

RESOLUTION NO. 2012-__

**A RESOLUTION OF THE NAPA COUNTY PLANNING COMMISSION,
STATE OF CALIFORNIA, RECOMMENDING THAT THE NAPA
COUNTY BOARD OF SUPERVISORS CERTIFY THE NAPA PIPE
FINAL ENVIRONMENTAL IMPACT REPORT**

WHEREAS, on June 5, 2007, the Board of Supervisors directed the Conservation, Development and Planning Department (now the Planning, Building and Environmental Services Department or Planning Department) to formally commence preparation of a General Plan amendment related to the Napa Pipe Project (“Project”) re-designating the Project site from “Study Area” to “Napa Pipe Mixed Use” and making other changes to the General Plan necessary to approve the Project; and

WHEREAS, the Project generally proposed a mixed use neighborhood including 3,200 dwelling units on the 154-acre industrial site comprised of two Assessor’s Parcels 046-412-005 (63 acres) and 046-400-030 (91 acres), bisected by a railroad right of way, and located south of the City of Napa at 1025 Kaiser Road; and

WHEREAS, in conjunction with the General Plan amendment, the Project also proposed zoning designation and text amendments, design guidelines, a subdivision map, and an entitlement referred to as a development plan; and

WHEREAS, the Project was the focus of three technical studies prepared at the direction of a City-County Study Group examining issues related to water supply, traffic, and public services; and

WHEREAS, the proposed Project was subsequently refined and reduced to a mixed-use residential neighborhood of 2,580 units on 135 acres, containing attached housing in rowhouse and mid-rise form, neighborhood serving retail, light industrial/R&D/commercial space, a senior housing facility, a hotel, and parks and open space; and

WHEREAS, a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) was issued on January 2, 2009, soliciting public input regarding a DEIR for the Project; and

WHEREAS, a DEIR (hereafter “2009 DEIR”) reflecting input received in response to the NOP was prepared and released for public and agency review on October 23, 2009; and

WHEREAS, the 2009 DEIR identified significant and unavoidable impacts related to population/employment/housing, traffic/transportation, air quality, green house gas emissions, and cultural resources; and

WHEREAS, the public comment period on the 2009 DEIR was originally scheduled to run from October 23, 2009 to December 22, 2009, but was extended until February 5, 2010; and

WHEREAS, subsequent to the close of the public comment period on the 2009 DEIR, the Project was modified to include a surface water transfer, to eliminate discharges of treated wastewater to the Napa River, and to include designation of a potential school site; and

WHEREAS, a Supplement to the 2009 DEIR (hereafter "Supplement" or "Supplement to the 2009 DEIR") was prepared to account for "significant new information" relating to revisions to the Project pursuant to State CEQA Guidelines 15088.5(a), and to incorporate updated information about site remediation and new guidance from the Bay Area Air Quality Management District (BAAQMD); and

WHEREAS, none of the conclusions of the 2009 DEIR was changed in the Supplement to the 2009 DEIR, except that air pollutant concentrations during remediation and grading were now considered significant under thresholds of significance contained in new BAAQMD guidance; and

WHEREAS, the public comment period on the Supplement to the 2009 DEIR was originally scheduled to run from February 14, 2011 to March 30, 2011, but was extended to May 2, 2011; and

WHEREAS, subsequent to the close of the comment period on the Supplement, the Project was modified to reduce the number of dwelling units from 2,580 to 2,050, consistent with studies prepared by the Napa Sanitation District and with the "Medium Density Alternative" described in the 2009 DEIR and Supplement as "environmentally superior;" and

WHEREAS, in accordance with California Environmental Quality Act (CEQA), the State CEQA Guidelines, and Napa County's Local Procedures for Implementing CEQA, a Final EIR was prepared containing all comments received on the 2009 DEIR and Supplement to the 2009 DEIR, written responses to all substantive comments, and necessary changes to the text of the 2009 DEIR and Supplement to the 2009 DEIR; and

WHEREAS, the Final EIR was mailed to commenting state and local agencies, organizations and individuals and made available on the County's public website on or before February 10, 2012; and

WHEREAS, thereafter, in response to Planning staff's recommendation that a less intensive development proposal (the Modified 63 Acre Project) be considered by the Planning Commission, a Supplemental Environmental Analysis dated February 10, 2012 ("Feb.10/SEA") was prepared. The Feb.10/SEA analyzed the Modified 63 Acre Project which, e.g., would allow 700 residential dwelling units (up to 945 with State mandated density bonus) and provided for

potable water to be provided by a mutual water company or investor owned utility purchasing water from the City of Napa, with groundwater only used as a back-up source in drought years, unless the City declined to sell water to the project; and

WHEREAS, the Feb.10/SEA found, in comparison to the proposed Project, that the Modified 63 Acre Project would not result in any new or increased environmental effects which were not addressed in the Final EIR; and

WHEREAS, on February 21, March 19, April 2, and May 2, 2012, the Planning Commission held duly noticed public hearings to consider recommendations to the Board of Supervisors to certify the Napa Pipe Final EIR; and

WHEREAS, at the conclusion of the May 2, 2012 public hearing, the Planning Commission adopted Resolution No. 2012-01 recommending the Board of Supervisors certify the Napa Pipe Final Environmental Impact Report; and

WHEREAS, subsequent to the adoption of Resolution No. 2012-01 on June 8, 2012, the Project applicant submitted a revised development application, and asked that the revised development application be analyzed and re-submitted to the Planning Commission for its consideration; and

WHEREAS, the revised development application proposed revisions which would allow the development of a Costco on a portion of the Napa Pipe site east of the railroad tracks, no more than 700 - 945 residential dwelling units, and reserve a ten acre school site on the eastern portion of the Napa Pipe site; and

WHEREAS, the revised development application was analyzed in a Supplemental Environmental Analysis dated September 19, 2012 ("Sept.19/SEA") to determine whether it would result in additional environmental effects not already analyzed in the Final EIR; and

WHEREAS, the Sept.19/SEA concluded there would be no new significant environmental effects or significant new information as defined in CEQA Guidelines 15162 requiring recirculation of the Final EIR; and

WHEREAS, on October 3, 2012, the Planning Commission again held a duly noticed public hearing to consider a recommendation to the Board of Supervisors to certify the Napa Pipe Final EIR; and

WHEREAS, the Final EIR referenced in this resolution consists of the *Napa Pipe Draft EIR, Volumes I – IIIB (dated October 23, 2009)* [also referred to herein as the "2009 DEIR"], the *Napa Pipe Supplement to the Draft EIR, Volumes I & II (dated February 14, 2011)*, the *Napa Pipe Final Environmental Impact Report (dated February 3, 2012)*, the *September 19, 2012 Supplemental Environmental Assessment*, as well as all of the comments and staff responses entered into the record orally and in writing between February 21, 2012 and October 3, 2012, as well as accompanying planning and other County records, files, minutes, technical memos or evidence entered into the record; and

WHEREAS, based upon the information contained in the Final EIR, the Planning Commission has determined that even though mitigation measures are identified in the Final EIR and will be adopted to reduce the adverse environmental impacts of the Project, as revised, some impacts related to Population/Employment/Housing, Traffic/Transportation, Air Quality, Greenhouse Gas Emissions, and Cultural Resources will remain significant and unavoidable, or in the case of cumulative impacts, cumulatively considerable. All other impacts can be mitigated to a less than significant level; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds, certifies, determines and resolves as follows:

- 1) The above recitals are true and correct and reflect the independent judgment of the Planning Commission.
- 2) Planning Commission Resolution No. 2012-01 is rescinded.
- 3) Notice of the Planning Commission hearings on the Napa Pipe Project and related approvals, the 2009 DEIR, Supplement, and Final EIR was given as required by law and the actions were conducted pursuant to the Planning and Zoning Law, CEQA, the State CEQA Guidelines and the County's Local Procedures for Implementing CEQA.
- 4) All individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Napa Pipe Project, the 2009 DEIR, and the Supplement. These opportunities for comment meet or exceed the requirements of the Planning and Zoning Law, CEQA and the County's Local Procedures for Implementing CEQA.
- 5) All comments submitted during the public review and comment period on the 2009 DEIR and Supplement were responded to adequately, including late comments submitted.
- 6) No new comments or information has been submitted during the Planning Commission hearings on the Napa Pipe Project and the Final EIR that would change the analysis or conclusions of the Final EIR.
- 7) The Planning Commission has been presented with all of the information described in the recitals and has considered this information prior to adopting this Resolution.
- 8) The Final EIR has been prepared in compliance with CEQA, the State CEQA Guidelines and the County's Local Procedures for Implementing CEQA, and reflects the County's independent judgment and analysis.
- 9) Pursuant to CEQA Guidelines Section 15025(c), the Planning Commission has reviewed and considered the information in the Final EIR prior to making the recommendations contained herein.

10) The Planning Commission hereby recommends the Napa County Board of Supervisors certify the Napa Pipe Final EIR as adequate, complete and in compliance with CEQA, the State CEQA Guidelines and the County's Local Procedures for Implementing CEQA.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Planning Commission of the County of Napa, State of California, at a regular meeting of the Commission held on the 3rd day of October, 2012, by the following vote:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

MICHAEL BASAYNE, Chair
Napa County Planning Commission

ATTEST:
Clerk of the Planning Commission

By: _____

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <i>Robert Paul</i> (by e-signature)</p> <p>Date: 9/19/2012</p>
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<p>APPROVED BY THE NAPA COUNTY PLANNING COMMISSION</p> <p>Date: _____</p> <p>Processed by: _____</p> <p>Deputy Clerk of the Commission</p>
