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A Commitment to Service

Agenda Date: 6/19/2019

Agenda Placement: 7A

## 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:** Jason Hade, Planner III - (707) 259-8757

**SUBJECT:** Second Revised Draft Climate Action Plan and Draft Environmental Impact Report Public Comments

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### **RECOMMENDATION**

#### **SECOND REVISED DRAFT CLIMATE ACTION PLAN (CAP)**

**CEQA Status:** A Draft Environmental Impact Report (EIR) was released for a 45-day public review period on May 10, 2019. The comment period closes on June 24, 2019.

**Request:** This is a public hearing to receive comments regarding the Second Revised Draft CAP and Draft EIR that has been prepared for this document.

The Commission is also asked to consider a request from a member of the public to extend the public review and comment period on the DEIR, from 45 days to 75 days.

**Staff Recommendation:** Open the public hearing, accept public comments on the Second Revised Draft CAP and Draft EIR for the CAP, and close the public hearing on the Draft EIR. Extend the public comment and review period for an additional 15 days, adjusting the date of the end of the comment period from June 24, 2019, to July 9, 2019, for a total of 60 days.

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### **EXECUTIVE SUMMARY**

**Proposed Actions:**

That the Planning Commission:

1. Provide input to staff and Ascent Environmental, Inc. concerning the Second Draft Revised CAP;
2. Solicit public comments regarding the Draft EIR prepared for the CAP; and
3. 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:**

Among the actions required in the General Plan is the preparation of a CAP. The Planning Division started work on the document in 2015 with assistance from Ascent Environmental, Inc. an environmental consulting firm. Ascent Environmental, Inc. was selected to complete the CAP based upon a number of factors including their history of work experience in Napa County, preparation of Environmental Impact Reports for several recent high profile projects, and specialized training and exceptional expertise in the field of climate change adaptation. Ascent staff have provided technical support on GHG emissions to the Association of Bay Area Governments (ABAG), California Air Pollution Control Officers Association, California Air Resources Board, Sacramento Area Council of Governments (SACOG), and the State Attorney General's Office.

A Revised Draft CAP and NOP for the Draft EIR to be prepared were released for public review on July 24, 2018. Comments for both the revised plan and NOP were solicited at the Planning Commission hearing of August 15, 2018. Based upon the feedback received, a Second Revised Draft CAP was prepared and released for a 45-day public review period on May 10, 2019 concurrent with a Draft EIR. Comments for both the revised plan and Draft EIR are due on June 24, 2019. The Second Revised Draft CAP includes: a baseline GHG emissions inventory (Chapter 2); GHG emissions forecasts and reduction targets (Chapter 2); revised local GHG emissions and reduction strategies and measures (Chapter 3); a climate change vulnerability assessment (Chapter 4); and implementation and monitoring mechanisms (Chapter 5). Please refer to the plan's executive summary for additional details as well as the chapters just referenced. Highlights from each of these revised chapters are described in more detail within the background section of this staff report.

The Draft EIR found all potential impacts associated with the implementation of the CAP to be less than significant with no mitigation measures required. A range of alternatives were evaluated as part of the Draft EIR with the Roof-Top Solar for Commercial Properties Alternative identified as the environmentally superior alternative.

While the Planning Commission is not requested to make any determinations about the adequacy of the environmental analysis at this time, the Commission is requested to consider and take action on a request from a member of the public to extend the public review and comment period from 45 days to 75 days. Approval of the extension would change the date of the end of the comment period from June 24, 2019 to July 24, 2019.

On January 15, 2019, the Board of Supervisors approved the 2019-2022 Strategic Plan. This agenda item is in furtherance of Action 11.C of the Strategic Plan which reads, "Adopt and implement a Climate Action Plan."

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

A Draft Environmental Impact Report (EIR) was released for a 45-day public review period on May 10, 2019. The comment period closes on June 24, 2019. A Final EIR will be prepared to be considered for certification by the Planning Commission at the time the final CAP is brought forward for adoption.

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**

### **Plan History**

The General Plan calls for the preparation of a CAP under General Plan Action Item CON CPSP-2. Action Item CON CPSP-2 specifically directed the County to develop a GHG emissions inventory in a manner consistent with AB 32 and then to develop an emission reduction plan that included consideration of a “green building” ordinance and other mechanisms “shown to be effective at reducing emissions.”

According to Section 15183.5 of the CEQA Guidelines, a plan for the reduction of greenhouse gas emissions should: (A) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area; (B) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable; (C) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area; (D) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level; (E) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and (F) Be adopted in a public process following environmental review.

At a special meeting of the Planning Commission and Board of Supervisors held on March 10, 2015, staff received direction to complete the preparation of the CAP. Ascent Environmental, Inc. was subsequently selected in July 2015 to complete the CAP based upon a number of factors including their history of work experience in Napa County, preparation of Environmental Impact Reports for several recent high profile projects, and specialized training and exceptional expertise in the field of climate change adaptation. Ascent staff have provided technical support on GHG emissions to the Association of Bay Area Governments (ABAG), California Air Pollution Control Officers Association, California Air Resources Board, Sacramento Area Council of Governments (SACOG), and the State Attorney General's Office.

To begin the process of preparing the CAP, a GHG Emissions Inventory and Forecasts was completed and is summarized in Technical Memorandum #1 completed on August 25, 2016 (Appendix A of Final Draft CAP). GHG Reduction Targets and a Gap Analysis were then prepared as Technical Memorandum #2 on December 2, 2016 (Appendix B of Final Draft CAP). A Climate Change Vulnerability Assessment was prepared and is included as Appendix C of the Final Draft CAP. A Public Review Draft CAP was released for public review and comment on January 26, 2017. a total of 45 public comment letters were received during the public review period which concluded on March 10, 2017. Upon the closing of the public review period, staff and Ascent analyzed all feedback provided and prepared master responses to the comments, as well as, the Final Draft CAP. The Final Draft CAP was released for public review on June 5, 2017. It should be noted that a red-lined version of the same document was provided highlighting changes between the Draft document and the Final Draft CAP.

The Planning Commission reviewed and discussed the Final Draft CAP at its regularly scheduled meeting of July 5, 2017. After listening to the staff presentation and public comments, the Planning Commission voted 3-0 to

continue the item to the meeting of September 20, 2017 at which time it was continued off-calendar. Since that meeting, Staff worked extensively with the project consultant, Ascent Environmental, Inc. and County Counsel to analyze all comments received to date. Staff also evaluated the previously prepared Final Draft CAP in light of recent court cases.

A Revised Draft CAP, revised appendices and NOP for the Draft EIR to be prepared were released for public review on July 24, 2018.

A Second Revised Draft CAP and revised appendices (Attachment A) and Draft EIR (Notice of Availability included as Attachment C) were released for public review on May 10, 2019. Comments for both the revised plan and Draft EIR are due on June 24, 2019. As completed previously, a red-lined version of the same document was provided highlighting changes between the Second Revised Draft document and the previously prepared Draft document (Attachment B).

### **Public Outreach**

Staff and Ascent hosted four public workshops throughout the development of the CAP. The first workshop was held on November 9, 2015 and focused on an overview of the climate action planning process, plan schedule, and steps necessary to establish the baseline 2014 GHG inventory. Comments regarding potential GHG emissions sources to be included in the inventory update were solicited. The County's draft GHG inventory was presented at a public workshop held on February 24, 2016. Draft GHG emissions reduction targets, reduction measures, and gap analysis were discussed in detail at a third public workshop held on June 30, 2016. A final workshop was conducted at the Watershed Information and Conservation Council (WICC) Board meeting of February 23, 2017. The WICC Board meeting featured a presentation of the Public Review Draft CAP followed by a question and answer session. Each of the four public workshops was attended by approximately 25 to 35 persons. This meeting will be the seventh public workshop or hearing held on the CAP.

### **Public Comments**

No public comments have been received at the time of the preparation of this staff report.

### **Revised Plan Summary**

The Second Revised Draft CAP includes: a baseline GHG emissions inventory (Chapter 2); GHG emissions forecasts and reduction targets (Chapter 2); local GHG emissions and reduction strategies and measures (Chapter 3); a climate change vulnerability assessment (Chapter 4); and implementation and monitoring mechanisms (Chapter 5). Please refer to the plan's executive summary for additional details as well as the referenced chapters. Highlights of the key revisions from each of these chapters are described below.

**Greenhouse Gas Emissions Inventory, Forecasts, and Reduction Targets** - A baseline GHG emissions inventory was prepared for 2014. The County's inventory was prepared in accordance with the U.S. Community Protocol for Accounting and Reporting Greenhouse Gas Emissions (International Council for Local Environmental Initiatives [ICLEI] 2012). According to this Protocol, local governments retain discretion regarding the scope of emissions to be included in a local community emissions inventory. Furthermore, as part of the scoping process for preparing a community emissions inventory, local governments need to consider what GHG accounting reporting framework is appropriate for preparation of their local CAP. Like many other local governments in California, the County prepared an emissions inventory using a framework consistent with the Protocol that accounts for emissions sources over which the County would have "significant influence." These sources primarily include community-wide activities that generate emissions within the boundaries of the unincorporated County; however, in the case of transportation, on-road vehicle trip origins and destinations may be located within the County (as a whole) or the broader region (i.e., the San Francisco Bay Area). Local community GHG emissions inventories are focused on

emissions that occur within the physical boundaries of the local community or its surrounding region and over which local agencies have significant influence. Attempting to account for the global, life-cycle carbon footprint of the community in the context of a GHG emissions inventory for a local CAP could result in double counting emissions that are within the inventories of other jurisdictions in California or elsewhere. Furthermore, the State of California's GHG emissions inventories are not based on global, life-cycle emissions analysis; and, the GHG reduction targets established under Assembly Bill (AB 32) and Senate Bill (SB 32) do not assume that achievement of those targets applies to the State's global carbon footprint. Thus, considering the scoping guidance provided in the U.S. Community Protocol and consistent with the State's emissions inventories and efforts to reduce statewide GHG emissions, the preparation of the 2014 GHG emissions inventory for the County's CAP does not include the calculation of the community's global carbon footprint.

The issue of trans-regional emissions is not new and has been appropriately considered by the County in the context of scoping the CAP. As part of that process, the County's consultant submitted a memo to the Governor's Office of Planning and Research (OPR) on October 1, 2018 that discussed the appropriateness of evaluating a worldwide setting in local climate planning efforts to account for global vehicle miles traveled (VMT) and transportation activities associated with land use decisions made by the County. The memo stated that it would be inappropriate for local agencies to set, evaluate, and plan for emissions generated in a worldwide setting because it would be too remote and speculative to do so. In a follow-up meeting, OPR staff confirmed the County's position. In summary, the reasons why the CAP does not support a trans-regional analysis include; 1) the County has local discretion to choose the methodology of its analysis as part of its administrative duties under CEQA, and 2) the CEQA Guidelines provide guidance that a lead agency should inventory and mitigate GHG emission "within a defined geographical area" which is typically the "city or unincorporated county over which they have land use authority."

Approximately 484,283 metric tons of carbon dioxide equivalent (CO<sub>2</sub>e) were emitted by community-wide sources in the unincorporated County in 2014. The largest source of emissions was the Building Energy sector (i.e., residential and commercial/industrial buildings and other facilities), which accounted for 31 percent of the inventory; while the Transportation sector accounted for approximately 26 percent of the inventory. GHG emissions forecasts and reduction targets were identified for 2020, 2030 and 2050, consistent with State targets under AB 32 and SB 32. Without any future actions (i.e., "business-as-usual" conditions), GHG emissions are expected to increase by 2020, 2030 and 2050. GHG emissions reduction targets for the CAP were established consistent with the most recent guidance provided by the California Air Resources Board (ARB): 2 percent below 2014 levels by 2020; 40 percent below 2014 levels by 2030; and 77 percent below 2014 levels by 2050. Legislative actions by State or Federal agencies help to reduce emissions in the future, but are not sufficient by themselves to achieve the targets. Achieving the 2030 and 2050 targets will require local action to help close the gap between legislative-adjusted emissions forecasts and the emissions limits established by the CAP's targets. Attaining a 2 percent reduction in GHG emissions will require that annual emissions be reduced to approximately 474,598 MTCO<sub>2</sub>e /year in 2020, which is about 9,686 MTCO<sub>2</sub>e /year lower than 2014 levels. Forecasts in the Second Revised Draft CAP indicate the County will meet and exceed this reduction target by over 10,000 MTCO<sub>2</sub>e through existing legislative reductions. The CAP is focused on meeting the 2020 and 2030 targets, which are specific planning targets that will put the County on a long-term downward trajectory towards meeting the long-term 2050 goal.

Greenhouse Gas Reduction Strategies and Measures - Local GHG emissions reduction strategies and measures were identified to help the County achieve the 2020 and 2030 targets. GHG reduction strategies in the CAP are aligned with each of the eight GHG inventory sectors, and contain a total of 50 specific local GHG reduction measures that will achieve GHG reductions. Some of the GHG reduction measures will result in measurable, quantifiable reductions in emissions and are therefore identified as primary GHG reduction measures. Others are difficult to quantify, but will still contribute to achieving local reductions, either alone or in combination with legislative actions or other local GHG reduction measures. These measures are identified as supporting measures in the revised plan. The top six measures in the CAP that will achieve the most local GHG emissions

reductions by the year 2030 include: Measure BE-4: Requiring new or replacement residential water heating systems to be electrically-powered or alternatively-fueled (e.g., solar thermal, ground-source heat pump) will reduce emissions annually by 11,575 MTCO<sub>2</sub>e by 2030; Measure AG-2: Replacing diesel or gasoline-powered agricultural equipment with electric or alternatively-fueled equipment will reduce emissions annually by 11,273 MTCO<sub>2</sub>e by 2030; Measure BE-3: Increasing participation in Marin Clean Energy's (MCE) Deep Green (100 percent renewable) option and encouraging ongoing participation in MCE will reduce emissions annually by 9,155 MTCO<sub>2</sub>e by 2030; Measure MS-1: Supporting efforts to increase the percentage of Napa Green Certified wineries and land will reduce emissions annually by 5,742 MTCO<sub>2</sub>e by 2030; Measure OR-1 and OR-2: Requiring Tier 4 equipment and the use of renewable diesel, other alternative fuels, or zero-emission vehicles for all construction activity and mining operations throughout the County will reduce emissions annually by 5,668 MTCO<sub>2</sub>e by 2030. While the measures included in the CAP are generally geared towards reducing GHG emissions, many will also result in environmental or economic "co-benefits," including climate adaptation co-benefits that will help to increase community resilience and improve public health.

Climate Change Vulnerability and Adaptation - A climate change vulnerability assessment was prepared and climate adaptation measures were developed to improve community sustainability. The climate change vulnerability assessment (Appendix C) determined that the County is vulnerable to several adverse impact climate change effects, including: increases in average temperatures and the frequency of heat waves and extreme heat events; changes to precipitation patterns; increased risk of wildfire, as evidenced by the October 2017 wildfires; increased likelihood of flooding; and increased risk of coastal flooding from sea-level rise. Specific adaptation measures are included in Chapter 4 to address these effects. Many of the measures require the County and other partnering agencies to address climate-related risks as part of existing planning processes, as well as move towards incremental changes in the way that County services and infrastructure are maintained and operated. Community education and awareness-building are also important components of the adaptation strategies.

Implementation and Monitoring - Implementation and monitoring mechanisms are identified that would help the County to ensure that the measures and targets are achieved. Implementation of the measures in the CAP would require the County to develop and implement new ordinances, programs and projects, or modify existing ones. This would require careful consideration of the operational and capital resources needed, as well as the timing and phasing of implementation. Relative County costs required to implement each measure are represented by an order of magnitude category (i.e., Low, Medium, High). These categories are based on the anticipated level of resources, staffing, and time required to implement each measure. The general cost category is not intended to represent the relative costs of compliance, but rather focused on the County's costs to facilitate program development and implementation. For a more specific discussion of the relative costs and benefits of compliance with individual measures, see Appendix B. Staffing requirements for the County are presented in terms of the estimated number of full-time equivalent (FTE) employees needed to implement and coordinate CAP measures over one fiscal year. In some cases, the FTE estimates could be absorbed into existing work programs, while in other cases new work programs and associated staff positions could be required. More detailed estimates of staffing and program costs will be developed during implementation of specific measures. Chapter 5 outlines these assumptions in detail. Monitoring is an important aspect of the CAP to ensure that the County is on track to achieve the GHG reduction targets and desired outcomes for increasing resilience in the face of a changing climate. To this end, the County would need to review and update the GHG emissions inventory periodically (every three years), track the community's progress on the implementation status of each measure in the CAP on a quarterly basis, and report back to the Board of Supervisors and the public annually. The Second Revised Draft CAP now includes specified regulatory triggers for CAP updates consistent with State guidance. The County would use the CAP to streamline the analysis of project-level GHG emissions pursuant to CEQA Guidelines Section 15183.5. Projects subject to discretionary review will be required to determine consistency with the CAP Consistency Checklist (see Appendix D).

## Draft EIR Summary

The Draft EIR determined that all potential impacts associated with the implementation of the CAP would be less than significant with no mitigation measures required. A range of alternatives were evaluated as part of the Draft EIR with the Roof-Top Solar for Commercial Properties Alternative identified as the environmentally superior alternative. The DEIR is available for public review online at: <https://www.countyofnapa.org/591/Current-Projects>

### **Extension Request**

Though the Planning Commission is not requested to take any action on the DEIR at this time, Planning staff did receive a June 11, 2019 email request (Attachment D) from Peter Broderick to extend the comment period from 45 days to 75 days to complete a thorough review and provide meaningful comments to the County. In accordance with Local CEQA Procedures, because the request is for an extension of time greater than 60 days from the May 10th 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 24, 2019, to July 9, 2019.

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 Draft CAP was submitted to the State Clearinghouse; accordingly, the comment period was established at 45 days. 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 75-day review period requested.

An extension allowing a total of 60 days would change the close of the comment period from 5:00 p.m. on June 24, 2019, to 5:00 p.m. on July 9, 2019. 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.

### **Next Steps**

Staff anticipates returning to the Planning Commission with the Final EIR and CAP in the Fall followed by adoption by the Board of Supervisors in late 2019.

### **Decision Making Options**

As noted in the Executive Summary Section above, no formal action is required by the Planning Commission at this time. The purpose of today's meeting is to: (1) Provide input to staff and Ascent Environmental, Inc. regarding the Second Revised Draft CAP; and (2) Solicit public comments concerning the Draft EIR prepared for the plan.

### **SUPPORTING DOCUMENTS**

- A . Second Revised Draft Climate Action Plan
- B . Second Revised Draft Climate Action Plan - Redline Version
- C . Draft Environmental Impact Report - Notice of Availability

D . Draft EIR Comment Period Extension Request

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina