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Agenda Date: 3/16/2011

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Melissa Gray for Hillary Gitelman - Director
Conservation, Development & Planning

REPORT BY: Sean Trippi, Principal Planner - 299-1353

SUBJECT: Napa Pipe Supplement to the 2009 Draft EIR Public Hearing - P07-00230

RECOMMENDATION

NAPA REDEVELOPMENT PARTNERS, LLC. / NAPA PIPE PROJECT - GENERAL PLAN AMENDMENT P07-00230. PUBLIC HEARING ON A SUPPLEMENT TO THE 2009 DRAFT ENVIRONMENTAL IMPACT REPORT.

APN's: 046-400-030 & 046-412-005, 1025 Kaiser Road, Napa.

Summary: This is a public hearing to receive comments regarding a Supplement to the 2009 Draft Environmental Impact Report (EIR). The Supplement to the 2009 DEIR was necessitated by "significant new information" about the project, and is being recirculated for public and agency review.

CEQA Status: A Supplement to the 2009 Draft EIR has been prepared. The Supplement to the 2009 Draft EIR prepared for the project was released for public and agency review and comment beginning February 14, 2011. Public hearings will be conducted by the Conservation, Development and Planning Commission on Wednesday, March 16 at 9:00 AM and at 6:00 PM. The meeting starting at 6:00 PM will be held at the Office of Education, 2121 Imola Avenue in Napa. The 45-day public comment period is scheduled to end at the close of business on March 31, 2011. Substantive comments on the Supplement to the 2009 Draft EIR will be responded to in writing in a final EIR, which will also contain written responses to comments received on the 2009 Draft EIR.

Project Description: The project applicant has proposed a General Plan amendment and phased development of a high density residential neighborhood with open space, neighborhood-serving retail and restaurants on the northern portion of the site (about 100 acres) and a business park with light industrial, R&D, warehousing, office space, public open space and a condominium hotel on the southern portion of the site (about 30 acres). The project is located on the west side of Kaiser Road southwest of its intersection with Syar Industrial Way within an I:AC (Industrial: Airport Compatibility) zoning district. Assessor's Parcel Numbers: 046-100-030 & 046-412-005, 1025 Kaiser Road, Napa.

Staff Recommendation: Public hearing to receive comments only. No action is requested.

Staff Contact: Sean Trippi, 299-1353 or sean.trippi@countyofnapa.org

EXECUTIVE SUMMARY

Napa County planning staff has worked with the environmental consulting firm of Design, Community and Environment (DCE) to prepare a Supplement to the 2009 Draft Environmental Impact Report (EIR) to address "significant new information" regarding the Napa Pipe Project. The Supplement to the 2009 Draft EIR has been prepared and is being circulated for public and agency review comments pursuant to requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and Napa County's local procedures for implementing CEQA. During the public comment period, members of the public are invited to submit written or email comments to the County planning staff, or may comment orally at one of the scheduled public hearings being held by the Conservation, Development and Planning Commission. All substantive comments on the Supplement to the 2009 Draft EIR as well comments received on the 2009 Draft EIR will be responded to in a Final EIR before the Commission considers the developer's application at a public hearing scheduled and noticed for that purpose.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The presentation and request for comments is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Napa County Board of Supervisors received an initial application from Napa Redevelopment Partners in March of 2007, and has not made any decision on the merits of the proposal. The Board's only action to date has been to authorize County staff to process the developer's application, at the developer's expense, and with no guarantees. County staff issued a Notice of Preparation, formally beginning preparation of a Draft Environmental Impact Report (EIR), in January 2009 following (a) the conclusion of a City-County Study Group Process that produced three preliminary consultant-written reports about important topics (potential water, traffic, and fiscal impacts); and (b) several modification of the developer's proposal, which would remediate contaminated soil and groundwater, import fill to raise the elevation of the site above the flood plain, and involve phased construction of a new neighborhood.

The Board of Supervisors also requested that County staff and the Conservation, Development and Planning Commission gather public input on the proposal and ultimately formulate a recommendation for the Board's consideration. To gather this input, the Commission held a series of five public workshops between March and July 2009. Each workshop focused on a different topic, and involved a presentation relevant to the proposal and an opportunity for those in attendance to provide their input or ask questions of subject matter experts in attendance. At some of the workshops, County staff and consultants were able to share preliminary data and analysis as it was being developed for inclusion in the Draft EIR.

The Draft EIR prepared for the project was released for public and agency review and comment beginning October 23, 2009, with a 60 day public comment period. Hearings to receive public comment were conducted by the Conservation, Development and Planning Commission November 17, 2010 and December 16, 2010 (both AM and PM). Several requests for an extension of the public comment period for up to an additional 60 days were presented at the November 17, 2009, Planning Commission hearing. After receiving public testimony and deliberation, the Planning Commission granted a 30 day extension. That decision was subsequently appealed to the Board of Supervisors. At the conclusion of the Board hearing on the appeal, a 15 day extension was granted to end the comment period at the close of business on February 5, 2010.

PROJECT DESCRIPTION

The project proposal includes amendments to the County General Plan and zoning ordinance and would redevelop a "brownfield" site involving the remediation of contaminated soil and groundwater, importing fill to raise the elevation of the site above the base flood elevation, and construction of a new neighborhood with:

- 2,580 dwelling units, consisting of apartments and town houses, with an average size of 1,200 square feet (20% of the units constructed will be affordable)
- 150-unit continuing care retirement center for seniors
- 40,000 square feet of neighborhood serving retail uses
- 190,000 square feet of business park space (office, warehouse, R&D)
- A 150-room condominium hotel with supporting uses
- 34 acres of publicly accessible parks and open space w/connections to Kennedy Park and regional trails
- privately-maintained roads, infrastructure and community facilities

CHANGES TO THE PROJECT

The original project analyzed in the 2009 Draft EIR proposed the use of groundwater to support development on the site. Since the 2009 Draft EIR was published, the project applicant has pursued an alternative water source and the Supplement to the 2009 Draft EIR analyzes potential impacts associated with bringing surface water from a tributary of the Sacramento River to the site. In response to concerns expressed by the County, the Regional Water Quality Control Board, the Napa Sanitation District, and others, the applicant has also eliminated the potential for discharges of treated wastewater to the Napa River. Instead, wastewater from the development is proposed for off-site treatment and discharge by the Napa Sanitation District, or for on-site treatment and reuse as non-potable water for irrigation and other uses both on- and off-site. The Supplement to the 2009 Draft EIR contains an analysis of the new proposal to transport and use recycled water off-site. At the request of the Napa Valley Unified School District, it also analyzes reservation of a 10-acre parcel adjacent to the site for possible construction of a an elementary school. An updated description of site remediation strategies proposed for use on the site is also provided in the Supplement to the 2009 Draft EIR, along with a discussion of projected air quality and greenhouse gas emissions in light of new guidance from the Bay Area Air Quality Management District (BAAQMD).

POTENTIAL SIGNIFICANT IMPACTS

The 2009 Draft EIR concluded that the project would have unavoidable significant impacts related to population, employment and housing; traffic/transportation; air quality/green house gas emissions; and cultural resources. None of the conclusions of the 2009 Draft EIR has changed in the Supplement to the 2009 Draft EIR except that air pollutant concentrations during remediation and grading are now considered significant under thresholds of significance contained in the new BAAQMD guidance.

SUPPLEMENT TO THE 2009 DRAFT EIR & FINAL EIR

The Supplement to the 2009 Draft EIR is necessitated by “significant new information” about the project, and is being circulated for public and agency review during a 45-day public review period starting on February 14, 2011. Consistent with CEQA Guideline Section 15088.5(f), reviewers should limit their comments to the revised material contained in the Supplement to the DEIR. Comments may be provided orally at one of the two public meetings on March 16, or in writing or via e-mail during the 45-day public comment period that is scheduled to end at the close of business on March 31, 2011.

After the close of the comment period, County staff and consultants will prepare written responses to substantive comments in a Final EIR, adjusting the data and analysis in the Draft EIR and the Supplement to the Draft EIR if necessary. County staff expects to have a Final EIR, Draft General Plan amendment, and draft zoning amendment ready for consideration by the Planning Commission and the Board of Supervisors in mid-2011.

SUPPORTING DOCUMENTS

None

Napa County Planning Commission: Approve

Reviewed By: Melissa Gray