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Agenda Date: 5/25/2016

Agenda Placement: 9A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Dana Ayers, Planner III - (707) 253-4388

**SUBJECT:** Palmaz Personal-Use Heliport (Use Permit No. P14-00261) - Public Hearing on the Draft Environmental Impact Report

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### **RECOMMENDATION**

#### **PALMAZ PERSONAL-USE HELIPORT - AMALIA PALMAZ LIVING TRUST - USE PERMIT NO. P14-00261 - PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT REPORT**

**CEQA Status:** Napa County has completed a draft environmental impact report (DEIR) that analyzes the potential environmental impacts of approval of a land use permit request (Use Permit Application P14-00261) to construct a personal-use heliport on a portion of the property located at 4031 Hagen Road, in unincorporated Napa County (Palmaz Personal-Use Heliport). The DEIR was released for a public and agency review and comment period that began on April 29, 2016. The public comment period is scheduled to conclude at 4:00 p.m. on June 13, 2016. Interested agencies, organizations and members of the public are invited to submit written comments to Planning staff within the comment period. Oral or written comments may also be submitted to the Planning Commission during this agendized hearing.

**Request:** This is a public hearing to receive comments regarding the DEIR that has been prepared to analyze the direct, indirect and cumulative environmental impacts that could occur as a result of approval the application for Use Permit No. P14-00261. The application consists of a request for a use permit to construct and operate a personal-use heliport on a portion of a 220.4-acre parcel located at 4031 Hagen Road (Assessor's Parcel No. 033-110-080), in the AW (Agricultural Watershed) District of unincorporated Napa County. The Amalia Palmaz Living Trust (the applicant) owns the subject property and six parcels in the vicinity of the subject site.

The Commission is also asked to consider a request from two members of the public to extend the public review and comment period on the DEIR, from 46 days to 78 days.

**Staff Recommendation:** Open the public hearing, accept public comments on the DEIR, and close the public hearing on the DEIR. Extend the public comment and review period for an additional 14 days, adjusting the date of the end of the comment period from June 13, 2016, to June 27, 2016, for a total of 60 days.

**Staff Contact:** Dana Ayers, Planner III, phone 707-253-4388 or email [dana.ayers@countyofnapa.org](mailto:dana.ayers@countyofnapa.org)

**Applicant:** Amalia Palmaz Living Trust, phone 707-287-7391 or email [christian@palmazvineyards.com](mailto:christian@palmazvineyards.com)

**Applicant's Representative:** Brian Russell, Abbott & Kindermann, LLP, phone 707-294-2775 or email [brussell@aklandlaw.com](mailto:brussell@aklandlaw.com)

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Open the public hearing on the DEIR, receive oral and written comments thereon, and close the public hearing.
2. Extend the public and agency review and comment period on the DEIR beyond the statutory minimum of 45 days (Public Resources Code Section 21091). Staff recommends an extended comment period of 60 days, consistent with the guidance in CEQA Guidelines Section 15105.

### **Discussion:**

The Napa County Planning Division has received a request for a use permit to construct and operate a personal-use heliport at 4031 Hagen Road. The subject property is currently developed with a restored single-family residence and approximately three acres of terraced vineyard that were permitted by the County in 2007. The applicant proposes to construct the heliport for personal use of the residents of the property. The heliport would include a 50-foot wide by 50-foot long asphalt helipad and an approximately 4,000 square foot storage and hangar building. Structures and facilities accessory to the heliport would include: a new fire hydrant; a new water line connecting to an existing water line; and two, 5,000-gallon water tanks for fire suppression. Additionally, the existing vineyard access road would be widened, re-aligned and paved, and several existing retaining walls, ornamental olive trees, and an estimated one-third of an acre of vineyard would be removed to accommodate the project, if approved. Ongoing operation of the heliport would consist of up to four inbound and four outbound flights per week. No fuel for the helicopter would be stored on-site, and maintenance of the aircraft would occur off-site in a facility in Woodland, California.

The use permit request is subject to review under the California Environmental Quality Act (CEQA, Public Resources Code section 21000 *et seq.*), which requires permitting agencies to identify potential impacts to the environment that would occur as a result of implementation of a proposed project, prior to making a decision to approve or to deny a permit request. Staff of the Planning Division and the consulting firm of Ascent Environmental, Inc., have completed the DEIR, in order to meet the requirements of CEQA. The DEIR is being circulated for public and agency review and comment in accordance with CEQA, the State CEQA Guidelines and Napa County's Local Procedures for Implementing CEQA. During the review and comment period, members of the Planning Commission, public and other regulatory agencies are invited to provide input on the analysis and discussion of alternatives contained within the DEIR. Planning Commissioners and other interested parties can provide their input on the DEIR via written letters or emails to the County Planning Division during the comment period, which began on April 29, 2016, or they may comment orally at this public hearing. All substantive comments on environmental issues of the DEIR will be responded to in a final environmental impact report (FEIR) before the Commission can take action on the proposed project.

While the Planning Commission is not requested to make any determinations about the proposed underlying

project or the adequacy of the environmental analysis at this time, the Commission is requested to consider and take action on a request from two members of the public to extend the public review and comment period from 46 days to 78 days. Approval of the extension would change the date of the end of the comment period from June 13, 2016, to July 15, 2016.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

**Environmental Determination:** Napa County has completed a DEIR that analyzes the potential environmental impacts of approving the application for Use Permit No. P14-00261, which consists of a request to construct and operate a personal-use heliport on an approximately one-acre portion of the 220.4-acre property located at 4031 Hagen Road. The DEIR was released for a public and agency review and comment period that began on April 29, 2016. The public comment period must remain open for a minimum of 45 days, ending no earlier than June 13, 2016; however, the comment period may be extended, subject to the discretion of the Planning Director (for extensions of time up to 15 days) or the Planning Commission (for extensions of time greater than 15 days). Interested agencies, organizations and members of the public are encouraged to submit written comments to Planning staff prior to the close of the comment period. Oral or written comments may also be submitted to the Planning Commission during this agendized public hearing.

While the project itself is subject to CEQA, consideration of an extension of the DEIR comment period is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines), and therefore, CEQA is not applicable to the extension request.

### **BACKGROUND AND DISCUSSION**

**Background:** An environmental impact report (EIR) is an informational document that is used to inform public agency decision makers and the general public of the potentially significant environmental effects of a project; to identify possible ways to mitigate or avoid those significant effects; and to describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

The DEIR for the proposed Palmaz personal-use heliport describes the potentially significant adverse environmental effects of the proposed project, as well as measures that would avoid or mitigate to less-than-significant levels the significant adverse environmental effects that are anticipated to result from the construction and operation of the proposed project. The DEIR also includes a discussion of two potential alternatives to the proposed project and a comparison of the anticipated environmental impacts of each alternative relative to the proposed project.

**Use Permit Request – Proposed Project:** The property that is the subject of this application is a 220.4-acre parcel located east of the intersection of Hagen Road and Olive Hill Lane, in unincorporated Napa County. The subject parcel is predominantly undeveloped, with the exception of ornamental landscaping and a single-family residence. The parcel also has a 20-foot-wide access road spanning it generally from north to south, and approximately three

acres of terraced vineyard that were permitted by the County in 2007. The subject property and several adjacent properties are owned by the Amalia Palmaz Living Trust.

The proposed personal-use helipad and hangar would be built on a portion of the existing three-acre vineyard on the property. The project applicant lives and works on the Palmaz properties and currently bases their helicopter at the Napa County Airport. If the requested use permit is approved, the applicant would construct and operate a personal-use heliport on approximately one-acre of the Hagen Road property. Proposed facilities and operational characteristics associated with the personal-use heliport are summarized in the Executive Summary section of this staff report and are further described in Chapter Two, "Project Description," of the DEIR.

**Project Objectives:** The project applicant has developed the following objectives for the project:

- construct a personal-use helipad and hangar on land under the applicant's control and in close proximity to the applicant's residence;
- establish flight paths that minimize noise impacts to surrounding residences;
- provide secure access to the helipad and equipment for emergency medical/fire responders; and
- maintain safety/security of the aircraft.

**DEIR Summary:** In December 2015, the Planning Division released a Notice of Preparation of an EIR along with an Initial Study, a preliminary analysis of the potential environmental impacts of the proposed heliport project. The analysis in the Initial Study concluded that the proposed project would result in no significant impacts in the areas of aesthetics, geology/soils, hydrology and water quality, mineral resources, population/housing, public services, recreation, transportation/traffic, and utilities/service systems. The Initial Study identified one potentially significant impact in the area of cultural resources and also identified a mitigation measure that would require cessation of work in the event of discovery of significant archaeological or paleontological resources during project construction. Implementation of the mitigation measure would reduce the impact to less than significant.

Although the Initial Study included varying levels of analysis in all 17 categories of potential land use impacts, the DEIR provides more in-depth analysis for each of the seven topic areas for which staff could make no definitive conclusion of less than significant impacts during the preliminary environmental review of the proposal. Thus, the DEIR was narrowed down to discussion and analysis in the areas of land use and agricultural resources; biological resources; noise; air quality and greenhouse gas emissions; and hazards and safety. Within these seven areas, the DEIR identifies another 18 potential impacts to the environment that could occur as a result of approval and implementation of the proposed project. Of the 19 total impacts identified between the Initial Study and DEIR, 14 were determined to be less than significant impacts for which no mitigation was necessary to reduce the level of significance of the impact. The remaining five impacts were either significant or potentially significant impacts in the areas of agricultural resources, biology, cultural resources, and noise. The DEIR identifies five mitigation measures that would reduce the severity of each impact to less than significant. A summary of the potential environmental impacts of the proposed project, as well as corresponding mitigation for each significant or potentially significant impact, is provided in the Executive Summary section of the DEIR, a copy of which is attached to this staff report.

In addition to an impact analysis of the proposed project, and in accordance with State CEQA Guidelines section 15126.6, the DEIR analyzes alternative scenarios and compares the potential environmental effects of each alternative to those of the proposed project. The Palmaz Private Helipad and Hanger Project DEIR evaluates two alternatives to the proposed project: 1) the No Project Alternative, which assumes that the project does not move forward, and the applicant continues to use the Napa County Airport for arrival, departure and storage of their helicopter; and 2) the Mt. George Alternative, which relocates the heliport to a different parcel (Assessor's Parcel No. 033-110-079, also owned by the applicant) at a previously-disturbed site on Mt. George, approximately one mile northeast of the proposed project site.

The No Project Alternative is the environmentally superior alternative, because most of the significant impacts of the project would be avoided. More specifically, all but one potentially significant impact would be reduced under this scenario; operational greenhouse gas emissions would be slightly greater than the proposed project due to the longer flight distance between the Napa County Airport and northbound destinations (which represent approximately 75 of the applicant's trips), as compared to the proposed private-use heliport. However, the No Project Alternative would not meet any of the project's objectives because a helipad and hangar would not be constructed on-site.

The DEIR identifies the Mt. George Alternative as the next most environmentally superior alternative of the project alternatives considered. With this alternative, impacts to land use and agricultural resources, noise, and air quality would be reduced or avoided, when compared to the project. Regarding important farmlands, this alternative would not result in the removal of any vineyards or lands designated as important farmlands by the California Farmland Mapping and Monitoring Program. Further, this alternative would meet all of the applicant's objectives for the project.

**Public Comment:** The DEIR was released for a public and agency review and comment period that began on April 29, 2016, with copies of the document available at the Napa Main Library, at the County Administration Building, and online on the project webpage via the link <http://www.countyofnapa.org/cdpdprojects/>. In accordance with Public Resources Code section 21091, CEQA Guidelines section 15105 and section 702.3 of the Napa County Local CEQA Procedures, the public comment period must remain open for a minimum of 45 days. However, under Local CEQA Procedures, the comment period may be extended, subject to the discretion of the Planning Director (for extensions of time up to 15 days) or the Planning Commission (for extensions of time greater than 15 days). Interested agencies, organizations and members of the public are encouraged to submit written comments to Planning staff prior to the close of the comment period. Oral or written comments may also be submitted to the Planning Commission during this agenda hearing.

Following close of the comment period on the DEIR, County Planning and consulting staff will prepare a final EIR, which will consist of the DEIR, comments thereon, and written responses to those comments. The Planning Commission will be asked to certify the adequacy of the final EIR, prior to considering whether to approve or deny the requested use permit. Notice of any future public hearing on the requested use permit and certification of the EIR will be emailed and mailed to interested parties at least 10 days prior to the date of the hearing. Those future hearings are tentatively anticipated to occur in fall of this year, depending on the extent of effort necessary to respond to comments submitted on the DEIR.

**Extension Request:** Though the Planning Commission is not requested to take any action on the DEIR at this time, Planning staff did receive an April 29, 2016, email request from George Caloyannidis to extend the comment period from 46 days to 78 days, due to an overlap of the DEIR comment period and scheduled vacation time of the requestor. Rob Pursell, another interested party and an owner of property in the vicinity of the proposed project site, requested an equivalent extension due to the length of the DEIR (225 pages, plus 614 pages in the appendices to the DEIR), and out of concern that not all comments on the document scope were addressed in analysis of the DEIR. In accordance with Local CEQA Procedures, because the request is for an extension of time greater than 60 days from the April 29 start of the public comment period, the Planning Commission has discretion to approve or to deny the extension request. Approval of the extension would change the date of the end of the comment period from June 13, 2016, to July 15, 2016.

CEQA Guidelines section 15105 establishes 30 days as the minimum review and comment period for DEIRs. For DEIRs that are submitted to the State Clearinghouse for review by one or more state agencies, the review and comment period should be increased to at least 45 days. The Guidelines also indicate that review periods should be no longer than 60 days, except in unusual circumstances.

The DEIR for the proposed Palmaz heliport was submitted to the State Clearinghouse; accordingly, the comment

period was established at 46 days (due to the 45th day occurring on a Sunday). Staff believes that, due to the extent of public interest in this proposed project, an extended period of public review is appropriate and, therefore, recommends an extended comment period of 60 days in total, in accordance with the guidance contained in CEQA. Staff does not believe that there are unusual circumstances (such as the volume of material incorporated into the DEIR, as was the case for the Walt Ranch DEIR) that would warrant the 78-day review period requested.

An extension allowing a total of 60 days would change the close of the comment period from 4:00 p.m. on June 13, 2016, to 4:00 p.m. on June 27, 2016. In the event that the Commission moves to grant the extension request for a timeframe other than 60 days, staff requests that the Commission specify the new ending date for receipt of public comments on the DEIR. Staff will update information on the project website accordingly.

### **SUPPORTING DOCUMENTS**

- A . Executive Summary – Palmaz Private Helipad and Hangar Project DEIR
- B . DEIR Comment Period Extension Request Email from George Caloyannidis
- C . DEIR Comment Period Extension Request Email from Robert Pursell

Napa County Planning Commission: Approve

Reviewed By: John McDowell