

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION  
NAPA COUNTY

--000--

IN RE: ITEM 5A Napa Redevelopment Partners, LLC./Napa  
Pipe Project-General Plan Amendment P07-00230.  
Public Hearing on the Draft Environmental Impact  
Report.

--o0o--

TRANSCRIPT OF AUDIOTAPED PROCEEDINGS  
MEETING OF NOVEMBER 17, 2009

--o0o--

PRESENT:

BOB FIDDAMAN, Chairperson  
HEATHER PHILLIPS, Vice-Chairperson  
MICHAEL BASAYNE, Commissioner  
TERRY SCOTT, Commissioner  
MATT POPE, Commissioner

--o0o--

Transcribed by: Kathryn Johnson

NOVEMBER 17, 2009

--1--

1 CHAIRPERSON BOB FIDDAMAN: The Commission invites citizen  
2 comments and recommendations concerning current problems and  
3 future prospects of a planning nature which are within the  
4 jurisdiction of the Conservation, Development and Planning  
5 Commission. Anyone who wishes to speak to the Commission on such  
6 a matter if it is not on the agenda, may do so at this time.  
7 Anyone? All right. Thank you. Commissioner disclosures. We'll  
8 start at the right end here today and face the mic, too.

9 COMMISSIONER MATT POPE: I just wanted to disclose that in  
10 addition to receiving a number of the items that are in the  
11 packet tonight regarding the agenda, also I had a meeting this  
12 morning with the applicant to discuss some of the documents that  
13 we'll be discussing tonight.

14 COMMISSIONER TERRY SCOTT: Also I received a number of  
15 emails from various interested citizens and had a brief  
16 conversation with the applicant this morning.

17 VICE-CHAIRPERSON HEATHER PHILLIPS: Along with the  
18 documents I received a call from a representative from Get a  
19 Grip and a representative from the Farm Bureau.

20 COMMISSIONER MICHAEL BASAYNE: I also spoke with the  
21 applicant briefly yesterday, and I also spoke with a  
22 representative with Get on Grip--Get a Grip, and received  
23 numerous emails.

24 CHAIR FIDDAMAN: I too have received numerous emails and  
25 spoke with the applicant briefly today, Get a Grip on Growth  
26 didn't call me. So all right. But that's all right. I wanted to  
27 just mention a couple of ground rule items. As some of you I'm  
28 sure know, there have been a number of request for extension of

NOVEMBER 17, 2009

1 the time period for public comment on the Draft EIR, and my  
2 thought is that the Commission will take that subject up at the  
3 end of tonight's meeting and see if we can make a decision on  
4 whether to extend the time or not. I did want to mention that we  
5 are recording this evening's public hearing, and so if you'd  
6 like to address the Commission, if you would come up to the  
7 podium that will record your remarks.

8         And I might just ask for a show of hands as to how many  
9 people intend to speak tonight. Okay, it looks like we've got a  
10 few. There are speaker cards which would be helpful to the Clerk  
11 of the Commission if you would fill one of those out, it's  
12 helpful to me as well. We'll try to take the speakers in the  
13 order that the cards are received. And it also helps her with  
14 getting the names correct. As those of you who have participated  
15 in commenting on a Draft EIR in the past, if you're familiar  
16 with that, you'll know that the questions are all being recorded  
17 and responses will be prepared and will become part of the final  
18 Environmental Impact Report.

19         I would like to comment that our agenda, of course, points  
20 out that this evening's meeting is to receive comments on the  
21 Draft Environmental Impact Report. However, we've received a  
22 fair amount of other information concurrent with the Draft EIR,  
23 and you're certainly welcome to provide comments on the  
24 developer's comprehensive development application, which has a  
25 draft development plan, draft design guidelines, proposed  
26 General Plan Amendment, and proposed zoning amendments. Well, we  
27 don't want to really restrict comments, but I would remind  
28 everybody that there is no obligation to comment on those items

NOVEMBER 17, 2009

1 during the Draft EIR period. And those items will all be  
2 addressed significantly during the subsequent public hearing  
3 that we have on the project approval process itself. So, don't  
4 feel any compulsion to comment on those other items. And I guess  
5 I'd have to say I would prefer that the majority of the comments  
6 tonight be aimed at the Draft EIR since that's what we're really  
7 trying to accomplish. But if somebody feels a real need to  
8 comment on some of the other items, that's fine. We don't really  
9 want to get into a major discussion of the pros and cons of the  
10 project itself when that's going to come later in this process.  
11 Okay, I think with that, and there are speaker cards, and if you  
12 would either hand them to the Clerk, or if you just bring them  
13 up--if I end up with them, that's going to work the best. I  
14 think we'll then turn this over to Sean Trippi and he'll give us  
15 some Staff comments.

16 SEAN TRIPPI: Thank you. You just gave all my presentation.  
17 Thank you Chair Fiddaman. Sean Trippi on behalf of the Planning  
18 Department. This is unusual. As Chair Fiddaman mentioned,  
19 tonight's meeting--the purpose of tonight's meeting is to  
20 receive comments regarding the Draft Environmental Impact Report  
21 related to the Napa Pipe Project. We have also scheduled  
22 additional meetings in December. The Staff report, I noticed, I  
23 think has the incorrect dates. Those will be held December 16 at  
24 9:00 a.m. at the Board Chambers at 1195 Third Street. And then  
25 again the same day at 6:00 p.m. here. So that's December 16<sup>th</sup>.  
26 There's a notice in the back that has the correct date, so if  
27 you pick one of those up on your way out you'll have the correct  
28 information.

NOVEMBER 17, 2009

1           Again, as Chair Fiddaman mentioned at the close of the  
2 comment period, Staff and the EIR consultant will prepare  
3 written comments that will be a part of the Final EIR. And that,  
4 along with the development application, would be before the  
5 Commission and Board for consideration some time mid--middle of  
6 next year.

7           A couple of other things I'd like to note. As there were a  
8 couple requests for extensions of time, we also received a  
9 letter that did not make it into the Draft EIR from Paul  
10 Hastings regarding the water supply assessment. It has also been  
11 brought to our attention that there are some earlier versions of  
12 draft documents in the appendices. We have provided the correct  
13 versions of those documents on our website. Those actually are  
14 in Appendices I and J, and they are [webbed] to the hydraulic  
15 and water quality as Appendix I. So we have a water supply  
16 assessment that will be dated October 15, 2009, that's going to  
17 be on our website. We also have a water and wastewater  
18 feasibility study that is dated September 2009. That's on our  
19 website. Appendix J is related to cultural resources, and there  
20 are two updated versions of draft reports of historical  
21 evaluation of the buildings of the Napa Pipe property, the  
22 version that is dated September 22, 2008. And there is also a  
23 cultural resources survey on the Napa Pipe Project dated October  
24 17<sup>th</sup>. This has been added to Appendix J, October 17, 2007.

25           As other corrections become known to us we will provide  
26 them on the website and on an errata format. And I think that's  
27 about it for me. Hillary, do you have anything to add? With that  
28 I would like to turn it back over to the Chair.

NOVEMBER 17, 2009

1 CHAIR FIDDAMAN: Thank you. Thanks Sean. Thank you Sean.  
2 Okay, taking the speaker cards in the order that I have received  
3 them, the first speaker would be Malcom Mackenzie.

4 MALCOM MACKENZIE: Good evening Mr. Chairman and members of  
5 the Commission. I'm Malcom Mackenzie, 1211 Division Street in  
6 Napa, and I represent Joe Ghisletta, an interested citizen. My  
7 comments will be very brief because you have my letter as  
8 submitted today. We're not in the position yet to really comment  
9 on the EIR for the reasons set forth in the letter. We're one of  
10 a number of people who because of the really historical  
11 magnitude of this project compared to other projects in Napa  
12 County [inaudible] and the sheer volume of--three volumes of  
13 material of the EIR document, I think we need more time to  
14 analyze it. Those are the only comments that I have to make to  
15 you tonight. Thank you very much.

16 CHAIR FIDDAMAN: Thank you Mr. Mackenzie. David Gilbreth.

17 DAVID GILBRETH: Thank you Mr. Chair, members of the  
18 Commission, ladies and gentlemen, my name is David Gilbreth, I  
19 am a lawyer in Napa. I represent Mel Varrelman Will Nord, and  
20 Jay Hull. And they are very concerned about getting the adequate  
21 amount of time to review the DEIR for Napa Pipe. I've also  
22 submitted a letter. And I just wanted to go over some  
23 conversations that I had with Sean earlier today to make sure  
24 that I understood what was going on.

25 I was retained basically yesterday. And as you know, these  
26 gentlemen who are my clients have been involved with protecting  
27 agriculture and the quality of life in Napa, perhaps longer than  
28 any other three people that I can think of. They want an

NOVEMBER 17, 2009

1 opportunity to read the DEIR, they want an opportunity to  
2 understand it, to retain the expert that they may choose to  
3 challenge any aspect of it, and do it in a reasonable,  
4 thoughtful way. And holidays are upon us, this is a huge project  
5 in their view. It's absolutely got massive significant impacts,  
6 notwithstanding the applicant's CEQA lawyer who says that it's  
7 usual to have this shorter period of 60 days and many of them  
8 are 45 days. These are incredibly unusual circumstances that we  
9 face.

10 I haven't had a chance to go through it, but when I talked  
11 to Sean earlier today, he gave me the two volumes, he gave me  
12 the CDs, he gave me the other work product that had been  
13 prepared by the applicant, and if I understood Sean there are  
14 still some of the appendices that are not available to take away  
15 if one wanted to, and we want to. Some of them are on the  
16 website, some of them are in hard copy to take away and to  
17 examine at the time and in the place and in the way that you  
18 would like to examine them. But others are hard-bound copies  
19 that are only available if you are willing to stay at the  
20 Planning Department and read them. I didn't take notes, Sean, of  
21 our conversation but that's my recollection of it earlier today,  
22 and some of them are fairly voluminous. I don't think that's in  
23 keeping with the intent of CEQA if you have voluminous documents  
24 that we can't actually get. So there's a very real question in  
25 my mind of, has this process even really begun? Because my  
26 understanding is that we should be entitled to get all  
27 information and take it away and then review it. So on behalf of  
28 Mel, and Will, and Jay we respectfully request a minimum 60-day

NOVEMBER 17, 2009

1 extension of the timeframes. This is really very important and  
2 has huge impacts to the--to Napa County, all the cities and  
3 parts of the regional areas. Thank you for your consideration.

4 CHAIR FIDDAMAN: Thanks Mr. Gilbreth. Ginny Simms.

5 GINNY SIMMS: Good evening [inaudible]. Thank you Mr.  
6 Chairman. My name is Ginny Simms. I live in the city of Napa. I  
7 am submitting to you in writing several questions. I'm going to  
8 read most of it to you, but I think I'm going to go--I'm not  
9 going to belabor the point and may just simply say if you have  
10 any questions that haven't been clear, let me know.

11 There are several important gaps and inconsistencies that  
12 made it difficult to give you, as Commissioners, and us a clear  
13 picture of what's actually being proposed. I respectfully ask  
14 for an extension of time and that the answers to these questions  
15 be available before requiring us to comment finally on the Draft  
16 EIR. I make that point because I think some of these questions  
17 should have been answered in the draft for us to be able to  
18 comment, other than to say it's missing. So, that's the reason  
19 for that sentence.

20 Exact information about the townhouse--this is not  
21 available as follows: what is the plan rental/owner mix. What is  
22 the mix of unit studio/one/two/three bedroom. In one place the  
23 townhouse units are listed as three and a half stories, in  
24 another place they are four-story units on corners only, and in  
25 the illustrations full blocks of four stories. What is the mix  
26 of affordable units. Are there children allowed, and in what  
27 size units. All of this information impacts traffic, parking,  
28 and the parks plan have [remained]. Several illustrations and

NOVEMBER 17, 2009

1 exhibits were incomplete. Where does the airport Zone D come in  
2 relationship to the childcare center. It's very difficult for me  
3 to superimpose it mentally. The cross section drawings, and  
4 there are many of them [inaudible] out, they do not show the  
5 actual slopes around the rail right-of-way. Nor is there any  
6 information about the agreement [of being] specific to all of  
7 the encroachments. That may not--the later may not be an  
8 important part to get before the final discussion. There is no  
9 cross section of the apparent pedestrian underpass at the rail.  
10 There is no exhibit information of the land elevation, including  
11 the fill for flood protection around the dry dock areas. There  
12 is no cross section showing the relationship of the pedestrian  
13 walkway by the dry docks, compared to the same walkway at the  
14 retail uses.

15 Traffic impacts and mitigations. How does the three-percent  
16 estimate of traffic through American Canyon compare to the known  
17 study of commute patterns done by NCTPA. That document is not  
18 available as listed, but it is available. Where is the estimate  
19 of traffic destined for South Napa Marketplace. The arrows make  
20 it confusing to me on the traffic document. Traffic is based on  
21 the average unit size of a thousand square feet. The appendix  
22 shows a variation depending upon the number of bedrooms. The  
23 analysis then is inadequate. There is no table showing cost  
24 sharing of the tens of intersection mitigations in either the  
25 city of Napa, or American Canyon where CalTrans is also  
26 involved. There are many, many intersections that are involved  
27 as mitigations, but there's no discussion of who's going to do

28  
NOVEMBER 17, 2009

1 what, and there are always CalTrans in the ones I'm talking  
2 about.

3 Conflicting timelines are throughout the document. Where  
4 CalTrans is also involved they mention that they will do the  
5 2035 of their recent NCTPA study. The flood document ends at  
6 2050. The road and street improvements document progressing out  
7 end at 2030. And the project build out date is talked about at  
8 ten years. The document needs a master timeline.

9 I hope that these matters can be made clear before we have  
10 to end our comment period. Thank you very much.

11 CHAIR FIDDAMAN: Thank you. Eve Kahn. And I realize that I  
12 clearly missed people should give their name and their address  
13 when they make their comments. Thank you.

14 EVE KAHN: Good evening. Eve Kahn, 3485 Twin Oaks Court,  
15 and I'm also the surrogate for Get a Grip on Growth. I want to  
16 thank all of you for having this meeting and giving us the  
17 opportunity to talk among ourselves and between you at the  
18 beginning of the comment period. Because lots of times we have  
19 EIRs and we don't get to talk until the end, and I think we  
20 learn a lot from each other from the questions that are asked  
21 and the issues that are raised.

22 I'm one of the people that have probably been at the  
23 meetings for the last two years on Napa Pipe. And this series of  
24 documents provide a level of detail that many of us have not  
25 seen. And so I think that because of the size and scope of this  
26 project and the importance it has to the county, I think it's  
27 one of the reasons, not the only one, that I've asked for extra  
28 time because I think a complete and thorough review and analysis

NOVEMBER 17, 2009

1 this project deserves. And I don't want us to kind of overlook  
2 it and then go oops we forgot to ask some simple questions.

3 One of the first questions that I have, and I'll try and  
4 not repeat things that were mentioned before, but one thing I'm  
5 confused about is when is the letter came out. And I do not know  
6 if I saw the notice in the paper. And this is probably your  
7 letter, Sean. It talks about having the notice of completion and  
8 availability for EIR talks about a 60-day time period starting  
9 October 23<sup>rd</sup>. And then it says also available is the  
10 comprehensive development application. But it's really not clear  
11 if the Staff and Commission are expecting comments on the  
12 development application in that same 60 days. When I went to  
13 pick up my copy I was asked, gee would you like to see design  
14 guidelines, and I went sure, I'm a realtor, I've been to a few  
15 feng shui classes, why not. And it ended up that it was in fact  
16 a lot more. And when I started opening it I said, oh my gosh, we  
17 have General Plan amendments, we have recommended code changes.  
18 So I'm not sure that everybody--in fact I know that some of the  
19 people in this audience who went to pick up the EIR did not know  
20 those other documents were there. And so I think there may be  
21 some confusion. So one of the things I would like to understand  
22 is whether the timelines were supposed to be concurrent, and  
23 whether if we extend the EIR are we also extending comments on  
24 the development. Because those are really two separate items,  
25 and one is a legal document, I guess maybe the other one isn't.

26 In addition to, or maybe compounding that, last week the  
27 Board very accurately requested updated information on the  
28 fiscal analysis, the market assessments, etcetera. Because they

NOVEMBER 17, 2009

1 were very obsolete. They referred to the application when it was  
2 3,200 units. They referred to--as a realtor I can tell you a  
3 market we don't have today and prices that we don't see anymore.  
4 So, I'm very happy that that happened, but now we have an EIR  
5 and it refers to noticeably obsolete information. I don't know  
6 what the expected delivery of these additional reports are, but  
7 I'm concerned that the result of those may alter the analysis  
8 for evaluations that [we could] put together or make them  
9 inconsistent. So, it would be great to know if there's a way of  
10 having those other studies before the end of this complete  
11 cycle.

12         You've already heard about access on the website, so I  
13 won't talk about that. Now hopefully you have--do you have the  
14 letter--okay, so I won't go over that.

15         Since we started looking at Napa Pipe because of housing--  
16 affordable housing, I could not find anywhere that specifically  
17 broke down. And I think it's a meaningful statistic to know how  
18 many of the market rate units are for sale or rent. Because  
19 there was a parking study that showed 100 percent of the market  
20 rates were owner occupied, I never heard back. But more  
21 importantly, of the 516 deed restrictions, how many are targeted  
22 for moderate low, and very low. I mean we started there, we've  
23 got specific ABAG numbers, and it's not clear how this project  
24 is meeting that.

25         There are a few of the mitigations that talk about  
26 responsibilities of the homeowners' associations, and sometimes  
27 they use the word property owners' associations. It could be  
28 semantic, or it could be two different organizations. I'd like

NOVEMBER 17, 2009

1 some clarity on that, because there's a lot of accountability  
2 behind these people. And I'm also not clear if there's going to  
3 be one, or multiple. Silverado, for example, there are multiple  
4 homeowners' associations spread around. Well, when you have  
5 something like flood gates as a responsibility, then the impact  
6 of that--do you spread it around among ten homeowners'  
7 associations, or how is that handled. It's not just the  
8 landscaping and the painting of the front of the houses or  
9 whatever. So I think it would be nice to clarify and get that  
10 information.

11 The development application references additional  
12 residential uses anticipated, but are not mentioned in the EIR.  
13 I think it's appropriate that you may look at future uses, but  
14 for example, I'm very bullish on student housing at Napa Pipe, I  
15 think the college is fairly close; it would be great to have  
16 that. So then the question becomes how do you, the way it's  
17 defined, how do you take student housing and translate the  
18 dwelling units. And I think that's important because a dwelling  
19 unit seems to be the key indicator of water, traffic, and like a  
20 whole bunch of mitigations--parking. So it would be nice to have  
21 that information to assess whether student housing is going to  
22 be in the future, or some part of some of these phases, and how  
23 that fits into the bigger picture.

24 In terms of infrastructure, the parcels are going to be  
25 rezoned RMU for residential and multi-use, are they by county  
26 rules allowed to be split. There's nothing in the development  
27 application that references that. As I look at Kaiser Road where  
28 it goes west, you have a big four-lane road, you've got bike

NOVEMBER 17, 2009

1 paths, you've got sidewalks, and then it narrows quickly on the  
2 north edge of the Napa Pipe parcel. I don't know if it's a  
3 county road or a private road, but by the diagrams it looks like  
4 in order to make it in a compatible four-lane road, it looks  
5 like some of Napa Pipe's project [inaudible--audio malfunction]  
6 needs to be included. So does that mean that after the project  
7 becomes a private road or is it still a county road.

8 Groundwater. Why is it the groundwater [inaudible] meeting  
9 [inaudible] as this place ended up consultants who are excellent  
10 in reliable information were asking tough questions about what  
11 happens if the well floods and the water treatment plant fails  
12 and they said, oh, we've already considered that and we have a  
13 backup plan and we're going to be able move up to Napa/St.  
14 Helena and we're going to be able [inaudible] water [inaudible]  
15 I hope they find [inaudible] alternatives [inaudible] using the  
16 city water and some hybrid of city water treatment [inaudible]  
17 and I guess this goes back to the fiscal analysis that's being  
18 done as far as what concession do they make. Who finds the off  
19 site improvements to put the pipes on the other side of Napa  
20 Community [inaudible] these locations or any improvements that  
21 are [inaudible]. So that's what he says. [Inaudible.]

22 We spent a lot of time talking about Kennedy Park and its  
23 importance to this community, a very dense community, having a  
24 park adjacent you can walk to [inaudible]. When I look at the  
25 section that talked about connectivity, the [inaudible], for  
26 example, says it would allow pedestrians and wheelchair access,  
27 it would allow for the sand and the barge traffic to pass  
28 underneath [inaudible]. But what I've been told is that bridge

NOVEMBER 17, 2009

1 would have to be 65 feet high. So that [inaudible] there's a  
2 piece of the analysis missing that doesn't seem to take into  
3 account that the barge is not a flat barge pushed by a tug it's  
4 actually a [inaudible]. [Malfunctioning portion ends].

5 As I look on the map it seems that the path isn't as simple  
6 and to connect because you've got this barge unloading sand,  
7 you've got a railroad spur. So my concern is this is an  
8 important piece of the community, and I think that the EIR kind  
9 of overlooks some of the complexities and impacts of making that  
10 work. So that's an EIR question I would like.

11 The 100-year flood plane, Ginny talked about a little, is  
12 not clear to me, I know as a realtor we always talk about that  
13 the living area's above the flood plane, but what does that mean  
14 for the streets, for the sidewalks, for the parking areas. I  
15 think it's important to understand if there was a flood crisis,  
16 which part of this project is at risk.

17 And I guess the other piece, and I would add a little to  
18 what Ginny was talking about with the [gray] crossings and the  
19 central park, a lot has been said about the value of that, and  
20 the choices that people can make in walking and whatever. But  
21 the only piece of the cross section that I saw was--I guess  
22 would be to the south by the slough, and it was about a 20 plus  
23 percent slope. So if there are other cross section documents  
24 that are available that reflect the middle of the parcel, I  
25 would very much like to get an understanding of the amount of  
26 soil--fill that's needed to make that central park, if it also  
27 would be a 20 or 30 percent slope.

28  
NOVEMBER 17, 2009

1           So, I think that those are the questions that I have, and I  
2 would reiterate that a lot of this information may be only  
3 important to me, but I think that to wait to get comments in the  
4 Final EIR does not give me an opportunity to make an evaluation.  
5 So I would appreciate if some feedback comments could be done a  
6 lot sooner so I have the time to do that. Thank you very much.

7           CHAIR FIDDAMAN: Thank you. Okay, Bernard Krevet.

8           BERNARD KREVET: Good afternoon. To the Planning  
9 Commission, my name is Bernard Krevet, I am with the Friends of  
10 the Napa River. My residence is 74 South Newport Drive in Napa.  
11 I'm speaking here on behalf of the Friends of the Napa River who  
12 have seen me work with this project for a very long time. As a  
13 matter of fact, the applicant approached us more than two years  
14 ago, and we had some initial sessions, and we were expectantly  
15 excited about the opportunities to do something really  
16 interesting and interactive on the river.

17           What I have for you today is just preliminary comments. We  
18 in principle, not just in principle but really with the request  
19 for an extension, because it's just huge documents and there are  
20 more team members that haven't been as much involved as some of  
21 us who would like to--who's expertise we would like to have in  
22 order to review this.

23           So I'm just going to read a little piece of paper that I'm  
24 sure you have a copy of. I think there are a lot of things that  
25 we really like, as I said the river access and the designs along  
26 the river that we can see and to keep some of the industrial  
27 artifacts in place. We appreciate, of course, the proposed  
28 boating facilities, and it goes along with a comprehensive plan

NOVEMBER 17, 2009

1 for docks along the Napa River, comprising the Napa River trail,  
2 that a team led by Friends of the Napa River produced in October  
3 2005. That was at that time it was a pipedream for us to do  
4 something good at Napa Pipe. But this document describes  
5 facilities that include Napa Pipe and we feel or we see that  
6 some of these are reflected in this EIR.

7 We appreciate, of course, the trail connections, we have  
8 always been supportive of connecting the cities and communities  
9 along the Napa River. And of course, instead of going back to  
10 Highway 221, it's wonderful to see a trail collection. We do  
11 share, and I'll mention this later here, the concerns that have  
12 been voiced earlier, how to actually physically get from the  
13 north tip of the Napa Pipe property to Kennedy Park, and I would  
14 challenge the applicant to come up with a creative design to  
15 handle the apparent inconsistency of passing barges of a certain  
16 height, and not making it inaccessible to the handicapped and  
17 the challenged among us trail users.

18 We were impressed with the comprehensive storm [inaudible]  
19 management and the green design intentions. And also the plan to  
20 encourage public transportation by design of the dwellings.

21 In the meantime, we are working on this big document, and  
22 as Friends of the Napa River, we are focusing our analysis on  
23 basically three areas: biological resources, geology and soil,  
24 and hydrology and water quality. Doesn't mean we don't have an  
25 opinion on others, but that's what we focus on. And we have in  
26 this little handout a couple of concerns that we have, we found  
27 that some of the codes are being referred to in the EIR are sort  
28 of inconsistently applied. And apparently there are some holes

NOVEMBER 17, 2009

1 in covering the different types of [inaudible] [lath] could be  
2 there and has been seen.

3 In terms of the hydrology water quality, we clearly need  
4 more time to study and understand the [flux] storage capacity,  
5 and the effects of flooding and sea level rise. We have talked  
6 about these things in the past, but we need to go through the  
7 document, and that just takes more time. In view of this we find  
8 ourselves challenged with a large number of big documents and  
9 some inconsistencies or lack of connections, and therefore we  
10 respectfully request an extension to enable the best possible  
11 impact analysis for this important huge project. Thank you.

12 CHAIR FIDDAMAN: Thank you. Dana Smith.

13 DANA SMITH: Thank You, Dana Smith Assistant City Manager  
14 representing the City of Napa here tonight. We're not here to  
15 make any substantive comments on the environmental document, but  
16 to reiterate what we've provided you in written form, in form of  
17 a letter, to request a 60-day extension.

18 The city, as you know, is very concerned about this  
19 project. But we're also part and parcel--some of the answers to  
20 the environmental questions that have been raised. It takes a  
21 little bit longer for a public agency to pull all of its  
22 resources together to provide thoughtful and proper responses,  
23 and we're committed to doing that. But we really would  
24 appreciate an additional 60 days. We believe it's within your  
25 broad discretion to grant that, and I think you've heard some of  
26 the other testimony around the unusual circumstances of this  
27 particular project. So we appreciate you having the hearing  
28

NOVEMBER 17, 2009

1 tonight, and look forward to providing you comments--our  
2 comments. Thank you.

3 CHAIR FIDDAMAN: Thank you. Sandra Cleisz, did I pronounce  
4 that--did I come close?

5 SANDRA CLEISZ: Thank you Commissioners and [inaudible]. My  
6 name is Sandra Cleisz, and I'm the Senior Planner for the city  
7 of American Canyon, and I'm here tonight representing the city.  
8 I have a statement basically I'm going to read from our  
9 director, and from the entire city who, just to state that the  
10 city of American Canyon is particularly concerned about the  
11 potential for the Napa Pipe project to negatively impact the  
12 quality of life in our city. The city is on record with numerous  
13 concerns regarding the Napa Pipe project through correspondence  
14 on the issue delivered previously to the County Staff in January  
15 of 2008, and February of 2009. In particular the city is  
16 especially concerned about significant traffic impacts on  
17 Highway 29 through American Canyon, and the proposed use of  
18 groundwater from an aquifer that the city's water district has  
19 the rights to use.

20 The Draft EIR is 24-hundred pages in length, and given the  
21 seriousness of the issue, it will require a thorough review. As  
22 the city of Napa has requested a 60-day extension, the city  
23 agrees and would request also an additional 60 days to review  
24 this document. In addition there was a concurrent submittal of a  
25 comprehensive development application that the Draft EIR is  
26 evaluating, and it apparently contains substantial new  
27 information that has not been previously available for public  
28 review. And so it too will require an additional and thorough

NOVEMBER 17, 2009

1 analysis. We hope that you agree that the neighboring  
2 jurisdictions that will have to live with the long-term impacts  
3 from this project, should receive sufficient time to review the  
4 environmental analysis. And we thank you for your time in  
5 considering the additional 60-day review.

6 CHAIR FIDDAMAN: Thank you. Thank you. Randy Gularte, is  
7 that right?

8 RANDY GULARTE: Hello. Randy Gularte 780 Trancas Street].  
9 First of all, the first hat I'm wearing is from GULP which is a  
10 group out there in the Coombsville area, Miliken-Sarco-Tulocay  
11 Cemetery area. GULP is still reviewing the Draft EIR water  
12 supply assessment peer review, and will provide formal comments  
13 on December 16<sup>th</sup>, and we would like to review those answers to  
14 those comments and questions that we have and then comment on  
15 them before the EIR is completed. So that's--if we need an  
16 extension, that's fine.

17 I just have, and actually it's a very large document and I  
18 couldn't find in there--somewhere it said something about the  
19 homeowners' association is supposed to maintain the parks, and  
20 yet they're open to the public, and the roads are open to the  
21 public, and yet the homeowners' association is supposed to  
22 maintain the roads. And I'm trying to understand the correlation  
23 if someone can show me examples of where this is done in the  
24 past and other projects that it's actually worked where the  
25 association is seeing the public using the parks, and they're  
26 actually willing to pay for that, instead of having them closed  
27 just for the association. So, that's the first question.

28  
NOVEMBER 17, 2009

1           And the other one, of course, is I'm trying to get through  
2 the traffic study, and I'd like to see more information about  
3 the commuter train idea, as far as what maybe costs, what does  
4 it pertain, how can it help facilitate some of our traffic  
5 issues on this project. So, thank you very much.

6           CHAIR FIDDAMAN: Thank you. Lucy White. Is Lucy here?

7           VICE-CHAIR PHILLIPS: Yup, she's coming.

8           CHAIR FIDDAMAN: Oh, good, okay.

9           LUCY WHITE: Thank you so much Commissioners. My name is  
10 Lucy White, I live at 3906 Silverado Trail in Calistoga. And I  
11 would like to thank Keith Rogal and Richard Walsh and Caspar Mol  
12 for choosing Napa County and the Napa Pipe as a project for Napa  
13 redevelopment partners. After years of having been essentially  
14 deserted industrial area, [the Mard], first image of Napa, your  
15 vision of the Napa Pipe has the potential of becoming a multi-  
16 tiered solution for the many issues of Napa County. And I was  
17 fortunate to have met Keith Rogal tonight for the first time.

18           Napa pipe is ideally located to serve as a gateway for Napa  
19 County for those coming from the south, integrating the past  
20 industrial elements and riverfront setting with an introduction  
21 to food, wine, retail, and community. The development would also  
22 create a destination for locals, a supplemental revenue source,  
23 and most importantly housing in an environment--in a modern  
24 environment.

25           Napa County--the Napa Pipe community would offer housing  
26 for the workforce nearest to the largest concentration of jobs.  
27 There are currently 21,000 cars coming into Napa every day.  
28 Nearly half of the 34,000 jobs in Napa are within four miles of

NOVEMBER 17, 2009

1 the Napa Pipe project. The transportation [options] such as  
2 pedestrian walkways, bicycle trails, and boats, along with  
3 minimization of auto use due to the close-to-work housing would  
4 create a healthier, more sustainable environment for everyone.  
5 Napa County needs to meet the future with environmentally and  
6 financially responsible solutions for housing, business, and  
7 agricultural sus--sorry, sustainability. The county does not  
8 have another solution other than Napa Pipe. The project needs to  
9 move forward so that Napa can realize the enormous benefits it  
10 has to offer. Those who are vocal against this project are  
11 jeopardizing the future viability of the entire county. Newly  
12 developed areas such as the Riverfront Napa, and Oxbow Public  
13 Market, along with businesses in Napa, will benefit from Napa  
14 Pipe. Napa has--I have to also add this that American Canyon  
15 would also greatly benefit from the housing that would be  
16 nearby. Napa has to ride the wave of global current trends,  
17 otherwise the county will fade in its glory at the demise of  
18 many businesses and wineries. With Napa's unfriendly reputation  
19 to developers and businesses, if Napa Pipe does not succeed,  
20 there may not be another opportunity for anything comparable.

21 The smart growth land use project will be environmental  
22 statement housing solution, reclaimed and recycled land area,  
23 eco and architectural endeavor which will add a balanced  
24 dimension to Napa County. [Inaudible.] I'm not quite prepared  
25 for all this.

26 Also, another issue that I realized according to the EIR is  
27 that if it is not built as the Napa Pipe, that--if it were left  
28 to be industrial it is [adequately] cleaned up at this time, so

NOVEMBER 17, 2009

1 Napa would not have the benefit of a developer coming in and  
2 going in and doing a major cleanup work. Let's see here.

3 The airport's been taken into consideration with the  
4 residential not at the southern end. So, anyway, thank you so  
5 much for giving me time to give you some comments.

6 CHAIR FIDDAMAN: Thanks for your comments. This one is a  
7 little hard to read, is it Riley, Mr. Riley, could be Riley.  
8 Sorry, a little hard to read the writing here.

9 ALEX RILEY: I apologize for that.

10 CHAIR FIDDAMAN: That's all right.

11 MR. RILEY: I don't have my glasses with me. I'm Alex  
12 Riley, I live at 1600 South Avenue, and I've done a few small  
13 developments, I do architecture. And there's a lot of important  
14 questions that have been brought up this evening, and many  
15 details that need to be addressed, but I simply want to point  
16 out that I think the--Napa is very fortunate to have this  
17 developer with the level of integrity and care that he's taken  
18 with this project, and his interest in doing it correctly and  
19 appropriately to satisfy everybody's needs. I just want to  
20 emphasize that you know, everyone remembers that you're lucky to  
21 have him and not a lot of them that I've seen in the past. So,  
22 thank you.

23 CHAIR FIDDAMAN: Thank you. Mike Setly.

24 MIKE SETLY: We've run out of commenters. 4398 Atlas Peak  
25 Road. I'm a transportation consultant, and I just have one major  
26 concern about the traffic analysis. And that is to preface what  
27 I'm concerned about looking at the Highway 29 concept plan, or  
28 what CalTrans has in mind for Highway 29, you still would have a

NOVEMBER 17, 2009

1 four-lane semi-freeway coming from American Canyon, and four  
2 lanes coming in on Highway 12, which gives you the capacity of  
3 allowing for the fact that you have traffic signals and not full  
4 interchanges, probably about 1,500 cars an hour per lane, which  
5 is a total of about I'd say six to seven thousand cars an hour  
6 coming into the county when Highway 12 has been widened. This is  
7 interesting because the estimated number of jobs, I should say  
8 job holders living in American--living in Napa Pipe would be  
9 somewhere around 2,500 to 3,000 based on a standard percentage  
10 of employed residents to total population. So my guess off the  
11 top of my head is somewhere between 1,500 and 2,000 vehicles per  
12 peak period, might be diverted or be making shorter trips within  
13 the county, oh, like, between the development and the airport,  
14 and as well as the Napa Corporate Park, which is right next  
15 door, hopefully one of those would be on foot or bicycle. So,  
16 I'm concerned that the traffic generation shown--it doesn't  
17 really account for the diversion of people that currently--that  
18 would otherwise commute into the county on those expensive  
19 highway facilities. So, the question is, I would like to see  
20 some estimate on how much--how many cars conceivably would you  
21 might take off of Highway 12 and 29. It might just occur on  
22 local streets as opposed to the long distance regional trips,  
23 from Vallejo and the Fairfield area. Thank you.

24 CHAIR FIDDAMAN: Thank you. You guys understand the  
25 question, I take it. My impression is your question's basically  
26 that the project might have a beneficial effect, to a certain  
27 extent.

28  
NOVEMBER 17, 2009

1 MR. SETLY: That's correct. It might reduce the amount of  
2 traffic coming into the county during the peak hours by a  
3 certain amount. I would leave that to the professionals who may  
4 run their traffic models and see what they come up with.

5 CHAIR FIDDAMAN: Okay, thank you. Okay, that--oops this one  
6 card here, Moira Johnston Block, sorry.

7 MOIRA JOHNSTON BLOCK: Thank you very much, Commission. I  
8 hadn't planned to speak this evening, because I'm one of those  
9 people who very much endorses the request for an extension, and  
10 that I have simply not been able, after many, many years of  
11 constant activism in this kind of undertaking, I simply haven't  
12 been able to be as involved as I would like to be. And then have  
13 planned for the next five weeks to devote much more time to it.  
14 And I personally would benefit very much by it, and I hope that  
15 you will seriously consider it, because I don't believe I am  
16 alone.

17 As a former president and co-founder and very active, and I  
18 guess loving member of Friends of the Napa River from its  
19 founding, I love in this project to see the potential river  
20 uses. It's the kind of thing we have dreamed of, and as Bernard  
21 Krevet mentioned, it does relate to the docks plan which has  
22 already been adopted by the flood project and the city of Napa  
23 for the future. But I also have some major concerns, which have  
24 been lingering in my mind in concerns ever since this was first  
25 proposed, and I share in a number of those early visits and  
26 meetings and discussions, and meetings with architects, and the  
27 planning group. So that--was early involved, even though I've  
28 more recently not been as active.

NOVEMBER 17, 2009

1           And a couple of the things that I would just like to throw  
2 out, if I may. And I do apologize very much for not being more  
3 specifically informed point by point, but I hope to be soon. The  
4 use of the aquifer, and these are huge, to me, overriding issues  
5 that I would like to bring up. The use of the aquifer. The need  
6 obviously--and it was addressed by the city this evening, the  
7 city and county to share access to this water, which is the last  
8 great aquifer remaining here, and with all the challenges we  
9 face with water usage over the coming years, and to the--in the  
10 foreseeable future. I know the city not too long ago held back a  
11 commercial project that was going to try and dive into that  
12 aquifer, and at that time launched a study of the aquifer which  
13 they had never fully done, and their--its broader relationship  
14 to their water future. I hope very much that this will be a  
15 primary requirement in the Final EIR. That this, the inevitable  
16 allocation, the difficulties and the complexities of this must  
17 be fully addressed, because this water becomes more precious to  
18 us every day.

19           I live in South Napa, I live off Imola to the south on a  
20 river canal, and we have been very concerned. And this again is  
21 a local issue that concerns me. Personally I realize traffic  
22 impacts on the south Napa neighborhoods because of the increased  
23 traffic on Imola particularly, give our neighborhoods the  
24 greatest impact of all the traffic impacts that are coming to  
25 us, a simple look at the map makes that very, very clear. We are  
26 a neighborhood that has now formed its own neighborhood  
27 association, we're a member of the citywide organization now of  
28 neighborhoods. And of course, the linkages, the safety and

NOVEMBER 17, 2009

1 freedom of movement, the already impacted traffic we endure is  
2 all just profoundly impacted and harmed by the plans as they now  
3 exist for the traffic.

4 Access to Kennedy Park, again, as a neighbor and a city of  
5 Napan concerns me very much to see that now a very dense small  
6 city will be created right on the boundaries of that park. And,  
7 of course, they as members of the public of this county have  
8 full access to the river trail; that's what it's for, for  
9 visitors, for anyone from the county itself. But the fact is  
10 that we run it and walk it all the time and have watched very  
11 carefully how it's used. For years now, the families of Napa  
12 have used every picnic table in the park, every weekend during  
13 the seasonable weather. I think the impact of the park for all  
14 the other areas beyond the trail could really put too great a  
15 pressure on the park that is essentially a city park. And I  
16 think somehow, and one would never want to deprive anyone to  
17 access to parks, but this huge potential for maybe five, six or  
18 seven thousand people does not provide for itself. The park  
19 facilities which would suddenly be available to them next door,  
20 and I am concerned that we cannot overuse the existing  
21 facilities.

22 The other thing is the inevitable undertaking by someone,  
23 of all the infrastructural and social services that are going to  
24 be--we've talked about it before--going to be required. When  
25 will this critical issue be finally fully addressed and  
26 satisfied beyond the serious questions of the mitigatable-ness  
27 of this. The cost of it, for one thing have, and this concerns  
28 me very greatly, I don't know how long this project plans to

NOVEMBER 17, 2009

1 exist. I live in condos which to me seem brand new, but already  
2 they're nearly 40 years old. I can assume this is intended, with  
3 all the expense going into it, 40 to 60 years, perhaps longer.  
4 What does a major development like this plan for its lifespan.  
5 During that time the global warming inevitably, already having  
6 an impact throughout Napa County, it will be specifically filled  
7 in the rise of water levels. And I know the county has begun to  
8 look at this issue, but has it been sufficiently and  
9 specifically addressed within this EIR. We will have dramatic  
10 rises in water level, and I would think that from the maps I've  
11 been looking at within 30 or 40 years they could be not only  
12 considerable, but really detrimental to the long-range health  
13 and viability of this development plan.

14       These are some of the things that have concerned me from  
15 the beginning, and continue to concern me as I listen and read  
16 other comments. Forgive me for being less informed than I would  
17 like to be tonight. I'm very grateful for your attention and the  
18 enormous public input that is being invited and taken advantage  
19 of in this very major project for us all. Thank you so much.

20       CHAIR FIDDAMAN: Thank you. Sandy Elles.

21       SANDY ELLES: Thank you Mr. Chairman. Sandy Elles speaking  
22 for the Napa County Farm Bureau, 811 Jefferson Street. I too  
23 will lend Farm Bureau's request for an extension of time. And I  
24 think that's been well stated--the reasons that we need time to  
25 look at the extensive documents that are available to us. I did  
26 send an email, and I got a very immediate response back from  
27 Staff, and I want to thank the Staff for making available  
28 compendium or a list of the documents so it will be easier to

NOVEMBER 17, 2009

1 understand what we need to access, and how we can access it, and  
2 how much time it will take to access these documents. That will  
3 be very helpful.

4 My question tonight for the Commission, and for the public,  
5 is really to try and understand the nexus to our affordable  
6 housing needs in the county. We have a wonderful opportunity  
7 with the redevelopment project to assist Napa County with our  
8 affordable housing needs. But yet, there are so many layers of  
9 choice and process in getting a certified housing element, that  
10 it's difficult for us to understand.

11 We did, as Farm Bureau, speak before the Board of  
12 Supervisors last week when they approved additional studies for  
13 Napa Pipe on fiscal analysis, design analysis, market  
14 feasibility. And the market feasibility and fiscal analysis,  
15 while it's not specifically a CEQA issue, certainly has a very  
16 big impact on the alternatives that are referenced in the EIR.  
17 So, again, I think that our request to the Board of Supervisors  
18 was, well let's delay this approval process for the EIR and the  
19 use permit of Napa Pipe until we have the certified housing on  
20 it. We're looking at this project for mixed-use to meet the  
21 county's needs, both housing and industrial for the future. And  
22 until we really understand how we're going to meet our housing  
23 needs, and how Napa Pipe can assist the community in doing that,  
24 it's the cart before the horse. As we look at commenting on the  
25 housing and population piece of the EIR, which is a critically  
26 important component. Certainly we could use the county's  
27 approved housing element, but since the developer submitted a  
28 protest letter to our approved housing element to HCD, I'm not

NOVEMBER 17, 2009

1 quite sure what that means. Hillary's response on this says that  
2 the county, nor the Napa Pipe proponent are proposing amendments  
3 to the housing element. I'm not quite sure why the project  
4 developer would propose an amendment to the housing element. But  
5 it seems to me that in order to meet our state mandate, we have  
6 to amend the housing element in some way. There has to be some  
7 choice before you as Planning Commissioners and the Board of  
8 Supervisors as elected to reach that ability to have a certified  
9 housing element and meet our needs for the county.

10 So, I somewhat understand the response to our question, but  
11 I don't fully understand the response, and I look forward to  
12 understanding that more and being able to know what the best  
13 choice is for us as a community with Napa Pipe. I agree with  
14 some of the other commenters, we are fortunate to have a  
15 developer who has a sustainable vision. I think how that  
16 sustainable vision fits into our long-term plan for the county,  
17 our historical planning concepts of city center group and the  
18 county's focus on AG, and the cities are focused on urban and  
19 residential development, that's the question, along with all the  
20 infrastructure and EIR issues that have been touched on tonight.  
21 So, we look forward to further understanding and for the  
22 comments, and for the time for all of that dialogue to take  
23 place. Thank you very much.

24 CHAIR FIDDAMAN: Thank you. Okay, that does complete all  
25 the speaker cards I've received. Is there anyone else in the  
26 audience who would like to make a comment at this point? Okay,  
27 Hillary, or Sean, would you like to make any remarks, and then I  
28

NOVEMBER 17, 2009

1 was going to open it up to Commissioners if they wanted to raise  
2 any questions at this point.

3 [Inaudible.]

4 CHAIR FIDDAMAN: Yes, I'll do that first. So, we'll start  
5 down at this end. And I'll have to say at this point that I have  
6 a number of questions. I've read this part of the documents, I  
7 haven't read all the technical appendices yet myself, but I  
8 haven't framed my questions, so I'm going to save them until the  
9 next meeting. So, if you're in the same status, I see Mike  
10 Basayne, and Heather Phillips saying they don't have questions  
11 at this point. Matt or Terry, would you like to...

12 COMMISSIONER POPE: Just the only question would be, I'm  
13 sure Staff is planning on getting on it, but just some of the  
14 points that were raised regarding the--are comments for the  
15 Draft Environmental Impact Report due at that the same time as  
16 the appendices [inaudible] in this case [inaudible].

17 CHAIR FIDDAMAN: Okay, I see Commissioner Scott doesn't  
18 have any comments tonight either. And so.

19 SECRETARY-DIRECTOR GITELMAN: May I jump in?

20 CHAIR FIDDAMAN: Yep.

21 SECRETARY-DIRECTOR GITELMAN: Hillary Gitelman of the  
22 Planning Department, thank you Commissioners, and thank you to  
23 the public who attended this evening. I love this part of the  
24 process where other people start coming to the table and  
25 offering their thoughts. We've already heard some very  
26 thoughtful and insightful questions and comments. As Sean  
27 mentioned at the outset, our obligation is to accept all of  
28 those comments and prepare written responses in the Final EIR.

NOVEMBER 17, 2009

1 We don't really have a vehicle with which to respond to  
2 substantive questions kind of midstream. We will prepare those  
3 responses in the Final EIR, but I will try and respond to the  
4 procedural questions that came up this evening.

5 First we got one about document availability, what's  
6 available, where. And I wanted to clarify that the full text of  
7 the Draft EIR is available in our offices, and we've made it  
8 available in the library. We've also made available this  
9 comprehensive development application, which is a multi-volume  
10 set. Those materials are also all on our website. And in fact,  
11 some of--two of the appendices, as Sean mentioned, are just so  
12 terrific that we've made two versions available. There's one on  
13 the original diskette of the Draft EIR appendices, and then  
14 we've included an updated information--updated version on our  
15 website. And if Mr. Gilbreth, or others want paper copies of  
16 those updated appendices, we'd be happy to make those available  
17 in our offices as well. So those are the documents...

18 CHAIR FIDDAMAN: Let me just throw in a question here at  
19 this point.

20 SECRETARY-DIRECTOR GITELMAN: Sure.

21 CHAIR FIDDAMAN: The difference between the original  
22 versions and the updated versions. Are they significant, I  
23 mean...

24 SECRETARY-DIRECTOR GITELMAN: In our view the changes are  
25 not significant and don't affect the ultimate conclusions of the  
26 analysis. But both are available, people are welcome to read the  
27 earlier version and the later version, compare them, make their  
28

NOVEMBER 17, 2009

1 own judgments. We didn't feel it was a really substantive  
2 change. We just thought it...

3 CHAIR FIDDAMAN: But if somebody hasn't read them yet, then  
4 they should read the latest version.

5 SECRETARY-DIRECTOR GITELMAN: Obviously that would be most  
6 efficient.

7 VICE-CHAIR PHILLIPS: And the October 23<sup>rd</sup> version that we  
8 have is not the latest--that's not the latest version, is that  
9 the one?

10 SECRETARY-DIRECTOR GITELMAN: I think the version you have  
11 on disk is not the latest version. So we will be getting you the  
12 version that is now on our website of those two appendices.

13 VICE-CHAIR PHILLIPS: Thank you.

14 SECRETARY-DIRECTOR GITELMAN: We also gave you this evening  
15 a letter that was not included in the appendices, but is related  
16 to the water supply assessment. It's a brief letter, that is  
17 also available on our website.

18 CHAIR FIDDAMAN: And that letter is available at the front  
19 desk here tonight.

20 SECRETARY-DIRECTOR GITELMAN: It is. I also wanted to  
21 clarify that in addition to the documents themselves, the Draft  
22 EIR including the technical appendices and the development  
23 application, we have an obligation to provide all of the cited  
24 references in the Draft EIR, so any time there's a footnote in  
25 the Draft EIR that cites a report, or a study, or a website, or  
26 something, all those materials are available at our offices for  
27 folks to review. Some of those cited references are enormous,  
28 like the remedial action plan takes up a whole shelf. But people

NOVEMBER 17, 2009

1 are invited to come and see them, and we've tried to summarize  
2 them in the Draft EIR to our best ability, and make it clear why  
3 we're citing them and the context in which they're cited. But  
4 so, there's plenty of information, I would agree with the  
5 commenters who say there's a lot of information out there. And  
6 Sean and I are both available to help anybody who wants to find  
7 their way through these documents. In fact, in response to Ms.  
8 Elles's request, Sean is going to post a little summary on the  
9 website that just lists all the documents within the Draft EIR,  
10 including the technical appendices, because if you'll notice,  
11 each one of those appendices is organized by subject matter, but  
12 often includes multiple documents. So Sean's going to generate a  
13 list like that. He's also going to put this errata that explains  
14 the updated versions on our website. I expect both of those  
15 things to be on our website by the end of this week.

16 So that's kind of housekeeping in terms of comments on the  
17 Draft EIR and the comprehensive development application, we are  
18 inviting comments on the comprehensive development application  
19 during this same comment period. It is a comment period on the  
20 Draft EIR, so as the Chair indicated, those are the comments  
21 we're particularly interested in getting, but Staff really would  
22 appreciate comments on the other materials as well, because they  
23 only help to inform the process of what happens after this  
24 comment period is that we will be responding to comments on the  
25 Draft EIR, and working to revise any of the materials in the  
26 comprehensive development application that we think need  
27 revision. And obviously, it would be useful to have the public's  
28 comments on those materials to inform that process.

NOVEMBER 17, 2009

1           The last procedural question that came up was about this  
2 fiscal study, and the housing element nexus, and I would simply  
3 refer you to the response we provided to Sandy earlier today. We  
4 tried to respond in writing just so that everybody could get the  
5 same information in response to those questions. I think it's  
6 clear that at the end of this process when the Commission and  
7 the Board ultimately consider the applications, they will want  
8 not only an EIR that is comprehensive and includes an exhaustive  
9 analysis of environmental impacts, they will want a thorough  
10 consideration of fiscal impacts, and they will want an analysis  
11 of design issues and planning issues. So all three of those  
12 things will come together at the end of the day at the public  
13 hearing process. They don't all have to be combined in the Draft  
14 EIR, and that was not the intention. So there are kind of  
15 multiple things going on here, and I hope that's explained in  
16 the letter to Ms. Elles that we prepared this afternoon. I think  
17 that was the substantive--or the procedural questions that came  
18 up, are there any others?

19           VICE-CHAIR PHILLIPS: What is the--so, in terms of the  
20 recently approved, the updated fiscal, design analysis, and  
21 market feasibility, what is the ETA for that being completed?

22           SECRETARY-DIRECTOR GITELMAN: You know, I'm not even  
23 managing that effort. I think it's going to take several months,  
24 and there may be some iterations back and forth. Ultimately, the  
25 fiscal analysis--you know, my view is that the economy keeps  
26 changing, at the rate it's changing we could be doing that  
27 several times between now and the finish line in terms of the  
28 hearings on the project just because it's, you know, we need to

NOVEMBER 17, 2009

1 update the information and assumptions. So, I don't know the  
2 exact completion date, but my guess is several months out.

3 I also wanted to say about the request for extension of  
4 comment period, as Staff we really have no recommendation on  
5 that. I'm afraid that's completely in your purview, of the legal  
6 requirement was met with the 45-day review. So anything you do  
7 beyond that is within your discretion.

8 VICE-CHAIR PHILLIPS: In terms of the comprehensive  
9 development plan, does that by default follow the same closing  
10 dates as we're saying as the Draft EIR. So with...

11 SECRETARY-DIRECTOR GITELMAN: That's our suggestion.

12 VICE-CHAIR PHILLIPS: Okay.

13 SECRETARY-DIRECTOR GITELMAN: That's really because we  
14 would like the benefit of the public comments as we consider  
15 potential revisions to those documents that we would be working  
16 on concurrent with the Final EIR.

17 VICE-CHAIR PHILLIPS: So, hypothetically, if one were  
18 extended, okay.

19 SECRETARY-DIRECTOR GITELMAN: If you extend the draft  
20 comment period, I think our suggestion is you would extend that  
21 as well.

22 CHAIR FIDDAMAN: Okay any other comments from Commissioners  
23 on the broad topics here. Okay, it would certainly appear that  
24 there--is there anybody in the audience that wants to shorten  
25 the review period for this Draft EIR? I don't think so.

26 [Laughter.] There's one in the back corner, okay. And we know  
27 his name. So I guess I would invite Commissioner comments on the  
28 topic of extension, and how long.

NOVEMBER 17, 2009

1           COMMISSIONER SCOTT: I agree with many of the speakers who  
2 have asked for additional time. And I would certainly support an  
3 extension. Personally, I would be more in favor of a 30-day  
4 extension, as opposed to 60. That--a 30-day extension basically  
5 takes us out three months, or takes us out two months from where  
6 we are, and I think that given the amount of time--this is a  
7 subject that we started on back in May. We certainly haven't had  
8 all the environmental documents until the 23<sup>rd</sup> of October. But I  
9 do feel an extension is appropriate, but I don't want to get  
10 into a 60-day extension, which is like double the state  
11 requirement, or nearly triple. I think that it's appropriate  
12 that we do extend it, but I think that 30 days is sufficient.

13           COMMISSIONER POPE: This might be a bit of a switch, but I  
14 too would--I [inaudible] concur with what a lot of people have  
15 said this evening, which is that other folks have been--have  
16 spoken tonight entirely overtly supportive of the application,  
17 and folks have gotten up and addressed concerns regarding the  
18 application. I think there's been kind of a consensus that there  
19 has been a pretty robust--in my sense of the comments and  
20 feedback, and appreciate the dialog that is productive at point  
21 regarding as many of you all pointed out, unprecedented project  
22 for Napa County. And I think part of continuing that dialogue is  
23 making sure that we are striving for fairness to all parties  
24 involved, including the applicant and those who have significant  
25 concerns regarding this project.

26           Clearly this is a mountain of information to read, and I  
27 actually [inaudible] think this will be a strange switch, but my  
28 recommendation was going to come down [inaudible] maybe less

NOVEMBER 17, 2009

1 generous than Commissioner Scott's. But my thought was initially  
2 looking at a 15-day extension because that's kind of the  
3 traditional increments that they go in. And looking at the fact  
4 that we have had several of these evening sessions already,  
5 again as part of this [inaudible] coverage, I was going to amend  
6 that and suggest a compromise, and like most compromises will  
7 probably be terribly unsatisfying with all parties involved,  
8 but--and suggest a 21-day extension. And where I got that number  
9 from was again a 15-day being sort of the standard increments,  
10 and already [inaudible] at that point [would make it] a 75-day  
11 comment period which would be pretty much past industry  
12 standard, as I understand. And then also an additional six days  
13 kind of allocating the holiday period that we're going against,  
14 so we're looking at two days per significant holiday.  
15 [Inaudible.] That was going to be my suggestion [inaudible].

16 VICE-CHAIR PHILLIPS: I can't follow your mathematics Matt,  
17 what is it for? What is it? The...

18 CHAIR FIDDAMAN: He was thinking 15, but now he's talking  
19 21.

20 VICE-CHAIR PHILLIPS: 21.

21 CHAIR FIDDAMAN: That's all. You only need the answer, you  
22 don't need the algebra.

23 VICE-CHAIR PHILLIPS: Thank you, that's right.

24 COMMISSIONER BASAYNE: I'd say just initially I believe  
25 that it was important to provide some additional time to go  
26 through the voluminous data, and--but I also feel that there has  
27 been ample time allotted heretofore. So in keeping with the  
28 opinions of my fellow Commissioners who have spoken already, my

1 inclination is to go with an extension, but certainly less than  
2 60 days. I would be amenable to a 30-day extension, and quite  
3 possibly even less than that if that's what it takes to reach a  
4 consensus here. But I do want to believe that as we get into the  
5 holidays and such, there will certainly be perhaps time to  
6 nestle up by the fireplace with a hot mug of cider and warm  
7 chestnuts and such and that maybe we can delve deeply into these  
8 documents. So--at any rate, I will be amenable to a 30-day  
9 extension or less.

10 VICE-CHAIR PHILLIPS: Yeah, I think it's going to be a lot  
11 of nights by the fireplace. So--the good news is that I've  
12 gotten new reading glasses, the bad news is that I don't think I  
13 could get through any of this in anything less than 30 days, and  
14 I know that people have spoken to the fact that we've had these  
15 evenings, and these meetings, but without any of the really, the  
16 hard data, and the specifics, I feel that those were great ways  
17 to put input, but they didn't give me the real strong direction,  
18 and the facts that I've needed. So personally, I--new reading  
19 glasses or not, I couldn't do anything below a 30-day extension.

20 CHAIR FIDDAMAN: That's just because you have kids at home.

21 VICE-CHAIR PHILLIPS: I know, I know.

22 CHAIR FIDDAMAN: Well, as I have indicated earlier, I've  
23 waded through these; I'd have to say there are some sections  
24 that I want to read a little more carefully, so obviously  
25 there's a lot more time to be spent with it. I don't  
26 particularly want to take it with me on my Christmas trip to  
27 Boston this year. So I'm in favor of an extension as well. I  
28 think, you know, the comments have already been made here, that

NOVEMBER 17, 2009

1 obviously this is a very large project, and very important to  
2 our county, and our cities, too, very important to the whole  
3 community.

4 I think we also need to be fair to the developer, and we  
5 need to take into account the fact that there has been a pretty  
6 of unprecedented level of outreach here, the number of meetings  
7 held with the public, a number of opportunities to get a  
8 preview, really, of main segments of this Draft EIR. So taking  
9 all of that into account, my own thought was that a 30-day  
10 extension would be quite fair. That would give it a total of 90  
11 days, which is twice what the mandated legal requirement is. And  
12 that takes us beyond the holiday period, so I would entertain a  
13 motion to extend the time period for a review of this Draft EIR  
14 for 30 days.

15 COMMISSIONER SCOTT: So moved.

16 COMMISSIONER BASAYNE: Second.

17 CHAIR FIDDAMAN: It's been moved and seconded. All in favor  
18 say aye.

19 ALL COMMISSIONERS: Aye.

20 CHAIR FIDDAMAN: It's unanimous.

21 SECRETARY-DIRECTOR GITELMAN: Thank you, Commissioners, if  
22 I'm doing my math right, I think that brings us to the close of  
23 business on January 21, and we will disseminate that as the  
24 close of the comment period.

25 CHAIR FIDDAMAN: Sounds right to me. Okay, any other  
26 comments? I don't think we have anything else on our agenda, so  
27 with that we will adjourn. And thank you very much everyone for  
28 taking your time to be here tonight.

NOVEMBER 17, 2009

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

STATE OF CALIFORNIA  
COUNTY OF SOLANO

I, Kathryn F. Johnson, do hereby certify and believe:

That the foregoing pages are a true and correct transcript of the proceedings before the Napa County Conservation, Development and Planning Commission, County Building, Board Chambers, Napa, California, except as noted "unintelligible" or "inaudible" or words placed in [brackets] to the best of my ability. Speech disfluencies, discourse markers and pause fillers have been deleted, except when deemed a function word.

I further certify that I am not interested in the outcome of said matter or connected with or related to any of the parties of said matter or to their respective counsel.

Dated this 17th day of December, 2009, at Vacaville, California.

Kathryn F. Johnson