

CITY OF AMERICAN CANYON

Napa Valley's New Destination



February 2, 2009

Sean Trippi
Principal Planner
Napa County Conservation, Development & Planning Department
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: Napa Pipe Notice of Preparation of an EIR

Dear Mr. Trippi:

The City of American Canyon appreciates the opportunity to identify environmental issues of concern related to the preparation of an Environmental Impact Report (EIR) for Napa Pipe. These comments are intended to provide the County with specific detail on the scope and content of the draft EIR. Overall, the City of American Canyon is very concerned about the inaccurate Project Description, potential economic viability of a high density residential neighborhood, and underestimation of potential environmental impacts.

1. The Project Description is not Accurate, Stable and Finite

As described below, the Project Description fails to describe the Project fully and accurately, thereby undercutting the public's and decisionmaker's ability to understand the Project, determine impacts of the Project and evaluate mitigation measures. Under the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, the project description is one of the key parts of any environmental document. As the Court of Appeal in County of Inyo noted long ago,

"Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative), and weigh other alternatives in the balance. **An accurate, stable and finite** project description is the *sine qua non* of an informative and legally sufficient EIR".

The following comments identify the subject areas that are deficient in providing an accurate description of each aspect of the project.

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Market Rate Housing

The project description states that the basic concept for the project is to build a high-density residential neighborhood. Napa County is counting on this success as a long-term solution to its affordable housing requirements. The City of American Canyon is concerned that Napa Pipe will not succeed as a high density residential neighborhood because local market preferences does not include a high density residential lifestyle.

The Napa Pipe property is adjacent to and therefore subject to the same residential market forces as the City of Napa. A close examination of the residential market in Napa should cast doubt on the economic viability of the concept that Napa Pipe will provide a substantial number of affordable, attached ownership dwelling units. For example, the City of Napa, overall, has very few condominium developments. With the exception of the new luxury condominiums at the downtown waterfront, there has been virtually no condominium development in the last 18 years. If you examine the entire City, condominiums account for only 8% of the dwelling units, versus 60% for single family detached (source: Draft City of Napa Housing Element). A lack of condominium development in the City of Napa indicates an overwhelming local preference for detached residential homes over attached condominium ownership. Given the significant and foreseeable decline in the median price of detached homes in Napa, it is unlikely that local residents will shift preference from detached home ownership to condominiums during the next ten years or more.

In the event local demand for attached high density ownership condominiums does not materialize, the applicant will be forced to significantly change the residential program by reducing density and affordability without necessarily amending the General Plan or zoning. In other words, the public is being asked to support Napa Pipe because it will provide a high density affordable solution to Napa County's housing needs. Yet, the result will likely end up as a low density, high cost luxury enclave for wealthy local and out of town investors. To reduce the chances that foreseeable economic necessity sweeps away affordable housing objectives during project implementation, the EIR must include an economic feasibility study for the project along with a pro forma that demonstrates that affordable high density housing is an economically viable land use at the Napa Pipe site.

The description of market rate housing is in conflict with applicant's representations of the project. Obtaining an accurate and verifiable market rate housing description and monitoring program will have a significant impact on the project's ability to satisfy the County's regional housing needs, and not just a place for high income property owners to reside. For example, the project description states that 2,064 housing units will consist *principally* in attached form and with an *average size* of 1,200 square feet. During the Napa Pipe tour presentation, the applicant represented that *all* the dwelling units would be attached. The choice of the word "principally" implies that most but not

all units will be attached. Therefore, what percentage of the dwelling units constitutes principally attached? If the project is not viable as a high density attached residential neighborhood, unclear descriptions, such as "principally" allow room for significant post-approval modifications to be implemented without public review.

The project description representation that the units will have an average size of 1,200 square feet needs to be clarified. To the layman, the average unit size means that when the project is built-out, the sum total of the square footage of all homes divided by the number of homes will be equal or less than 1,200 square feet. Given the extended years of project buildout, how will the County guarantee that this average calculation will in fact occur? What administrative systems will be put in place to determine the accuracy of the average unit requirement? Will large units be permitted in the early phases with the hope that later phases include small homes, or will the small homes be constructed at the beginning of the project? Will nontraditional housing projects count toward the average, such as Seniors Housing and Condominium hotel? If so, is adding nontraditional housing types to the calculation consistent with the spirit and intent of the Project Description?

The project description fails to identify the percentage of inclusionary housing units in the very low, low, and moderate income categories. In today's declining residential market, it is arguable that the long-range market price for condominium units averaging 1,200 square feet will be affordable to moderate income buyers. If a small percentage of the inclusionary housing units are allocated to the very low and low income category, there will be minimal benefit to lower income households, and the objective of building Napa Pipe to provide affordable ownership housing opportunities will not succeed.

The market demand for investors to purchase condominiums with the intent of using them for vacation rentals is well documented in Napa County. Should this practice be permitted in the Napa Pipe project, the objective of developing Napa Pipe as an affordable workforce housing location will not be achieved. The EIR must address this robust market demand, and evaluate mitigation measures that will prevent property owners from converting residential units to vacation rentals.

The EIR must evaluate the consistency of the proposed local preference program to sell units to Napa residents and employees of Napa businesses with Fair Housing regulations. Should this policy be deemed inconsistent with Fair Housing regulations, environmental and policy advantages from this program will not achieve its intended objectives.

Vacant Industrial Baseline Overlooked

The predominant use of this property for several years is a combination of "vacant" and "outdoor storage". Therefore, for purposes of CEQA, the land use baseline for the

project is the current use at the date the NOP was issued. This land use consists of very low intensity land use. For purposes of accurately describing baseline field conditions, the initial study must be revised to accurately describe the amount and intensity of existing activities on-site.

For purposes of defining the project, nineteen acres are identified as future industrial property that will not be rezoned as a part of the project. These 19 industrial acres could be developed with intense industrial uses in the future without any subsequent general plan amendment or zone change. Therefore, the development intensity for this property needs to be included as a part of the project in the Project Description. If the County's intent is to prohibit any development within the 19 acres, the project description should identify regulatory measures that the project will incorporate to prevent any development within the 19 acres until a separate project is submitted that identifies potential uses along with appropriate environmental analysis.

Project Phasing

The EIR must evaluate the environmental impacts of the estimated phasing and identify regulatory phasing restrictions. These restrictions will need to ensure that identified impacts are mitigated at each development phase.

Development Intensity

The project description refers to development intensity with the term "approximate." The choice of the use of the word "approximate" implies that the square footage could be more or less than the project description. How much more or less? The vagueness of the Project description does not provide the necessary information to accurately determine the environmental parameters for the project, and whether all potential impacts will be evaluated.

In addition, the EIR must identify the amount of square footage for the Condominium Hotel meeting space and spa and any other associated hotel uses that could result in an environmental impact.

Water Supply

The ground water supply that the project refers to was historically used by the private water company that was subsequently acquired by the water district that became the City of American Canyon water district. Therefore, the City of American Canyon believes that the City's water district has rights to the groundwater and not the current property owner. Because the water rights for the aquifer upon which the project relies is adjudicated, under the worst-case scenario, the EIR must assume that the groundwater is not available to the project.

Because the project's rights to use groundwater are speculative, the EIR must evaluate water sources in accordance with the *Vineyards* case in the event adjudication of the water source determines the property owner does not possess water rights as currently implied in the NOP.

Furthermore, the project's proposed use of groundwater to support urban development is not consistent with the County's General Plan. The EIR needs to identify this issue and propose mitigation measures to resolve this inconsistency.

Railroad Crossings

The EIR must identify whether the applicant has obtained easements from Union Pacific Railroad for the at-grade crossings. If such crossings are not currently approved, the EIR must identify and evaluate traffic circulation and impacts without use of the proposed railroad crossings.

Bay Trail Connections

The EIR must evaluate the proposed alignment and environmental impact of proposed Bay Trail connections. The environmental impact must include construction impacts of the trail, and whether the trails connect to any feasible trails at the terminus of the project's proposed trail. If there are no trails for the project to connect to, the EIR must evaluate impacts on local circulation network and trail user safety as users exit the Napa Pipe trails.

Kaiser Road Improvements

Once again, the project description is vague by using the word "possibly" in association with the construction of a roundabout on Kaiser Road at Enterprise Way. The EIR must clearly identify the scope of transportation improvements if the traffic study and circulation-related impacts are to be evaluated effectively.

All Roadway Circulation Improvements

The EIR project description must identify whether circulation improvements will be constructed to County standards. If alternate designs are proposed, the EIR must evaluate the environmental impacts and propose mitigation measures for the County standard deviations.

Furthermore, the Initial Study alludes to the introduction of alternate transportation systems that will offset air quality impacts. This is another vague aspect of the Project description that requires clarification. Any alternate transportation system will extend

beyond the project boundaries and impact nearby local jurisdictions. Therefore, any significant infrastructure improvement, such as an alternate transportation system must be identified in the Project description and analyzed for environmental impacts through the EIR.

Placement of Fill

The Hydrology and Water Quality section of the Initial study states that the project will place approximately 3 to 4 feet of fill on the majority of the site. The project description needs to include this critical project component because it causes many significant environmental impacts. The description must also delineate areas on the site where fill be placed and the depth of fill.

2. The Initial Study does not Accurately Evaluate the Project Impacts

Agricultural Resources

The 2005 Napa County and 5-City joint groundwater supply study identified a shortage of groundwater for agricultural uses by the year 2020. The EIR must evaluate whether diverting a potentially rich source of groundwater from agricultural use to urban use will impact the viability of agricultural resources in Napa County.

Air Quality

The Initial Study alludes to the introduction of alternate transportation systems that will offset air quality impacts. Any alternate transportation system with the ability to improve air quality will have regional significance and must be identified and analyzed for environmental impacts through the EIR.

In terms of Greenhouse gas emissions, the County may wish to reference the new state OPR document on Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions. These draft amendments further defines the state's recommended analysis methodology. The proposed checklist category entitled Greenhouse Gas Emissions is available at: <http://opr.ca.gov/index.php?a=ceqa/index.html>.

Biological Resources

The project will include extensive fill placement over a majority of the site. The EIR must evaluate safeguards to prevent accidental fill into Napa River. In addition, because the site is a former industrial site, the EIR must evaluate the potential for remediation activities to disturb soil in the vicinity of Napa River, thereby releasing toxic material into the river.

The Project Description includes Bay Trail extensions. These trails will encroach into wetland and other protected environments. Therefore, environmental topic 4 (f) must be revised from "No Impact" to "Potentially Significant Unless Mitigation Incorporated".

Hazards and Hazardous

Fill and exaction of hazardous material from the site will occur adjacent to the Napa River. Therefore, the potential exists for hazardous fill to be released into the river and harm biological resources. Therefore, in addition to evaluating impacts of excavating on air quality, noise and traffic, the EIR must evaluate the potential for remediation activities on biological resources within Napa River.

Hydrology

Climate change is expected to cause more severe rainstorms and increased elevations of flood events, plus increase sea levels which could impact this area since it is subject to tidal flows. Since the Napa Pipe area is at the downstream end of the Napa River watershed, it will be impacted by any upstream development and increased flows over time. For these reasons, the EIR must evaluate potential impacts to residential development from flooding in relation to expected changes from climate change and not just from the FEMA 100 year maps. The state Department of Water Resources and other agencies have policy documents that support the conclusion that climate change will cause flooding and sea level rise.

Land Use

The Initial Study overlooked an important land use/transportation policy document prepared by the Napa Transportation and Planning Agency (NCTPA). The policies in the document "Napa's Transportation Future" is relevant to the Napa Pipe project. Therefore, this document must be considered in the preparation of the EIR.

The Initial Study identifies "No Impact" for Land Use Criteria (a) on the basis the site is currently used for various industrial activities. While there is no disagreement that the project could not disrupt an established community, the scale of industrial activities on the site are so low, that it is inaccurate to describe the current activities as "industrial". A more accurate baseline land use description is "vacant" or "outdoor storage", which is a very low intensity land use with little environmental impact. For purposes of accurately describing baseline field conditions, the initial study must be revised to accurately describe the amount and intensity of existing activities on-site.

In addition to the issues the EIR will investigate related to Criteria (c), the EIR should review smart growth policies in SB 375, and the associated regional MTC/ABAG policies on smart growth. A closer examination of these policies may reveal the

conclusion that the Project more closely resembles a New Town in the outskirts of Napa, which may be growth-inducing, cause more driving, and more impacts than smart growth in the Cities of Napa and American Canyon. In addition, the County General Plan states that Industrial land is in short supply in the County. Development of the site as a high density residential neighborhood will induce demand for more industrial land, and conflict with objectives that favor retention of industrial properties.

Public Services

As indicated in the November 25, 2008 memorandum from the Director of Conservation, Development and Planning to the County Board of Supervisors, the fiscal impact study that is referenced in the Public Services section is out of date due to the current recession. As a result, the EIR must include an updated fiscal impact study to determine whether sufficient funds will be available to mitigate municipal service needs for the project.

Transportation and Traffic

The draft traffic study underestimates project-related traffic and fails to adequately evaluate environmental impacts in American Canyon. Project-related traffic impacts are underestimated because the traffic analysis did not include 290,000 square feet of industrial/R&D/warehouse traffic generation potential from the 19 acres of industrial zoning that will remain in place (19 acres @ 0.35 FAR). The traffic study failed to include traffic generated by the hotel conference/restaurant facility, and the traffic study did not account for additional traffic generated by drive-thru lanes commonly associated with quick serve restaurants.

Traffic impacts to the City of American Canyon were underestimated because all the "upstream" intersections on Highway 29 within American Canyon were not evaluated. The City believes the omitted intersections were potentially impacted by Napa Pipe because the "downstream" Highway 29/American Canyon intersection experienced a significant impact. Therefore, it is likely that all other "upstream" intersections within the City that are located closer to Napa Pipe than Highway 29/American Canyon Road would also be impacted. In addition, the traffic study must also expand its study boundaries to each intersection beyond Highway 29/American Canyon Road that is impacted by the Project.

Finally, staff met with the County in January 2008 to discuss the draft traffic study. At the time, staff had specific concerns with the study as documented in a January 7, 2008 letter (see attached). Please ensure that the traffic study for the project incorporates these comments.

Utilities and Energy Conservation

The initial study does not adequately address water supply. As discussed above, the water rights for the aquifer upon which the project relies on is unadjudicated. Under the worst-case scenario, the EIR must assume that the groundwater is not available to the project. Furthermore, the project's proposed use of groundwater to support urban development is not consistent with the County's General Plan policy. Because the project currently does not possess the rights to use groundwater, the EIR must evaluate water sources in accordance with the *Vineyards* case in the event adjudication of the water source determines the property owner does not possess water rights.

The EIR should evaluate the indirect effects of using groundwater for water supply. Examples include: energy use and associated emissions from pumping, evaluate the potential for saltwater intrusion and sink holes, and loss of wetlands if pumping impacts natural springs that support wetland areas. What alternative potable water sources are available and what are their impacts compared to the use of groundwater?

The decisions made during deliberation of Napa Pipe will have a lasting legacy to the County and nearby cities. Staff is pleased to provide comments that will facilitate a thorough analysis of the Project. If you have any questions, I may be contacted at (707) 647-4335 or by e-mail at bcooper@cityofamericancanyon.org.

Sincerely,
CITY OF AMERICAN CANYON

A handwritten signature in black ink, appearing to read 'Brent Cooper', with a stylized flourish at the end.

Brent Cooper, AICP
Community Development Director

Attachment

Napa Pipe Traffic Model letter, dated January 7, 2008

cc: Nancy Watt, CEO, County of Napa Executive Offices
Hillary Gitelman, Director of Conservation, Development & Planning
American Canyon Mayor and City Council
Richard J. Ramirez, City Manager

CITY OF AMERICAN CANYON

Administration

Gateway to the Napa Valley



January 7, 2008

Nancy Watt, CEO
County of Napa Executive Offices
1195 Third Street, Suite 310
Napa, CA 94559

SUBJECT: Napa Pipe Traffic Model

Dear Nancy:

City of American Canyon Planning staff met with the City's Public Works Director and Traffic Engineering Management Aide last week to review the Memorandum sent to us by Fehr & Peers, the transportation consultants conducting the traffic impact study for the Napa Pipe project. We had invited Project Manager Aviva Laurenti of Fehr & Peers to the meeting to hear our concerns over their traffic modeling, but she was unavailable due to the holidays. Nevertheless we held an internal meeting to review the issues with the traffic study being conducted for the Napa Pipe project.

Staff had previously sent Ms. Laurenti information on recent activity in the City, as well as information from the City's own traffic modeling performed by Omni-Means, the City's Traffic Engineer. We had sent Fehr & Peers the City's Traffic Circulation Study "Working Papers" which included the information that went into the City's Traffic Model. The Working Papers included information for the City's Traffic Analysis Zones (TAZ) and the conclusions reached. Ms. Laurenti informed the City that Fehr & Peers would or could not use the information we sent, as they had chosen to use the Napa County/Solano County Model instead, and requested that the City update the information for that model.

Staff reviewed the model being used by Fehr & Peers and determined that the TAZs used in the model are not useful or correct in boundaries or information for the City of American Canyon. In fact, we question the model's use and validity for the entire south Napa County area. We also determined that we don't have the staff to put on this project to correct the misinformation in the model. We expect the County to modify the traffic consultant's scope of work to produce a viable and valid traffic impact report for the Napa Pipe project.

To summarize the problems with using the Napa-Solano County Model, the first is that the base year of the model is 2000. The model is now 8 years old, and since data that is

entered into a model is often more than 6 months to 1 year old, the data could easily be 9 or more years old. For American Canyon, it is obvious that the information is far too old to be valid. The 2030 (sub)model does not have Newell Drive, Devlin Road, or the Airport Corporate Parkway! Most of the City's major residential projects were not yet built, including Vintage Ranch, La Vigne, Entrada, and many of the residential areas in the Wetlands Edge area. The commercial and industrial areas of the city were almost undeveloped at that time as well, as the majority of development in American Canyon has occurred since 2000. Currently, the City of American Canyon already has close to the population numbers projected by the 2030 portion of the model.

The Napa-Solano County model is a regional model. As such, it cannot be used to analyze impacts at the intersection level, which is necessary to conduct an adequate impact analysis for an individual project—especially a project of the magnitude of the Napa Pipe project. A regional model is not intended to be used to analyze an individual project—it should only be used to provide and match the traffic numbers at the regional gateways, such as Interstate 80, and Highways 12, 37, and 29. Meanwhile, the Napa Pipe project will affect many individual intersections both within and outside of American Canyon. We suspect that the City of Napa may be likewise affected.

Our conclusion is that the County needs to revise the traffic consultant's scope of work to produce a viable and valid traffic impact report for the Napa Pipe project. In the case that the County does not produce such a report, it appears that the CEQA document for the project would likely be challenged to ensure adequate information is presented.

If you have any questions, please feel free to contact me at (707) 647-4351. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard J. Ramirez', with a stylized flourish at the end.

Richard J. Ramirez
City Manager

c: Chairman Harold Moskowitz, Napa County Board of Supervisors
Supervisor Bill Dodd, Napa County Board of Supervisors
Hillary Gitelman, Napa County Planning Director
Mayor and Councilmembers, City of American Canyon
Mayor Jill Techel, City of Napa



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January 30, 2009

Mr. Sean Trippi
County of Napa
Department of Conservation, Development & Planning
1195 Third Street, Suite 210
Napa, CA 94559

Subject: Response to the County of Napa's Notice of Preparation for the Napa Pipe Project Environmental Impact Report

Dear Mr. Trippi:

The City of Napa received a Notice of Preparation (NOP) for the proposed Napa Pipe Project on January 5, 2009. The City is a responsible agency under the California Environmental Quality Act (CEQA).

The City's comments for the Napa Pipe Project NOP and subsequent environmental review for the Draft EIR can be grouped into the following primary areas of focus.

- Definition of Objectives – An accurate and complete project description is necessary to evaluate the project's potential environmental impacts and to allow for an adequate alternatives analysis. Consequently, the Draft EIR should clearly state both the County's legislative and policy objectives in considering the proposed project and the objectives of the developer in proposing the project.
- Alternatives Analysis – In addition to looking at a no-housing alternative, the Draft EIR should consider an alternative that provides a much broader range of housing types than currently proposed. Moreover, the project proposes to amend the County's existing General Plan to permit substantial new housing in an area that the County had earlier determined was not suitable for housing. To adequately evaluate the potential environmental impacts of this significant policy change, the Draft EIR should analyze alternative sites within the County that could be used to meet the County's regional housing needs allocation (RHNA) share (*see Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 276 Cal. Rptr. 410), and an alternative in which the City agrees to increase its RHNA share to offset the County's reliance on the project site to meet the County's RHNA obligations.
- Traffic – The City, since the proposed projects' inception, has expressed material concerns regarding the substantial volume of traffic that will be generated and the assumptions that are utilized in the traffic study regarding trip generation and

- assignment. Traffic generated from the proposed project will be one of the primary impacts to the City of Napa.
- Water – The City has serious concerns regarding the proposed source and supply of potable water for the project. Sole reliance upon groundwater supplies is contrary to County policy that limits groundwater use for urban areas and a change in this policy allowing groundwater for urban development may have long reaching impacts to both agriculture and other future urban use.

Based upon our review of the NOP, the City requests that the Environmental Impact Report address the following:

Project Description/Project Definition

The draft EIR project description should provide a listing of all known required entitlements, approvals, and permits (discretionary actions) that will be required to implement the proposed project. The list should include:

- All lead agency approvals (General Plan Amendment, Rezone, Master Development Plan, etc.). The description should include the specific “related zoning amendments” and General Plan changes that are proposed and the timing of when will they occur.
- Required Federal, State, and other agency approvals including:
 - U.S. Army Corps of Engineers Section 404 permit required for the 3-4 feet of fill proposed within the existing floodplain on site,
 - Section 401 Water Quality Certification as part of the 404 process,
 - Federal Emergency Management Agency (FEMA) Letter of Map Revision (LOMR) required to change the Flood Insurance Rate Map and Flood Boundary/Floodway Map to reflect the proposed fill,
 - National Pollution Discharge Elimination Systems (NPDES) discharge requirement permit(s) from the Regional Water Quality Control Board (RWQCB)
 - US Fish & Wildlife Service section 7 consultation under the Endangered Species Act
 - California Department of Fish & Game Streambed Alteration Permit (Section 1602)
 - National Historic Preservation Act section 106 consultation with State Historic Preservation Officer
 - California Public Utilities Commission (CPUC) at-grade crossing permits for the three proposed roadway locations,
 - California Department of Toxic Substances Control (DTSC) permits related to the cleanup of hazardous materials from the site,
 - Any permits required by the Bay Area Air Quality Management District
- All other relevant known permitting actions required for the development.

- The draft EIR should include detail regarding the site in terms of actual design and aesthetics. To fully understand and analyze the impacts, site profiles/cross sections, building elevations to scale, edge conditions and other details should all be included.

The project description includes some specific information regarding the proposed phasing of the residential portion but lacks information regarding the timing/phasing of the other land uses. The draft EIR should address the phasing of the whole project (including industrial, hotel, commercial, etc.) not just the residential portion. The EIR should further address the impacts of the proposed residential phasing in relation to the County's 1% annual growth policy.

The draft EIR project description should address the possible need for schools. This is of particular importance given the number of housing units proposed and the elevated hazardous cleanup requirements for a school site.

The draft EIR should provide more detail regarding the "Neighborhood Retail" use. Commercial uses that are of a regional nature (expected to serve and draw from the region) should be analyzed for corresponding impacts.

Water

The project description states that the proposed development will rely solely upon groundwater supply and that a water company will be formed to extract, treat, and distribute potable water to the site. The City's questions and concerns about water service that should be addressed in the EIR include the following:

- The use of groundwater to support urban development is contrary to County General Plan (CON – 51) policy. How will this be reconciled?
- Is a private water company a viable and reliable long-term water supply option?
- What is the proposed governance structure of the water company?
- What is the service area of the proposed water company and will it propose to serve areas beyond the project's boundary?
- The draft EIR should evaluate the potential impacts to agriculture from the proposed use of groundwater. In 2005, a joint study (Napa County and the five cities in the County) was prepared that indicated that the County faces a water supply shortage (groundwater for agricultural uses) by the year 2020. Approving a new demand for groundwater would seem to make this situation worse. Given this, the project may generate impacts to agriculture; potential impacts to agriculture should be evaluated in the draft EIR.
- A completely independent water supply and distribution source contained on the project site will need to consider storage requirement (reservoir) for adequate fire protection. The draft EIR should address this.

- The draft EIR should address the required treatment and aesthetic (water temperature) issues that were raised in the West Yost technical memorandums that are referred to in the NOP.
- The draft EIR should analyze an alternative that includes City supplied water.

The City of Napa has historically avoided the use of groundwater as a primary supply source. This has been at considerable expense to the City. The use of groundwater as a primary supply source for the Napa Pipe development will set a precedent for other users and municipalities to potentially tap groundwater as a primary supply source for uses other than agriculture. The cumulative impacts of multiple users tapping groundwater as a primary supply source should be considered in the EIR.

Transportation/Traffic

The City has previously provided (see attached October 27, 2008 Memorandum) separate comments to the County regarding concerns related to the preliminary traffic study prepared by Fehr & Peers and referenced in the NOP. In addition to these issues previously raised, the following items should be addressed in the project EIR:

- A connection to the City street system is proposed on the southern portion of the site at San Anselmo Court. In addition to the traffic impacts, the EIR should analyze all impacts (access, noise, nuisance, fiscal/economic, etc.) to the existing businesses in this location.
- Previous discussion with the project applicant and the County have included the pursuit of a tight diamond interchange at SR 29 and Napa Valley Corporate Drive even though this interchange was not identified in the draft traffic study as a mitigation measure. The project description does not include this improvement. Is there a reason that it has been excluded?
- If schools are not to be provided within the project, the EIR should address the specific traffic impacts related to school /student commutes.
- A great deal of discussion prior to the issuance of the NOP has centered on the transit-oriented nature of the project, yet the project description seems lacking any substantive detail regarding proposed transit facilities and opportunities. If transit will be a significant feature of the project, the EIR needs to provide greater detail regarding the timing and construction of the facilities and thoroughly analyze the associated impacts.
- Preliminary site plans for the project have shown roadways and alleyways that are much narrower than current City and County standards. These have raised concerns from not only a public access and circulation standpoint but also from a public safety (fire and police access and response) point of view. The draft EIR should analyze the impacts of the proposed project roadway standards and provide a comparison to both City and County standards.
- The EIR should address the impacts of having only two points of ingress/egress to a project of this magnitude. What additional emergency access is required?

Land Use/Housing

- Similar to the three preliminary studies, the range of site alternatives evaluated in the EIR should be broad and include lower housing alternatives. Specifically, the City believes that both an all-industrial alternative and a very reduced residential (less than 650 units) alternative should be studied.
- The alternatives studied should look at a broader range of on-site recreational facilities that do not rely upon the City park system. The impacts of the proposed connection to Kennedy Park should also be studied.
- The project alternatives should look at a broader mix of housing types to serve the community; the project essentially proposes two housing prototypes for nearly 2,600 units.
- The EIR should adequately explain the difference between the “first phase” (850 units) of the Napa Pipe project in the County’s Draft Housing Element, versus the total proposed 2,650 total units.
- The “market rate housing” should be fully defined in the EIR. An explanation of the preference policy described in the NOP should be included.
- The NOP states that the project will “not have an impact in relation to the division of a community” yet the project clearly relies on availability and extension of City services including recreation, drainage, roads, and public safety among others. This reliance indicates physical, social and economic connection with the City. The impact on the “division of a community” should be fully analyzed. The proposed project will create an intense urban community, essentially a residential island, which is adjacent to the City but disconnected from the City governance. Items such as travel time, connectivity, and other impacts must be analyzed in the EIR.
- Additionally, the growth inducement impacts on the ‘edge’ of the City need to be addressed.

Utilities and Public Services

- If a package sewage treatment plant is a proposed on-site option, the EIR must fully address the impacts not only within the site but also to the surrounding City. These impacts should include odors, noise, discharges, possibility of spills, etc.
- If the project will be served by the Napa Sanitation District (NSD), then any impacts to the existing system sewer connections need to be addressed in light of the current capacity issues that NSD is experiencing with infiltration and inflow as well as overall treatment plant and effluent storage limitations.
- The EIR should analyze the proposed standards for various proposed utilities (sewer, water, storm drainage) and provide a comparison with City, County,

and/or other governing agency standards. Impacts of deviating from these standards should be addressed.

- The proposed method of any on-site water quality treatment and discharge system should be adequately described and impacts identified addressed and in the EIR.
- An analysis of the project's impacts on the City's public safety (police and fire) services should be included.
- Impacts of the proposed project to the solid waste system should be analyzed. What is the capacity of the existing transfer station? What will the project's impacts be to garbage and waste collection?
- Will there be any impacts to the hospital capacity within the City/County?
- There is a tremendous reliance upon Kennedy Park to serve the future population of the proposed development. What are the impacts to the City (park maintenance, capacity, etc.)? The project should look at a broader range of recreational facilities rather than relying upon the City park system.

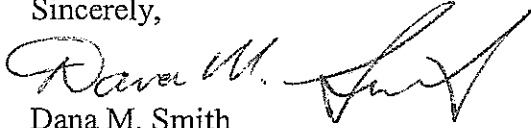
Other

In addition to the issues raised above, the City believes the following items should also be addressed:

- The EIR should address impacts of "over flight annoyance" within the portion of the project in the ALUC Zone E.
- The County should note that the site is designated an area of high sensitivity on the map "Archaeological Sensitivity in the City of Napa, 1995" prepared by Archaeological Resource Science.
- The proposed project will involve a significant amount of heavy construction activity. The EIR should address all of the impacts associated with the project's construction. These should include:
 - Import and placement of approximately 1,000,000 cubic yards of fill material. Where will the fill come from? Will it be trucked into or barged into the site?
 - How will construction activities impact the Napa River?
 - How will hazardous materials be removed from the site? What are the public risks/impacts involved?
 - How will construction activities affect the existing businesses and facilities surrounding the site?
 - How will construction traffic be routed / handled?
- The site is bisected by railroad tracks. There does not appear to be any current permitted "roadway" crossings on site (based upon PUC records). What are the impacts to the site/site plan if the three proposed crossings are not all granted by the PUC? What noise impacts will arise given the proximity of the rail tracks to the residential units? How will the placement of 4-5 feet of fill affect the operation and aesthetics of the railway corridor?

The City appreciates the opportunity to comment on this NOP. Please contact me or Tambri Heyden, the City's Community Development Director, if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dana M. Smith", with a stylized flourish at the end.

Dana M. Smith
Assistant City Manager
City of Napa

Attachment

Cc: Mayor Jill Techel
Vice Mayor Juliana Inman
Councilmember James Krider
Councilmember Peter Mott
Councilmember Mark van Gorder
Mike Parness, City Manager

Memorandum

DATE: OCTOBER 27, 2008
TO: DANA SMITH, ASSISTANT CITY MANAGER
FROM: JACQUES R. LaROCHELLE, ASST. PUBLIC WORKS DIR.
SUBJECT: NAPA PIPE PROJECT TRANSPORTATION IMPACT ANALYSIS

The City of Napa, Department of Public Works has reviewed the Administrative Draft of the Napa Pipe Project Transportation Impact Analysis as requested by Fehr & Peers. While we concur with comments prepared by Hillary Gitelman and Rick Marshall concerning the technical merits of the report, we have major concerns with the proposed project as outlined below:

General

The City of Napa is in general concurrence with the major assumptions made by Fehr & Peers in the report regarding traffic generation rates and traffic distribution. The numbers generated in the report appear to be consistent with what is proposed for the development.

Inconsistencies with the City of Napa General Plan, Circulation Element

Page 36 of the report states that the Project will generate nearly 29,000 vehicle trips per day. Currently (and in the foreseeable future) the only route that can receive and distribute this additional traffic is SR 221, which is a 4 lane conventional state highway. As a result of this additional traffic generation, and as stated in the report, SR 221 must be widened to 6 lanes and additional capacity must be added at several key intersections along the route. In addition, the report states that a portion of Silverado Trail must also be widened to 6 lanes in order to convey this additional traffic. The physical and environmental impacts of widening these streets to 6 lanes are not addressed in the report. In addition, these road widenings are inconsistent with both the City's and the recently adopted County General Plan. At a minimum, these proposed street widenings must first go through a rigorous General Plan Amendment that has no guarantee of success.

Furthermore, several major intersections will be negatively impacted by the project with no viable means to mitigate traffic or environmental impacts. These include First at Soscol, Third at Soscol and Imola at SR 221. The anticipated lack of lane and intersection capacity will affect general circulation in and out of the City as well as emergency response.

Therefore, our main concerns revolve around the physical and environmental impacts of the proposed mitigation measures and consistency with General Plan, Circulation Elements.

Concern with SR 221/SR 29 Interchange Improvements (Soscol Flyover)

It is our understanding that direction has been given to Fehr & Peers to change the trip distribution in equal proportions from the Napa Pipe site's two access points. The initial draft report assumed a split of 85% of trips using the northern project entrance at Kaiser Road and 15% using the southern connection at San Anselmo Court. This change in the distribution percentages is apparently in the anticipation of a future interchange to be constructed at Napa Valley Corporate Drive and SR 29. There is no indication that an interchange at this location will ever be approved and constructed.

The City of Napa is very supportive in trying to secure an interchange at this location. However, it should be noted that an interchange at this location is unfunded and does not meet Caltrans design standards in that it is located too close (approx. 1/3rd of a mile) to the intersection of SR 221 and SR 29. In order to secure approval for this new interchange, a Mandatory Design Exception is required from Caltrans Headquarters. It is our opinion, based upon a great deal of direct experience in trying to obtain Design Exceptions as well as recent meetings/discussion with Caltrans District 4 staff, that this approval will be extremely difficult to obtain. Caltrans early project alternative analysis for the Soscol flyover included a preliminary investigation of an interchange at this location. It was ruled out due to not only sub-standard weave/merge distances with the flyover but also its prohibitive cost given the physical constraints of the location. It was deemed by Caltrans that the configuration and movements from Napa Corporate Drive/Soscol Ferry Road to SR 29/221 would in essence operate adequately as one interchange.

For the above reasons, traffic distribution in this analysis should be based upon current configurations rather than the assumption of a future interchange that may never materialize.



State of California – The Resources Agency

DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

ARNOLD SCHWARZENEGGER, Governor



January 27, 2009

Mr. Sean Trippi
County of Napa
Conservation, Development & Planning Department
1195 Third Street, Suite 210
Napa, CA 94559

Dear Mr. Trippi:

Subject: Napa Pipe Project, SCH #2008122111, City and County of Napa

The Department of Fish and Game (DFG) has reviewed the documents provided for the subject project, and we have the following comments.

Please provide a complete assessment (including but not limited to type, quantity and locations) of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. The assessment should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the project. Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380). DFG recommended survey and monitoring protocols and guidelines are available at http://www.dfg.ca.gov/wildlife/species/survey_monitor.html.

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

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. DFG, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential

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NAPA COUNTY

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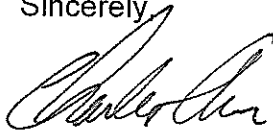


Mr. Sean Trippi
January 27, 2009
Page 2

impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

If you have any questions, please contact Ms. Corinne Gray, Environmental Scientist, at (707) 944-5526; or Mr. Greg Martinelli, Water Conservation Supervisor, at (707) 944-5570.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Armor", written in a cursive style.

Charles Armor
Regional Manager
Bay Delta Region

cc: State Clearinghouse

SEKPI

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-4082
 (916) 657-5390 - Fax



January 12, 2009

Sean Trippi
 Napa County
 1195 Third Street
 Napa, CA 94559

RE: SCH#2008122111 Napa Pipe Project; Napa County.

Dear Mr. Trippi:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
 Katy Sanchez
 Program Analyst

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CC: State Clearinghouse

NAPA CO. CONSERVATION
 DEVELOPMENT & PLANNING DEPT

Native American Contact

Napa County
January 9, 2009

The Federated Indians of Graton Rancheria
Gene Buvelot
6400 Redwood Drive, Ste 300 Coast Miwok
Rohnert Park , CA 94928 Southern Pomo
coastmiwok@aol.com
(415) 883-9215 Home

The Federated Indians of ~~Graton Rancheria~~
Frank Ross
440 Apt. N Alameda del Prado Coast Miwok
Novato , CA 94949 Southern Pomo
miwokone@yahoo.com
(415) 269-6075

Ya-Ka-Ama
6215 Eastside Road Pomo
Forestville , CA 95436 Coast Miwok
(707) 887-1541 Wappo

The Federated Indians of Graton Rancheria
Greg Sarris, Chairperson
6400 Redwood Drive, Ste 300 Coast Miwok
Rohnert Park , CA 94928 Southern Pomo
coastmiwok@aol.com
707-566-2288
707-566-2291 - fax

Suscol Intertribal Council
Charlie Toledo
PO Box 5386
Napa , CA 94581
suscol@i-cafe.net
707 256-3561
707 256-0815 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2008122111 Napa Pipe Project; Napa County.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



January 8, 2009

Sean Trippi
Napa County
1195 Third Street
Napa, CA 94559

Re: Notice of Preparation, Draft Environmental Impact Report (DEIR)
Napa Pipe Project
SCH# 2008122111

Dear Mr. Trippi:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian movement at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

Three at-grade Union Pacific railroad crossings are mentioned in the project description. The proposed project could generate large volumes of traffic above baseline levels. The traffic impact study conducted for the DEIR should specifically consider traffic safety issues at railroad crossings. The CEQA documentation should evaluate, for example, whether traffic queues would extend across railroad tracks. Such queuing increases the possibility that a motorist would stop on the tracks and be unable to clear the tracks as a train approaches, e.g., due to congestion or a stalled vehicle. In addition to the potential impacts of the proposed project itself, the CEQA document should consider cumulative rail safety-related impacts created by other projects. In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians.

General categories of measures to reduce potential adverse impacts on rail safety include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption

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- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Where soundwalls, landscaping, buildings, etc. would be installed near crossings, maintaining the visibility of warning devices and approaching trains
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization
- Construction of pull-out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing. If the project includes a proposed new crossing, the CPUC will be a responsible party under CEQA and the impacts of the crossing must be discussed in its CEQA documentation.

Thank you for your consideration of these comments. If you have any questions in this matter, please call me at (415) 703-1306.

Sincerely,

A handwritten signature in black ink that reads "Daniel Kevin". The signature is written in a cursive, slightly stylized font.

Daniel Kevin
Regulatory Analyst
Consumer Protection and Safety Division

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711



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February 2, 2009

NAP221027
NAP-221-1.149
SCH# 2008122111

Mr. Sean Trippi
Napa County Planning Department
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559

Dear Mr. Trippi:

**NAPA PIPE PROJECT – NOTICE OF PREPARATION AND DRAFT NAPA PIPE
TRANSPORTATION IMPACT ANALYSIS**

Thank you for including the California Department of Transportation (Department) in the early stages of the environmental review process for the Napa Pipe project. The following comments are based on the project's Notice of Preparation (NOP) and the Draft Napa Pipe Transportation Impact Analysis (TIA). As the lead agency, the County of Napa (County) is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the state right of way (ROW), and the Department will not issue a permit until our concerns are adequately addressed, we strongly recommend that the County work with both the applicant and the Department to ensure that our concerns are resolved during the CEQA process, and in any case prior to submittal of a permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Design

The proposed project has been the topic of discussion regarding planned and future improvements to the state highway system (SHS) in the area; namely State Routes (SR) 29, 221, 12, and 121. This proposal will have a direct impact on the above noted SRs in regard to capacity and access. As well, the project is 2.5 miles south of the Department's Tulucay Creek Bridge Replacement project. Any proposed improved or new connections to the SHS will

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DEVELOPMENT & PLANNING DEPT.**

require detailed review and coordination with the Department. Additionally, the project will have significant impact to the maintenance of the affected SRs and needs to be addressed.

The Department requests the following recommendations be considered:

1. The complexity and scale of the proposed project are such that the City of Napa should participate in the recommendation and development of mitigation measures and the phasing of their implementation.
2. The Department prefers to see approved mitigation measures in place prior to the start of the project.
3. Please provide the timeframe for the project to begin and its phased schedule as well as the phasing for all mitigation measures.
4. Please provide more detail on non-motorized access to/from the project, particularly for pedestrian and disabled access.

Community Planning

In order to lessen potential traffic impacts on the state highways, please consider various measures for reducing the motorized vehicle trip generation from this project. These measures could include improving public transit, bicycling, and pedestrian facilities; instituting a Transportation Demand Management (TDM) Program in which residents at the project site have transit passes included in their rent/HOA dues; and reducing the parking requirements.

Please consider developing and applying pedestrian, bicycling and transit performance or quality of service measures and modeling pedestrian, bicycle and transit trips that your project will generate so that impacts and mitigation measures can be quantified. In addition, please analyze secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measures. Please describe any pedestrian and bicycle mitigation measures and safety countermeasures that would therefore be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts on state highways.

Cultural Resources

The project environmental document must include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within state ROW. Current record searches must be no more than five years old. The Department requires the records search, and if warranted, a cultural resource study by a qualified, professional archaeologist, to ensure compliance with CEQA, Section 5024.5 of the California Public Resources Code and Volume 2 of Caltrans' Standard Environmental Reference (<http://ser.dot.ca.gov>). These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in state ROW; these requirements also apply to NEPA documents when there is a federal action on a project. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to state ROW.

Traffic Impact Fees

Please identify the amount of the traffic impact fee that will be levied on this project and specific projects it will be used toward to relieve the project's traffic impacts on the SHS.

Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Please refer to the state Office of Planning and Research (OPR) *2003 General Plan Guidelines* page 163, which can be accessed on-line at the following website:
<http://www.opr.ca.gov/index.php?a=planning/gpg.html>

Highway and Traffic Operations

1. Provide a discussion for left turn queuing at each intersection on the state highway where the project contributes left turn volumes. Please verify if existing left turn lanes can accommodate additional queue created by the project's traffic. If an existing left turn lane is inadequate to accommodate the project's traffic, under an Existing Plus Project scenario, the project must be responsible for providing the required improvement. Please refer to the Department's Highway Design Manual for left turn lanes, storage, and deceleration. A link to the website has been provided for your convenience.
<http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm>
2. Please consider the following signal operation recommendations:
 - a. TIA, page xi, Impact 2, Mitigation Measure 2, Third Street/Silverado Trail (SR 121): The current traffic phasing has split phasing between Combsville Road and Third Street. We recommend providing protected left turn lanes on these two streets to improve level of service (LOS) at this intersection.
 - b. TIA, page xi, Impact 5, Mitigation Measure 5, Imola Avenue/Jefferson Street (SR 121): The current traffic phasing has split phasing on southbound (SB) and northbound (NB) Jefferson Street. We recommend providing protected left turn lanes on these two streets to improve LOS at this intersection.
 - c. TIA, page xii, Impact 6, Mitigation Measure 6, Imola Avenue/Soscol Avenue (SR 121): Please check the current phasing. The eastbound (EB) and westbound (WB) left turns are already protected phasing.
 - d. TIA, page xiii, Impact 9, Mitigation Measure 9, SR 221 (Napa-Vallejo Highway)/Kaiser Road: We recommend adding an EB right turn overlap with the NB left turn. Please analyze the effect on signal operations of providing a traffic controlled pedestrian crosswalk at the westside of SR 221 crossing Kaiser Road.

Forecasting

The forecasting methodology used in the TIA is satisfactory. However, to improve the clarity of the report, we suggest some minor editing:

1. Page vi and page 6: Baseline conditions includes existing traffic volumes. The text as written would double count existing traffic volumes in project conditions. We suggest changing the text to "Project Conditions – Baseline conditions in traffic volumes plus project generated traffic."

Please forward one hard copy and one CD of the environmental document, TIS update, Technical Appendices, and one complete set of full size plans as soon as possible to Sandra Finegan, Associate Transportation Planner, Community Planning Office, Mail Station 10D, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the state ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating state ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information.

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Michael Condie, District Office Chief
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

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

Sincerely,



LISA CARBONI
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

Date: February 4, 2009
File No. 2139.3007 (AJK)
CIWQS Place ID No. 244839

Napa County
Department of Conservation, Development, and Planning
Attn: Sean Trippi
1195 Third Street, Suite 210
Napa, CA 94559
strippi@co.napa.ca.us

**Subject: Response to January 2, 2009 Napa Pipe Environmental Impact Report (EIR)
Notice of Preparation (NOP), Napa County**

Dear Mr. Trippi,

This letter responds to the subject EIR NOP for the Napa Pipe facility in Napa County. We have reviewed the NOP and understand that the EIR scope and content will include an assessment of hazardous material impacts, operation of heavy construction equipment, water quality issues related to stormwater and groundwater, dust generation and off-haul of soil as outlined in the approved Remedial Action Plan (RAP) submitted by PES Environmental, Inc (2007). Based on our review, we have no comments or questions at this time.

If you have any questions, please contact Alyx Karpowicz at (510) 622-2427 or by email at akarpowicz@waterboards.ca.gov.

Sincerely,

Terry Seward, Senior Engineer
Groundwater Protection and Waste
Containment Division

