

2.0 INTRODUCTION

This Draft Environmental Impact Report (DEIR) has been prepared in accordance with California Public Resources Code Section 21000 et seq. and the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3).

2.1 PURPOSE OF THE EIR

As described in CEQA Guidelines Section 15121(a), an EIR is a public disclosure document that provides decision-makers and the public with information that enables consideration of the environmental consequences of the proposed project. CEQA requires that an EIR be prepared by the agency with primary responsibility over approval of a project (lead agency). The lead agency is charged with considering and, where feasible, minimizing environmental impacts of proposed development and is committed to balancing economic, environmental, and social factors.

On May 13, 2022, Kortum Ranch LLC applied to the City of Calistoga for approval of a Tentative Subdivision Map (TSM) to subdivide four parcels (APNs 011-290-007; -038; -039; and 011-310-023) into 22 individual lots to accommodate future construction of single-family residences. Following initial project submittal, Parcel 011-310-023, which originally spanned across Kortum Canyon Road, was divided from the project through a lot line adjustment (LLA) LLA 2023-2 approved on June 15, 2023. The portion of this former parcel that is located east of Kortum Canyon Road, comprising approximately 18.69 acres is not included as part of the project. The remaining 30.11 acres, located west of Kortum Canyon Road, consisting of one remainder parcel and three parcels (APN 011-290-007; -038; -039), is the subject of the proposed TSM (see Chapter 3.0 Project Description, Figures 3-1 through 3-5). During preparation of the Draft EIR, the applicant revised the proposed TSM to reduce the number of lots from 22 to 20¹ and requested that consideration of a Master Use Permit and Preliminary Development Plan occur concurrently with consideration of the TSM.

The City of Calistoga, as the lead agency under CEQA, has determined that the reasonably

¹ Accordingly, Technical Studies that predate publication of the NOP, such as the Construction Health Risk and Greenhouse Gas Assessment evaluate the impacts from a 22 lot development. Under the proposed 20 lot TSM, potential impacts would be slightly reduced relative to an analysis of 22 lots.

foreseeable physical change in the environment from the construction of 20 single-family residences and its associated infrastructure is a “project” under CEQA, which defines a project as the whole of an action that has the potential to result in a direct physical change or a reasonably foreseeable indirect physical change in the environment CEQA Guidelines Section 15378[a]). CEQA requires the preparation of an EIR prior to approving any project that may have a significant impact on the environment.

This summary is provided in accordance with CEQA Guidelines Section 15123 which specifies that an EIR is required to include a brief summary of the proposed actions and its consequences as well as a brief description of the proposed project, a summary of the significant effects and associated mitigation measures, areas of known controversy, identification of alternatives evaluated, and of the environmentally superior alternative.

2.2 DRAFT EIR REVIEW PROCESS

2.2.1 NOTICE OF PREPARATION

In accordance with Section 15082 of the State CEQA Guidelines, the City of Calistoga, as the lead agency, published the Notice of Preparation of an EIR, included herein as Appendix 2-A. The NOP, along with an Initial Study (Appendix 2-B) was circulated to the State Clearinghouse (SCH) for distribution to federal, state, and local agencies, and was noticed pursuant to local noticing procedures set forth by the City of Calistoga on September 15, 2023. Consistent with the State CEQA Guidelines, the NOP and Initial Study review period extended for a minimum of 30-days commencing on September 15, 2023, and extending through October 16, 2023.

2.2.2 PUBLIC SCOPING

The City of Calistoga posted the NOP and Initial Study with the California Office of Planning and Research (OPR), the County of Napa Clerk-Recorder, and distributed the materials in accordance with local noticing requirements. The City of Calistoga held a public scoping meeting on September 28, 2023. In addition to comments received at the September 28th meeting, the City received 18 written comments on the NOP. A copy of all written comments received during the 30-day scoping comment period are included in Appendix 2-C. The following summarizes scoping comments received from state agencies on the NOP.

- **Biological Resources – California Department of Fish and Wildlife (CDFW)**

CDFW submitted a letter advising on the contents and details to be included in the EIR’s

project description, environmental setting, impact analysis, and mitigation measures. To assess impacts of the project, CDFW specifically recommended that surveys be conducted for special-status species, including botanical surveys for special-status plant species, prior to project implementation. CDFW also provided specific information related to project activities that would trigger the requirement to obtain a California Endangered Species Act (CESA) Incidental Take Permit (ITP) and a Lake and Streambed Alteration (LSA) Agreement.

Recommendations provided by CDFW were incorporated through preparation of a site-specific Biological Resources Analysis and Aquatic Resources Delineation Report. Results of the surveys are included in 4.1 Biological Resources.

- **Cultural and Tribal Cultural Resources – Native American Heritage Commission (NAHC)**

The NAHC submitted a letter encouraging the City to conduct AB 52 notification, SB 18 notification (as appropriate) and to consult with Native American Tribes.

AB 52 notification was sent to representatives of Cloverdale Rancheria of Pomo Indians, Dry Creek Rancheria of Pomo Indians, Guidiville Indian Rancheria, Lytton Rancheria, Middletown Rancheria of Pomo Indians, Mishewal Wappo Tribe of Alexander Valley, and Pinoleville Pomo Nation. Lytton Rancheria submitted a response on March 1, 2023 stating that consultation was not being requested. A representative from Mishewal-Wappo Tribe provided a response on May 10, 2023, requesting a site visit to see the area of disturbance. On January 16, 2024 the City and a representative from the Mishewal-Wappo Tribe performed a site visit. As requested by the Tribal representative, the City followed up and provided mitigation measure language included in the Initial Study regarding potential discovery of resources on January 22, 2024. The Mishewal-Wappo Tribe indicated agreement with the proposed mitigation measure language and consultation pursuant to AB 52 is understood to have concluded.

- **Transportation and Traffic – California Department of Transportation (Caltrans)**

Caltrans submitted a letter requesting additional information and clarification, per the review of the project's Transportation Impact Study (TIS), in order to adequately evaluate the project's traffic impacts on SR-128 and SR-29. Caltrans advised that floodplain impacts be documented and mitigated, in addition to the preparation of a floodplain analysis report. In addition, Caltrans advised that any increase storm water runoff to State Drainage Systems or Facilities be treated, contained, and metered to pre-construction levels. Caltrans noted that construction-related potential impacts to the State Right-of-Way (ROW),

from project-related temporary access, should be analyzed. Caltrans further advised that any Caltrans facilities impacted by the project must meet American Disabilities Act (ADA) Standards. Caltrans further advised that any permanent work or temporary traffic control that encroaches onto the Caltrans ROW requires an encroachment permit issued by Caltrans.

2.2.3 DRAFT ENVIRONMENTAL IMPACT REPORT

This document constitutes the DEIR prepared for the proposed subdivision of the 30.11-acre site located at 500 Kortum Canyon Road and the foreseeable construction of 20 single-family residences and supporting infrastructure, in Calistoga, California. The DEIR contains a description of the project, description of the environmental setting, identification of project impacts and mitigation measures for impacts found to be significant, and an analysis of project alternatives. The DEIR addresses environmental issues that could result in potentially significant environmental effects from project implementation. Significance criteria are further described in Chapter 4.0 Environmental Evaluation.

CEQA requires that a lead agency shall neither approve nor carry out a project as proposed unless the significant environmental effects have been reduced to an acceptable level, where possible (CEQA Guidelines Section 15091 and Section 15092). An acceptable level is defined as eliminating, avoiding, or substantially lessening the significant effects. If such a reduction is not possible, a lead agency must adopt a Statement of Overriding Considerations, which is defined in CEQA Guidelines Section 15093 as a balance of the benefits of a project against its unavoidable consequences.

2.2.4 PUBLIC REVIEW OF DEIR

This DEIR is being circulated to state and local agencies, adjacent landowners, and to other interested parties. Publication of this DEIR marks the beginning of the public review period, during which written comments may be submitted to the following address:

Greg Desmond, Planning and Building Director or
Lauren Clark, Assistant Planner
City of Calistoga, Planning and Building Department
1232 Washington Street
Calistoga, CA 94515

Comments may also be submitted via email to: gdesmond@calistogaCA.gov or lclark@calistogaCA.gov

2.2.5 FINAL ENVIRONMENTAL IMPACT REPORT

A Final Environmental Impact Report (FEIR) will be prepared after the public review period on the DEIR has ended. The FEIR will contain the following information, consistent with Section 15132 of the CEQA Guidelines:

- The DEIR or a revised version of the DEIR
- A list of persons, organizations, and public agencies commenting on the DEIR
- Comments and recommendations received on the DEIR either verbatim or in summary
- Responses to significant environmental points raised in the DEIR process
- Any other information added by the lead agency

Upon completion of the FEIR and scheduling of a public hearing, the City Council of the City of Calistoga will consider certification of the Environmental Impact Report consistent with CEQA Guidelines Section 15090. Once the EIR has been certified, the City's decision-making body may act on the Tentative Subdivision Map, which may occur concurrently or at a separate hearing. Prior to approving the project, the City must make written findings with respect to each significant environmental effect identified in the EIR in accordance with Section 15091 of the CEQA Guidelines.

2.2.6 MITIGATION MONITORING AND REPORTING

Pursuant to CEQA Guidelines Section 15097, the lead agency is required to adopt a Mitigation Monitoring and Reporting Program (MMRP) to ensure that any mitigation measures and project revisions identified in the EIR are implemented to avoid significant effects on the environment as identified in the EIR. The specific reporting or monitoring program is not required to be included in the DEIR. As such, the MMRP for the proposed project will be prepared concurrent with the FEIR.

2.3 EIR SCOPE

Consistent with Section 15060 of the CEQA Guidelines, the City of Calistoga completed review of the application materials for the proposed project, prepared an Initial Study (Appendix 2-B), and determined that an EIR was the appropriate level of environmental review. This summary provides an overview of the analysis contained in Chapter 4.0, Environmental Evaluation.

The following environmental resource topics are analyzed in Chapter 4.0 of the DEIR: Biological Resources, Transportation, Wildfire and Wildfire Hazards, and Land Use (as it relates to these topic areas). Note that Transportation was initially scoped out from the need for further review based on the analysis contained in the Initial Study. However,

based on comments provided by Caltrans and members of the public during the NOP scoping period, Transportation was fully analyzed and is contained in 4.3 Transportation of this document. Chapter 4.3 of this DEIR, therefore, supersedes the Transportation section of the Initial Study. Environmental resource topics not included in Chapter 4.0 of the DEIR were analyzed in the Initial Study and include: Aesthetics, Agricultural & Forestry, Air Quality, Cultural and Tribal Cultural, Geology & Soils, Hazards & Hazardous Materials (except as it relates to Wildfires), Hydrology & Water Quality, Land Use & Planning (except as it relates to topics discussed in the DEIR), Mineral Resources, Noise, Population & Housing, Public Services, Recreation, and Utilities & Service Systems. The Initial Study concluded that with incorporation of regulatory compliance measures, through project design, and with incorporation of mitigation measures, impacts resulting from the project as it relates to these topic areas would not be significant and consistent with Section 15128 of the CEQA Guidelines are not discussed in further detail in the EIR. Following publication of the Initial Study, the project applicant agreed to an all-electric project, which would avoid or reduce potentially significant impact associated with Greenhouse Gas (GHG) emissions. A discussion of GHG impacts is summarized in Chapter 4.0, Environmental Evaluation, Section 4.3 (Topics not Discussed Further).

2.4 EIR ORGANIZATION

The DEIR is organized into the following Chapters:

Chapter 1.0 - Executive Summary, presents a brief description of the proposed project, summarizes environmental consequences that would result from implementation of the proposed project, provides a summary table identifying anticipated significant environmental impacts, describes identified mitigation measures, and indicates the level of significance of impacts before and after mitigation. This section also presents a brief description of alternatives to the proposed project.

Chapter 2.0 - Introduction, provides an introduction and overview describing the purpose and scope of topics addressed in this DEIR and the environmental review process.

Chapter 3.0 - Project Description, describes the proposed project, including the project location, existing site conditions, existing and proposed land uses, project components and objectives, onsite and offsite improvements, and a discussion of the intended uses of the EIR.

Chapter 4.0 - Environmental Evaluation, for the environmental resources topics listed above, describes the regulatory context and environmental setting, including applicable

plans and policies, provides an analysis of the significant environmental impacts of the proposed project, and identifies mitigation measures to avoid or reduce the severity of significant impacts. Potential cumulative impacts are addressed in each topical section and is limited to the environmental resources topics that may have a significant impact on the environment. This Chapter also provides an analysis of effects found not to be significant, including a summary of the Initial Study findings.

Chapter 5.0 - Other CEQA Considerations, provides a summary of significant and unavoidable impacts, analyzes significant irreversible environmental changes and growth inducing impacts, and summarizes the mandatory findings of significance.

Chapter 6.0 - Alternatives, summarizes alternatives to the proposed project, including the No Project Alternative as required by CEQA, and the comparative environmental consequences of each alternative. This section provides a table comparing each of the identified alternatives to the proposed project.

Chapter 7.0 - References, provides a list of source materials and persons consulted to support analyses contained in the DEIR and provides a list of individuals and organizations involved in preparation of the DEIR.

2.5 APPENDICES

- Appendix 2-A: Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Kortum Ranch Development Project
- Appendix 2-B: Kortum Ranch Development Initial Study
- Appendix 2-C: Notice of Preparation Comment Letters