

FINAL  
ENVIRONMENTAL IMPACT REPORT

FOR THE

ENVISION YOUNTVILLE GENERAL PLAN UPDATE  
(SCH: 2018082008)

MARCH 2019

*Prepared for:*

Town of Yountville  
6550 Yount Street  
Yountville, CA 94599

*Prepared by:*

De Novo Planning Group  
1020 Suncast Lane, Suite 106  
El Dorado Hills, CA 95762  
(916) 580-9818

D e N o v o P l a n n i n g G r o u p

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A Land Use Planning, Design, and Environmental Firm



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## FINAL EIR

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## INTRODUCTION

The Town of Yountville (Town) determined that a program-level environmental impact report (EIR) was required for the Envision Yountville General Plan Update pursuant to the requirements of the California Environmental Quality Act (CEQA).

The program-level analysis considers the broad environmental effects of the Envision Yountville General Plan Update. CEQA Guidelines Section 15168 states that a program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- 1) Geographically,
- 2) As logical parts in the chain of contemplated actions,
- 3) In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program, or
- 4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

## PROJECT DESCRIPTION

The following provides a brief summary and overview of the proposed Envision Yountville General Plan Update. The reader is referred to Section 2.0 of the Draft EIR for a more complete and thorough description of the components of the proposed project.

The Town of Yountville is located in Napa County, approximately 40 miles north of San Francisco and 50 miles southwest of Sacramento. The Town comprises approximately 1.5 square miles, straddling Highway 29 in the heart of the Napa Valley, located between the cities of Napa and St. Helena. The Town's business district and residential neighborhoods lie to the east of Highway 29, while the Veterans Home is to the west.

The Town of Yountville is preparing a comprehensive update to its existing General Plan, which was adopted in 1994 with updates to the Circulation Element in 2016 and the Housing Element in 2015. The update is expected to be complete in 2019.

The Envision Yountville General Plan will include a comprehensive set of goals, objectives, policies and implementation programs, as well as an updated Land Use Map (see Figure 2.0-5). The State requires that the General Plan include seven mandatory elements: Land Use, Circulation, Housing, Open Space, Noise, Safety, and Conservation. The Housing Element was updated separately from the rest of the General Plan in 2015 and is not anticipated to require significant revisions. The Envision Yountville General Plan will include all of the State-mandated elements in its chapters, as well as optional chapters addressing Our History, Community and Quality of Life, and Economic Sustainability.

- The **Land Use Chapter** designates the general distribution and intensity of residential, commercial, parks, agricultural, public facilities, and other categories of public and private land uses. The Land Use Chapter includes the Land Use Map, which identifies land use designations for each parcel in the Town limits and Sphere of Influence (SOI).
- The **Circulation Chapter** correlates closely with the Land Use Chapter, and identifies the general locations and extent of existing and proposed streets, roads, highways, and bicycle and pedestrian facilities necessary to support a multi-modal transportation system. This element is intended to facilitate mobility of people and goods throughout Yountville by a variety of transportation modes, including bicycle, pedestrian, and automobile.
- The **Open Space and Conservation Chapter** addresses the provision of open space for the conservation of natural resources, including habitat, watercourses, agricultural, land and scenic views, and for park, playfield, and recreational facilities and addresses the conservation, development, and use of natural resources, including issues associated with riparian environments, native plant and animal species, soils, archaeological and cultural resources, air quality, water supply and quality, and greenhouse gases.
- The **Noise Chapter** establishes standards and policies to protect the community from the harmful and annoying effects of exposure to excessive noise levels and unwanted noise. This element includes strategies to reduce land use conflicts that may result in exposure to unacceptable noise levels.
- The **Safety and Hazards Chapter** establishes policies and programs to protect the community from risk associated with geologic, seismic, flood, and fire hazards, as well as setting standards for emergency preparedness.
- The **Our History Chapter** (optional chapter) describes Yountville's history and historical resources and provides a framework for the protection and conservation of cultural and historical resources.
- The **Community and Quality of Life Chapter** (optional chapter) is designed to support and enhance the high quality of life in Yountville, through programs to encourage good neighbor practices, protect historic resources, arts and culture, and to maintain a vibrant and diverse economy.
- The **Economic Sustainability Chapter** (optional chapter) addresses the economic needs of the Town, including fostering economic vitality, supporting new businesses, and attracting new businesses.

Each element of the Envision Yountville General Plan contains a series of goals, policies, and programs, which provide guidance to the Town on how to direct change, manage growth, and manage resources over the life of the General Plan. The Land Use Element defines various land use designations by their allowable uses, minimum parcel sizes, and maximum development densities.

While no specific development projects are proposed as part of the General Plan, the General Plan will accommodate future growth in Yountville. This development is anticipated to occur: 1) within the change areas identified in Section 5.3, Change Areas, of the Land Use Chapter of the General Plan, and 2) on vacant and infill sites throughout the Town.

Future development and other projects accommodated by the General Plan may occur throughout the Town and SOI. Full buildout of the proposed General Plan Land Use Map within the General Plan area is estimated to result in up to:

- 231 dwelling units
- 169,646 square feet (SF) of non-residential uses, consisting of:
  - 77,454 commercial SF (which may include restaurants, shopping, services hotel uses)
  - 3 hotel rooms (Note: these 3 rooms are associated with an approved project; additional hotel rooms may be developed as part of the commercial square footage identified above)
  - 21,684 office SF
  - 66,380 agricultural SF

Refer to Section 2.0, Project Description, in the Draft EIR for a more complete description of the proposed project.

## ALTERNATIVES TO THE PROPOSED PROJECT

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a reasonable range of alternatives to the project, or to the location of the project, which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the proposed project. The alternatives analyzed in this EIR include the following three alternatives in addition to the proposed project:

- Alternative A;
- Alternative B;
- Alternative C – No Project Alternative.

These alternatives are described in detail in Section 5.0, Alternatives to the Proposed Project, in the Draft EIR.

Alternative A would reduce impacts in all areas, Alternative B would reduce or slightly reduce impacts in five areas, and Alternative C would not decrease impacts in any area. It is noted that the significant and unavoidable impacts associated with degradation of the visual character of the site and its surroundings, conversion of Important Farmlands to non-agricultural uses, and construction noise would still occur under all three alternatives. Therefore, Alternative A is the environmentally superior alternative.

## COMMENTS RECEIVED

The Draft EIR addressed environmental impacts associated with the proposed project that are known to the Town, were raised during the Notice of Preparation (NOP) process, or raised during preparation of the Draft EIR. The Draft EIR discussed potentially significant impacts associated

with aesthetics, agricultural resources, air quality, biological resources, cultural and tribal resources, geology and soils, greenhouse gases and climate change, hazards, hydrology and water quality, land use, noise, population and housing, public services and recreation, transportation and circulation, and utilities.

During the NOP process, several comments were received related to the analysis that should be included in the Draft EIR. These comments are included as Appendix A of the Draft EIR, and were considered during preparation of the Draft EIR.

The Town of Yountville received three comment letters regarding the Draft EIR from public agencies. These comment letters on the Draft EIR are identified in Table 2.0-1 of this Final EIR and responses to the comment letters are provided in Chapter 2.0 of this Final EIR.

This Final Environmental Impact Report (Final EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The Town of Yountville (Town) is the lead agency for the environmental review of the Envision Yountville General Plan Update and has the principal responsibility for approving the project. This Final EIR assesses the expected environmental impacts resulting from approval of the Envision Yountville General Plan Update and associated impacts from subsequent development and operation of the Envision Yountville General Plan Update, as well as responds to comments received on the Draft Environmental Impact Report (Draft EIR).

## 1.1 PURPOSE AND INTENDED USES OF THE EIR

### CEQA REQUIREMENTS FOR A FINAL EIR

This Final EIR for the proposed project has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that a Final EIR consist of the following:

- the Draft EIR or a revision of the draft;
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR.

An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed development, and an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

### PURPOSE AND USE

The Town of Yountville, as the lead agency, has prepared this Final EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from approval of the Envision Yountville General Plan Update and associated impacts from subsequent development and operation of the Envision Yountville General Plan Update. Responsible and trustee agencies that may use the EIR are identified in Sections 1.0 and 2.0 of the Draft EIR.

## 1.0 INTRODUCTION

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The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This EIR will be used as the primary environmental document to evaluate all aspects of construction and operation of the proposed project. The details and operational characteristics of the proposed project are identified in Chapter 2.0, Project Description, of the Draft EIR (November 2018).

## 1.2 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

### NOTICE OF PREPARATION

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The Town of Yountville circulated a NOP of an EIR for the proposed General Plan on August 3, 2018 to trustee agencies, the State Clearinghouse, and the public. A public scoping meeting was held on August 27, 2018, to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and comments received on the NOP by interested parties are presented in Appendix A of the Draft EIR.

### NOTICE OF AVAILABILITY AND DRAFT EIR

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The Town of Yountville published a public Notice of Availability (NOA) for the Draft EIR on November 29, 2018 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2018082008) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The NOA indicated that the Draft EIR was available for public review through January 14, 2019. In January 2019, the Town extended the public review period through February 13, 2019. As a result of the extension of the public review period, the Draft EIR was available for public review and comment from November 29, 2018 through February 13, 2019.

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

## RESPONSE TO COMMENTS/FINAL EIR

The Town of Yountville received three comment letters regarding the Draft EIR from public agencies. These comment letters on the Draft EIR are identified in Table 2.0-1, and are found in Section 2.0 of this Final EIR.

In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the written comments received on the Draft EIR, as required by CEQA. This Final EIR also contains minor edits to the Draft EIR, which are included in Section 3.0, Errata. This document, as well as the Draft EIR as amended herein, constitutes the Final EIR.

## CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The Town of Yountville will review and consider the Final EIR. If the Town finds that the Final EIR is "adequate and complete," the Town Council may certify the Final EIR in accordance with CEQA and Town of Yountville environmental review procedures and codes. The rule of adequacy generally holds that an EIR can be certified if:

- 1) The EIR shows a good faith effort at full disclosure of environmental information; and
- 2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project which intelligently take account of environmental consequences.

Upon review and consideration of the Final EIR, the Town of Yountville Town Council may take action to approve, revise, or reject the project. A decision to approve the Envision Yountville General Plan Update, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093. A Mitigation Monitoring and Reporting Program, as described below, would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Program has been designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR.

## 1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

## CHAPTER 1.0 – INTRODUCTION

Chapter 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead agency, summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

## 1.0 INTRODUCTION

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### CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

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Chapter 2.0 provides a list of commenters, copies of written and electronic comments made on the Draft EIR (coded for reference), and responses to those written comments.

### CHAPTER 3.0 – ERRATA

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Chapter 3.0 consists of minor revisions to the Draft EIR in response to comments received on the Draft EIR, as well as minor staff edits.

## 2.1 INTRODUCTION

No new significant environmental impacts or issues, beyond those already covered in the Draft Environmental Impact Report (EIR) for the Envision Yountville General Plan Update, were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or add “significant new information” that would require recirculation of the Draft EIR pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15088.5.

CEQA Guidelines Section 15088.5 states that: *New information added to an EIR 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 mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.*

## 2.2 LIST OF COMMENTERS

Table 2.0-1 lists the comments on the Draft EIR that were submitted to the Town of Yountville during the public review period for the Draft EIR. The assigned comment letter or number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed.

**TABLE 2.0-1: LIST OF COMMENTERS ON DRAFT EIR**

RESPONSE LETTER	INDIVIDUAL OR SIGNATORY	AFFILIATION	DATE
A	Patricia Maurice	California Department of Transportation	1-14-19
B	David Morrison	County of Napa, Planning, Building & Environmental Services	2-19-18
C	Sharaya Souza	Native American Heritage Commission	8-4-18

## 2.3 COMMENTS AND RESPONSES

### REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the Project and ways to avoid or mitigate the significant effects of the project, and that commenters provide

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR identifies all revisions to the Envision Yountville General Plan Update Draft EIR.

### RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each letter is lettered (i.e., Letter A, Letter B) and each comment within each letter is numbered (i.e., comment A-1, comment A-2).

**DEPARTMENT OF TRANSPORTATION**  
**DISTRICT 4**  
**OFFICE OF TRANSIT AND COMMUNITY PLANNING**  
 P.O. BOX 23660, MS-10D  
 OAKLAND, CA 94623-0660  
 PHONE: (510) 286-5528  
 FAX: (510) 286-5559  
 TTY: 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



*Making Conservation  
 a California Way of Life.*

January 14, 2019

SCH # 2018082008  
 GTS # 04-NAP-2018-00151  
 GTS ID: 12119  
 PM: NAP – 29 – 19.04

Sandra Liston, Planning and Building Director  
 Town of Yountville  
 6550 Yount Street  
 Yountville, CA 94599

**Envision Yountville General Plan Update – Draft Environmental Impact Report (DEIR)**

Dear Sandra Liston:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the *Envision Yountville General Plan Update* (Update). In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Traveled (VMT) in part, by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the November 29, 2018 DEIR. Our previous comments on the Notice of Preparation (NOP), dated September 4, 2018 are incorporated by reference.

A-1

***Project Understanding***

The *Envision Yountville General Plan* will include a comprehensive set of goals, objectives, policies, and implementation programs, as well as an updated Land Use Map. The State requires that the General Plan include seven mandatory elements: Land Use, Circulation, Housing, Open Space, Noise, Safety, and Conservation. The Housing element was prepared separately from the rest the General Plan in 2015 and is not anticipated to require significant revisions. The *Envision Yountville General Plan* will include all of the State-mandated elements, as well as an optional element of addressing Community Quality of Life. *Envision Yountville* plans for a range of land uses to serve the Town, as well as supporting infrastructure and public services.

A-2

The Town of Yountville is bisected by State Route (SR) 29, which is accessible via the California Avenue interchange and the signalized intersection at Madison Street, both located within City limits.

*"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"*

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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### ***Vehicle Trip Reduction***

The project should implement vehicle trip reduction measures, such as reducing minimum parking space requirements for residential uses, unbundled parking opportunities for all uses and adding options for Transportation Demand Management (TDM). Bicycle parking, and how its location will optimize bicycle and transit use should also be discussed under the parking section of the DEIR. Such measures will be critical to facilitate efficient transportation within the Town of Yountville and reduce transportation impacts associated with the project. The measures listed below promote smart mobility and reduce regional VMT.

- Project design to encourage walking, bicycling and convenient transit access;
- Outdoor areas with patios, furniture, pedestrian pathways, picnic and recreational areas;
- Improving pedestrian or bicycle networks, or transit service;
- Bicycle storage facilities located conveniently near entrances to minimize determent of bicycle use due to weather conditions;
- Providing bicycle repair station(s);
- Showers, changing rooms and clothing lockers for bike commuters;
- Bicycle route mapping resources and bicycle parking incentives;
- Providing transportation and commute information kiosk(s);
- Subsidize transit passes for employees on an ongoing basis;
- Incorporating neighborhood electric vehicle network;
- Clean-fuel parking spaces;
- Lower parking ratios;
- Limiting or eliminating parking supply;
- Unbundling parking costs;
- Providing parking or roadway pricing or cash-out programs;
- Providing incentives or subsidies that increase the use of modes other than single-occupancy vehicles;
- Implementing or providing access to a commute reduction program;
- Providing car-sharing, bike sharing, and ride-sharing programs;
- Providing ride-matching services;
- Providing on-site amenities at places of work, such as priority parking for carpools and vanpools, secure bike parking, and showers and locker rooms;
- Providing telework options;
- Increasing access to common goods and services, such as groceries, schools, and daycare;
- Incorporating affordable housing into the project;
- Providing traffic calming;
- Providing employee transportation coordinators at employment sites;
- Providing a guaranteed ride home service to users of non-auto modes;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with annual Lead Agency monitoring and enforcement.

A-3

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Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to achieve those targets. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet *Caltrans Strategic Management Plan* sustainability goals.

A-3  
cont'd

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

#### ***Transportation Impact Fees***

Please identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed Update; viable funding sources such as development and/or transportation impact fees should also be identified and incorporated in the General Plan Update. We encourage a sufficient allocation of fair share contributions toward multimodal and regional transit improvements to fully mitigate cumulative impacts to regional transportation.

A-4

The Lead Agency should also ensure that the cost of needed improvements, funding sources, and a scheduled plan for implementation is incorporated into the capital improvement plan as part of the environmental process. Traffic mitigation and cooperative agreements are examples of such collaborative measures. Caltrans welcomes the opportunity to work with the Lead Agency and local partners to secure the funding for needed mitigation for increased VMT by improving facilities for transit, cyclists, and pedestrians using or crossing SR 29.

#### ***Travel Demand Analysis***

Please note that Caltrans no longer uses Level of Service (LOS) as a performance measure for impacts under CEQA, as such the *Guide for the Preparation of Traffic Impact Studies* (2002) is no longer valid; Caltrans is currently in the process of developing new guidelines for transportation impacts utilizing VMT, and the EIR should be updated to reflect this.

A-5

The Lead Agency should establish a procedure for evaluating transportation impacts using VMT as a metric. The VMT metric criteria used for determining the significance of transportation impacts must strive for (1) the reduction of greenhouse gas emissions, (2) the development of multimodal transportation networks, and (3) a diversity of land uses. With the enactment of SB 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies through the use of efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. For more information on evaluation transportation impacts under CEQA, see The Governor's Office of Planning and Research's December 2018 Technical Advisory:

[http://opr.ca.gov/docs/20181228-743\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/20181228-743_Technical_Advisory.pdf)

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## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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We strongly encourage the Lead Agency to analyze VMT resulting from the proposed project and establish means of mitigating VMT generated by projects associated with this Update. Please ensure that the travel demand analysis includes:

- A vicinity map, regional location map, and site plan clearly showing project access in relation to the STN. Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way. Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.
- A VMT analysis pursuant to the Lead Agency's guidelines or, if the Lead Agency has no guidelines, the Office of Planning and Research's Draft Guidelines. Projects that result in automobile VMT per capita greater than 15% below existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the Lead Agency.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.

A-5  
cont'd

### *Lead Agency*

As the Lead Agency, the Town of Yountville is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. Since this project meets the criteria to be deemed of statewide, regional or areawide significance per CEQA Section 15206, the DEIR should be submitted to both the Napa Valley Transportation Authority and the Metropolitan Transportation Commission for review and comment.

A-6

### *Encroachment Permit*

Please be advised that any work or traffic control that encroaches onto the State right-of-way (ROW) requires an encroachment permit that is issued by Caltrans. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, and six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed and stamped traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4.

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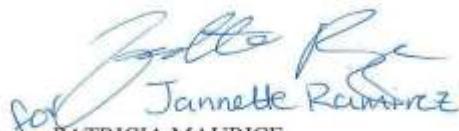
P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

A-7  
cont'd

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jake Freedman at 510-286-5518 or [jake.freedman@dot.ca.gov](mailto:jake.freedman@dot.ca.gov).

A-8

Sincerely,



for Jannette Ramirez  
PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

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**Response to Letter A: California Department of Transportation**

**Response A-1:** This comment is noted. This comment serves as an introduction to the comment letter and does not warrant a response. No further response is necessary.

**Response A-2:** The commenter summarizes the proposed project description and notes that State Route (SR) 29 bisects the Town of Yountville. This comment is noted. No further response is necessary.

**Response A-3:** The commenter notes that the project should implement various vehicle trip reduction measures and includes a list of measures which would promote smart mobility and reduce regional vehicle-miles-traveled (VMT). The commenter further notes that Transportation Demand Management (TDM) programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. This comment is noted. The General Plan includes some of these TDM measures, including:

- Project design to encourage walking, bicycling and convenient transit access;
- Outdoor areas with patios, furniture, pedestrian pathways, picnic and recreational areas;
- Improving pedestrian or bicycle networks, or transit service;
- Providing traffic calming.

Additionally, the General Plan includes several policies and programs which encourage the use of pedestrian facilities, bicycle facilities, and transit facilities. For example, Policy MO-2.1f of the General Plan states “Coordinate with the NVTA to provide a coordinated effort to improve the transportation network and reduce automobile use.” Policy MO-1.4 states “When analyzing impacts to the circulation network created by new development or roadway improvements, consider the needs of all users including those with disabilities, ensuring that pedestrians, bicyclists, and transit riders are considered at an equal level to the needs of automobile driver.” The General Plan has been carefully designed to encourage walking, bicycling, and to provide transit access.

Because the General Plan area would be developed over time by multiple landowners and multiple development projects, establishment of an onsite TDM coordinator as suggested by the commenter would not directly occur, though the Town may require major employers within the General Plan area to designate TDM coordinators in order to satisfy TDM requirements.

Implementation of the General Plan, including goals, policies, and programs that reduce vehicle miles travelled and manage transportation demands, will be reviewed on an annual basis with annual reports provided to the Town Council, Office of Planning and Research, and Housing and Community Development Department, consistent with the requirements of Government Code 65400 Section (a)(2).

**Response A-4:** The commenter requests that project-generated travel demand be identified, and the costs of transit and active transportation improvements required by the update be estimated. The commenter also requests that the lead agency ensures that the cost of needed improvements, funding sources, and a scheduled plan for implementation is incorporated into the capital improvement plan as part of the environmental process.

Travel demand associated with the project is described in Table 3.14-4 (Applied ITE Trip Generation Rates) and Table 3.14-5 (Net Additional PM Peak Hour Vehicle Trips – Proposed General Plan) of the Draft EIR. Impacts associated with the travel demand associated with the project are analyzed under Impacts 3.14-1 through 3.14-6 of the Draft EIR. As described under Impacts 3.14-1 and 3.14-6, the General Plan Update project includes policies and programs to ensure that transportation improvements to accommodate the project are identified and implemented to support the General Plan. In particular, Program MO-2.1c requires subsequent projects, including general plan amendments, zone changes, specific plans, and development projects, to ensure that adequate circulation improvements are included in the subsequent projects and that each subsequent project addresses its proportional share of impacts to the Town's circulation network. Program MO-2.1d requires the Capital Improvement Program to be updated to include the roadway improvements necessary to support buildout of the General Plan. Programs MO-1.3b and MO-2.1f ensure that the Town coordinates with Caltrans and the Napa Valley Transportation Authority (NVTA) to address impacts to the regional circulation system and implement applicable regional funding mechanisms.

**Response A-5:** The commenter notes that the lead agency should establish a procedure for evaluating transportation impacts using VMT as a metric. The commenter also encourages the lead agency to analyze VMT resulting from the project and establish means of mitigating VMT generated by projects associate with the General Plan Update, providing recommendations for analyzing and addressing transportation impacts using VMT. This comment is noted.

The 2019 update to the California Environmental Quality Act (CEQA) Guidelines establishes criteria for analyzing transportation impacts in Section 15064.3, noting that vehicle miles traveled is the most appropriate measure of transportation impacts. Lead agencies must comply with these new provisions not later than July 1, 2020. While the Town is not yet required to comply with the provisions of Section 15064.3 and, thus, is not required to provide a VMT analysis for the General Plan Update project, the proposed project addresses the transition to evaluating transportation impacts. Program MO-1.3a of the General Plan states "Consider replacement of vehicle Level of Service standards with Vehicle Miles Traveled (VMT) or other designated metrics for traffic conditions in Yountville once Senate Bill 743 is implemented." Additionally, the projected VMT increase as a result of General Plan implementation is discussed on pages 3.3-21 through 3.3-23 of Section 3.3, Air Quality, of the Draft EIR. As discussed, implementation of the proposed project would result in an approximately 12.5%

increase in Town-wide trips, compared to an approximately 14.3% increase in combined population and jobs.

**Response A-6:** The commenter notes that the Town of Yountville is responsible for all project mitigation, including any needed improvements to the State transportation network. The commenter also notes that the Draft EIR should be submitted to the Napa Valley Transportation Authority and Metropolitan Transportation Commission for review and comment. This comment is noted. Any future projects which result in potential impacts to the State transportation network would be responsible for mitigating those impacts to the extent feasible.

The project's impacts to the regional transportation network are primarily addressed under Impact 3.14-1 on pages 3.14-14 through 3.14-18 of the Draft EIR, including the feasibility of improvements to the SR 29/Madison Street intersection. Regarding the project's contribution to impacts on regional facilities, the project would contribute approximately 17.5% of cumulative traffic to the SR 29/Madison Street intersection under full buildout conditions. This is based on the project's addition of 156 PM peak hour trips resulting in a total of 3,550 cumulative PM peak hour trips at this intersection under buildout conditions (3,394 trips cumulative 2040 baseline trips as shown for location 4 on Draft EIR Figure 3.14-8 plus 156 project trips as shown for location 4 on Draft EIR Figure 3.14-9) and takes into account the 2,657 PM peak hour trips occurring under existing conditions as shown for location 4 on Draft EIR Figure 3.14-4. Vision 2040 includes the Napa Countywide Transportation Plan project list, which identifies that no funding has been committed for this regional facility and estimates the cost of an interchange for this location at approximately \$20,000,000, resulting in an equitable fair-share contribution of approximately \$3,500,000 should this improvement be planned and funded. It is noted that the commentor previously indicated that Caltrans is no longer identifying impacts on a level of service basis and is transitioning to using VMT but has not yet adopted guidelines or thresholds to identify VMT impacts.

While the commentor has not addressed the analysis or conclusions provided in the Draft EIR and does not address the adequacy of the Draft EIR, it is noted that the General Plan project includes goals, policies, and programs that address transportation impacts associated with the project, as described under Response A-4, and as addressed in Chapter 3.14 of the Draft EIR. No separate mitigation measures are identified for transportation impacts in the Draft EIR.

The Town appreciates the comment and will continue to coordinate with Caltrans and NFTA to address regional transportation facilities and improvements, including vehicle, bicycle, and pedestrian improvements associated with SR 29. As the Town considers subsequent development, infrastructure, and other project proposals, the Town reviews each project for compliance with the General Plan, including the goals, policies, and programs that address transportation and mobility. The Town ensures the timely inclusion of transportation improvements in its Capital Improvement Program through an annual review of the Capital Improvement Plan, including demand for

improvements, funding, and scheduled timing of improvements. As required by State law (Government Code Section 65400(a), the Town annually reviews its implementation of the General Plan to ensure that all programs are being implemented and addressed in an appropriate fashion, including the goals, policies, and programs identified under Impacts 3.14-1 through 3.14-6 of the Draft EIR.

The Draft General Plan and Draft EIR were submitted to the Napa Valley Transportation Authority and Metropolitan Transportation Commission for review and comment.

**Response A-7:** This comment is noted. An Encroachment Permit would be obtained for any work done within the State Right of Way as a result of the proposed project.

**Response A-8:** This comment is noted. This comment serves as a conclusion to the comment letter and does not warrant a response. No further response is necessary.

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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A Tradition of Stewardship  
A Commitment to Service

### Planning, Building & Environmental Services

1105 Third Street, Suite 210  
Napa, CA 94559  
[www.countyofnapa.org](http://www.countyofnapa.org)

David Morrison  
Director

December 19, 2018

Sandra Listen  
Planning and Building Director  
Town of Yountville  
6550 Yount Street  
Yountville, CA 94599

**Re: Town of Yountville General Plan Update  
Response to Letter Requesting Comments**

Dear Sandra:

Thank you for your early November letter (erroneously dated December 29, 2018) announcing release of the latest version of the Draft Envision Yountville General Plan (Update) for public review, and requesting County comments by December 15, 2018. With this letter the County wishes to be responsive to your request for early comments, but note that the accompanying Draft Environmental Impact Report (DEIR) Notice of Availability was not released until November 29, 2018, providing a statutory minimum 45-day comment period ending January 14, 2019.

Given the staggered timing in which all of the documents necessary to conduct a meaningful review were released, and our discovery that Yountville is now proposing to designate a portion of the Chandon property located outside of the city limits as Primary Commercial, the County has no choice but to request extension of the DEIR comment period by 120 days. This period would allow adequate time for dialogue between our agencies to resume with hopes of reaching a mutually-agreeable vision for this property.

B-1

As you are aware, in 2016 your agency amended its General Plan to include a portion of the Chandon Winery property within the City's Urban Limit Line, but did not assign a land use designation (or pre-zoning) as part of that action. With your Update, that portion of the Chandon property is now showing as Primary Commercial although it is not identified in Update Figure LU-1 'Change Areas' as one of the properties where land use designations are changing from the currently adopted plan. This could be confusing to the public, and the County is concerned at the lack of public notice of a change of this significance.

The site's proposed designation as Primary Commercial is also a concern as it clearly is the incorrect designation. The Update's description of Primary Commercial pertains to *Focus Area #1 – West*

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Planning Division (707) 253-4417	Building Division (707) 253-4417	Engineering & Conservation (707) 253-4417	Environmental Health (707) 253-4471	Parks & Open Space (707) 259-5933
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Yountville G.P. Update – Response to Director  
December 17, 2018  
Page 2 of 2

*Side of Washington Street* (Figure LU-1 'Change Areas') which is a "...land use designation [that] applies to properties on the west side of Washington Street and is intended to reinforce Washington Street as the main commercial street in Yountville..." (Table LU-2 'Land Use Designations'). The Chandon property is not on or near Washington Street. This site is too remote to reinforce Washington Street as the commercial core. In addition, Primary Commercial prohibits the wine tasting room with restaurant that presently occupies that portion of the property. Update Table LU-2 describes the purpose of Primary Commercial for "...retail and service uses that increase business diversity and other benefits to residents and are not restaurant, alcohol, or cannabis-related uses." If the current use is disallowed, then what land use(s) is intended for the site? It is noted that virtually all of land uses currently present in the Primary Commercial core on the west side of Washington Street are tourist-serving lodging and dining establishments. In the absence of clarity in your Update, it is speculated that Yountville's intention is to see this portion of the Chandon property redevelop with even more tourist lodging.

B-1  
cont'd

Our staff has noted that the August 23, 2018 draft Update presented to your steering committee showed the Chandon property as a 'change area' without assigning the Primary Commercial designation. It is puzzling that the site is newly designated Primary Commercial without identification of it as a change area. The County is less interested in knowing what transpired than moving forward with open dialogue aimed at aligning County and Town visions. We may be far closer to having a mutually acceptable vision of that property than you are aware, but the looming January 14, 2019 deadline unduly impedes the likelihood of reaching that shared vision.

Please kindly respond to our extension request by January 4, 2019.

Sincerely,

David Morrison  
Director of Planning, Building and Environmental Services

cc: Board of Supervisors  
Minh Tran, Napa County CEO

**Response to Letter B: County of Napa, Planning, Building & Environmental Services**

**Response B-1:** The commenter requests that the Town extend the Draft EIR comment period by 120 days. The commenter also makes comments pertaining to the proposed designation for the Domaine Chandon winery property, and potential conflicts between the existing operations and proposed Primary Commercial designation.

The Town of Yountville responded to this comment letter with a letter dated January 3, 2019. As a response to this comment letter, the Town granted a 30-day extension for the submittal of comments. As stated in the response letter, CEQA establishes a minimum Draft EIR comment period of 45 days when the Draft EIR is submitted to the State Clearinghouse for review. The CEQA Guidelines further state that the comment period shall not be more than 60 days except in unusual circumstances. "Unusual circumstances" are not defined in CEQA. Based on these rules, the Town believe a 30-day extension is reasonable. Granting an extension for a 120-day comment period as requested would unnecessarily delay the Town's General Plan Update process.

With respect to the Primary Commercial designation for the Domaine Chandon winery property, Section 17.48.040 of the Yountville Municipal Code for the Primary Commercial district lists that both restaurants and wine tasting rooms are permitted uses. The Town's expectation is that the existing uses at this property will continue and the General Plan provides for continued operation of the Domaine Chandon winery and tasting room and would not require any changes to the operations of the subject property.

The commentor does not address the adequacy of the Draft EIR and no further response is necessary.

**STATE OF CALIFORNIA**  
**NATIVE AMERICAN HERITAGE COMMISSION**  
Cultural and Environmental Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95891  
Phone (916) 373-3710  
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Twitter: [@CA\\_NAHC](https://twitter.com/CA_NAHC)



September 4, 2018

Sandra Liston  
City of Yountville  
6550 Yount Street  
Yountville, CA 94599

RE: SCH # 2018082008 Envision Yountville General Plan Update, Napa County

Dear Ms. Liston:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

C-1

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

### AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

C-2

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

C-2  
cont'd

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

### SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

C-3

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

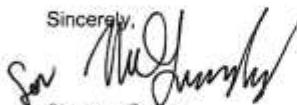
3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
Sharaya.Souza@nahc.ca.gov.

C-3  
cont'd

C-4

Sincerely,



Sharaya Souza  
Staff Services Analyst

cc: State Clearinghouse

**Response to Letter C: Native American Heritage Commission**

**Response C-1:** The commenter outlines the Native American Heritage Commission's statutory requirements and responsibilities. The commenter also notes that the Commission recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project as early as possible. This comment is noted. Impacts associated with cultural and tribal cultural resources are discussed in Section 3.5 of the Draft EIR. As stated on page 3.5-10 of Section 3.5, letters requesting information regarding cultural, Native American, and historic resources in the Yountville area were sent to: Native American Heritage Commission; Mr. Charlie Wright, Chairperson, Cortina Indian Rancheria of Wintun Indians; Mr. Jose Simon III, Chairperson, Middletown Rancheria; Mr. Scott Gabaldon, Chairperson, Mishewal-Wappo Tribe of Alexander Valley; Mr. Leland Kinter, Chairperson, Yoche Dehe Wintun Nation; and, the Napa County Historical Society. The Native American Heritage Commission responded with a letter dated February 27, 2017, which identified contact persons for interested Native American tribes and recommended contacting the Mishewal-Wappo Tribe of Alexander Valley regarding sacred sites. To date, no tribes have requested consultation nor provided information regarding tribal cultural resources, including sacred sites.

**Response C-2:** The commenter summarizes the requirements of Assembly Bill 52. See Response C-1. The consultation efforts were completed for the proposed project pursuant to Assembly Bill 52.

**Response C-3:** The commenter summarizes the requirements of Senate Bill 18 and the Commission's recommendations for cultural resources assessments. These comments are noted.

As described under Response C-1, the consultation efforts were completed for the proposed project pursuant to State law, including the requirements of Senate Bill 18 and Assembly Bill 52. No Native American tribes responded to the letters offering consultation and requesting input regarding sacred sites and known resources. As shown on page 3.5-5 of Section 3.5, 17 cultural resources have been identified within the Town of Yountville General Plan area, according to files maintained by the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS). The seventeen recorded cultural resources span both the prehistoric and historic periods and range from a Native American village site to historic period commercial buildings and homes and two historic districts (see Table 3.5-1 of the Draft EIR).

The General Plan includes policies and programs that would reduce impacts to cultural and tribal cultural resources and human remains, as described under Impacts 3.5-1 and 3.5-3 of the Draft EIR. Additionally, Public Resources Code Section 5097 has specific stop-work and notification procedures to follow in the event that human remains are inadvertently discovered during project implementation. Development within the Town's General Plan area would be required to comply with the provisions of California

Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.

**Response C-4:** This comment is noted. This comment serves as a conclusion to the comment letter and does not warrant a response. No further response is necessary.

## 2.0 COMMENTS ON DRAFT EIR AND RESPONSES

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This section includes minor edits and changes to the Draft EIR. These modifications resulted from responses to comments received during the public review period for the Draft EIR, as well as Town staff-initiated edits to clarify language.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis that would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5.

Other minor changes to various sections of the Draft EIR are also shown below. These changes are provided in revision marks with underline for new text and ~~strike out for deleted text~~.

### 3.1 REVISIONS TO THE DRAFT EIR

#### ES EXECUTIVE SUMMARY

No changes were made to Chapter ES of the Draft EIR.

#### 1.0 INTRODUCTION

No changes were made to Chapter 1.0 of the Draft EIR.

#### 2.0 PROJECT DESCRIPTION

No changes were made to Chapter 2.0 of the Draft EIR.

#### 3.1 AESTHETICS AND VISUAL RESOURCES

No changes were made to Chapter 3.1 of the Draft EIR.

#### 3.2 AGRICULTURAL RESOURCES

No changes were made to Chapter 3.2 of the Draft EIR.

#### 3.3 AIR QUALITY

No changes were made to Chapter 3.3 of the Draft EIR.

#### 3.4 BIOLOGICAL RESOURCES

No changes were made to Chapter 3.4 of the Draft EIR.

#### 3.5 CULTURAL AND TRIBAL RESOURCES

No changes were made to Chapter 3.5 of the Draft EIR.

#### 3.6 GEOLOGY AND SOILS

No changes were made to Chapter 3.6 of the Draft EIR.

## **3.0      ERRATA**

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### **3.7      GREENHOUSE GASES AND CLIMATE CHANGE**

No changes were made to Chapter 3.7 of the Draft EIR.

### **3.8      HAZARDS AND HAZARDOUS MATERIALS**

No changes were made to Chapter 3.8 of the Draft EIR.

### **3.9      HYDROLOGY AND WATER QUALITY**

No changes were made to Chapter 3.9 of the Draft EIR.

### **3.10     LAND USE**

No changes were made to Chapter 3.10 of the Draft EIR.

### **3.11     NOISE**

No changes were made to Chapter 3.11 of the Draft EIR.

### **3.12     POPULATION AND HOUSING**

No changes were made to Chapter 3.12 of the Draft EIR.

### **3.13     PUBLIC SERVICES AND RECREATION**

No changes were made to Chapter 3.13 of the Draft EIR.

### **3.14     TRANSPORTATION AND CIRCULATION**

No changes were made to Chapter 3.14 of the Draft EIR.

### **3.15     UTILITIES**

No changes were made to Chapter 3.15 of the Draft EIR.

## **4.0      OTHER CEQA-REQUIRED TOPICS**

No changes were made to Chapter 4.0 of the Draft EIR.

### **5.0      ALTERNATIVES TO THE PROPOSED PROJECT**

No changes were made to Chapter 5.0 of the Draft EIR.

### **6.0      REPORT PREPARERS**

No changes were made to Chapter 6.0 of the Draft EIR.

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**7.0 REFERENCES**

No changes were made to Chapter 7.0 of the Draft EIR.

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