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**Conservation, Development and Planning**

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**Hillary Gitelman**  
Director

## MEMORANDUM

To: Napa Redevelopment Partners Whit Manley	From: Hillary Gitelman Sean Trippi
Date: June 13, 2012	Re: Modified Application

Thank you for the modified application materials submitted on Monday and for the clarifying conversation this afternoon. We look forward to receiving supplemental information and revisions as discussed.

The modified General Plan Amendment, zoning ordinance, and site plan resemble those considered and recommended by the Planning Commission on May 2, 2012 in many regards. For example, they would:

- Permit 700-945 dwelling units at densities of 20-27 du/acre plus a mix of other uses on the 63-acre riverfront parcel;
- Enable clean-up of the entire site, followed by filling and grading to raise the flood elevation of portions of the site;
- Require purchase of surface water supplies; and
- Require compliance with the County’s growth management system.

In other regards, the modified application materials differ from those considered and recommended by the Planning Commission. For example, they would:

- Permit 160,000 square foot of “General Wholesale Sales Commercial Activities” including a Costco store on the 91 acre eastern parcel; and
- Reserve 10 acres at the northern end of the 91 acre eastern parcel (rather than the “Harrison site”) as a possible future school site.

California Government Code Sections 65354 and 65855 require that the Planning Commission make a recommendation to the legislative body regarding proposed changes to the General Plan and zoning ordinance. Sections 65356 and 65857 note that the legislative body may approve, modify, or disapprove the Commission’s recommendations, but must refer any modification “not previously considered by the commission during its hearings” back to the

Commission for a report and recommendation. In the current instance, the Board of Supervisor's hearings on the Planning Commission recommendation were cancelled at your request. Based on the modifications to your application materials noted above, reconsideration by the Planning Commission will be required.

In addition, Planning staff is required to analyze the modified proposal to see whether it falls within the scope of the Final EIR prepared for the project, or whether additional environmental review is required pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. Section 15088.5 of the CEQA Guidelines provides that an EIR should be re-circulated when significant new information is added to the EIR after public notice and comment. It further provides that new information is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to avoid or mitigate such an effect that the project proponent has declined to implement.

Staff will be analyzing the modified proposal over the next 30-60 days to determine whether supplemental environmental review is required and will be requesting assistance from the EIR consultant, traffic consultant, and others. In addition, we would appreciate receiving information from Costco regarding their proposed store, "appurtenant" uses, hours of operation, employees, shifts, trip generation, and market competitors in the region. (This information is needed before we can begin our analysis.) We would also like to understand whether changes to the clean-up plan are anticipated due to the modified project or due to changes in the RWQCB's standards since the Supplement to the Draft EIR looked at this issue.

Please do not hesitate to contact us if you have questions during our analysis.

cc. Rob Paul