



A Tradition of Stewardship
A Commitment to Service

Planning Commission Mtg.

MAY 07 2014

Agenda item # 9C

Planning, Building & Environmental Services

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David Morrison
Director

To: Planning Commission	From: Sean Trippi
Date: May 7, 2014	Re: Gateway Commercial Center – Springhill Suites Expansion Use Permit Modification (P13-00212) Agenda Item 9c

Attached is additional correspondence we've received since the packet was transmitted to the Commission from the City of American Canyon regarding water service. As noted in the staff report, City staff is revisiting project requests within their water service area and working with applicants to achieve a zero water footprint where development offsets all of its water demand. The attached correspondence indicates that water service issues have not been resolved. Therefore, staff is recommending that this item be continued until May 21, 2014.

MAY 07 2014

Agenda Item # 9C**Trippi, Sean**

From: Jason Holley <jholley@cityofamericancanyon.org>
Sent: Friday, May 02, 2014 5:51 PM
To: 'bill@mastonarchitect.com'
Cc: Greg Baer; Trippi, Sean; Jennifer Kansanback
Subject: PL13-00212 - Springhill Estates Modification (APN 057-200-024)

Mr. Maston,

As a follow up to my voicemails yesterday and today, I wanted to speak with you regarding the Will-Serve Letter for the subject property. I first want to apologize for poor timing of alerting you to this issue. I understand you were scheduled to taking this Use Permit (PL13-00212) item to the County Planning Commission on May 7 for approval and this issue has delayed that process. Unfortunately, since we last reviewed this application in Fall 2013, the situation regarding our water supply and ability to expand service to customers has substantially changed and thus, further review is needed.

The current Will-Serve Letter was issued in November 2007 and it expired two years later. Before we can issue a new Letter, we will need to closely analyze the the impacts of expansion of service to the property based upon the changed environmental conditions. Requests for extension of expired Will Serve Letters are generally treated as a new requests for service and they are evaluated as follows: (1) consistency with all current demand management policies (ie. Zero Water Footprint, municipal code and various administrative policies); (2) availability of recycled water and, if available, ability of the applicant to connect to it; (3) conservation practices employed by the applicant, particularly in landscaping; and (4) potential for demand offsets (such credits for Toilet Retrofit Program or off-site improved to recycled water system).

The bottom line is this project as currently proposed will not have a Zero Water Footprint (i.e. the water demand once 60 more rooms are added will exceed the historical baseline demand of 7,600 gallons per day by approximately 60%). As a result, the project needs to incorporate an offset to this new demand (which we currently estimate to be 4,600 gallons per day or 5.2 acre-feet per year). My staff and I have ideas about how this offset could be achieved and we stand ready to discuss our ideas with you next week.

Please give me a call at your earliest convenience and again please accept my sincerest apologizes for the poor timing of all of this.

Regards,

Jason B. Holley, P.E.
Public Works Director
City of American Canyon
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Mount Veeder Stewardship Council

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May 6, 2014

Napa County Planning Commission
County Administration Building
1195 Third Street, Suite 201
Napa, CA 94559

Re: Napa County Planning Commission Notice of Intent to Adopt a Categorical Exemption
Gateway Commercial Center - Springhill Suites Expansion Use Permit Modification
P13-00212-MOD
Hearing Scheduled for May 7, 2014

Dear Planning Commission:

The Mount Veeder Stewardship Council submits the following letter in Opposition to the Springhill Suites Use Permit Modification currently pending before the Napa County Planning Commission, and urges the Planning Commission to reconsider its intent to adopt a Categorical Exemption for the Use Permit Modification.

The goal of the Mount Veeder Stewardship Council is to encourage sustainability of our natural resources and to ensure that the rich biodiversity and rural quality of life in the private and public lands of our pristine watershed are respected, conserved and protected for future generations through education, local community involvement and outreach to government and business stakeholders. At this time, the Mount Veeder Stewardship Council is concerned about the approval of new uses for water, during this serious drought.

Based upon our review of the Springhill Suites Expansion Use Permit Modification and subsequent submittals, it is our opinion that the Planning Commission should not adopt the proposed Categorical Exemption, due to the fact that an adequate analysis of actual water available for the project was not performed, nor did the Planning Department take into consideration, while reviewing this application, the fact that Northern California is currently in a serious drought.

Notice to Neighbors

In Napa County, with a large percentage of properties located in the County, the notice which

was provided to neighboring properties, only those neighbors who own a property within 300 feet of the project property, were provided notice. Given the fact that the impact of the project extends well beyond 300 feet of the subject parcel, the notice by the County should really be extended to a distance of 1,000 feet of the subject parcel, to alert neighbors to the proposed project and allow them to contact the applicant directly or contact the County regarding their concerns for the proposed project.

Greenhouse Gas Impacts of the Project

The County now includes a Greenhouse Gas Checklist with any use permit application. Completion of the checklist should be mandatory. Since the County of Napa sets forth one of its tasks to be stewardship of this County and its natural resources, the County should require all applicants to complete the checklist. In addition, the applicant should be required to implement a certain number of the items in the checklist.

The Project Fails to Consider Several Water Related Concerns

Currently, the State of California is experiencing one of the most significant droughts in the State's recorded history. Yet, the Planning Department, in its evaluation of the Springhill Suites Expansion Use Permit modification, fails to take the drought into consideration.

Not only does the Planning Department fail to consider the drought, it fails to require the applicant to provide any actual water availability data in support of its application. In this particular application, the applicant provides an average of daily water usage for the existing project of 6,684 gallons per day, yet fails to complete the remainder of the application relating to water availability or proposed usage. In this case, the applicant is requesting permission to modify its existing use permit to increase the number of hotel rooms from the existing 100 rooms to add another 60 rooms to the hotel.

Given the fact that the applicant fails to complete the proposed water usage in its use permit application request, that duty then falls upon the Planning Department. If 100 rooms use 6,684 gallons per day, that would be 66.84 gallons per room per day. If you multiply the 66.84 by the new 60 rooms, that comes to 4,010.4 additional gallons of water per day for the proposed new rooms, for a total usage of 10,694.4 gallons per day once the 60 additional rooms are constructed.

This translates into an annual usage of 3,903,456 gallons of water per year for the Springhill Suites project, once construction is complete. Based upon the applicant's numbers, the current water usage for an entire year for 100 rooms is 2,439,660 gallons per year. This is an increase of 1,463,796 gallons of water per year. As set forth in the application, the source of water for this project is the water supply from the City of American Canyon.

Given the fact that California is currently in the midst of a drought, and the fact that the City of American Canyon has a limited water supply, and in fact the City of American Canyon has been trying to obtain additional sources of water for the City this year, has the applicant discussed this matter with the City of American Canyon? Has the City of American Canyon agreed to provide this additional water to the applicant?

The Water Availability Analysis for Napa County presumes that there is 1.0 acre feet of water per year available under each acre of land on the Valley Floor, presumes that there is 0.5 acre feet of water per year available under each acre of land on the Hillsides, and presumes that there is 0.3 acre feet of water per year available under each acre of land in the M-S-T. These presumptions were formed years ago, when California was not experiencing a drought, and these presumptions are flawed. In the midst of the drought, to assume that the same amount of water is available, as during a year with normal or higher than normal rainfall, after two winters with less than normal rainfall is not supported by any evidence, followed by the current winter, which is clearly a drought year.

California Water Code section 106 states "It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation."

Water Code section 1254 states "In acting upon applications to appropriate water the board shall be guided by the policy that domestic use is the highest use and irrigation is the next highest use of water."

The use of water, for a hotel, is neither domestic, nor is it irrigation, accordingly, it is a less important use of water, as set forth by the State of California.

The Planning Department has failed to consider state law in the allocation of scarce water; that domestic water use is the primary use of water, and irrigation is secondary use of water. The proposed hotel is neither domestic use nor is it irrigation. It falls into a category lower than domestic and irrigation uses.

The Project Fails to Address Actual Water Availability for the Project

While the application indicates that the water will be provided by the City of American Canyon water system, there is no hard data to back up this claim. Has the City of American Canyon agreed to allow the applicant to increase its amount of water usage by 1.5 million gallons of water per year?

The lack of analysis of the water availability for the site, by the applicant and the Planning Department, as well of the lack of consideration of the current drought, and how the drought has

and will impact the water availability at the site, the lack of required controls for water usage on the project, to deal with what could be a prolonged drought, all suggest that the Planning Department failed to perform a thorough review of the actual water available for this project. Instead, the Planning Department appears to have just accepted the flawed information which the applicant decided to provide in their application, without verification, and whether the information is correct or not, does not seem to have been considered. Nor has there been any discussion as to whether the City of American Canyon is willing to provide the applicant with the additional 1.5 million gallons of water which the project will require on an annual basis.

What if the City of American Canyon will not allow the applicant to use any more water for its project? Where will the additional water come from? Has the Planning Department or Planning Commission even considered this scenario?

The adoption of a categorical exemption for this project is not appropriate. At the very minimum, the applicant should be required to provide an in-depth water availability analysis and comply with CEQA and be required to perform an Environmental Impact Report addressing water availability, water conservation measures, as well as water availability for fire protection.

The County Fails to Consider, the Cumulative Impact of the Project on Napa County

Before any issuance of a Categorical Exemption for the Springhill Suites Expansion Use Permit modification, applicant and the County must consider how the addition of yet another hotel, with more visitors, will impact the County as a whole. There has been no such consideration or discussion of how the continued approval of a new or expanded business after business will impact the County of Napa. At what point does the County reach a level of saturation of hotels? This analysis should consider all predictable and cumulative impacts such as traffic, noise, waste water, water, air, carbon and quality of life for those of us who call Napa County our home.

Adoption of a Categorical Exemption for the Springhill Suites Project Would Set a Bad Precedent in the County

In the County of Napa, any approval of a use permit modification must comply with California law, including the California Environmental Quality Act, and the California Water Code, as well as County policy. As set forth above, the Springhill Suites Use Permit modification fails to comply with CEQA.

The Springhill Suites Use Permit modification raises the question as to whether the Napa County General Plan even contemplates approval of water intensive uses, in this case a hotel, in areas in the County which are lacking in water resources. The Mount Veeder Stewardship Council believes that it does not.

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The core of the 1976 Land Use Element (since protected by Measure J) was an analysis of the "intrinsic suitability" of land for development, which took into account the County's understanding of water availability, at that time. Today, the County has a better, but still incomplete, understanding of water use and water availability throughout the County. There is increased competition for water from springs, streams and wells. Today, more rural properties are suffering the effects of water shortages.

There is a problem with water availability in the Agriculture, Watershed and Open Space areas, even in years of "normal" rainfall. This is not a year of even normal rainfall; California is in a severe drought.

The adoption of a Categorical Exemption for the Springhill Suites Use Permit modification, at this time, without an adequate study of the actual amount of water available for the project, would set the stage for a whole class of applications, whose cumulative impacts would severely harm the County, its resources, and their neighbors.

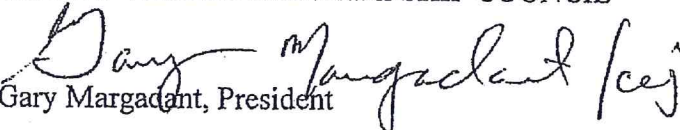
Accordingly, this use permit modification and any upcoming permit applications or modifications should be seriously weighed by the Planning Commission, and should contain a complete and thorough analysis of actual water availability, during this, California's worst drought, in the history of the State, instead of resting upon the faulty assumption upon which the County currently relies for water calculations.

The Mount Veeder Stewardship Council objects to the adoption of a Categorical Exemption for the Springhill Suites Use Permit modification on the basis that there has been no consideration of the current drought, no consideration of the actual amount of water available for the proposed permitted activity, or even an estimate of the proposed water usage with the expansion of the hotel.

The Mount Veeder Stewardship Council respectfully requests that the Planning Commission not adopt the Categorical Exemption for the Springhill Suites Use Permit modification.

Respectfully Submitted.

MOUNT VEEDER STEWARDSHIP COUNCIL


Gary Margadant, President

