REQUEST FOR PROPOSALS

HUNTER PROPERTY
RESIDENTIAL SUBDIVISION PROJECT

SEPTEMBER 14, 2017

City of St. Helena
1480 Main Street
St. Helena, CA 94574
707-968-2792 (phone)
707-963-7748 (fax)

Request for Proposal
City of St. Helena--Hunter Property Residential Subdivision Project

GENERAL INFORMATION

The City of St. Helena is soliciting proposals from qualified environmental consultants for the preparation of an Environmental Impact Report (EIR) for the Hunter Property Project—a proposed residential subdivision consisting of 51 residential lots for single family residential development and one 3.13-acre parcel for a multi-family housing development. The overall site contains 16.9 acres of land.

The City of St. Helena, as the Lead Agency, has determined that the project as proposed may have significant effects on the environment. Therefore, the City is inviting consultants to submit proposals for the preparation of an EIR to evaluate the effects of the proposed project and meet the requirements of the California Environmental Quality Act.

The attached Initial Study was previously conducted by the City in 2011, and resulted in the preparation of a draft Environmental Impact Report (EIR), however this document was never acted upon, and the previous consultant has indicated they are unable to complete the document. Due to the time having passed since this draft EIR was completed, and with input from the applicant, staff is requesting a new EIR document be prepared to analyze the environmental impacts of the development proposal. Based on the time passed since the original document was drafted, modifications to the Initial Study may be necessary in order to fully inform the new EIR document.

The proposals should address the issues in a clear and concise manner and should be presented in a form that can be used directly as part of a future contract with minor modifications. Depending on the number of responses to this Request for Proposal, the top ranked responding consultants may be invited to interview or the City may select the qualified consultant from the top ranked responses without an interview. The City’s final selection will be based upon the proposing consultant’s response to the issues, qualifications, the results of reference checks, the quality of proposals and the proposed budget.

The selected consultant will be required to enter into an Agreement for Consultant Services and shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the consultant, its agents, representatives, or employees. Please review the attached Agreement for additional information; it has been the City’s experience that responding firms may have to make changes to their current insurance coverage in order to meet the insurance requirements of the City of St Helena.
Information pertaining to this Request for Proposal and the City of St. Helena can be found on the City of St. Helena website at http://cityofsthelena.org/planning/page/current-requests-proposals-rfps or by contacting the City of St. Helena Planning Department at 707-967-2792.

If you wish to be considered for providing the services set forth herein for the Project EIR, please submit one (1) original proposal and four (4) copies to the address below. **Please note that the proposals must be received by 5:00 p.m. on October 16, 2017, to be considered by the City.**

Noah Housh, Planning and Community Improvement Director  
City of St. Helena  
1480 Main Street  
St. Helena, CA 94574
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Exhibits/Attachments on-line at:

http://cityofsthelena.org/planning/page/current-requests-proposals-rfps/

1. 2011 Initial Study (includes location map)
2. Proposed Project Subdivision Map
3. Draft Service Agreement
1. CITY OF ST. HELENA

The City of St. Helena is located in the heart of the Napa Valley, approximately 60 miles northeast of San Francisco and Oakland. St. Helena is one of five municipalities located within Napa County, which has a total population of 142,166 people. The City’s population is just under 6,000 people and includes a demographic of older residents in smaller households, upper income residents in large households, a transient population including second homes and a significant number of visitors, and a Latino population with increasing affordable housing needs. Despite its small size, St. Helena is a full-service City with its own Police Department, Building Department, Water and Sewer Departments and Fire Department. The St. Helena Unified School District includes a primary school, elementary school, middle school and high school.

The City was incorporated in 1876 and is considered one of the most picturesque cities in California. Located at the narrow, central portion of the Napa Valley, the dominant mountain ranges frame the eastern and western edges of the City. The Napa River runs through the eastern portion of St. Helena fed by several tributaries, including Sulphur Springs and York Creek. The downtown Main Street is a designated National Register District and many residential neighborhoods retain the charm of the 19th and early 20th centuries. The City is known for exceptional agricultural soils that produce outstanding wines. Small family wineries and large internationally-known wineries are located within St. Helena. The City is known for fine dining and shopping as well as quiet family-friendly neighborhoods.

2. PROJECT SETTING

The project site is located at the eastern terminus of Adams Street in the northeastern portion of St. Helena, north of Starr Avenue and west of the Napa River. The site is relatively flat and is currently partially under cultivation with a vineyard with the remainder vacant. No trees, rock outcroppings or other significant natural features exist on the site.

The site lies west of the Napa River where flood control improvements have been recently completed. As part of the adjacent flood project, undertaken by the City of St. Helena, portions of the site received some excess fill material from the adjacent flood control project. An EIR and Addenda was certified by the City for the Flood Control Project. The City will provide a copy of these documents to the chosen consultant as needed.

Property north and west of the project site is designated for agricultural land uses and is currently cultivated as a vineyard. Property east of the site is adjacent to the Napa River and is part of the flood control project. The Vineyard Valley mobile home park is located to the southeast. Properties south
and west of the site have been developed with single- and multi-family dwellings.

3. PROJECT DESCRIPTION

Location and Site Characteristics

The proposed project is located in the northeast portion of St. Helena, at the eastern terminus of Adams Street, three blocks east of downtown and State Route 29 (SR 29), and west of the Napa River. The site Assessor’s Parcel Number is 009-030-057.

St Helena is located in the Napa Valley. Main Street/SR 29 runs through the downtown, which links Lake County to the north with the Cities of Napa and Vallejo to the south.

The project site contains approximately 16.9 acres of land, is relatively flat, and is currently undeveloped. The site is generally rectangular with a “panhandle” extension that connects the site to the current terminus of Adams Street west of the panhandle. Approximately 40 percent of the site is currently under cultivation with a vineyard and the remainder is vacant. No trees, rock outcroppings or other significant natural features exist on the site. A previous Army Corp of Engineers jurisdictional delineation for an adjacent project identified some site features as potentially jurisdictional waters of the U.S. and further clarification of this issue is required.

General Plan and Zoning

The City’s existing General Plan was adopted in 1993 (1993 General Plan); however, an update to the current General Plan is being considered by the City. The most recent version of the Draft General Plan Update was published in April 2015 (Draft General Plan). The City is expected to consider adoption of the updated General Plan and accompanying EIR in 2018.

The 1993 General Plan land use classification for the project site, as established by the Land Use and Growth Management Element of the City’s General Plan, is Medium Density Residential (MDR). Properties designated as MDR typically are used for residential purposes, for example, single-family attached and detached homes, secondary residential units, and similar and compatible uses. However, this designation permits densities of 5.1 to 16.0 dwelling units per acre (du/acre) and is intended to maintain a development

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1 The Army Corps of Engineers (ACOE) issued a formal Jurisdictional Determination on the project site in 2008 as part of the area delineated in 2006 for the Flood Control Project.

pattern in newly developing areas that is consistent with historic development patterns. The Draft 2035 General Plan would retain the 1993 designation of MDR for the project site. Regardless of the timing of the General Plan update, the Hunter project is being analyzed and reviewed under the requirements of the 1993 General Plan based on the timing of the application.

The General Plan Housing Element was revised and updated in 2015 and maintains the Medium Density Residential land use designation for the project site.

The zoning designation for the project site is also Medium Density Residential (MR). The MR district is consistent with the Medium Density Residential General Plan designation. The district provides for single-family detached homes, accessory dwelling units, supportive and transitional housing and other similar uses found consistent with the General Plan and MR District, as permitted land uses. Conditional land uses include single family housing where the minimum density would otherwise require two units or more and new attached duplex and/or triplex units.

The project site is not on the Cortese List of Hazardous Materials as published by the California Environmental Protection Agency.

A. PROJECT BACKGROUND

A brief overview of the planning process for the project site and associated planning efforts is provided below.

1. Summary of Project Planning Process To-Date

The majority of the project site was acquired by Dennis Hunter in 1997. In 2008, the City and Mr. Hunter agreed to a land trade and a lot line adjustment to facilitate construction of the flood protection project (see description below) resulting in the acquisition of a portion of the project site in 2009 by Mr. Hunter. Mr. Hunter allowed the placement of excess fill material from the flood protection project on the site. The planning for the project site was reinitiated later in September 2010 and the applicant filed a Tentative Map application to subdivide the property for residential development. At this time, the flood protection project was nearing completion. A completeness letter for the proposed subdivision was issued by the City on March 28, 2011.

In August 2011, the City issued a (previous) RFP requesting qualified CEQA consultants to conduct an EIR for the Hunter residential subdivision. A consultant was granted the contract and wrote an dEIR analyzing the environmental impacts of the project. This document was presented to the St Helena Planning Commission on September 17, 2013, however the item was continued to a future date at the request of the applicant and the document was never acted on.
Additional information was submitted by the project applicant after the continuance, which resulted in additional CEQA analysis and updated information being incorporated into the document. An updated draft EIR was subsequently completed and a copy was provided to the City in mid-2016. Upon review by the City, it was found that additional minor revisions were needed to finalize the draft EIR.

Unfortunately there was a delay in direction to finalize the DEIR document and this delay resulted in the inability of the previously selected consultant to continue work on the project, due to other commitments and staffing challenges.

In response, the applicant requested the City seek a new consultant to either conduct a new EIR or build on the previous work to complete the CEQA analysis and allow the project to move forward. In an effort to ensure a timely reply to this request, the City is reaching out to qualified individuals with the goal of bringing a qualified CEQA consultant on board quickly, to complete the required analysis and move the project to a decision.

### 2. General Plan Update and Housing Element

The City of St. Helena formally initiated the General Plan Update process in late 2008 which was preceded by a year-long visioning exercise. The most recent version of the Draft General Plan Update was published in April 2015 (Draft General Plan). A Draft Environmental Impact Report (EIR) for the General Plan Update was previously published in August 2010 (SCH# 2010042001) and Comments and Responses were completed in October 2010. However, neither the General Plan EIR nor the updated 2035 General Plan has been acted upon by the City.

As noted above, the current draft of the General Plan Update retains the site’s current 1993 designation of Medium Density Residential. The City is expected to consider adoption of the updated 2035 General Plan and accompanying EIR in 2018.

An updated Housing Element was approved by the City Council and certified by the State in May 2015. The Hunter property is on the vacant/underutilized list in the Housing Element. Table 43 of the Housing Element lists the site as having a realistic unit capacity of 87 units at its minimum density.

### 2. Project Objectives

The Hunter Subdivision Project proposes to subdivide the 16.9-acre site into 51 single family residential lots and one 3.13 acre multi-family residential development, identified by the applicant as affordable housing. Specifically, the project proponent has identified that the project proposes to:
1. Subdivide the site consistent with the City’s General Plan and Zoning to accommodate residential development.

2. Provide opportunities to develop a variety of housing types, including multi-family, single-family, and accessory dwelling units, affordable to a range of incomes including, very low, low and moderate-income households.

3. Assist the City to achieve the adopted Housing Element policies related to workforce and affordable housing and assist in meeting the City’s RHNA.

4. Minimize traffic-related environmental impacts, such as noise, air quality and greenhouse gases by lowering commute patterns for St. Helena workers by providing more local housing opportunities.

5. Support alternative transportation by providing a pedestrian and bicycle link through St. Helena eventually connecting the regional Vine Trail from Calistoga to the Vallejo Ferry.

6. Exceed the City’s green building ordinance and incorporate sustainable design features including water conservation measures, drought resistant landscaping with low flow watering systems, and pre-wiring for photovoltaic systems.

7. Implement the 1993 General Plan Circulation Element by completing the planned extensions of Adams Street and Starr Avenue, as appropriate.

8. Minimize City water use by continuing the utilization of an existing on-site water well for irrigation of project landscaped areas.

C. Proposed Project Characteristics

The proposed project would subdivide the 16.9-acre parcel into 51 single-family lots, a 3.13-acre parcel intended for multi-family residential development, and a 0.06-acre remainder parcel that would be non-buildable. The 51 single-family lots could be developed with up to 51 single-family market-rate housing units (one dwelling per lot) and accessory/granny units on 11 of the single-family lots that may be income-restricted (according to the project applicant). The multi-family parcel is anticipated to accommodate up to 25 income restricted workforce units. The proposed subdivision design is shown in Figure III-4.

The site’s current MDR General Plan designation allows for a density range of 5.1 to 16.0 dwelling units/acre (du/acre) and a maximum yield of 270 dwelling units. The proposed 87 units result in a density of 5.1 du/acre, which is consistent with the low end of the permitted density range.
1. **Subdivision Design**

The proposed subdivision would extend Adams Street and Starr Avenue onto the project site, consistent with the Transportation and Circulation Element of the General Plan (1993 and Draft), as shown in Figure III-4. Access to the site would be via Adams Street from the terminus of the existing roadway to the west, with Adams Street ending in a stub out at the storm water basin. The Starr Avenue extension would divide the site into two unequal sizes. The portion west of the Starr Avenue extension would include five single-family parcels and the 3.4-acre multi-family parcel. The portion of the project site west of Starr Avenue extension includes streets A, B, and C and the other 46 single-family parcels; it also includes the 0.06-acre remainder parcel.

Two new local streets (Street A and Street B) are proposed to intersect with the extension of Starr Avenue and extend to the west end of the site. Street A would begin at Starr Avenue just south of its intersection with Adams Street. It then would continue for approximately 1,000 feet along the site’s northern edge and would then turn 90 degrees and would then terminate at its intersection with Street B. Street B would begin at Starr Avenue approximately 200 feet south of the Starr Avenue/Street A intersection. Street B would then continue for approximately 1,100 feet slightly beyond its intersection with Street A and would then intersect at a 90-degree angle with Street C. This street would continue for approximately 180 feet and would then terminate in a cul-de-sac. Single-family parcels would be located on the south side of Street A, and on both sides of Streets B, C and the Starr Avenue extension.

The single-family parcels would be typically rectangular and range in size between 7,000 and 8,000 square feet. A number of irregular shaped parcels would be at the eastern edge of the site and along the cul-de-sac. Most of these parcels would include more land area. The minimum parcel size would be 7,000 square feet and some of the larger parcels would contain more than 12,000 square feet.

Each parcel would have a minimum depth of 75 feet, and minimum width of 70 feet. The building pads shown within each lot would have a minimum 20-
foot front and rear setback, and a 10-foot setback on the sides. The proposed lot sizes and setbacks are consistent with the MR zoning district development standards.

West of Starr Avenue there would be a multi-family residential lot and five single-family lots. The multi-family residential lot would be a “flag” lot (Lot 52) of approximately 3.13 acres, accessed off Adams Street, just west of its intersection with Starr Avenue. The multi-family housing would consist of approximately 25 multi-family units (configured as duplex units) plus covered and surface parking. A conceptual layout of how the multi-family site may be developed is included with the Tentative Map. This illustration is intended to show one way this portion of the site could be developed. A specific design has not been filed with the City. The “pan-handle” portion of the multi-family housing site south of the proposed Adams Street extension, consists of existing vineyards, which would be preserved. Four additional single-family residential parcels would front Starr Avenue on the west side of the street.
Infrastructure Improvements

A number of site and infrastructure improvements are proposed as part of the subdivision.

a. Grading and Erosion Control

The proposed site and infrastructure improvements would include some grading to create a gradual downward slope from west to east towards the existing Flood Protection Project detention basin. To level the site, the finish grade of most of the area east of Starr Avenue would be increased over the existing grade by the placement of approximately 1.5 to 2.5 feet of fill material; west of Starr Avenue the finish grade would be approximately 1 foot lower than the existing grade. The maximum depth of cut would be approximately 1.5 feet and the maximum depth of fill would be 5.0 feet.

The estimated net grading quantity, as provided by the project applicant, is approximately 14,500 cubic yards of fill (10,200 cubic yards of cut, and 24,500 cubic yards of fill). This quantity does not include the spoils from the joint trench, roadways, curb and gutter, or foundations. Importing of some material, such as base rock, sand, and peat gravel that is used in the joint trenches, foundation and roadways would be required.

The following Post Construction Best Management Practices (BMPs) would be implemented as part of the project:

- Inlet labels ‘Drain to River’
- Private Street sweeping
- Downspouts to landscape swales
- Vegetated swales
- Homeowner education on storm water pollution prevention
- Hydrodynamic oil, water, and solid separation.

b. Street Design

The roadway improvements for the project would include the construction of new interior streets on the site including the extension of Adams Street and Starr Avenue and Streets A, B, and C as shown on the Tentative Map.

The proposed Adams Street and Starr Avenue extensions are currently designed to extend over city-owned properties. City approval is required to convert these properties to right-of-way and construct the extension of Adams Street as proposed by the project.

The proposed width of the extension of Adams Street and Starr Avenue is 60 feet, consistent with the City’s minor residential street standard. Streets A, B, and C would be 56 feet wide and also include parking on both sides. Each of the street sections includes parking on both sides and sidewalks. The project
would provide adequate access for pedestrian and bicycle movement within and through the project as well as support subsequent extensions to provide non-vehicular access, such as the Vine Trail, as per the General Plan.

c. Utilities
The existing and proposed infrastructure necessary to serve the proposed project is described below. The proposed utility extensions are shown in Figure III-6.

1. Storm Drainage System
There is existing storm drain infrastructure that may serve the site. To the southeast is the detention basin component of the flood project, the design of which contemplated future development of the Hunter property. There is an overflow storm drain pipe located in the Starr Avenue extension that may have some capacity for runoff from the site.

The westerly portion of the project site is proposed to drain via gutter flow and storm drain pipes and discharge into the existing Starr Avenue storm drain at several different locations. The rest of the project is proposed to drain to the west via gutter flow and storm drain pipes and discharge into the existing detention basin. The City will require that all storm drain pipes shall be sized to accommodate a 10-year storm within the pipe and 100-year storm within the street section.

2. Sanitary Sewer System
Wastewater flows from the western end of the project are proposed to drain into an existing public manhole at the corner of Starr and Hunt Avenue via new sanitary sewer pipes. The area east of Starr Avenue, lower in elevation, is proposed to drain east through the project site via new sanitary sewer pipes, within a public easement and into an existing public manhole on the adjacent parcel in the Vineyard Valley Mobile Home Park. The applicant would need to request permission from the City to access the Vineyard Valley Mobile Home Park manhole. All sanitary sewer pipes are sized to accommodate the project flows and designed at slopes to provide required self-cleaning velocities.

3. Water System
There is an existing 12-inch underground public water main running through the project site within the Starr Avenue right-of-way. A new looped water main is proposed within Streets A and B that would connect to the existing water main at two locations. A new water main is also proposed within the extension of Adams Street to connect to the existing water main at the southwest end of the project site.

Fire hydrants and other appurtenances would be located to meet City standards pursuant to the City’s standards.
An existing well near the southeastern end of the property is proposed to be maintained in place and used for irrigation of the project’s exterior landscaping areas, pending City approval. The project would be designed not to exceed 0.4 AF/year/dwelling based on the installation of increasingly efficient and lower-water-using fixtures and appliances.

d. Demolition
The proposed project would not require any demolition, other than the removal of a portion of the vineyards located outside of the panhandle area, since the remainder of the site is vacant. The project would however require grading as described in the earlier section.

e. Landscaping
The proposed project includes a Street Tree Plan. The proposed trees for planting are 24-inch box scarlet maple (*Acer Rubrum*), Chinese pistache (*Pistacia Chinensis*) and tulip tree (*Liriodendron Tulipifera*). Scarlet maples would be planted along the Adams Street extension to the intersection with Starr Avenue and along the Starr Avenue extension. On Street “A” Chinese pistache trees would be planted. Tulip trees would be planted on Street “B” and the cul-de-sac. A total of 170 trees are proposed to be planted, mostly in rows of two to five with 10 feet of separation from street lights. On the western edge of Starr Avenue the Scarlet Maples are proposed in a solid row of nine trees between Street “A” and Street “B”. Sidewalk planters would have hydro seed native grasses and wild flowers between tree plantings.

2. Residential Units
At buildout, the project site could accommodate up to 87 dwelling units: 51 single-family lots, 11 of which would include an accessory dwelling unit, and 25 multi-family units; however, no specific residential building designs are proposed as part of the Tentative Map.

The design of future buildings would be required to meet or exceed the standards and requirements of the MR district. As required by the St. Helena Zoning Ordinance, construction of attached duplex or triplex dwellings would require approval of a conditional use permit by the St. Helena Planning Commission.

The applicant has indicated an interest in designating over 41 percent of the units as affordable to very-low, low, and moderate-income workers of St. Helena. All 36 of the affordable units would be deed restricted for a minimum of 30 years to maintain affordability (per SB 1818) and managed by an affordable housing agency.

Future building designs would be subject to approval by the City, which includes Design Review of proposed construction design, including the
exterior materials and appearance, the location of individual dwellings, landscaping and related features, as well as a conditional use permit to accommodate the proposed attached multi-family housing. The multi-family portion of the project could be constructed and managed by an affordable housing non-profit organization.

**Phasing and Construction Schedule**

Although a construction start date has not been determined, the applicant anticipates that the site improvements (including but not limited to overall grading and installation of roads water, sewer, telecommunication, electrical and natural gas lines) for the project would be complete within 18 months after the approval of the project’s entitlements and commencement of work. The site improvements would be completed in one phase starting with infrastructure construction immediately after the approval of the Final Map and related improvement plans. Work on the Final Map will begin immediately following certification of the EIR and approval of the Tentative Map.

The intent is to have the subdivision, landscape and infrastructure improvements completed within this 18-month time period.

Buildout of the project would be subject to the City’s Growth Management System, which limits the issuance of non-income restricted building permits to nine units per year. In addition, the City of St. Helena has carry-over residential units available to residential projects that consist of a unit count that is at least 40 percent affordable. The proposed project could meet these criteria, subject to approval of a Use Permit, Design Review and Affordability Agreement governing the 25 duplex and 11 other income restricted units.

**D. Project Entitlements**

It is anticipated that this EIR will provide environmental review for all discretionary approvals and actions necessary for the proposed project. A number of permits and approvals would be required before the development of the project could proceed. As Lead Agency for the proposed project, the City of St. Helena would be responsible for the majority of approvals required for development. A list of required permits and approvals that may be required by the City and other agencies includes, without limitation, those provided in Table III-1.

1. **City of St. Helena**

Key discretionary and ministerial actions required by the City of St. Helena are outlined in Table III-1.
### TABLE III-1 REQUIRED DISCRETIONARY AND MINISTERIAL PERMITS AND APPROVALS

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<th>Lead Agency</th>
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<td>City of St. Helena</td>
<td><strong>Discretionary:</strong></td>
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<td>• Tentative Map Approval</td>
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<td>• Final Subdivision Map</td>
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<td>• Design Review</td>
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<td>• Conditional Use Permit</td>
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<td>• Vacation of Right-of-Way (Unclear)</td>
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<td>• Affordability Agreement</td>
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<td>• Other Administrative permits such as temporary and permanent encroachments,</td>
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<td>traffic management/construction parking, etc., and approvals would be required from</td>
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<th>State Water Resources Control Board</th>
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<td>Army Corp of Engineers</td>
<td>Section 401 Permit</td>
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<td>County of Napa</td>
<td>Encroachment Permit</td>
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Note: No other discretionary permits are anticipated to be required by other jurisdictions or agencies.

The property owner has filed a Tentative Map application requesting City to subdivide the existing 16.9-acre parcel into 51 single-family parcels (approximately 7,000 square feet) and one parcel (Parcel A, consisting of 3.13 acres) to accommodate development of 25 multi-family housing units. Parcel B would be a non-buildable lot consisting of 0.06 acre of land located along the north side of the extension of Adams Street.

At buildout, the proposed project would contain up to 87 dwellings consisting of the following:

- 51 market-rate single-family dwellings;
- Accessory Dwelling Units on 11 of the Single Family lots; and
- 25 multi-family dwellings.

The 25-unit multi-family component of the project would be located on a 3.13-acre parcel on the western portion of the site and could be developed and managed by an affording housing developer to ensure that appropriate resident income levels are met, should the applicant formally file to develop affordable housing units.
A majority of the single-family lots would contain between 7,000 and 7,700 square feet each, with a number of corner lots and cul-de-sac lots containing more land area.

Primary access to the proposed subdivision would be via Adams Street from its terminus to the east. The Adams Street extension would require the approval of the City of St. Helena, the current owner of a portion of the proposed future right-of-way. The proposed width of Adams Street would be approximately 60-feet. Secondary access into the project site would be from the northerly extension of Starr Avenue from the south. The Starr Avenue extension would have a width of 60 feet.

The project developer would also construct Streets A and B for interior access to proposed lots. All roads within the Project would have sidewalks, and be built to City standards.

Grading of the site would be required to accommodate proposed improvements. The project site received excess soil from the St. Helena Flood Control Project to be used as fill which is reflected in the project improvement plans and soils report. It is anticipated that underlying soils would need to be excavated and compacted for the project. Specific Earthwork quantities are unknown at this time, but have been estimated above. A majority of the existing vineyard on the site would be removed for the project development.

The site would be graded to create a gradual slope from west to east allowing drainage facilities to accommodate and direct stormwater to the existing flood project detention basin. Stormwater would be combined with upstream stormwater and be detained and filtered by the detention basin prior to flowing to the Napa River.

Sewer, water, drainage, natural gas and telecommunication facilities would be extended to the site. It is anticipated that utility lines and other facilities would be located underground.

Residential units would be constructed on individual lots in the future, following approval of the subdivision map and approval of design review, use permit and other entitlements by the City.

Phasing of the project is unknown at this time and would likely depend on market forces. The Project applicant has stated that the improvements would be constructed in one phase and a Phased Tentative Map had not been requested.

5. APPLICATION STATUS
The Tentative Subdivision Map application was filed on September 9, 2010 and deemed complete on March 28, 2011. An Initial Study (attached) was prepared in accordance with CEQA to evaluate potentially significant environmental impacts and on the basis of the Initial Study preparation of an EIR is being required.

The Initial Study identified several areas that would be considered potentially significant and are to be analyzed in the project EIR. These are identified below. *(See the Initial Study for a detailed description of these issues).*

- Aesthetics/Light and Glare
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hazardous Materials
- Hydrology/Water Quality, with a special emphasis on potential flooding issues and flood control levee safety. Use of a qualified hydrologist experienced with FEMA flood mapping and related flooding issues is required.
- Noise
- Public Service and Recreation
- Transportation/Traffic, with an emphasis on traffic safety at the nearby Adams Street/Main Street intersection and other adjacent intersections
- Utility Systems, with a special emphasis on ensuring an adequate water supply for the project and possible impacts to the City’s municipal water system during drought conditions if an existing on-site well is used to provide a portion of Project water.

6. **PRELIMINARY SCHEDULE**

The consultant will be requested to begin work on the project upon selection and payment by the Applicant to the City of St. Helena of the contract amount. The schedule for preparation of a Draft and Final EIR should be clearly described in the responses to this Request for Proposals and should provide mechanisms for ensuring completion within the adopted schedule.

A preliminary summary of the steps and timelines for selecting the top ranked qualified consultant is provided below:

- **September 14, 2017** City of St. Helena releases the Request for Proposals to receive project proposals from qualified developers.
October 16, 2017 Close of submittal date (5:00 PM).

October 18-20, 2017 City reviews proposals and determines whether to conduct interviews of the top ranked proposals.

Week of 10/23/17 City conducts interviews (if necessary) and selects qualified consultant.

Week of 10/23/17 City works with selected consultant to refine the proposal and prepare a consultant services agreement.

10/30/17 (approximate) Consultants commence with work on the EIR.

July 17, 2018 (approximate) Target date by which the EIR is certified by the City

7. QUALIFICATIONS

The consultant responding to this Request for Proposals must be qualified to take the project through from start to finish and will be responsible for performing all required work in a manner acceptable to the City. Where a responding consultant proposes to assemble a team of sub-consultants to assist in the preparation of the EIR, all sub-consultants must be listed, with references for each participating consultant and associated personnel.

If the consultant wishes to use a firm not specified in the proposal, or replace personnel identified as key, prior written approval by the City is required. The City of St. Helena also reserves the right to replace sub-consultants on the selected team based on qualifications of individual sub-consultants.

8. CONTENTS OF PROPOSAL

Before submitting a proposal, responding consultants should carefully examine this Request for Proposals in its entirety and become fully informed as to all existing conditions. Proposals must be properly executed by a representative of the proposing entity authorized to bind the entity.

Please submit the following information in the order requested (formatted with section dividers corresponding to the sections).

1. Transmittal letter with authorized signature and name, address, phone number and email address of the primary contact person regarding the proposal.

2. Consultant’s understanding of the proposed project.
3. A brief description of the firm, its organization, length of time in existence, location and contact information of the specific office which would have primary responsibility for preparing the EIR and the range of services provided by the firm.

4. Experience in the preparation of EIRs for residential subdivisions, traffic impacts and completing CEQA documents for controversial projects.

5. Description of three (3) recent projects similar in nature to the one described in this Request for Proposals. List the agency for which these services were provided, type of project, duration, range of services provided, contract amount, revisions to the contract amount and explanation of why these revisions were necessary, and client references with names and telephone numbers of contacts.

6. Identification of the names and qualifications of principal who will be responsible for the project and their resume, including education, professional registration or certification as applicable in California, years of total experience, years with the current firm, and related experience to their area of responsibility for this contract.

7. Identification of personnel directly assigned to the principal, including all sub-consultants, who will perform individual project tasks, including the experience of the firm for which they work (as provided above in Item Nos. 3 through 5), identifying their specific tasks, education, professional registration or certification as applicable in California, years of total experience, years with the current firm, and related experience to their area of responsibility for this contract.

8. Project management approach, including methods and organization for the project and maintaining an approved schedule.

9. Detailed work schedule.

10. Hourly rates of personnel assigned to the project, total costs and amount of hours assigned for completing individual tasks.

11. A single and unitized dollar bid amount for the proposal, including all costs (i.e., transportation, copying, postage, etc.) and duration of the hourly rates and firm bid amount.

12. A listing of insurance carried by the consultant and any sub-consultants used for the project.
13. List any legal actions against consultants or individuals regarding the preparation of EIRs or other CEQA documents over the last 10 years. Provide a brief statement regarding the issues and settlement.

14. Any other information you believe important for the City to consider in selecting you for this project.

Please submit one (1) original proposal and four (4) copies. The original copy must be unbound for the purpose of duplication by the City. The original and all copies must be received on or before the deadline provided below in this request for Proposals.

9. SELECTION CRITERIA

The City of St. Helena will review the proposals received and select a qualified consultant from a list of the top candidates. Additionally, the City may choose to interview the top ranked qualified consultants. The City will evaluate all submitted proposals against the following non-weighted criteria:

- Qualifications and experience of the firm and sub-consultant firms assigned to the project.
- Qualifications and experience of the project manager assigned to the project and personnel assigned to specific tasks.
- Capability of consultant in performing these services within the identified schedule.
- Cost of services and cost effective methodology in performing the services.
- Demonstrated competence in responding to the Request for Proposals, clarity and ability to be concise.
- Demonstrated understanding of the nature and depth of the project, regulatory and other community issues and the process.

10. ADMINISTRATIVE INFORMATION

The City of St. Helena reserves the right to reject any and all proposals, and may award the project entirely at its own discretion. This Request for Proposals does not obligate the City to award a contract, nor does it commit the City to pay any costs associated with the preparation and submittal of the proposals.

The City will respond to all written inquiries received prior to the close of business on September 22, 2017. Inquiries and proposals shall be addressed to:

Noah Housh, Planning and Community Improvement Director
City of St. Helena
1480 Main Street
St. Helena, California  94574
11. DEADLINE FOR PROPOSALS

Project Proposals are due by 5:00 p.m. on October 16, 2017. Proposals submitted after this time/date will be rejected.
Initial Study

Project: Hunter Subdivision

Lead Agency: City of St. Helena

June, 2011
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Introduction
This Initial Study has been prepared in accord with the provisions of the California Environmental Quality Act (CEQA) and assesses the potential environmental impacts of the proposed Project. The proposed project includes subdivision of the 16.9-acre parcel of land into 51 smaller lots for purposes of future residential construction, a parcel for a 25-unit multi-family complex and related improvements as described below. The project site is located in the northeastern portion of St. Helena at the terminus of Adams Street, north of the terminus of Starr Avenue and west of the Napa River.

The Initial Study consists of a completed environmental checklist and a brief explanation of the environmental topics addressed in the checklist.

Property Owner
Dennis Hunter
900 College Avenue
Santa Rosa CA 95404

Project Sponsor
Ben & Kelly Vanzutphen
237 Lorraine Court
Healdsburg CA 95448

Project Location and Context
The project site is located at the eastern terminus of Adams Street in the northeastern portion of St. Helena, north of Starr Avenue and west of the Napa River. The site is relatively flat and is currently partially under cultivation with a vineyard with the remainder vacant. No trees, rock outcroppings or other significant natural features exist on the site. Portions of the site recently received excess fill material from the adjacent flood control project.

Property north of the project site is used as a vineyard. Property east of the site is adjacent to the Napa River and is part of the flood control project. A mobile home park has been constructed to the southeast. Properties south and west of the site have been developed with single- and multi-family dwellings.
Exhibit 1 shows the location of St. Helena in relation to surrounding communities and other major features. Exhibit 2 shows the proposed project area in the context of the community.

Project Description
The property owner has filed a request with the City to subdivide the existing 16.9-acre parcel into 51 single-family dwellings and one parcel (Parcel A, consisting of 3.13 acres) would accommodate future development of an attached workforce housing project. Parcel B would be a non-buildable lot consisting of .06 acre of land located along the north side of the extension of Adams Street.

At buildout, the proposed project would contain up to 87 dwellings consisting of the following:

- 51 market-rate single-family dwellings;
- Accessory (“granny”) units on 11 of the above lots; and
- 25 workforce/income-restricted multi-family dwellings.

Preliminarily, none of the accessory units would be income-restricted, but would be considered “affordable” due to lower rental rates and smaller unit sizes. The 25-unit workforce housing complex would likely be managed by the City of Napa Housing Authority to ensure that appropriate resident income levels are met.

Exhibit 3 shows the proposed subdivision.

Proposed lot layout
Single-family lots would be oriented in an east-west direction. Proposed lots 41 through 50 would front on the south side of an extension of Adams Street east of Starr Avenue as shown on the Transportation Element of the General Plan. Four lots (Lots 1-4 and 51) would front on the northern extension of Starr Avenue, as envisioned in the General Plan. The remaining lots would front on Street A, south of Adams Street with a number of lots accessing Street B, a cul-de-sac street on the eastern portion of the site.

The 25-unit workforce housing component of the project would be located on a 3.13-acre parcel on the western portion of the site.

Each of the single-family lots would contain between 7,000 and 7,700 square feet each, with a number of corner lots and cul-de-sac lots containing more land area.

Access and circulation
Access to the proposed subdivision would be via Adams Street from the terminus of this existing roadway to the east. The Adams Street extension would require the approval of the City of St. Helena, the current owner of a portion of the proposed future right-of-way. The proposed width of Adams Street would be approximately 56 feet.

Secondary access into the project site would be from the northerly extension of Starr Avenue from the south. The Starr Avenue extension would have a width of 60 feet.
The project developer would also construct Streets A and B for interior access to proposed lots.

All roads within the Project would have sidewalks.

*Grading, drainage and water quality features*
Grading of the site would be required to accommodate proposed improvements. The project site recently received excess soil from the St. Helena Flood Control Project to be used as fill which is reflected in the project improvement plans and soils report. It is anticipated that underlying soils would need to be excavated and compacted for the project. Earthwork quantities are unknown at this time. Where vineyard exists on the site, it would be removed for the project.

The site would be graded to create a gradual slope from west to east allowing drainage facilities to accommodate and direct stormwater to the existing flood project detention basin. Stormwater would be combined with upstream stormwater and be detained and filtered by the detention basin prior to flowing to the Napa River.

*Utilities*
Sewer, water, drainage, natural gas and telecommunication facilities would be extended to the site. It is anticipated that utility lines and other facilities would be located underground.

*Future residential construction*
Residential units would be constructed on individual lots in future, following approval of the subdivision map and completion of design review and other entitlements by the City.

*Phasing*
Phasing of the project is unknown at this time and would likely depend on market forces.
1. **Project description:** Proposed subdivision of a 16.9-acre site into 51 single-family lots and one 3.13-acre parcel for a future workforce housing multi-family dwellings. Accessory “granny” dwellings could be constructed on up to 11 of the single-family lots. The project would also include grading of the site, construction of extensions to Adams Street and Starr Avenue and construction of interior residential streets. Construction of houses are not included in this project.

2. **Lead agency:** City of St. Helena

3. **Contact person:** Jerry Haag, Consulting Planner

4. **Project location:** The project site is located at the eastern terminus of Adams Street in the northeastern portion of St. Helena, north of Starr Avenue and west of the Napa River (APN 009-030-057).

5. **Project sponsor:** Ben and Kelly Vanzutphen

6. **General Plan designation:** Medium Density Residential

7. **Zoning:** Medium Density Residential

8. **Other public agency required approvals:**
   - Encroachment Permit (City of St. Helena)
   - Design Review for dwellings (City of St. Helena)
   - Grading and Building permits (City of St. Helena)
   - Water and Sewer connections (City of St. Helena)
   - Notice of Intent (State Water Resources Control Board)
Environmental Factors Potentially Affected
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "potentially significant impact" as indicated by the checklist on the following pages.

<table>
<thead>
<tr>
<th>X</th>
<th>Aesthetics</th>
<th>X-</th>
<th>Agricultural Resources</th>
<th>X</th>
<th>Air Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>Biological Resources</td>
<td>X</td>
<td>Cultural Resources</td>
<td>X</td>
<td>Geology/Soils</td>
</tr>
<tr>
<td>X</td>
<td>Greenhouse Gas Emissions</td>
<td>X</td>
<td>Hazards and Hazardous Materials</td>
<td>X</td>
<td>Hydrology/Water Quality</td>
</tr>
<tr>
<td>-</td>
<td>Land Use/Planning</td>
<td>-</td>
<td>Mineral Resources</td>
<td>X</td>
<td>Noise</td>
</tr>
<tr>
<td>-</td>
<td>Population/Housing</td>
<td>X</td>
<td>Public Services</td>
<td>X</td>
<td>Recreation</td>
</tr>
<tr>
<td>X</td>
<td>Transportation/Circulation</td>
<td>X</td>
<td>Utilities/Service Systems</td>
<td>X</td>
<td>Mandatory Findings of Significance</td>
</tr>
</tbody>
</table>

**Determination** (to be completed by Lead Agency):

On the basis of this initial evaluation:

___ I find that the proposed project **could not** have a significant effect on the environment and a **Negative Declaration** will be prepared.

___ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **Mitigated Negative Declaration** will be prepared.

_X__ I find that although the proposed project **may** have a significant effect on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on the attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An **Environmental Impact Report** is required, but must only analyze the effects that remain to be addressed.

___ I find that although the proposed project **could** have a significant effect on the environment, there **will not** be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed on the proposed project.
Evaluation of Environmental Impacts

1) A brief explanation is required for all answers except "no impact" answers that are adequately supported by the information sources a lead agency cites in the parenthesis following each question. A "no impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "no impact" answer should be explained where it is based on project-specific factors as well as general factors (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "potentially significant impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less-Than-Significant Unless Mitigation Incorporated" implies elsewhere the incorporation of mitigation measures has reduced an effect from "potentially significant effect" to a "less than significant impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a. Earlier Analysis Used. Identify and state where they are available for review.
   b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c. Mitigation Measures. For effects that are “Less-Than-Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead Agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The explanation of each agency should identify: (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to a less than significant level.
V. ENVIRONMENTAL CHECKLIST

The following Environmental Checklist form is used to describe the impacts of the proposed project, as detailed in the Project Description. Potential environmental impacts are described as follows:

Potentially Significant Impact: An environmental impact that could be significant and for which no feasible mitigation is known. If any potentially significant impacts are identified in this Checklist, an Environmental Impact report (EIR) must be prepared.

Potentially Significant Unless Mitigated: An environmental impact that requires the incorporation of mitigation measures to reduce that impact to a less-than-significant level.

Less-Than-Significant-Impact: An environmental impact may occur, however, the impact would not be considered significant based on CEQA environmental standards.

No Impact: No environmental impacts are proposed.
Attachment to Initial Study
Discussion of Checklist

1. Aesthetics

Project Impacts

<table>
<thead>
<tr>
<th>Issue</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the Proposal:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Have a substantial adverse effect on a scenic vista?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Discussion

a) *Have a substantial adverse impact on a scenic vista?* Proposed dwellings that could be constructed within the subdivision could block existing views to the north from existing dwellings south of the project site. The potential for a substantial impact to existing views will be analyzed in the EIR.

b) *Substantially damage scenic resources, including visual resources within state scenic highway?* No significant visual resources are located on the project site that would be removed or impacted to accommodate the proposed project. The site is not located adjacent to any scenic highway. This impact would be less-than-significant.
c) *Substantially degrade existing visual character or the quality of the site?* The proposed project would include constructing up to 87 dwellings, roadways and other improvements on the site. Since the project site is currently used for grape production or vacant, construction of proposed improvements could substantially degrade the visual character of the site and this topic will be analyzed in the EIR.

d) *Create light or glare?* The project site contains no sources of light. Development on the site would increase the amount of light and glare on and potentially off of the site as a result of new street lights, building lights and other light sources. The creation of light and glare could be a potentially significant impact and will be analyzed in the EIR.

2. Agricultural Resources

*Project Impacts*

<table>
<thead>
<tr>
<th>Issue</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the proposal:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c. Conflict with existing zoning for, or cause rezoning of forest land (as defined by PRC Sec. 12220(g), timberland (as defined in PRC Sec. 4526), or timberland zoned</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
Timberland Production (as defined in PRC Sec. 51104 (g)?

d. Result in the loss of forest land or conversion of forest land to non-forest use?

e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to a non-agricultural use or conversion of forest land to a non-forest use?

|   |   |   | X |

- **Project Impacts and Mitigation Measures**

a,e) **Convert prime farmland to a non-agricultural use or involve other changes which could result in conversion of farmland to a non-agricultural use?** The project site has been used for grape production and approval of the proposed subdivision and future construction of dwellings and roads would convert agricultural land to a non-agricultural use. This would be a potentially significant impact and will be analyzed in the EIR.

b,c) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

Although the project site has been used for grape production for many years, it is not zoned for agriculture nor does a Williamson Act contract exist on the site. No impacts would result with respect to this topic.

d) **Result in the loss of forest land or conversion of forest land to non-forest use or involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to a non-agricultural use or conversion of forest land to a non-forest use?** The project site contains no forest land and no impact would result with respect to this topic.
### 3. Air Quality

**Project Impacts**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the Proposal:</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>a. Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Create objectionable odors affecting a substantial number of people?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Discussion**

a) *Would the project conflict with or obstruct implementation of an air quality plan?* For the proposed project, no amendments to the St. Helena General Plan has been requested and the proposed project would be consistent with growth projections used for this land use regulatory document. No impacts would therefore result with regard to this topic.
b) *Would the project violate any air quality standards?* The Bay Area Air Quality Management District recently adopted new and more stringent air emission standards relating to development project construction and operations. Given the amount of development proposed in the Hunter subdivision, regional air quality standards may be exceeded. This topic will be analyzed in the EIR.

c) *Would the project result in cumulatively considerable air pollutants?* As noted in the response to subsection “b,” above, new air quality standards are in force as adopted by the BAAQMD. The amount of development proposed in the proposed project may exceed standards for cumulatively considerable air emissions and this topic will be analyzed in the EIR.

d) *Expose sensitive receptors to significant pollutant concentrations?* There are two nearby sensitive air receptors: single- and multiple-family dwellings and a day care/preschool facility with an outside play area located just south of the south of the site that could be impacted by the proposed project. This topic will be analyzed in the EIR.

e) *Create objectionable odors affecting a substantial number of people?* The proposed project would involve a residential subdivision and would not include any uses, such as industrial operations, restaurants or similar uses that could generate significant objectionable odors. There would be no impact with respect to this topic.

### 4. Biological Resources

**Project Impacts**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Would the proposal result:</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Issue</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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<tr>
<td>----------------------------------------------------------------------</td>
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<td>-----------------------------</td>
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</tr>
<tr>
<td>b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td></td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other</td>
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<td>X</td>
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</tbody>
</table>
Discussion

a) *Have a substantial adverse impact on a candidate, sensitive, or special-status species?* Due to the agricultural/open space nature of the project site, development of the proposed project could impact candidate, sensitive and/or special-status plant or animal species and their respective habitats. This topic will be analyzed in the EIR.

b, c) *Have a substantial adverse impact on riparian habitat, other sensitive natural communities or federally protected wetlands?* Jurisdictional wetlands could be present on the project site and could be impacted by the proposed development project. This topic will be analyzed in the EIR.

d) *Interfere substantially with movement of native fish or wildlife species?* Existing migratory routes for fish and wildlife species could be impacted by project development since the site is located near the Napa River as well as adjacent open space areas. This topic will be analyzed in the EIR.

e) *Conflict with local policies or ordinances protecting biological resources?* There would be no conflicts and no impacts with any local policies regarding biological resources should this project be approved and constructed.

f) *Conflict with any adopted Habitat Conservation Plans or Natural Community Conservation Plans?* The project area is not located within the boundaries of a habitat conservation plan (HCP) or Natural Community Conservation Plan area.
5. Cultural Resources

Project Impacts

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<th>Issue</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
</table>

Would the proposal result: in: impacts to:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in Sec. 15064.5? X
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Sec. 15064.5? X
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? X
- d. Disturb any human remains, including those interred outside of formal cemeteries? X

Discussion

a-d) Cause a substantial adverse impact or destruction to a significant historic resource Native American, archaeological, paleontological resources or human remains? A cultural resources survey of the project site and surrounding area was conducted by the firm of Pacific Legacy as part of the nearby Flood Control Project (“Revised Historic Properties Treatment for Archeological Sites CA-NAP-399, CA-NAP-406, CA-NAP-413 and CA-NAP863, St. Helena Flood Protection Project, City of St. Helena, Napa County,” April 2006). Based on this previous study, the project site likely contains potentially significant archeological, Native American, human remains and/or historical resources. Approval and construction of the proposed could significantly impact these and potentially unrecorded cultural resource deposits on the site. This topic will be analyzed in the EIR.
6. Geology and Soils

Project Impacts

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<tr>
<th>Issue</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
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<tbody>
<tr>
<td>Would the proposal:</td>
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<tr>
<td>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
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<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>X</td>
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<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>X</td>
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<tr>
<td>iv) Landslides?</td>
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<tr>
<td>b. Result in substantial soil erosion or the loss of topsoil?</td>
<td>X</td>
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<tr>
<td>c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
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</table>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

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e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

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Discussion

a) Expose people or structures to potential substantial adverse impacts, including loss, injury or death related to ground rupture, seismic ground shaking, ground failure, or landslides? The project site could be located within an geologic area and near a seismic fault trace that could cause injury or loss of life to humans and or damage to structures and other improvements as a result of ground rupture, seismic ground shaking and ground failure. This topic will be analyzed in the EIR.

The project site is relatively flat and is not located adjacent to any hillside areas, so that no impact is anticipated with respect to landslide hazards.

b) Is the site subject to substantial erosion and/or the loss of topsoil? Refer to Hydrology section for a discussion of this topic.

c,d) Is the site located on soil that is unstable or expansive or may result in potential lateral spreading, subsidence, liquefaction, landslide or collapse? A preliminary geotechnical investigation of the project site by the firm of Miller Pacific Engineering Group (dated August 13, 2009 and incorporated by reference into this Initial Study) found that underlying site soils could result in soil hazards due to the amount of moisture found in the soil. This would be a potentially significant impact and will be analyzed in the EIR.

Since the project site is generally flat, no impacts are anticipated with regard to landslide hazard.

e) Have soils incapable of supporting on-site septic tanks if sewers are not available? The project would be connected to sewer service provided by the City of St. Helena. There are no impacts with respect to septic systems.
7. Greenhouse Gas Emissions

Project Impacts:

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<td><strong>Would the proposal:</strong></td>
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<tr>
<td>a. Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
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<tr>
<td>b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
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Discussion:
a,b) The Project's incremental increase in GHG emissions associated with construction activities, traffic increases and direct and indirect energy use could contribute to regional and global increases in GHG emissions and associated climate change effects. The amount of greenhouse gas emissions could be significant and this topic will be analyzed in the EIR.

8. Hazards and Hazardous Materials

Project Impacts

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<th>Issue</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
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<tbody>
<tr>
<td><strong>Would the proposal:</strong></td>
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<tr>
<td>a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
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</table>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

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c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

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e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

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f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

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g. Impair implementation of or physically interfere with an adopted emergency response plan or

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</table>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fire, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

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Discussion

a,c) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? Although future residential uses would involve use and storage of paints, solvents and garden chemicals, there would be no significant transportation, use, handling or disposal of hazardous or potentially hazardous materials. Less-than-significant impacts would result with respect to this topic.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Since the site has been used for agricultural production purposes for a number of years, there is a possibility that grading and other soil-disturbing activities associated with project construction could release fertilizers, herbicides and other agricultural chemicals into the atmosphere. With the close proximity of the site to residences and a preschool to the site, there could be potentially significant release of hazardous materials into the atmosphere and this topic will be analyzed in the EIR.

d) Is the site listed as a hazardous materials site? The project site is not listed by the State of California Department of Toxic Substances Control as an identified hazardous site as of May 2, 2011. There are no impacts with regard to this topic.

e,f) Is the site located within an airport land use plan of a public airport or private airstrip? No public or private airports or airstrips exist near the project site and no impacts would occur with respect to this topic.

g) Interference with an emergency response or evacuation plan? The eastern portion of the project site would have limited vehicular access and there could be limited emergency evacuation if the Project is constructed. The St. Helena Fire Department also notes that operations of the Napa Valley Wine Train in the vicinity shall also be considered in analyzing emergency response times to site, since the Wine Train uses tracks crossing Adams Street and Fulton Lane for turn-around maneuvers, blocking these roads for periods of time. This topic will be analyzed in the EIR.

h) Expose people and structures to a significant risk of loss, injury or death involving wildland fires or where residences are intermixed with wildlands? The project area is located on the edge of an urbanized portion of St. Helena. Open spaces with native
vegetation exists north and east of the site and there could be potentially significant impacts with respect to wildland fires on the future project population. This topic will be analyzed in the EIR.

9. Hydrology and Water Quality

Project Impacts:

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<tr>
<th>Issue</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>Would the proposal:</td>
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<tr>
<td>a. Violate any water quality standards or waste discharge requirements?</td>
<td>X</td>
<td></td>
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<tr>
<td>b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?</td>
<td>X</td>
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<tr>
<td>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?</td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Issue</td>
<td>Potentially Significant Impact</td>
<td>Potentially Significant Unless Mitigated</td>
<td>Less Than Significant Impact</td>
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<tr>
<td>e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td></td>
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<td>X</td>
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<tr>
<td>f. Otherwise substantially degrade water quality?</td>
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<td>X</td>
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<tr>
<td>g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<td>X</td>
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<tr>
<td>h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>j. Inundation by seiche, tsunami, or mudflow?</td>
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<td>X</td>
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</table>

**Discussion**

a) *Violate any water quality standards or waste discharge requirements?* Approval and construction of the proposed project would add impervious surfaces to the site that would increase the amount of stormwater runoff and potentially degrade adjacent surface water quality. This would be a potentially significant impact and will be analyzed in the EIR.

b) *Substantially deplete groundwater recharge areas or lowering of water table?* The project site contains an existing water well that could be used to provide water for either domestic or irrigation purposes. Continued use of this well could impact existing...
adjacent wells which could be a potentially significant impact and this topic will be analyzed in the EIR.

c) **Substantially alter drainage patterns, including streambed courses such that substantial siltation or erosion would occur?** Additional impervious surfaces would be added to the Project site to accommodate new dwellings, roadways, driveways and similar surfaces. However, proposed project improvements includes facilities to accommodate proposed increases in stormwater without changing streambed courses or significantly increasing siltation or erosion. This would be a less-than-significant impact.

d,e) **Substantially alter drainage patterns, substantially increase surface water runoff that would result in flooding, either on or off the project site, create stormwater runoff that would exceed the capacity of drainage systems or add substantial amounts of polluted runoff?** Improvements associated with the proposed project have been designed to accommodate anticipated increases in stormwater runoff to avoid either on- or off-site flooding. The project has also been designed to minimize polluted runoff during both the construction and post-construction phases of the project. During construction phases, the project contractor will implement an erosion control plan. During the post-construction, operational phase, stormwater will be cleansed by either natural means (i.e. use of grass swales) or mechanical cleansing methods. This impact would be less-than-significant.

f) **Substantially degrade water quality?** This issue has been addressed above in item “a.”

g-i) **Place housing within a 100-year flood hazard area as mapped by a Flood Insurance Rate Map, impede or redirect flood flow or be subject to flooding from dam failures?** The eastern portion of the project site lies within a 100-year flood plan as identified by the Federal Emergency Management Agency (FEMA) (see Exhibit 3 of this Initial Study). Construction of dwellings on this portion of the site would place housing within a 100-year flood plain and could expose people or structures to potentially significant risks during a flood event. There could also be potentially significant impacts from failure of upstream dams or levees. These topics will be analyzed in the EIR.

j) **Result in inundation by seiche, tsunami or mudflows?** The project area is located inland from San Francisco Bay or other major bodies of water that may be impacted by a tsunami or seiche. The site is also generally flat and no significant hillside areas are located on or adjacent to the site. No impacts are anticipated with regard to these topics.
10. Land Use and Planning

Project Impacts

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<tbody>
<tr>
<td>Would the proposal:</td>
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<td>X</td>
</tr>
<tr>
<td>a. Physically divide an established community?</td>
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<tr>
<td>b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td></td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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</table>

Discussion

a) *Physically divide an established community?* The project site is vacant and is located at the urban edge of St. Helena. There are no dwellings or residents on the site. No impact regarding division of an existing established community would therefore occur should the project be approved.

b) *Conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?* The proposed project is consistent with land use designations and applicable goals and policies of the St. Helena General Plan, site zoning and other applicable land use regulatory documents. There are no significant impacts associated with land use policy planning impacts.

c) *Conflict with a habitat conservation plan or natural community conservation plan?* The project site is not located within a habitat conservation plan area or natural community conservation plan area. See section 4 “f” of this Initial Study. There are no impacts with regard to this project.
11. Mineral Resources

Project Impacts

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<tr>
<td>Would the proposal:</td>
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<tr>
<td>a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
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<tr>
<td>b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</td>
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Project Impacts

a, b) Result in the loss of availability of regionally or locally significant mineral resources? The St. Helena General Plan does not provide any evidence of significant deposits of minerals exist in the Project area, so no impacts would occur.

12. Noise

Project Impacts

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<th>Issue</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
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<tr>
<td>Would the proposal:</td>
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<tr>
<td>a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
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</table>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?  

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c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  

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d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  

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e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?  

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f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  

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Discussion

a,c) Would the project expose persons or generate noise levels in excess of standards established by the General Plan or other applicable standard? Approval and construction of the proposed project could expose existing and future residents and/or visitors to the site to excessive levels of noise generated by increased vehicle trips and operational noise associated with the proposed subdivision. This topic will be analyzed in the EIR.
b) *Exposure of people to excessive groundborne vibration or groundborne noise levels?* The proposed project would likely include grading operations for excavation of existing surface soils, importation of new fill material and compaction of soil that could result in significant ground vibration and ground noise levels on adjacent residences. This could be a significant impact and will be analyzed in the EIR.

d) *Substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project?* Construction of the proposed project would generate temporary construction noise related to site grading, construction of roadway improvements, and construction of proposed residences. Since there are residences and a preschool facility located adjacent to the site, generation of construction noise could result in a significant impact. This topic will be analyzed in the EIR.

e, f) *For a project located within an airport land use plan or private airstrip, would the project expose people to excessive noise levels?* The project site is not located near any public or private airport or airstrip and no impacts would occur with respect to this topic.

### 13. Population and Housing

**Project Impacts**

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</table>

**Would the proposal:**

- a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

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<tbody>
<tr>
<td>a. Induce substantial</td>
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<tr>
<td>b. Displace substantial</td>
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c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

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Discussion

a) *Induce substantial population growth in an area, either directly or indirectly?* If approved, the proposed project would directly induce population growth on the site. However, the type and intensity of development proposed on the site is consistent in the St. Helena General Plan. The number of new dwellings that could be constructed on the site would be consistent with the adopted General Plan and no impact would result. This impact would be less-than-significant.

b,c) *Would the project displace substantial numbers of existing housing units or people?* The project site is vacant and no housing units or people would be displaced.

14. Public Services

Project Impacts

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<tr>
<td>Would the proposal:</td>
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<tr>
<td>a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant impact?</td>
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environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

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<tr>
<td>Fire protection?</td>
<td>X</td>
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<tr>
<td>Police protection?</td>
<td>X</td>
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<tr>
<td>Schools?</td>
<td>X</td>
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<tr>
<td>Parks?</td>
<td>X</td>
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<tr>
<td>Other public facilities?</td>
<td>X</td>
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Discussion

a) *Fire protection?* Although the proposed project is located approximately one mile due east from the City’s fire station and could be served by the station without the need for any expansion, the Napa Valley Wine Train currently uses tracks that occasionally blocks Adams Street and Fulton Lane. If these two roadways are blocked, the response time for emergency equipment to the site could be significantly degraded. This would be a significant impact and will be addressed in the EIR.

b) *Police protection?* Similar to fire protection, occasional blockage of Adams Street and Fulton Lane by Napa Valley Wine Train operations could impact emergency response to the site by the St. Helena Police Department. This topic will be analyzed in the EIR.

c) *Schools?* Construction of up to 87 dwellings could impact the ability of the local school district to provide adequate educational facilities. This topic will be analyzed in the EIR.

d) *Other governmental services, including maintenance of public facilities?* The potential of project traffic and the increased population to cause undue impacts to local roads and other governmental facilities could be a potentially significant impact and will be analyzed in the EIR.

e) *Solid waste generation?* The proposed project would generate greater quantities of solid waste and recyclables than currently generated from the vacant site. This topic will be analyzed in the EIR.
15. Recreation

Project Impacts

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<tr>
<td>Would the proposal:</td>
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<tr>
<td>a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td></td>
<td>X</td>
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Discussion

a,b) Would the project increase the use of existing neighborhood or regional parks and does the project include recreational facilities or require the construction of recreational facilities? Proposed construction of up to 87 dwellings would likely increase the use of city parks and recreational facilities, since no such facilities are included within the proposed subdivision.

The City park closest to the project site is Jacob Meilley Park, located less than one mile from the site. Once completed the Napa River Flood Control Project is anticipated to provide passive recreational opportunities and a trail system adjacent to the river.

The project could require construction of new park and/or recreational facilities to accommodate any increased need for these services. These topics will be analyzed in the EIR.
15. Transportation/Traffic

Project Impacts

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<tr>
<td>Would the proposal:</td>
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<tr>
<td>a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and all non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?</td>
<td>X</td>
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<tr>
<td>b. Conflict with an applicable congestion management program, including but not limited to, level of service and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</td>
<td>X</td>
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<td>c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
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<tr>
<td>d. Substantially increase hazards due to a design</td>
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feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

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e. Result in inadequate emergency access?

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f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

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Discussion

a,b) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and all non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit or conflict with an applicable congestion management program, including but not limited to, level of service and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? Vehicular traffic generated by buildout of the proposed project could exceed the acceptable Level of Service standard for adjacent roadways established by the City of St. Helena, operational standards adopted by the Napa County Transportation Authority for designated roadways or other such transportation plans on both a project and cumulative level. This topic will be assessed in the EIR.

c) Change in air traffic patterns? The proposed project would have no impact on air traffic patterns, since it involves a proposed residential development. No impacts are anticipated with respect to this topic.

d) Substantially increase hazards due to a design feature or incompatible use? Additional traffic generated by the proposed Project could result in traffic safety hazards that could be a potentially significant impact. This topic will be analyzed in the EIR.

e) Result in inadequate emergency access? See item 8 “g” of this Initial Study. Also, the St. Helena Fire Department notes that inadequate site access may be provided for the proposed 3.13-acre workforce housing parcel. Access for this parcel shall be analyzed in the EIR.

f) Conflict with policies, plans or programs supporting alternative transportation plans or result in hazards or barriers for pedestrians or bicyclists? This topic will be analyzed in the EIR.
### 17. Utilities and Service Systems

#### Project Impacts

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<td><strong>Would the project</strong></td>
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<tr>
<td>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board</td>
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<tr>
<td>b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>X</td>
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<tr>
<td>c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>X</td>
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<tr>
<td>d. Have sufficient water supplies available to serve the project from existing water entitlements and resources, or are new or expanded entitlements needed?</td>
<td>X</td>
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<tr>
<td>e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected</td>
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demand in addition to the providers existing commitments?

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f. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?

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g. Comply with federal, state and local statutes and regulations related to solid waste?

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Discussion

a) *Exceed wastewater treatment requirements of the RWQCB?* Based on discussions with City staff, the City has adequate capacity to accommodate the amount of wastewater generated by build-out of the proposed project. This impact is less-than-significant.

b) *Require new water or wastewater treatment facilities or expansion of existing facilities?* The amount of water required to serve the proposed project and the amount of wastewater generated by project construction could be a potentially significant impact. This topic will be analyzed in the EIR. Impacts related to wastewater facilities are anticipated to be less-than-significant.

c) *Require new storm drainage facilities?* See item 9 “c.”

d) *Are sufficient water supplies available?* See item “b,” above.

e) *Adequate wastewater capacity to serve the proposed project?* See response to “a,” above.

f) *Solid waste disposal?* See item 14 “e.”

g) *Comply with federal, state and local statutes and regulations related to solid waste?* The existing service provider will ensure adherence to federal, state and local solid waste regulations should the proposed development applications be approved. No impacts are anticipated in this regard.
18. Mandatory Findings of Significance

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<tbody>
<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td>X</td>
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<tr>
<td>b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?</td>
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<td>X</td>
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<tr>
<td>c) Does the project have impacts that are individually limited, but cumulatively considerable?</td>
<td>X</td>
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<tr>
<td>d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>X</td>
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Discussion

a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* The proposed project could result in impacts that would substantially reduce the habitat of a wildlife species or cause a population of wildlife species to drop below self-sustaining levels of restrict the range of a rare or endangered plant species. These topics will be analyzed in the EIR.
b) *Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?* The proposed project would be consistent with the City’s General Plan land use designation for this site and would not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals.

c) *Does the project have impacts that are individually limited, but cumulatively considerable?* ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects). Cumulative impacts of the project will be analyzed in the EIR.

d) *Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?* This topic will be analyzed in the EIR.

c) *Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?* This topic will be analyzed in the EIR.
Initial Study Preparers

Jerry Haag, Urban Planner, project manager/principal author
Jane Maxwell, report graphics

Agencies and Organizations Consulted

The following agencies and organizations were contacted in the course of this Initial Study:

City of St. Helena
Greg Desmond, Acting Planning Director
John Ferons, Public Works Director
Debra Hight, Deputy Public Works Director
Jim Capponi, Fire Chief
John Truxaw, City Attorney

Applicant Representatives
Ben Vanzutphen, Applicant
Ryan Gregory, PE, Reichers-Spence Associates
Ken Blackman, Blackman Consulting
Scott Stegeman, Stegeman & Associates

References

City of St. Helena 1993 General Plan

Geotechnical Engineering Consultation, Lands of Hunter, Miller Pacific Engineering Group, August 2009
AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, made and entered into on __________, 2017 by and between the City of St. Helena, located in the County of Napa, State of California (City), and __________ (Consultant).

RECITALS:

A. City desires to employ Consultant to furnish professional services in connection with the project described as _____________________.

B. Consultant has represented that Consultant has the necessary expertise, experience, and qualifications to perform the required duties.

NOW, THEREFORE, in consideration of the mutual premises, covenants, and conditions herein contained, the parties agree as follows:

SECTION 1 – BASIC SERVICES

Consultant agrees to perform the services set forth in Exhibit A, “Scope of Services” and made part of this Agreement.

SECTION 2 – ADDITIONAL SERVICES

Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement that are in addition to or outside of those set forth in this Agreement or Exhibit A, “Scope of Services”, unless such additional services and compensation are authorized in advance and in writing by the City Council or City Manager of the City.

SECTION 3 – TIME FOR COMPLETION

The time for completion of services shall be as identified in Exhibit A, “Scope of Services”.

SECTION 4 – COMPENSATION AND METHOD OF PAYMENT

A. Subject to any limitations set forth in this Agreement, City agrees to pay consultant the amount specified in Exhibit B, “Compensation”, attached hereto and made a part hereof. Total compensation shall not exceed $____________, unless additional compensation is approved in accordance with Section 2.

B. Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by the following categories if applicable: labor (by sub-category), travel, materials, equipment, supplies, subconsultant contracts, and miscellaneous expenses. City shall independently review each invoice submitted to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. If no charges or expenses are disputed, the
invoice shall be approved, and City will use its best efforts to cause Consultant to be paid within 30 days of receipt of invoice. If the City disputes any charges or expenses, the City will return the original invoice to Consultant for correction and resubmission. If the City reasonably determines, in its sole judgment, that the invoiced charges and expenses exceed the value of the services performed to date and that it is probable that the Agreement will not be completed satisfactorily within the contract price, City may retain all or a portion of the invoiced charges and expenses. Within thirty (30) days of satisfactory completion of the project, City shall pay the retained amount, if any, to Consultant.

C. Payment to the Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

SECTION 5 – STANDARD OF PERFORMANCE

Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

City may inspect and accept or reject any of Consultant’s work under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant’s work within sixty (60) days after submitted to City, unless the parties mutually agree to extend such deadline. City shall reject work by a timely written explanation, otherwise Consultant’s work shall be deemed to have been accepted. City’s acceptance shall be conclusive as to such work except with respect to latent defects and fraud. Acceptance of any of Consultant’s work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, the sections pertaining to indemnification and insurance.

SECTION 7 – INSURANCE REQUIRED

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees, as indicated:

A. Minimum Scope of Insurance. Coverage shall be at least as broad as:
   1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
   2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
   3. Workers’ Compensation insurance as required by the State of California and Employer’s Liability Insurance.
B. **Minimum Limits of Insurance.** Consultant shall maintain limits no less than:
   1. General Liability: $2,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations, as applicable. If Commercial General Liability Insurance or other form with a General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
   2. Automobile Liability: $2,000,000 per accident for bodily injury and property damage.
   3. Employer’s Liability: $2,000,000 per accident for bodily injury or disease.

C. **Professional Liability Insurance.** When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, environmental engineer or other professional engineer, or land surveyor (“design professional”), Consultant shall maintain at least $2,000,000 of professional liability insurance.

D. **Excess Limits.** If Consultant maintains higher limits than the minimums shown above, City requires and shall be entitled to coverage for the higher limits maintained by Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

E. **Primary Coverage.** For any claims related to this contract the Consultants insurance coverage shall be primary insurance as respects to City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of Consultants insurance and shall not contribute with it.

F. **Deductibles and Self-Insured Retentions.** Any deductibles or self-insured retentions of $25,000 or greater must be declared to and approved by the City.

G. **Other Insurance Provisions.** The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:
   1. The City, its agent, officers, officials, employees, and volunteers are to be covered as additional insured as respects: liability arising out of work or operations performed by the Consultant or Consultant’s subconsultants; or automobile owned, leased, hired or borrowed by the Consultant.
   2. For any claims related to Consultant’s conduct while performing the work of this project, the Consultant’s insurance coverage shall be primary insurance as respects the City, its agents, officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, officials, employees or volunteers shall be excess of the Consultant’s insurance and shall not contribute with it.
   3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subsection (b) of Section 2782 of the Civil Code.

H. Waiver of Subrogation. Consultant’s commercial general liability, automobile liability, workers’ compensation, and employer’s liability policies shall be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its agents, officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City.

I. The Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A: VII, unless otherwise acceptable to the City.

J. Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on forms that conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

SECTION 8 – INDEMNIFICATION

A. Consultant shall indemnify and hold harmless City, its agents, officers, officials, employees, and volunteers from any and all claims, demands, suits, loss, damages, injury, and/or liability (including any and all costs and expenses in connection therewith), incurred by reason of any negligent or otherwise wrongful act or omission of Consultant, its officers, agents, employees and subcontractors, or any of them, under or in connection with this Agreement; and Consultant agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against City, its agents, officers, officials, employees and volunteers, or any of them, arising out of such negligent or otherwise wrongful act or omission, and to pay and satisfy any resulting judgments.

B. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, professional engineer, or land surveyor (“design professional”), the provisions of this section regarding Consultant’s duty to defend and indemnify apply only to claims that arise out of or relate to the negligence, recklessness, or willful misconduct of the design professional.

C. If any action or proceeding is brought against Indemnitees by reason of any of the matters against which Consultant has agreed to indemnify Indemnitees as provided above, Consultant, upon notice from City, shall defend Indemnitees at Consultant’s expense by counsel acceptable to City, such acceptance not to be unreasonably withheld. Indemnitees need not have first paid for any of the matters to which Indemnitees are entitled to Indemnification in order to be so indemnified. The insurance required to be maintained by Consultant shall ensure Consultant’s obligations under this section, but the limits of such insurance shall not limit the
liability of Consultant hereunder. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

D. The provisions of this section do not apply to claims to the extent occurring as a result of the City’s sole negligence or willful acts or misconduct.

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

A. Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of City. Consultant shall have no authority to bind City in any manner or to incur an obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City.

B. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant’s exclusive direction and control. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall have control over the conduct of Consultant or any of Consultant’s officers, employees or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant’s officers, employees or agents are in any manner officials, officers, employees or agents of City.

C. Neither Consultant, nor any of Consultant’s officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City’s employees. Consultant expressly waives any claim Consultant may have to any such rights.

SECTION 10 – CONFLICTS OF INTEREST

A. Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant’s performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent, or subcontractor without the express written consent of the City Manager. Consultant agrees to at all times avoid conflicts with the interests of City in the performance of this Agreement.

B. City understands and acknowledges that Consultant is, as of the date of execution of this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Consultant is aware of any stated position of City relative to such projects. Any future position of City on such projects shall not be considered a conflict of interest for purposes of this section.

SECTION 11 – OWNERSHIP OF DOCUMENTS

A. All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement shall become the
sole property of City and may be used, reused or otherwise disposed of by City without the permission of the Consultant. When requested by City, but no later than three years after project completion, Consultant shall deliver to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

B. All copyrights, patents, trade secrets, or other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, improvements, developments, works of authorship, or other products developed or created by Consultant during the course of providing services (collectively the “Work Product”) shall belong exclusively to City. The Work Product shall be considered a “work made for hire” within the meaning of Title 17 of the United States Code. Without reservation, limitation, or condition, Consultant hereby assigns, at the time of creation of the Work Products, without any requirement of further consideration, exclusively and perpetually, any and all right, title, and interest Consultant may have in the Work Product throughout the world, including without limitation any copyrights, patents, trade secrets, or other intellectual property rights, all rights of reproduction, all rights to create derivative works, and the right to secure registrations, renewals, reissues, and extensions thereof.

SECTION 12 – CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the City Manager, except as may be required by law.

B. Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or unless requested by the City Attorney of City, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered “voluntary” provided consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of Consultant’s conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite such response.
SECTION 13 – SUSPENSION OF WORK

City may, at any time, by ten (10) days written notice suspend further performance by Consultant. All suspensions shall extend the time schedule for performance in a mutually satisfactory manner and Consultant shall be paid for services performed and reimbursable expenses incurred prior to the suspension date.

SECTION 14 – COMPLIANCE WITH LAW

Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this Agreement. Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this section.

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

During the performance of this contract, Consultant agrees as follows:

A. Equal Employment Opportunity. In connection with the execution of this Agreement, Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, ancestry, age, sexual orientation, gender, gender identity and gender expression as protected categories specifically and expressively in that category, physical handicap, medical condition, marital status, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, promotion, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training including apprenticeship.

B. Nondiscrimination Civil Rights Act of 1964. Consultant will comply with all federal regulations relative to nondiscrimination to federally-assisted programs.

C. Solicitations for Subcontractors including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations, made by Consultant for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by Consultant of Consultant’s obligations under this Agreement and the regulations relative to nondiscrimination.

SECTION 16 – RECORDS

A. Records of Consultant’s direct labor costs, payroll costs, and reimbursable expenses pertaining to this project covered by this Agreement will be kept on a generally recognized accounting basis and made available to City if and when required for a period of up to 3 years from the date of Consultant’s final invoice.

B. Consultant’s records and design calculations will be available for examination and audit if and as required. The cost of any reproductions shall be paid by City.
SECTION 17 – COOPERATION BY CITY

All public information, data, reports, records, and maps as are existing and available to City as public records, and which are necessary for carrying out the work as outlined in the Exhibit A, “Scope of Services”, shall be furnished to Consultant in every reasonable way to facilitate, without undue delay, the work to be performed under this Agreement.

SECTION 18 – NOTICES

All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by facsimile or first class mail, addressed as follows:

To City: City Manager
1480 Main Street
St. Helena, California 94574

To Consultant: ________________________
____________________
____________________

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile, or, if mailed, three (3) days after deposit in the custody of the U.S. Postal Service.

SECTION 19 – TERMINATION

A. City may terminate this Agreement, with or without cause, at any time by giving ten (10) days written notice of termination to Consultant. If such notice is given, Consultant shall cease immediately all work in progress.

B. If either Consultant or City fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either Consultant, or City may terminate this Agreement immediately upon written notice.

C. Upon termination of this Agreement by either Consultant or City, all property belonging to City which is in Consultant’s possession shall be delivered to City. Consultant shall furnish to City a final invoice for work performed and expenses incurred by Consultant, prepared as set forth in this Agreement.

SECTION 20 – ATTORNEY FEES

If litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorneys’ fees, costs and expenses, in addition to any other relief to which it
may be entitled. In addition, any legal fees, costs and expenses incurred to enforce the provisions of this Agreement shall be reimbursed to the prevailing party.

**SECTION 21 – ENTIRE AGREEMENT**

This Agreement, including the attached Exhibits, is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between Consultant and City prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any party which are not embodied herein shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

**SECTION 22 – SUCCESSORS AND ASSIGNS**

This Agreement shall be binding on the heirs, executors, administrators, successors and assigns of the parties. However, this Agreement shall not be assigned by Consultant without written consent of the City.

**SECTION 23 – CONTINUITY OF PERSONNEL**

Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant’s staff assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant’s staff assigned to perform the services required under this Agreement, prior to any such performance.

**SECTION 24 – DEFAULT**

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default and may terminate this Agreement immediately by written notice to Consultant.

**SECTION 25 – WAIVER**

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

**SECTION 26 – LAW TO GOVERN; VENUE**

This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Napa. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Northern District of California, in San Francisco.
SECTION 27 – SEVERABILITY

If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

SECTION 28 – SPECIAL PROVISIONS

This Agreement is subject to the following special provisions: none.

IN WITNESS WHEREOF, the parties hereto have accepted, made, and executed this Agreement upon the terms, conditions, and provisions above stated, the day and year first above written.

Consultant:  
By: ________________  
Name: ___________________________  
Title: ___________________________

City:  
By: ________________  
Name: Mark Prestwich  
Title: City Manager

Approved as to Form:

By: ___________________________
Name: Thomas B. Brown
Title: City Attorney