Figures IV.L-14, IV.L-15 and IV.L-16 for Existing with Project traffic, and Figures IV.L-17, IV.L -18, and IV.L -19 for year 2030 with Project traffic. Appendix Figures A-7, A-8 and A-9 show the details of redistributed traffic which includes some increase in trips from west to east side. The analysis does not indicate that any of the intersections along Starr Avenue would be significantly impacted either in the project or cumulative conditions. As a result, no mitigation is required. Based on the traffic analysis the increase on Starr Avenue would not be great enough to result in unsafe conditions. The increase would likely be noticeable and could incrementally affect the existing environment, but the increase would not trigger any significant impacts under CEQA related to people's peace, safety or security.

Letter
C24

8/29/12

Submitted to the St Helena Planning Commission for inclusion in the Hunter project EIR 1

Please answer all questions included in this text. Thank you.

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Population and the Impacts on Parks and Services

1 - The proposed occupancy of the project of 211 persons is non-representative of the area, and needs to be corrected. The EIR must re-calculate occupancy based on the reality of occupation in this area, including the HCD allowable occupancy for affordable housing. The EIR must then use those more realistic population numbers for growth and traffic. What is the RANGE of population increases possible for this size project. Then, what are the related impacts to services, classroom sizes, water use, and traffic of these population ranges? This is critical for the community to know – unless the EIR consultants will come back and fix the traffic, water, and other problems in St Helena caused by their "single number guess" at the population increase that is most likely to be incorrect. P.288 2

> The projected occupancy rate needs to accurately reflect the type and size of housing for this project. In general, affordable units have higher than average occupancy rates. In fact, HCD has had to place limits on affordable housing occupancy to be: 7 persons in a 3 bedroom unit, 5 persons in 2 bedroom unit, and 3 persons in a 1 bedroom unit. These numbers must be used to realistically represent the possible occupancy of the affordable units particularly because in St Helena, high occupancy rates have been consistent through time and are well documented throughout the City documents and low income apartments – much of the very high occupancy is related to the Agricultural jobs in the area.
>
> Additionally, the 51 large homes will be 3-4 bedrooms and will likely include families, which is not reflected in the 2.43 per house numbers.
>
> Using the existing persons/household of 2.43 is due in part because St Helena has a higher than normal senior population resulting in smaller household sizes. Additionally, based on public comments from local housing advocates, many apartments throughout the City are over-occupied and are not reporting numbers accurately which also contributes to a lower than realistic average.
>
> The possible RANGE of population increase must be provided in order to understand possible mitigations. A "guess" at the middle is insufficient.

2 - The EIR does not provide a mitigating solution to the need for more police officers as a result of the project. P. 288 Residents of St Helena have been told that the City has been reducing police staff for years and has no plans or budget to expand police services due to financial 3

Letter C24 cont.

constraints. The immediate need for more police as a result of hundreds more people is an unresolved impact - there was no mitigation offered in the draft EIR. Please adequately address that is this EIR. 3 cont.

3 - The EIR does not address the CEQA significance criteria of "Increasing the use of parks or other facilities such that physical deterioration of the facility would occur or be accelerated." How will the further reduction of parks by hundreds more residents using the already insufficient levels of existing City park space be mitigated? Presently, St Helena is deficient in parklands based on the existing General Plan (City needs 6.0 acres/1000 persons, has only 4.3). A growth in population (specifically greater than the ABAG projections for St Helena – see Housing Needs Assessment document) would certainly strain the over-used and over-crowded Crane Park which is the main recreational park in the City, and Meily Park which is the only recreational option on the East Side and houses no playing fields or games (ex. Bocce, shuffleboard, etc.). The population addition would increase the already insufficient percentage of parkland per resident (93 Gnl Pln, 2030 GPUpdate, National Parks and Recreation Association) 4

Further, why does the EIR reference the 2030 GP Update for population growth projections, but omits references to the 2030 GP Update regarding parks – the Population numbers support the project and the Park references causes additional negative impacts. This seems to be a random usage of the reference material.

Schools and Classroom sizes

1 - The EIR must calculate the projected change to classroom size and present the information. What will the classroom sizes grow to as a result of adding nearly 100 households? P. 286 It is inappropriate for this EIR to simply say that "classroom size, per se, does not constitute a significant effect on the environment", just because one court case ruled that way. This is our lives, and we moved here because of the schools. DO the work and calculate the effect on classroom sizes. Then, let us decide if it has "no effect on the environment of our City. How can more traffic be an issue to our environment, but larger classes and less access to teachers not be? Our kids are our environment. 5

Chuck Vondra, St Helena

LETTER C24
Chuck Vondra
August 29, 2012

C24-1 This is an introductory comment. Please see Responses to Comments C24-2 through C24-5 for responses to the specific issues raised in Mr. Vondra's letter.

C24-2 The project would have a maximum of 87 new housing units and up to 211 new residents. The number of residents were calculated based on the City's most recently used generation factor of 2.4 for the General Plan Draft EIR. The number of affordable units has yet to be determined and is outside the scope of the Draft EIR.

C24-3 The St. Helena Police Chief determined that current staffing levels and facilities would be adequate for the increase in population from the project (page 288, footnote 39 of the Draft EIR). As a result, no mitigation is necessary. Additionally, it is noted that the CEQA threshold for determining that a service impact is significant under CEQA is quite high and is restated below:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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 following public services: fire protection; police protection; schools; or other public facilities;

C24-4 Page 291 of the Draft EIR analyzes the impact of the project on parks and recreation. The city has identified three potential future park sites totaling 42.25 acres, one of which is adjacent to the project site. In addition, the civic improvement impact fee of $2.25 per square foot of new construction would be directed to the Civic Improvement Fund which includes improvements to parks and recreation that would be developed independent of the proposed project. The Draft EIR acknowledges that the proposed project would increase the use of parks and recreation areas. However, the incremental increase is not expected to result in substantial or accelerated physical deterioration and would not require the construction or expansion of recreational facilities.

C24-5 The CEQA Guidelines do not require calculations of classroom size increases from a project and the City of St. Helena General Plan does not have a specific policy related to school service levels.

Additionally, California Government Code Section 65995(3)(h) states that the payment of statutory school fees is deemed to be full and complete mitigation of the impacts of any development. As stated on page 290 of the Draft EIR, the applicant would pay $2.97 per square foot of new construction.

Letter
C25

These issues are submitted in response to the Hunter project draft EIR – Sep 4 1

- **Mid-November traffic measurements in the draft EIR are NOT representative of traffic in St Helena which is an agricultural and tourist centric City – in November:** 2
  A) Harvest agricultural activity is over , or at the tail end
  B) The tourist seasons of a) summer and b) harvest tourism and celebrations are over

  Therefore, additional traffic measurements must be conducted during the many months of traffic congestion backed up all the way from Rutherford on Friday through Sunday that residents and visitors already suffer through (June – October) in order to have an accurate understanding of traffic. This was already requested for the EIR draft, yet no work was done to evaluate the traffic in summer, or months other than November which is NOT representative of normal traffic for much of the year. Extrapolation is inadequate – please don't "guess" with our City's future.

- **There must be traffic counts done for Sundays**
  St Helena is a tourist centric City and experiences significant visitor-ship on Sundays. This information is critical to determining the impact on traffic to locals and visitors. Why were Sunday traffic counts not evaluated in the Draft EIR? It must be done going forward.

- **Peak counts for lunch time on Friday, Saturday and Sunday must be included in the EIR.**
  St Helena has significant traffic on Friday and weekend days at lunchtime due to restaurants, tasting rooms, and shopping along Main St. that consistently affects residents and visitors. Those numbers were not addressed in the EIR draft must be included in the EIR in order to represent traffic impact to residents and visitors sitting at a standstill coming upvalley mid-day Friday and Saturday and heading home on Sunday afternoon.

- **What is the projected number of cars that will be associated with 87 new units? The number must be based on calculations typical to rural agricultural and tourism areas. The number of cars, and the methodology for calculating that number was not included in the EIR draft and must be specified in the EIR so citizens can understand the true impact to traffic, and calculations can be based on realistic numbers.** 3

  In a typical 3-4 bedroom home, there are likely 2 cars with the possibility of 3-4 cars if teenagers, young adults, seniors or other family members live in the home. And, ALL the guest units that are "supposed to be" considered as regulated "affordable units" to house local workers must also have 1-2 additional cars counted in that household.

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Letter
C25
Cont.

- **Calculate the number of pedestrian initiated "button pushes" at Highway 20 intersections.** St Helena is a tourist and walking town, and the Main Street is only safely crossed by using the pedestrian lights. What additional wait times were used to accommodate for those non-standard # pushes per light at intersections? The traffic wait times only reflect the increase in cars, but pedestrian button pushes must be included because it is so heavily traveled by tourist pedestrians. Explain in the EIR how this is estimated and when it is measured – include months, days, times. 4

- **Explain what growth was used in order to project a "small annual growth" as quoted in the EIR to account for traffic increase from 2011-2020. Also include what projections were used for the City's growth projections of .75% out to 2030?** 5

- **Include in the EIR, the impact on traffic growth of the following build-outs in the wait times and numbers presented:** 6
    - New large hotel and residential complex approved and underway in Calistoga
    - Two new hotels approved in St Helena (Grandview, Vineland)
    - Magnolia Oaks 58 unit residential complex presently under construction along Hwy 29

- **How does the project comply with St Helena zoning and the 93 Genl Plan when it states that "subdivisions shall be consistent with the Circulation Element"? Explain how this subdivision fits into the circulation plans to extend Adams to Starr and Starr to Pratt that are shown in the 93 GP? Without these clearly planned street extensions, how does the subdivision meet the requirements and intent of new traffic being diverted and spread away from the most poorly functioning intersections of Pope/Silverado, Pope/Main and Pope/Adams?** 7

- **The zoning for that parcel of land is Medium Density in the St Helena General Plan and INLCUDES a plan to extend Adams St to the Trail. Without it, the Medium Density zoning does not sufficiently address circulation. The St Helena Flood Project CLEARLY states the importance of the Adams St/Trail extension for safety, emergency access and critical access to the Hospital. The EIR must address the complete change of plan for circulation or must include the Adams/Trail extension for the critical role the City declared it had in keeping that area properly accessible.** 8

Respectfully submitted,

Philip Brackmann

LETTER C25
Philip Brackmann
September 4, 2013

C25-1 This is an introductory comment. Please see Responses to Comments C25-C-28 for responses to the specific issues raised in Mr. Brackmann's letter.

C25-2 Please see Response to Comment B4-15 for an explanation of the seasonal factoring provided in the Draft EIR traffic analysis; based upon Caltrans data, Saturday PM peak hour is equal to or greater than that for Sunday. Thus, the Saturday PM peak traffic period is considered to present a peak weekend analysis. Lunchtime Friday, Saturday and Sunday has not been identified as representing the traffic peak time period in St. Helena, thus analysis focuses on weekday AM and PM peak traffic hours, and the Saturday PM peak traffic hours.

C25-3 Trip generation for the proposed project is shown in Table IV.L-12 on page 338 of the Draft EIR. The trip rates used for the apartments and multi-family units employ the most conservative (e.g., largest) standard traffic engineering (ITE) trip rates.

C25-4 Being aware of the focused concern for pedestrian movements in St. Helena, a minimum green time of between 18 and 27 seconds was used for all signalized intersections, in order that the analysis software would allow plenty of time for pedestrian-actuated crossing signals to operate for every signal phase. At unsignalized intersections, the number of pedestrians were conservatively *doubled* to fully account for pedestrian movements at intersections.

LOS calculation worksheets and queuing calculations are provided in the Final EIR Revised Appendix E.

C25-5 For the nine-year period from 2011 to 2020, a small percentage of growth, 0.5 percent per year (a total of 4.5 percent for the nine years), was applied, in addition to traffic generated by development projected to occur in the St. Helena planning area by 2020. The small growth rate was projected based upon a survey of Caltrans traffic data along SR 29 between 2002 and 2011, when a large sampling of volumes in St. Helena were observed to remain the same or slightly decline over the 9-year time period. Crane Transportation Group obtained a list of planned and approved, but not built, projects supplied by City staff to determine anticipated build-out in the City of St. Helena. This list of eight projects is included in the EIR appendix, titled *Memorandum from Crane Transportation Group to Greg Desmond, City of St Helena*, dated February 7, 2012. City staff provided a planning horizon date for the time of expected construction and occupancy of these projects. For purposes of the analysis, it was assumed that the planning horizon for build-out of known projects is year 2020. To project growth on the roadway

network to 2030, City staff provided a growth rate of 0.75 percent per year for the St. Helena area. The draft General Plan Update anticipates a growth rate of approximately 15 percent from adoption of the updated General Plan to 2030.

This rate was applied to turning movements for each time period analyzed.

C25-6 The Draft EIR included eight projects expected to be built by the 2020 planning horizon. These are listed, along with trip generation for each project, for each analyzed time period, in Table IV.L-10. The table does not include projects in Calistoga, however, growth in through-traffic generated outside the City of St. Helena was accounted for by the addition of a growth rate to existing and long-term traffic volumes. See also Response to Comment C25-5.

C25-7 The proposed project accomplishes one link in a system of links shown in the City's General Plan: the extension of Starr to Adams Street. This is consistent with the 1993 General Plan and the (unadopted) current General Plan Update.

C25-8 The City does not have plans at this time to extend Adams Street to the Silverado Trail. The extension of Adams Street is not part of the Hunter Subdivision Project. Therefore this comment does not relate to the adequacy of the EIR, but the City may consider this item during the review of the project merits.

Letter
C26

Dear City officials,

I have big concerns with the way the really scarce information that is available about groundwater in St Helena was reviewed, and am bothered that the EIR draft assessed that the water supply in St Helena is supposedly "mitigated" even with a huge increase in permanent housing. It's UNSUBSTANTIED. Please answer each of these questions and please do not use the generalizations or totally inadequate number of data points that were used in the draft EIR. We need MORE REAL DATA if we are going to accept the very loose generalizations about what can be mitigated made in the draft EIR. 1

Thank you.

Patrick Fryer

Explain or present data that supports the claim that "groundwater is stable in St Helena". P.274

1. The Groundwater study used to determine that the St Helena aquifer is "stable" has NO data to support the statement in the EIR that "groundwater levels have been stable in the St Helena region over the last several decades". The 2 wells shown have data for 8 and 12 years respectively. That is not "decades" of data as was stated on page 274. Indicate in the updated EIR what wells are being used to make this statement of "decades of stability". 2

2. The well T0605500143MW-1 graph shows a steady straight-line decline from 2002 to 2010 of the water level. In specific, the water level in the well is 13 feet depth in 2002, but drops to 22 feet deep in only 8 years. That is a 31% decline in a well that is only 26 feet deep and you should be pointing out that this situation <u>IS the definition of declining water level</u>. Why is it stated that there is no decline? Explain this in the EIR update. 3

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on groundwater to make sure it is preserved for agriculture which we all depend on in this valley, then why would they allow a well to be used for irrigation on a giant NEW subdivision? Explain exactly how will the project be able to mitigate the draw on a protected City aquifer?

It's not fair to say that the well "was already there" just because wells already being used by people living on a parcel are grandfathered in. This is different - a well that has NO residential use all of a sudden servicing a giant residential subdivision is not "an existing residential well" - it was NEVER used for residential use, so it can't be grandfathered as a residential well. It's not fair for the rest of the City residents who can't put in a well. Would the City allow a broken down old well on a single family house lot be grandfathered if they put in a new hotel with 75 rooms and a spa and pool? Is that the same well use? The point of the ordinance is to STOP more water from being pulled out of the aquifer and keep us all from going dry in the CIty. Why is this project not subject to the same restrictions as the rest of us?

LETTER C26
Patrick Fryer
NO DATE

C26-1 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C26-2 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

C26-3 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C26-4 See Master Response #5 – Water Supply: Groundwater Conditions and Availability.

Letter
C27

The project near the flood wall and levee is not protected from flooding – it is not floodproof just like New Orleans said they were floodproof and tehn lots of people were killed and houses destroyed – someone better answer all these questions. 1

It is IMPOSSIBLE to mitigate the likelihood of residences being flooded behind the levee. EVERY Government Agency puts out warnings that levees only REDUCE flood risk, and CAN NEVER remove it. You can read papers like this all over the interenet. Everybody in government sends out these ongoing warnings and statistics about flooding and levees not being fooproof 2

- Army Corps of Engineers
- National Committee on Levee Safety
- FEMA, Association of State Floodplain Managers
- Dept. of Water Resource
- FloodSafe California
- Congress of the US
- American Society of Civil Engineers, etc.

FEMA has information that says in a 30 year mortgage, the chance of flooding is from 14-26% 26% for floods of 100-200 year size. So form my view, I can't see ANY way to mitigate even a 10% chance of the levee being over-topped during the 30 year mortgage? Do EIR people think that 10-26% is reasonable? Protection from flooding in St Helena is 100% based on if that levee doesn't break or leak or have any pumping problems. Without the levee, that's' a flood trap – we've been there when it happened to Vineyard Valley people 3 or 4 times in the last 10 or 20 years, and it wasn't pretty. I didn't see any EIR people around then.

The EIR people have to tell us in a lot of detail why they think a FEMA published percentage risk of at least 14% chance of flooding before a house is paid off, is MITIGATED?!

Elena Wilson

Sent to City of Saint Helena

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LETTER C27
Elena Wilson
NO DATE

C27-1 The design of the floodwall that is part of the project is substantially different from the floodwalls that failed in New Orleans during Katrina. In New Orleans, the levees and floodwalls were subject to a massive storm surge, which increased pressure on the bottom of canals and on levees and floodwalls (this type of hurricane storm surge could not happen in St. Helena). Also, some of the New Orleans levees and floodwalls were older and built prior to current standards. They were underlain by weak materials such as peat and weak clay layers (not the case in St. Helena).

The hydrologic and hydraulic analyses completed for the Flood Protection Project indicate that the project site is no longer in the 100-year flood hazard area. The comment offers no substantive evidence that contradicts this.

C27-2 The preparers of the Draft EIR agree that levees reduce flood risks, but do not eliminate them. As stated by FEMA and restated in the Draft EIR (page 243):

Levees reduce the risk of flooding. They do not eliminate it. For example, if a flood larger than the designed level of risk reduction occurs, there will likely be widespread flooding. Over time if levees are not maintained properly, their ability to reduce risk decreases due to deterioration. Improper drainage, erosion, seepage, subsidence, and even earthquakes can cause levees to fail and result in catastrophic flooding. In fact, the flood damage can be greater than if the levee had not been built.

The Draft EIR goes on to explain the design and maintenance measures that have been implemented related to the Flood Protection Project and how the potential for levee failure has been reduced. In accordance with the CEQA Significance Criteria, the Draft EIR appropriately found the impact related to levee failure to be less than significant.

Letter C28

Commissioner Pitts Hunter EIR Comments - 9/4/12

Aesthetic Resources

This study does not appear to contemplate the impact on residents in the Big Rock area, which is part of St Helena – they currently and will continue to have a view shed that includes this site. 1

Additional ambient light will also impact ability to see stars in St Helena. 2

This cannot be considered LTS and sufficient mitigation to avoid these effects does not appear to be possible.

Why is a 4 foot retaining wall being utilized? Can the site be sloped instead as the wall may be unappealing aesthetically. 3

The project does not appear to encourage diversity and protect St Helena's small town charm. 4

Additionally, Policy 4.3.25 encourages varying lot size –the majority of the lots appear to be similarly sized and shaped which is inconsistent with this policy. 5

Policy 4.3.26 and 4.4.3 also restricts the location of driveways and garages to minimize visual impact on street and shows a preference of garages on the backside of properties– it appears as though all garages are located on the street frontage per the landscaping plan on page 58 of the EIR. 6

Policy 4.7.3 suggests generous setbacks and sufficient lot depth to maximize open space and vineyard views…is 20 feet sufficient. 7

The report needs an overlay map of surrounding neighborhoods and density, lots sizes, etc to compare to what is proposed to ensure that this development conforms with existing character. 8

Will utilities be undergrounded? This is not addressed. 9

Will there be a set of CC&R's to ensure quality development of the community? This is not addressed. 10

Agricultural & Forest Resources

Conservation easements and credits in Napa are not a substitute for Prime Farmland in St Helena. This does not mitigate the impact and reduce to LTS. 11

CEQA indicates the preferred mitigation is AVOIDANCE as this is Prime Farmland. Why is CEQA's preferred mitigation being ignored? Does CEQA overrule the General Plan. This cannot be mitigated.

Air Quality

Air monitoring data is based on a CARB station in Napa – can we assume St Helena is the same (page 104) – seems that inversion could be worse in St Helena due to tighter pinch in the valley. 12

Also (page 114) – the modeling done used 76, not 87 units which is inaccurate. 13

AIR-2 – how often is equipment checked to ensure that equipment has not fallen out of proper condition during the previous day/days? 14

AIR-2b – this provides the Sponsor the ability to convince the city that compliance is not feasible and therefore render the mitigation moot and useless. If the mitigation measure is not possible, it should not be included as a mitigation measure and we certainly cannot rely on it. 15

Also, the EIR indicates that the project sponsors shall ensure the above– we need to ensure that if the project is sold, future owners will be forced to hold to the same standards and create some recourse to current owner if they sell to someone who does not hold up to the same standards. 16

Biological Resources

BIO-1 – Discusses defining a suitable buffer if a nest is found during development during survey prior to development – "suitable" should be more specifically defined – to what standards? 17

One reconnaissance day was performed – is that sufficient? 18

Also, certain species of fish were deemed not present but they exist in the nearby Napa River…that must be considered as well given proximity to the Napa River and being within the watershed. 19

Cultural Resources

We know that several hundred bodies were found adjacent to this site and the EIR concludes that since nothing has been found on this site, there is no knowledge of existence of any burial ground. This is an irresponsible approach and the discovery work should be conducted prior to approving and issuing any permit as the project may need to change drastically if such remains are discovered. 20

We know Wappos lived here and have a reason to believe they may have also buried their dead here. We need to approach this project and site with a higher level of caution and care and respect and protect this potential cultural resource. 21

CULT-1 – if items are found we create a 100 ft. barrier – is this adequate and who mandates this set back. Work could continue at 101 ft and cultural resources could be destroyed. 22

We also need to see a map indicating where the previously discovered sites are located in proximity to the site – within ¼ mile is not specific enough to make an informed decision. While there are only 2 sites within the project area, if others are nearby, this would serve as an indicator as to the potential for additional sites within the project site. 23

The EIR also indicates that certain areas have already been filled and therefore the earth underneath is "protected". I thought that fill was inadequate and need to be fixed – does this entail removing that fill that is supposed to be "protection"?? 24

Also, we need to ask ourselves, is it an impact to the environment if we knowingly and potentially build over an ancient burial ground or culturally significant area? For example, Site CA-NAP-406 was recently 25

The engineering hydraulic analysis that contemplates ensuring that placing fill (which we know must be done to satisfy the 18 inch increased home pad requirement) in the flood plain area will not increase flood inundation depths at or away from the project must be submitted prior to issuance of grading or building permits – WHICH grading or building permits. This analysis should be done NOW and prior to any approval of any project, period. 26

Is the city liable for Measure A funds being misused by approving this project? Perhaps this is out of the scope of CEQA, like the potential liability to the City if flood damage ever occurred but it is certainly relevant to me as if there were a flood and there were damages it would be a hazard, aesthetic impact and safety issue, period. 27

How do we define Flood Hazard Areas? 28

Page 246, how can only a small number of homes be impacted in the event of a breach an 5 feet of water coming through? 29

By creating a 4 ft wall around Vineyard Valley are we increasing risk of turning that area into a swimming pool if the levy is breached. 30

Noise

No comments

Public Services, Recreation and Utilities

No Parks are contemplated at all which is an issue given we are below our goal on a per capita basis. 31

How does this integrate with the St Helena Bike Plan and is Class II acceptable (versus Class I)? 32

Traffic

This was zoned medium density assuming Adams Street would connect to the Silverado Trail. This has not happened and perhaps the Medium Density needs to be revisited as a result. 33

The traffic impacts to certain intersections becoming C, D and E ratings are simply unacceptable and cannot be mitigated. 34

The traffic study was done during crush but not during the HIGH season – traffic impact study needs to be conducted in June/July. 35

Does this plan leave the ability to connect Adams Street to the Silverado trail in the future? 36

Water

Theoretical offsets, savings issue: What if new projects do not comply with caps and people use more water than expected. We have set a Safe Yield target and are making policy decisions based on 37

covered with fill. Why such mitigations as mentioned may not disturb the cultural resources are we inherently impacting the cultural resources, short of destroying them, by building in top of the them and essentially removing them from potential discovery forever – this is fairly close to destruction in my book. We should hold ourselves to a higher level of standard when it comes to embracing the history and prior inhabitants of Napa Valley. Don't we want to learn and document who lived here, how they lived and when. To turn our back on this cultural resource and history is a mistake. 37 cont.

What does "Data Recovery" mean and how does it mitigate the adverse effects to the site? 38

Reporting on CA-NAP-406 "data recovery" is not even completed yet and the report has not been deposited yet with the CA Historical Resources Regional Information Center. We are making a determination when we have incomplete information and lack very important facts. 39

CULT-2 Mitigation measure contemplates the fact that works who are supposed to be trained may fail to report an artifact find in a timely manner and comments on the failure thereof…what are the consequences and how does this provide any comfort that such mitigation measure is of value and will work. 40

CEQA indicates that avoidance of historic sites if the preferable mitigation – page 161 – states that avoidance is not feasible based on the current plan…perhaps the plan should be reconsidered to make it feasible. 41

Geology, Soils, Seismicity

No comments

Greenhouse Gas Emissions

How is it possible that an additional 87 homes will result in no "significant impact" on GHG emissions. This is not credible. 42

Hazards and Public Safety

No Comments

Hydrology and Water Quality

Given flood concerns we are told the site is designed to let water out. 43

How does this mesh with ensuring that contaminated water does not enter the Napa River?

Concrete washout is to occur 50 feet away from storm drain inlets – how do we know that this distance is adequate? It is not very far for contaminated water to flow. 44

FEMA has not approved the flood plain map. How can we be taking steps on this project prior to this being done. 45

theoretical water usage studies but have not had an adequate period of time to determine if this approach works in reality.

46s

LETTER C28
Greg Pitts
NO DATE

C28-1 For a residential project of this scale, a CEQA analysis for aesthetics does not analyze views to the project from a distance beyond immediate surrounding neighborhoods. If for example, the project proposed a feature of a height and mass severely out of scale with other architectural features in the City, such as a visible tower structure, the CEQA analysis would include public views to the site from a distance. In this case, where the project is consistent with the scale of residential development throughout the City, distant, private views are not taken into account.

C28-2 Page 86 of the Draft EIR describes the mitigation measures that would reduce the light and glare from the proposed project to a less-than-significant impact. These mitigation measures include lighting design approval from the City design review committee, the use of shielded and outdoor lights, as well as the use of non-mirrored glass to reduce glare.

The addition of more development in St. Helena in an area that is already developed may incrementally increase ambient night lighting but such an incremental change would not be great enough to trigger a significant impact under CEQA.

C28-3 The retaining wall is specified to be two to four feet in height (see tentative subdivision map). This comment does not specifically address an inadequacy in the Draft EIR. The City may consider these comments as part of its review of the project merits.

C28-4 All aspects of the project design would go through the City's design review process. The developer has proposed a workforce housing component of the project, which would help to fulfill the demand for affordable housing in St. Helena and provide a more diverse housing supply. The type of land use and the proposed density are consistent with the land uses envisioned for the property in the St. Helena General Plan. This comment does not specifically address the adequacy of the EIR; no further response is necessary.

C28-5 Policy 4.3.25 encourages within the primary urban area of St. Helena a variety of housing types, densities, and varying lot widths and configurations. It does not specifically address lot sizes. As described on page 50 of the Draft EIR, the single-family parcels would be typically rectangular and range in size between 7,000 and 8,000 square feet. A number of irregular shaped parcels are also proposed which are larger. The minimum single-family parcel size is 7,000 square feet and some of

the larger parcels are over 12,000 square feet. The majority of the parcels are 70 to 75 feet wide. It is necessary to have some uniformity and organization in lot size and placement within a development in order to facilitate efficient use of the streets and access to utilities as well as to conform to the City's set-back requirements. However, as part of the City's review of the project's merits, the City may request the applicant to more significantly vary the width of the parcels if it desires. This comment and response to do not specifically address the adequacy of the Draft EIR.

C28-6 Figure III-7 is an illustrative landscape plan for the subdivision and does not depict proposed configurations for individual lots. The location of garages and driveways associated with future dwellings are subject to future Design Review as part of the City's project approval process.

C28-7 Each lot would have setbacks that conform to the zoning and design review standards. Additionally, these factors are subject to future Design Review as part of the City's project approval process.

C28-8 The surrounding neighborhood of single and multi-family homes is described on page 45 and page 81 of the Draft EIR. Additionally, these factors are subject to future Design Review as part of the City's project approval process.

C28-9 Utilities would be undergrounded.

This text revision has been added to the Final EIR as shown in Chapter 4 Text Revisions. Additionally, these factors are subject to future Design Review as part of the City's project approval process.

C28-10 The question of whether or not the project would have covenants, conditions and restrictions, is outside the scope of the Draft EIR and would be addressed when the applicant completes entitlements and goes through the design review process.

C28-11 See Master Response #3- Loss of Agricultural Land.

C28-12 The air monitoring station in the City of Napa is the closest BAAQMD monitoring station to the proposed project. The data was provided for informational purposes to provide context and may not represent the actual conditions in St. Helena. The evaluation of air quality impact does not rely on the data provided by the City of Napa air monitoring station.

C28-13 The quantification of emissions used 51 single family parcels and 25 apartments in the URBEMIS model. There is no standard land use within the URBEMIS model for detached units on a single family lot. Therefore, only 76 units were used in the emission quantification.

However, to provide a conservative estimate of the potential emissions, the URBEMIS model was re-run using 51 single family parcels and 36 apartments to account for the 25 low-income housing and 11 accessory/granny units. The total emissions went up slightly but remained below the thresholds of significance for criteria pollutants and greenhouse gas emissions.

C28-14 As stated in Mitigation AIR-2a, the equipment would be required to meet the maintenance schedule recommended by the manufacturer. The monitoring and inspection frequency of this mitigation measure would be specified in the MMRP.

C28-15 This mitigation measure, AIR-2b, describes the construction contract specifications that must be required to the fullest extent feasible as determined by the City.

C28-16 The EIR and its mitigation measures would apply to this project regardless of project ownership.

C28-17 Suitable buffer distances that need to be established around an active nest are species dependent. That is, species have different levels of tolerance of disturbance and what is suitable for one species may not be suitable to another. Therefore, a wildlife biologist would determine the species at the time of the survey and determine the suitable buffer distance for that species based on buffer distances commonly known to provide effective protection.

C28-18 One reconnaissance day survey was considered sufficient based on review of available information (maps, species lists, aerial photographs, site history) prior to the survey, the habitat types and condition that were observed during the survey, and later evaluation. If an element had been identified during the preview, during the survey, or in later evaluation that warranted additional field study, it would have been conducted.

C28-19 Special-status fish species in the Napa River were acknowledged and evaluated; see Response to Comment B2-38.

C28-20 As reported in Table IV.E-2 human remains have been recovered from two sites within ¼-mile of the project area (CA-NAP-399 and 683), but none have been recovered from either of the two sites within the project area (CA-NAP-406 and -1008) as reported in Table IV.E-1. The entire project area has been surveyed by qualified professional archaeologists and evidence of two sites has been found within the project area. Both sites within the project area have been the subject of subsurface testing that did not locate any human remains. Mitigation measure CULT-2 addresses the possibility that human remains could be encountered during project construction and the steps that would be taken in that event.

C28-21 The entire project area has been surveyed by qualified professional archaeologists and evidence of two sites has been found within the project area as reported in Table IV.E-1. Both sites within the project area have been the subject of subsurface testing that did not locate any human remains. One site in the project area, CA-NAP-1008, has failed to meet the requirements of eligibility to the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR), a determination that the State Historic Preservation Officer (SHPO) concurred with (in December 2006). Therefore, it does not have to be taken into consideration under CEQA. CA-NAP-406 was determined to be eligible for the NRHP and CRHR by the SHPO (also in December 2006). Therefore, it does have to be taken into consideration under CEQA. Mitigation Measure CULT-1 addresses the potential project impacts to the site and the measures that are recommended to mitigate those potential impacts. Mitigation Measure CULT-2 addresses the possibility that human remains could be encountered during project construction and the steps that would be taken in that event.

C28-22 A 100-foot radius around a discovery is generally considered to be sufficient to protect the discovery and the archaeologists evaluating it. Most Native American sites in California are small in comparison to modern settlements and may well be encompassed within the 100 ft. radius. However, CULT-1 also applies if work continues at a distance of 101 ft. from the find and another discovery (or a continuation of the first discovery) is made in that location, work would be halted in a 100 foot radius around that location also.

C28-23 Archaeological site locations are confidential and WSA is not permitted to disclose site locations to individuals who do not qualify for access to such information, as specified in Section III (A-E) of the California Historical Resources Information System (CHRIS) Information Center Rules of Operation Manual, or in publicly distributed documents without written consent of the Information Center Coordinator. To do so would be grounds for denial of WSA's access to CHRIS information. Table IV.E-2 provides information on sites with ¼-mile of the project area. WSA took into consideration the locations of these, and other nearby sites outside the ¼-mile radius, as well as other factors in evaluating the potential for cultural resources within the project area.

C28-24 Some of the fill may need to be moved or re-compacted. As detailed in MM GEO-1, a design-level geotechnical study would be required prior to issuance of a grading or building permit. All design criteria and specifications set forth in the design-level geotechnical report would be required to be implemented into the project's final design.

C28-25 According to CEQA Section 15126.4, avoidance of sites is the preferred mitigation. Avoidance can include, but is not limited to capping the archaeological site with a layer of chemically stable soil before construction. Site CA-NAP-406 was recently

covered with a layer of fill from the St. Helena Flood Protection Project and current plans for the project area do not include excavation below the fill layer covering the site. Therefore, from the CEQA perspective the site is being avoided, which is the preferred mitigation for it.

C28-26 Impact and Mitigation Measure HYD-3, referred to by the commenter, which addresses potential impacts related to placing housing in the 100-year flood hazard area, has been modified (i.e., changed from a significant impact to a less-than-significant impact) because no portion of the project site is now located within the 100-year flood hazard area. FEMA has accepted the Flood Protection Project and has officially revised the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map. Since the project site is no longer in the 100-year flood hazard area, placement of fill would not raise flood inundation depths at or away from the project site. This mitigation measure is no longer necessary (and has been deleted from the EIR).

C28-27 The liability of the City for using Measure A funds is beyond the scope of the Draft Environmental Impact Statement. This comment does not specifically address the adequacy of the EIR; no further response is necessary.

C28-28 Flood areas or flood zones are geographic areas that the FEMA has defined according to varying levels of flood risk. These zones are depicted on a community's Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map. Each zone reflects the severity or type of flooding in the area. The 100-year flood hazard area has a one percent (1 in 100) chance of being flooded in any given year.

C28-29 It appears the commenter is referring to the following from page 246 of the Draft EIR:

For the proposed project, only a relatively small number of residences would be impacted; no businesses or critical infrastructure would be affected. Nonetheless, even though the potential for levee failure is remote, the consequences would be significant, and therefore the potential property loss and injuries to residents related to potential levee failure is a significant impact.

The Draft EIR further explains that:

If released during a levee failure, this water would have potentially destructive power and could damage homes at the project site, particularly on proposed building lots 22 through 29. On the project site, flood water that breaches the levee would spread out quickly after passing this first row of building lots and crossing over the proposed street. In summary, a catastrophic levee failure could cause property loss and potentially injuries for the first row of homes, and

additional property loss (but no injuries likely) for the remaining portions of the proposed development, as the areas away from the location of the levee failure inundation depths would likely be shallow and eventually dissipate completely.

These excerpts from the Draft EIR indicate that catastrophic failure of the levee would damage some homes, and further indicates that those homes on lots 22 through 29 would be particularly vulnerable. As the flood waters spread out, they would become shallower and slower moving. Since the homes at the project site would be constructed on elevated building pads, damage away from the breach is expected to be substantially reduced.

C28-30 The "4 ft wall around Vineyard Valley" was constructed as part of the Flood Protection Project and represents an existing condition, not a component of the proposed project.

C28-31 The project would be assessed for park development fees to address provision of additional parks in the City.

C28-32 The project would provide adequate access for bicycle movement, including a Class II extension of the Vine Trail, as per the General Plan.

C28-33 This comment proposes that the City's zoning for the site be reconsidered and does not specifically address the adequacy of the EIR; no further response is necessary.

C28-34 This comment addresses the project's merits and may be considered by the City as it considers approval of the project.

C28-35 Seasonal Adjustment:

The Draft EIR states that November counts were seasonally adjusted to the harvest (crush) season, as harvest (October) volumes have been shown to be higher than other times of the year, based upon seasonal traffic count data for SR 29. This was based upon contact with Caltrans District 4 staff (Jordan Chan, Caltrans Office of Highway Operations), who provided seasonal data for SR 29 in St Helena, at the Adams Street intersection for 2002 through 2011. CTG utilized the more recent 2007–2008, and 2010-2011 seasonal data, included in full in the Final EIR Revised Appendix E. The two-way averaged data provided the basis for seasonal factors. See also Response to Comment B4-15.

C28-36 The proposed project would not adversely impact the City's ability to connect Adams Street to the Silverado Trail in the future.

C28-37 See Master Response #6 – Water Supply: Adequacy of Water Neutrality Performance Standard.

C28-38 Data recovery means the scientific archaeological excavation of the site to recover the important archaeological information that it contains. CEQA defines significant historical resources as "resources listed or eligible for listing in the California Register of Historical Resources (CRHR)" (Public Resources Code Section 5024.1). There are four criteria under which a resource may be considered historically significant, but most archaeological sites, including CA-NAP-406, are found to be significant under criteria 4: it has yielded or is likely to yield information important in prehistory or history (Public Resources Code Section 5024.1). By archaeologically recovering the data contained in the site, the important information it contains has been saved. Thus, the impact to the site has been mitigated as there would be no loss of important information through adverse effects to the site.

C28-39 While the report on the data recovery conducted at CA-NAP-406 has not been completed and deposited at the information center, the excavations have been completed and Pacific Legacy, Inc., who carried out the excavations, have shared with WSA the draft report sections discussing CA-NAP-406. This information was taken into consideration by WSA in evaluating the cultural resources within the project area.

C28-40 Mitigation Measure CULT-2 addresses human remains and requires that the provisions of Section 7050.5(b) of the California Health and Safety Code be followed. Section 7050.5. (a) states that every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the Public Resources Code. According to Section 7051 every person who removes any part of any human remains from any place where it has been interred, …with intent to sell it without authority of law, or written permission of the person or persons having the right to control the remains under Section 7100, or with malice or wantonness, has committed a public offense that is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

C28-41 Mitigation Measure CULT-1, referred to on page 161 of the Draft EIR, details the measures that govern the site if testing determines that the resource is potentially eligible to the CRHR, including if avoidance is not feasible.

C28-42 Global climate change is representative of a cumulative impact; that is to say, no individual project by itself could result in global climate change. BAAQMD's approach to developing the greenhouse gas (GHG) emission threshold of significance used for the proposed project was to identify the emissions level for

which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions. If a project would not generate GHG emissions above the significance threshold level, it would not contribute substantially to a cumulative impact and would not be considered significant.

C28-43 The project site is no longer in the 100-year flood hazard zone, and therefore (barring a catastrophic levee failure) the potential for flooding on-site, and any related release of contamination, is considered a less-than-significant impact. Further, the proposed project would not introduce particularly large quantities of hazardous materials or materials that are particularly toxic (relative to any other urban or suburban land use in the area). In the unlikely event of project site flooding, any water quality impacts related to the release of small quantities of hazardous materials to flood waters would not be significant.

C28-44 Concrete wash out pits or bermed areas tend to be self-sealing, in that the concrete residuals seal the pore spaces of the soil so that water would no longer infiltrate. Most of the water is lost to evaporation and then the solidified concrete is removed for disposal.

The Qualified SWPPP inspector would be on-site to ensure that the washout areas are properly sized and used.

C28-45 FEMA has approved the flood plain map and the project site is no longer in the 100-year flood hazard zone. Therefore (barring a catastrophic levee failure) the potential for flooding on-site, and any related release of contamination, is considered a less-than-significant impact.

C28-46 See Master Response #5 – Groundwater Conditions and Availability.

Also, see Master Response #6 – Adequacy of Water Neutrality Performance Standard.

D. PLANNING COMMISSION PUBLIC HEARING COMMENTS

Public hearings were held on the Draft EIR at the City of St. Helena Planning Commission meeting held on July 12, 2012 and August 28, 2012. Comments were heard from Commissioners and from members of the public. In general, the issues that were verbally expressed at the public hearings were repeated in the written comments received, and thus the responses presented in this section refer to responses provided for the written comments in sections A and B of this chapter.

Letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments.

Planning Commissioner Questions/Comments (July 12, 2012)

D1 Commissioner Parker

- We need to take into consideration the people who work here but don't live here.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- Traffic study should be more thorough.

Response: Please see Master Response #4 – Traffic Analysis.

- Well water and public utilities needs to be stronger.

Response: The commenter can refer to Master Response #5 – Water Supply: Groundwater Conditions and Availability, Master Response #6 –Water Supply: Adequacy of Water Neutrality Performance Standard and Response to Comment C24-4.

- Stormwater and flood risk.

Response: Please see Response to Comments B2-35, C3-7 and C4-4

D2 Commissioner Galbraith

- Concerned about the 45 day period.

Response: Please see Master Response #1-CEQA Process

- Not going to give comments since the hearing period needs to be restarted.

Response: Please see Master Response #1-CEQA Process

- PW weekly report heard that FEMA going to support CLOMR.

Response: Please see Response to Comment C3-7

D3 Commissioner Pitts

- Agrees with Commissioner Galbraith.

Response: This comment is noted; no further response is necessary.

D4 Commissioner Heil

- Full disclosure; re-start 45 days before comments made.

Response: Please see Master Response #1 – CEQA Process.

- Hydrology—documentation in EIR for HYD-3 and 4.

Response: Please see Response to Comments C3-7 and C4-4.

- Feasibility of 12-acre feet offset (Impact SVCS-1).

Response: The commenter can refer to Master Response #5 – Water Supply: Groundwater Conditions and Availability, Master Response #6 –Water Supply: Adequacy of Water Neutrality Performance Standard

<u>Public Comments/Planning Commission (July 12, 2012)</u>

D5 Fulton Mather

- Not supportive of the project.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- Concerned about the project's impact on prescriptive rights (meaning mutually shared) since his property, Fulton Vineyard, abuts the project. He lives at 825 Fulton Lane.

Response: Please see Responses to Comment Letter C15.

- Concerned with the ambiguity in the EIR with regard to agricultural protection.

Response: Please see Master Response #3 – Loss of Agricultural Land

- Wants to diminish impact on his property.

Response: Please see Responses to Comment Letter C15

- Concerned with traffic congestion and potential expansion of Adams Street.

Response: A detailed analysis and modeling of traffic patterns was performed for existing conditions as well as for the year 2030, per CEQA requirements. The Draft Environmental Impact Report contains this analysis in the Traffic and Transportation chapter, beginning on page 301 as well as in Appendix E: Traffic and Circulation. See Response to Comments C19-4.

- Creating more housing in the floodplain increases liability of people and liability of the levee.

Response: Please see Response to Comments C3-7 and C4-4.

D6 Peter Mennen

- Napa River and its environmental factors will play havoc with developments along this river.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- References Measure A, which attempted to do flood control in a new way: expanding the floodplain and enhancing the river.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- City settled on a flood protection plan that avoided levees and housing in the floodplain; it's happening anyway.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- Encourages everyone to say no to this project.

Response: Comment noted.

- Adams Street extension will present a problem because of incoming traffic.

Response: Please see Response to Comment C19-4.

- EIR suggests that aquifer is adequate.

Response: Please see Master Response #5-Water Supply: Groundwater Conditions and Availability.

- Questions the idea that 100 low flush toilets will make the water neutral.

Response: Please see Master Response #6-Water Supply: Adequacy of Water Neutrality Performance Standard

- References Calistoga properties.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

D7 Donna Hardy

- Submitted a letter.

Response: Please see responses to Letter C7.

- Water use issue related to replacing toilets does not seem reasonable.

Response: Please see Master Response #6-Water Supply: Adequacy of Water Neutrality Performance Standard

- Agriculture well for residential use is a bad precedent.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- Concerned about circulation and transportation, and she is supportive of Adams Street extension because it would give relief to Pope Street.

Response: A detailed analysis and modeling of traffic patterns was performed for existing conditions as well as for the year 2030, per CEQA requirements. The Draft Environmental Impact Report contains this analysis in the Traffic and Transportation chapter, beginning on page 301 as well as in Appendix E: Traffic and Circulation.

- Says the extension is in accordance with the 1993 Plan, which also says that the City must work with developers to finance projects.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- Hunter project should not be developed without Adams Street extension.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- Concerned that affordable housing really will be constructed.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- Please consider the impact of a large project on a small town.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

D8 Ron Sproat

- Building in the floodplain is not a good idea.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- City needs to act on fact and experience (references Vineyard Valley).

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- Hunter Property is subject to the same inundations as Vineyard Valley.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- 100-year flood is 25% in a 30-year mortgage.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- FEMA recently said they don't certify levees anymore because it is "not responsible"

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- Association of State Floodplain Managers said "Levees the Double Edged Sword"

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- Concerned about the City taking on the liability of the levees.

Response: Please see Response to Comment C4-4.

- Elevation of foundation is not adequate.

Response: See Response to Comment C28-46.

D9 Bobbi Monnette

- What is the Maintenance Plan for the levee? Is expertise available to City to test the levee every year? Is money set aside for upkeep?

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- In the scoping session, she asked that the EIR address east-west divide in City because another large development is being planned for east of Highway 29. Requests that the east-west divide be looked at again.

Response: The issue raised by the commenter is not a CEQA issue, therefore the comment does not specifically address the adequacy of the EIR; no further response is necessary.

- Who decides not significant?

Response: The preparers of the EIR analyze the project against the CEQA "Thresholds of Significance" established under each topic to determine whether an impact is significant or not.

D10 George David

- November is not a good time to measure traffic; therefore the traffic assumptions are faulty. Need a new study representing traffic at its worst.

Response: Please see Response to Comment B4-15.

- Traffic toward Main Street, Alice, and Oak are not considered and need to be.

Response: Please see Master Response #4 – Traffic Analysis

- Traffic signal at Pope is not a good idea.

Response: Comment noted.

- "Mitigation" does not solve problems; it relieves impact on community.

Response: Comment noted.

- Affordable housing: on this site they would be deed restricted granny units "maybe."

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- There is no conclusive definition provided for workforce housing, but it's not low-income.

Response: The City's Housing Element provides the following definition of workforce housing: Housing for households with incomes above 120 percent of AMI, but unable to afford market rate housing.

D11 Helesa Martinez

- Need affordable housing, and this is a good opportunity for lots of families to buy a house.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

D12 Jesse Wincrom

- Experienced flooding at Hunts Grove Apartments.

Response: Comment noted.

- Interested in affordable housing.

Response: Comment noted.

D13 Mario Scallati

- The need for affordable housing is real, but it should not be built behind a levee.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- Does not like that they have to pay 30m for a levee that will break.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- 1993 General Plan designated for MR if Adams Street is extended with a bridge to Siliver; No Bridge/No Med Density.

Response: The Adams Street extension to the Silverado Trail is not a part of this project. The Medium Density Residential designation is not predicated on the extension.

- Concerned about loss of life.

Response: Please see Response to Comment C17-10.

D14 Jesus Fernandez

- Vineyard manager aware of the water shortage issue.

Response: Comment noted.

- Believes the Pope Street/Silverado approach is awful.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- July is better than November for measuring traffic.

Response: Please see Response to Comment B4-15.

- Low-income housing is a necessity—for ownership as well as for renting.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- If you care about service workers, you need to create ownership housing (which would be a better solution to the project).

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

D15 Keith Wagner w. Lippe Gaffe Wagner

- Speaking from a letter.

Response: See Responses to Letter B2.

Contacted staff on July 3 to get reference documents and staff did not know where they were (See page 26 of letter).

Response: Please see Master Response #1 – CEQA Process

- Requests that the comment period be re-noticed since reference materials were not available for the entirety of the period.

Response: Please see Master Response #1 – CEQA Process

- Project is inconsistent with GP and MDR zoning that "generally" calls for SFR. Project and EIR are impossibilities as they cannot be authorized under current GP and zoning.

Response: Please see Master Response #2 – Land Use and Zoning Conformance

- Higher density than what GP allows.

Response: Please see Master Response #2 – Land Use and Zoning Conformance
Not enough construction information

- Not enough construction information (see page 3 of letter). No info about where buildings will be located assumes consistency with plans and policies.

Response: Please see Response to Comment B2-7.

- Aesthetic resources analysis based on conceptual renderings, which does not consider sensitive receptors to visual impacts.

Response: Please see Response to Comment B2-11.

- Bio—grasslands: LTS fails to look at cumulative impacts and grasslands of CA, which have been devastated.

Response: See Response to Comment B2-38.

- Mentions Geology, Hazards, and Traffic: what were adjustment factors?

Response: Please see Response to Comment B4-15.

D16 Kelly Franger

- There on behalf of Citizens for Responsible Development. Read from letter.

Response: Comment noted. Please Responses to Letters B1 and B2.

D17 Scott Stegman

- Suggests complete re-notice and 45 days as information was not available.

Response: Please see Master Response #1 – CEQA Process

- Technical analyses for alternatives are not available.

Response: CEQA Alternatives Analysis do not require a quantitative analysis.

- No reason to have included the pending GP in EIR; only current GP.

Response: Please see Response to Comment B4-37.

- Thinks the body of the EIR does not flow.

Response: Comment noted. This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- Housing Element is not in EIR and associated negative effects; this is a key policy issue that should be added.

Response: Please see the Housing Element policies have been added to Chapter 4, Text Revisions.

- Ambiguities regarding affordable housing do not exist; City should make affordability COA. The applicant is committed to affordable housing.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- City has definition of workforce housing in Housing Element.

Response: Comment noted.

- Find a way to support the needs and desires of the people already living there, not outside developers.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

Planning Commissioner Questions/Comments (August 28, 2012)

D18 Commissioner Galbraith

- Need a response from the City Attorney and the applicant's attorney regarding the assertion that the application does not conform to the City's Zoning Ordinance.

Response: Please see Master Response #2 – Land Use and Zoning Conformance.

- Draft EIR should disclose traffic methodology.

Response: Please see Master Response #4 –Traffic Analysis.

- Draft EIR is just a draft statement. The City's environmental consultant will address these comments in the final EIR.

Response: This comment does not specifically address the adequacy of the EIR; no further response is necessary.

- What is prime farmland?

Response: Prime Farmland is defined and discussed on page 89 of the Draft EIR. Also see Master Response #4 – Loss of Agricultural Land.

- Are the alternatives identified in the Draft EIR lawful alternatives for us to consider under the Housing Accountability Act?

Response: The alternatives set forth in the Draft EIR meet the requirements of CEQA review of alternatives. The possibility of approval will take place through the project review process.

D19 Commissioner Kistner

- Agrees with Commissioner Galbraith that a legal opinion is needed regarding whether the application conforms to the City's Zoning Ordinance.

Response: Please see Master Response #2 – Land Use and Zoning Conformance.

D20 Commissioner Heil

- Reiterates comments provided at July 12, 2012 hearing regarding HYD-3, HYD-4, and SVCS-1.

Response: See response to comments at July 12, 2012 hearing.

- Agrees with Commissioner Galbraith that a legal opinion is needed regarding whether the application conforms to the City's Zoning Ordinance.

Response: Please see Master Response #2 – Land Use and Zoning Conformance.

- Final EIR will respond to comments. Two comment periods have been sufficient.

Response: This comment is noted; no further response is necessary.

Public Comments/Planning Commission (August 28, 2012)

D21 Chuck Vondra

- Draft EIR does not adequately evaluate the effect of the proposed project and the flood project on potential flooding of neighboring homes.

Response: Based on the current FEMA FIRM (revised by the November 2012 Letter of Map Revision), the project site is not located within the 100-year flood hazard area and therefore no impacts related to placing housing or other structures in the 100-year flood hazard area would occur. Also see responses to comments C3-8, C4-2, and C9-1, regarding flood potential in the project site and surrounding sites.

- Concern that the road proposed for the project is the same levee maintenance and emergency access road for City staff

Response: The extension of Adams Street is not part of the Hunter Subdivision Project. Therefore this comment does not relate to the adequacy of the EIR.

- Concern that the proposed project is using infrastructure provided by Measure A funds for the benefit of the development.

Response: This analysis respectfully disagrees with the commenter; the flood protection project and Measure A funds are not being used to increase new developable land. The project site has been planned for urban uses at least since the adoption of the 1975 General Plan and before Measure A was adopted.

D22 Keith Wagner w. Lippe Gaffe Wagner

- Speaker raises a number of issues previously stated in Lippe Gaffe Wagner letters B1, B2, B3, B4, and B5.

Response: Please refer to responses to comments on Letters B1, B2, B3, B4, and B5.

- Seeks clarification about the motion at previous public hearing regarding next steps for the CEQA process.

Response: Please see Master Response #1 – CEQA Process.

D23 John Milliken

- Speaker raises water quality issues previously stated in speaker's letter C13.

Response: Please refer to responses to comments on Letter C13.

- FEMA insurance mapping does not take into account endangered species.

Response: This comment does not specifically address the adequacy of the EIR. For informational purposes, with the acceptance of the Flood Protection Project and the revision of the FIRM, FEMA has indicated that the project site is no longer within the 100-year floodplain. As described in the Draft EIR (p. 124), the Federal Endangered Species Act declares that all federal departments and agencies shall use their authority to conserve endangered threatened plant and animal species.

- Concern that Draft EIR should be redone if it does not meet CEQA standards.

Response: Please see Master Response #1 – CEQA Process.

- Concern about project's consistency with the Zoning Ordinance.

Response: Please see Master Response #2 – Land Use and Zoning Conformance.

D24 Scott Stegman

- Purpose of the response to comments/Final EIR is to comment on the Draft EIR.

Response: Comment noted.

- Several items claimed to be missing, including water reliability analysis, are included as appendices to the Draft EIR or are referenced as sources in the Draft EIR.

Response: Comment noted.

- Cumulative impacts can be defined in different ways and are included in the Draft EIR.

Response: Comment noted.

IV. TEXT REVISIONS

This chapter presents specific revisions to the text of the Draft EIR that are being made in response to comments, or to amplify and clarify material in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with double underlined text. Deletions to text in the Draft EIR are shown with ~~strikeout~~. Page numbers correspond to the page numbers of the Draft EIR. The revisions to the Draft EIR derive from two sources: (1) comments raised in one or more of the comment letters received by the City of St. Helena on the Draft EIR; and (2) staff-initiated changes that correct minor inaccuracies, typographical errors or to clarify material found in the Draft EIR subsequent to its publication and circulation. None of the changes or clarifications presented in this chapter significantly alters the conclusions or findings of the Draft EIR.

On page 1, the fifth sentence in the last paragraph, the following text is edited as follows: "The multi-family parcel is anticipated to accommodate up to 25 income-restricted, workforce housing ~~apartment~~ units."

On page 7, the second bullet following the second paragraph, is edited as follows: "One approximately 3.4-acre parcel that would accommodate up to 25 income-restricted ~~apartment~~ units; and..."

On page 41, the first sentence of the last paragraph is edited as follows: "~~The eastern portion of the site is currently located within a 100-year Flood Hazard area as mapped by the Federal Emergency Management Agency (FEMA).~~ In November 2012, the Federal Emergency Management Agency (FEMA) accepted the Flood Protection Project and revised the Flood Insurance Rate Map (FIRM), such that the project site is no longer located within a 100-year flood zone."

On page 45, the third sentence in the last paragraph is edited as follows: "The district provides for single-family detached homes, accessory dwelling units, limited agricultural uses and compatible uses, as well as attached duplex and triplex units, condominiums, and townhouses, and similar uses with a conditional use permit."

On page 47, the following Housing Element text and policies are added after the first paragraph:

The following Housing Element policies are relevant to the project:
HE1.2 Focus on key opportunity sites and work with property owners and developers to facilitate development of new affordable housing.
HE1.3 Ensure that affordable housing gets built.
HE1.4 Address workforce housing needs by supporting an improved jobs/housing "match."
HE2.4 Promote second unit production more aggressively.
HE2.6 Promote a balance of types of housing throughout the whole community.

On page 57, the following is added to the third paragraph: "The 25 multi-family units are anticipated to be duplexes, triplexes, and/or condominiums/townhomes. A conditional use permit will be required for the construction of these attached units."

On page 60, the following bullet is added to Table III-1below "discretionary" permits and approvals required by the City of St. Helena:

Obtain Conditional Use Permit to construct attached dwellings on Lot 52
Site Development Plan

The second paragraph on page 81 would be revised as follows:

(4) Visual Character

The development of the Hunter property site would change the visual character of the project area. Implementation of the proposed project would ultimately result in the development of single-family and multi-family residences on the project site; similar in scale and form to the residential development around the site and in St. Helena. However, the project site is largely undeveloped, with agricultural uses such as vineyards composing some of the current visual character. As a result, there ~~w~~could be a potentially significant impact on the visual character of the site.

The second paragraph on page 142 would be revised as follows:

The project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or nursery sites. The project is adjacent to already developed areas on ~~three~~ two sides and is separated by a new flood control levee from the Napa River. The flood control levee protects a new riparian zone along the river, which provides an important migratory corridor for wildlife. The project will not impact this migratory corridor.

The fourth paragraph on page 85 would be revised as follows:

The proposed project would involve the construction of single- and multi-family residences of one- or two-story height, a maximum of 30 feet in height, on the project site, consistent with the location's identification as one of the key housing opportunity sites in the 2007-2014 Housing Element. Additionally, urban development of similar types and densities are located east and south of the project site.

The third paragraph on page 180 of the Draft EIR is revised as follows:

(3) Subsidence

The project proposes using City of St. Helena water supply, and extracting groundwater from the existing on-site well only for landscape irrigation. Future water demand from the onsite well for landscaping is expected to be 25 AF annually, a value that is nearly the same as the historic agricultural demand of 22 AF ~~much less than the historic agricultural demand by irrigation of vineyards~~. There are no significant agricultural or industrial activities proposed that would result in the substantial pumping withdrawal of water from the underlying aquifer that could contribute to future subsidence on the project site. Therefore, the potential for the project to result in subsidence is less than significant.

The first paragraph on page 209 of the Draft EIR, part of Mitigation Measure HAZ-1, is revised as follows:

Shallow soil samples shall be collected by a qualified environmental professional within all areas of the project area proposed for residential uses and areas disturbed by excavation and analyzed for pesticides and herbicides in accordance with DTSC's Interim Guidance for Sampling Agricultural Properties. The sampling shall be conducted prior to site grading and development activities. As specified in the Interim Guidance, any detected organic

compounds or metals above naturally-occurring concentrations must be evaluated in a human health risk assessment as described in the DTSC Preliminary Endangerment Assessment (PEA) Guidance Manual or in comparison to California Human Health Screening Levels (CHHSLs).

The second paragraph on page 218 of the Draft EIR is revised as follows:

The major structural components of the Flood Protection Project were completed in April 2011. In December 2011, the City submitted an application for a Letter of Map Revision (LOMR) from FEMA. A LOMR is FEMA's modification to an effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA. A LOMR officially revises the FIRM or Flood Boundary and Floodway Map, and sometimes the Flood Insurance Study report, and when appropriate, includes a description of the modifications. Once a complete LOMR application is submitted, FEMA has 90 days to review the application and issue the LOMR. FEMA completed its review of the LOMR and officially revised the FIRM that covers the project site. The effective date of the revised FIRM is November 5, 2012. ~~As of the date of preparation of this DEIR, the LOMR for the Flood Protection Project had not been issued by FEMA.~~

The first full paragraph on page 220 of the Draft EIR is revised as follows:

Based on the implementation of the Flood Protection Project and the data included in the CLOMR and the LOMR application, the configuration of the 100-year flood hazard zone in the vicinity of the project site has been effectively modified so that the project site is no longer in the FEMA flood hazard zone (Figure IV.I-4). ~~Upon FEMA's issuance of the~~ Since the FIRM has been officially revised by the adopted LOMR, the project site ~~will~~ is not ~~be~~ subject to any floodplain development restrictions. ~~Those restrictions are codified in the City's Municipal Ordinance (Chapter 15.52, Flood Damage prevention), described below under Regulatory Setting. However, it is not assured that FEMA will issue the LOMR. Therefore, until the LOMR is issued, the floodplain must be managed in accordance with the Municipal Ordinance.~~

Table IV.I-1 Hydrology and Water Quality Impact Summary on page 231 of the Draft EIR is revised as follows:

CEQA Significance Criteria	*EIR Findings*
▪ Violate any water quality standards or waste discharge requirements?	LTS with Mitigation (see Impact HYD-1 on page 235 and Impact HYD-2 on page 239)
▪ Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or proposed uses for which permits have been granted)?	LTS (see page 233)
▪ Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	LTS (see page 233)
▪ Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	LTS (see page 233)
▪ 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?	LTS (see page 234)
▪ Otherwise substantially degrade water quality?	LTS with Mitigation (see Impact HYD-1 on page 235, and Impact HYD-2 on page 239.)
▪ Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	LTS ~~with Mitigation (see Impact HYD-3 on page 386)~~
▪ Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	LTS ~~with Mitigation (see Impact HYD-3 on page 386)~~
▪ Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	LTS with Mitigation (see Impact HYD-4 on page 242)
▪ Inundation by seiche, tsunami, or mudflow?	Focused out in Initial Study (see page 232.)

The first full paragraph on page 235 of the Draft EIR is revised as follows:

(5) <u>Place Housing or Other Structures in the 100-Year Floodplain</u>

<u>Based on the current FEMA FIRM (revised by the November 2012 LOMR), the project site is not located within the 100-year flood hazard area and therefore no impacts related to placing housing or other structures in the 100-year flood hazard area would occur.</u>

The third paragraph on page 180 of the Draft EIR is revised as follows:

(3) Subsidence

The project proposes using City of St. Helena water supply, and extracting groundwater from the existing on-site well only for landscape irrigation. Future water demand from the onsite well for landscaping is expected to be 25 AF annually, a value that is nearly the same as the historic agricultural demand of 22 AF ~~much less than the historic agricultural demand by irrigation of vineyards~~. There are no significant agricultural or industrial activities proposed that would result in the substantial pumping withdrawal of water from the underlying aquifer that could contribute to future subsidence on the project site. Therefore, the potential for the project to result in subsidence is less than significant.

The first six paragraphs on page 242 of the Draft EIR are revised as follows:

~~**Impact HYD-3: The proposed project could result in development within the 100-year flood hazard zone and increase flood inundation depths at and away from the site. (S)**~~

~~Based on the current FEMA FIRM, the eastern portion of the project site is located within the 100-year flood hazard area. The project proposes to construct housing within this area. In accordance with the requirements of Municipal Code Chapter 15.52, any homes built within a FEMA 100-year flood hazard zone shall be constructed so that the lowest floor elevation is a minimum of 18 inches above the current FEMA base flood elevations.~~

~~FEMA has already issued a conditional letter stating that the Flood Protection Project, as designed, would meet the minimum floodplain management criteria (i.e., the Flood Protection Project design is acceptable to FEMA). As such, FEMA's issuance of a revised FIRM, which may remove the project site from the 100-year flood hazard area, is expected to be completed in the near future. However, FEMA has not yet issued a final Letter of Map Revision and so the eastern portion of the project remains within the 100-year flood hazard zone. If fill is placed within this area, it could displace floodplain storage capacity and increase flooding hazards at and away from the site. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.~~

> ~~Mitigation Measure HYD-3: In accordance with the requirements of Municipal Code Chapter 15.52, any homes built within a FEMA 100-year flood hazard zone shall be constructed so that the lowest floor elevation is a minimum of 18 inches above the current FEMA base flood elevations. The applicant shall prepare grading plans and construction specifications that demonstrate that any homes proposed to be constructed within the current FEMA 100-year hazard zone are elevated so that the lowest floor is 18 inches above the base flood elevation (i.e., the elevation of the 100-year flood). During construction, these elevations shall be confirmed by a licensed land surveyor and documentation, signed and stamped by the land surveyor, submitted to the City prior to issuance of occupancy permits.~~
>
> ~~In addition, if the project places fill within a FEMA 100-year flood hazard area, engineering hydraulic analysis must be completed that demonstrates that placement of~~

~~fill would not increase flood inundation depths at or away from the project site. Documentation of this analysis shall be submitted to the City for review and approval prior to issuance of grading and/or building permits. (LTS)~~

Impact HYD-3~~4~~: Flooding associated with a levee breech or overtopping could endanger residents and improvements. (S)

The third full paragraph on page 245 of the Draft EIR is revised as follows:

The Flood Protection Project levee system is designed to provide protection for the 200-year flood event (under CEQA, the criteria for flood protection is the 100-year event) with 3 feet of freeboard. ~~However,~~ By approving the current FIRM, FEMA has~~, which is currently reviewing the final submittal of as-built specifications, has not yet~~ recognized the levee. Recognition of the levee system by FEMA is a critical step in the process of risk evaluation. ~~Without~~ FEMA ~~recognition, it cannot be ascertained with certainty~~ has indicated that the City has adequately addressed all the levee safety criteria described above. ~~Therefore, placement of homes in an area that is "protected" by a levee not yet recognized by FEMA represents a substantial risk and is a significant impact.~~

The Mitigation Measure on page 246 of the Draft EIR is revised as follows:

Mitigation Measure HYD-3~~4~~: Based on consultation with the City and to provide an additional level of protection for the residences constructed behind the levee:

1) All residences located within the existing former~~existing~~ FEMA 100-year flood hazard zone (the pre-Flood ~~Control~~ Protection Project floodplain) shall be constructed so that the lowest floor elevation is a minimum of 18 inches above the pre-Flood ~~Control~~ Protection Project base flood elevations. The applicant shall prepare grading plans and construction specifications that demonstrate that any homes proposed to be constructed within the pre-Flood ~~Control~~ Protection Project 100-year hazard zone are elevated so that the lowest floor is 18 inches above the base flood elevation (i.e., the elevation of the 100-year flood). During construction, these elevations shall be confirmed by a licensed land surveyor and documentation, signed and stamped by the land surveyor, submitted to the City prior to issuance of occupancy permits.

2) To address levee failure, an engineering analysis performed by a qualified professional engineer shall be prepared that demonstrates that those portions of the project site within the pre-Flood ~~Control~~ Protection Project floodplain would not be inundated during a worst-case levee failure scenario (inundation refers to flood water levels exceeding the lowest finished floor elevation). The analysis shall be reviewed by the City and only those portions of the pre-Flood Control project floodplain that are not at risk of damage from a levee failure may be issued building permits.

In addition, the project sponsor . . .

The existing General Plan policy table on page 283 is revised as follows:

PARKS AND RECREATION
POLICY 10.3.5 Encourage developers to provide open space and recreational facilities as part of new residential developments. The City may consider density bonuses for the inclusion of significant public recreational facilities in new development
POLICY 10.3.6 Assess park development fees on all new commercial, industrial, and residential development sufficient to fund City-wide park improvements.
HOUSING
POLICY 1.D Give projects that include affordable housing units priority access to water and sewer resources over other new projects should the capacity of the local water or sewer systems become inadequate to meet the full demand for new connections.

URBAN
PLANNING
PARTNERS
INC.