RESOLUTION NO. 2014-34

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA REGARDING THE NAPA COUNTY JAIL PROJECT: (1) ADOPTING FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS AND REJECTING THE NO PROJECT (NO DEVELOPMENT) ALTERNATIVE, THE DOWNTOWN SITE ALTERNATIVE, THE BOCA SITE ALTERNATIVE, AND THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE (THE MITIGATED DESIGN ALTERNATIVE) PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); (2) FINDING THE PACIFIC COAST SITE ALTERNATIVE CONSISTENT WITH THE NAPA COUNTY GENERAL PLAN; (3) ADOPTING THE PACIFIC COAST SITE ALTERNATIVE; (4) ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM; (5) AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXERCISE THE OPTION AND SIGN THE PURCHASE AND SALE AGREEMENT WITH WHAL PROPERTIES L.P. FOR THE PACIFIC COAST SITE; AND (6) AUTHORIZING THE COUNTY EXECUTIVE OFFICER TO SIGN ANY AND ALL DOCUMENTS RELATED TO THE PURCHASE AND SALE AGREEMENT AS APPROVED BY COUNTY COUNSEL**

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WHEREAS, in November 2004, at the direction of the Board of Supervisors (or the Board), a Criminal Justice Committee was formed to identify and address the County’s jail and other adult correctional system needs over the next 20 years. This effort ultimately led to the preparation of the Napa County Adult Correctional System Master Plan, which was prepared as three phased reports in 2007, 2008, and 2010, and identified deficiencies in programs, practices, and jail capacity;

WHEREAS, the County has been considering the demolition and expansion of the existing jail for several years to accommodate a growing inmate population, provide up-to-date security, and increase operational efficiencies. Meanwhile, two events have accelerated the need for more capacity: implementation of Assembly Bill (AB) 109 “Realignment” of California’s correctional system, which allows lower risk offenders to serve their sentence in County Jail instead of State prison; and the State budget challenge, which has resulted in lower funding for courts;

WHEREAS, in May 2012, the County Planning, Building and Environmental Services (PBES) Department assisted by planning consultant Ascent Environmental, Inc. initiated the environmental review process required by CEQA (California Environmental Quality Act), to analyze the potential environmental impacts of constructing and operating a new jail facility on a 15 to 20 acre site in unincorporated Napa County at either the Pacific Coast parcel, the Boca parcel or expanding the existing downtown site;

WHEREAS, in January 2013, an Initial Study/Environmental Checklist was prepared to identify areas to be further discussed in an environmental impact report (EIR);

WHEREAS, a formal Notice of Preparation of an EIR (NOP) was issued on January 29, 2013, soliciting public input regarding the Draft EIR for the County Jail and Ancillary Facilities project (the County Jail or proposed project). The comment period was from January 29, 2013 to February 27, 2013;

WHEREAS, the County, as lead agency, caused to be prepared a Draft EIR (or DEIR) for the County Jail Project (August 2013) (State Clearinghouse No. 2013012072);

WHEREAS, the Draft EIR evaluated two possible contiguous locations and options for the County Jail Project in an equal level of detail: (1) acquisition of the approximately 55 acre industrially zoned parcel, APN 046-370-024 owned by Boca Company (the Boca Site); and (2) acquisition of the approximately 27 acre industrially zoned Pacific Coast parcel, APN 046-370-021 owned by WHAL Properties, L.P. (the Pacific Coast Site). The analysis in the Draft EIR evaluated two possible site development layouts and assessed the impacts associated with development of one or both of these parcels;

WHEREAS, in accordance with CEQA, the Draft EIR was released for public and agency review on August 16, 2013. The public comment period ran from August 16, 2013 to September 30, 2013;

WHEREAS, on September 18, 2013, the County held a public meeting on the Draft EIR for purposes of receiving public comment;

WHEREAS, between the start of the public comment period on August 16, 2013, and its end on September 30, 2013, the County received nine public and agency written comments on the Draft EIR;

WHEREAS, subsequent to release of the Draft EIR, the County expressed a preference to locate the County Jail on the Pacific Coast Site and began negotiations with the property owner WHAL Properties, L.P.;

WHEREAS, on October 15, 2013, the Board held a public meeting whereby the Board considered entering into an option agreement with WHAL Properties, L.P. to purchase the Pacific Coast Site and thereafter directed the Chair to execute the Option Agreement with WHAL Properties, L.P., contingent upon completion of due diligence investigations and completion of the CEQA process;

WHEREAS, in accordance with CEQA, all comments received on the Draft EIR during the comment period were responded to and included in a Final EIR or FEIR. The Final EIR includes the Draft EIR and comments and responses to comments on the Draft EIR;

WHEREAS, on January 30, 2014, in accordance with CEQA, the Final EIR was mailed to all commenting state and local agencies, organizations and individuals at least ten days prior to the Board’s action on the County Jail project;

WHEREAS, on February 11, 2014, the Board held a public hearing and adopted Resolution No. 2014-14 certifying that the Final Environmental Impact Report (Final EIR) for the County Jail project was prepared in accordance with CEQA, the state CEQA Guidelines, and the County’s Local Procedures for Implementing CEQA;

WHEREAS, on February 12, 2014, the California Department of Transportation (Caltrans) submitted a late comment on the Final EIR to the County. The comment asked for clarification regarding queuing lengths and did not raise any significant new information. Although not legally required to do so, County staff prepared a memorandum documenting the County’s response to this late comment and provided a copy of the memorandum to Caltrans. The memorandum is part of the administrative record and is incorporated here by reference;

WHEREAS, in accordance with Government Code Section 65402, the PBES Department prepared a written report for the Board’s consideration regarding implementing the County Jail at the Pacific Coast Site and its consistency with the Napa County General Plan;

WHEREAS, on March 18, March 25, and April 1, 2014, in accordance with the requirements of Government Code Sections 25350 and 6063, notice was given of a public hearing scheduled on April 8, 2014 before the Napa County Board of Supervisors, regarding the Board’s intention to purchase the Pacific Coast Site from WHAL Properties, L.P.;

WHEREAS, on April 8, 2014, the Board of Supervisors held a duly noticed public hearing on the following: (1) the Board’s intention to purchase the Pacific Coast Site from WHAL Properties, L.P.; (2) adoption of a resolution (a) adopting CEQA findings relating to the Pacific Coast Site Alternative; (b) a statement of overriding considerations; and (c) findings rejecting the Boca Site Alternative, the No Project Alternative (No Development), the Downtown Site Alternative, and the Environmentally Superior (Mitigated Design Alternative); (3) finding the Pacific Coast Site Alternative consistent with the Napa County General Plan; (4) adopting the Pacific Coast Site Alternative; (5) adopting a Mitigation Monitoring and Reporting Program; (6)

authorizing the Chairman of the Board to exercise the option and sign the Purchase and Sale Agreement with WHAL Properties, L.P. for acquisition of the Pacific Coast Site; and (7) authorizing the County Executive Officer to sign any and all documents related to the Purchase and Sale Agreement as approved by County Counsel. After considering all the evidence in the record, the Board closed the public hearing and took the aforementioned actions;

WHEREAS, the Board now desires to adopt this Resolution reflecting the above described actions;

**NOW, THEREFORE, BE IT RESOLVED as follows:**

# SECTION 1. Recitals.

The Board hereby finds that the foregoing recitals are true and correct.

# SECTION 2. Purpose of the Findings.

The purpose of these Findings is to satisfy the requirements of Public Resources Code Section 21000, et seq., and Sections 15091, 15092, 15093 and 15097 of the CEQA Guidelines, 14 Cal. Code Regs. Sections 15000, et seq., associated with adoption of the Pacific Coast Alternative. These Findings provide the written analysis and conclusions of the Board of Supervisors regarding the County Jail project. They are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular impact topic and/or requirement of law. At times, these Findings refer to materials in the administrative record, which are readily available for review in the PBES Department.

# SECTION 3. Project Objectives.

A) As noted in the Draft EIR (pg. ES-2) the Board of Supervisors declared as the objectives of the proposed project:

* Develop a cost‐effective and state of the art jail facility that provides adequate and efficient inmate housing, programming, medical, and mental health space in compliance with relevant requirements;
* Provide for the efficient and timely transportation of inmates to and from court appearances;
* Address the goals of the Napa County Adult Correctional System Master Plan;
* Accommodate 366 beds in the near term, with possible expansion to 526 beds in the future;
* Assist in meeting the goals outlined in the County’s approved community correction partnership plan; and
* Ensure the jail is compatible with its neighborhood context and incorporates sustainable design features to the maximum extent feasible.

B) The Pacific Coast Site Alternative would achieve all of the County’s objectives, except that it would result in increased costs associated with transporting inmates to and from the Courthouse, though some of these costs could potentially be mitigated through the use of video arraignments, other non-trial appearances or the inclusion of certain Court facilities such as a hearing room at the new jail site, if implemented by the County and the Courts.

# SECTION 4. Findings are Determinative.

The Board of Supervisors recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the EIR and the administrative record; that experts disagree; and that the Board of Supervisors must base its decision and these Findings on the substantial evidence in the record that it finds most compelling. Therefore, by these Findings, the Board of Supervisors ratifies the Final EIR and resolves that these Findings shall control and are determinative of the significant impacts of the project.

# SECTION 5. The Pacific Coast Site Alternative.

The Draft EIR evaluated two possible contiguous locations and options for the County Jail project in an equal level of detail: (1) acquisition of the approximately 55 acre industrially zoned parcel, APN 046-370-024 owned by Boca Company (the Boca Site); and (2) acquisition of the approximately 27 acre industrially zoned Pacific Coast parcel, APN 046-370-021 owned by WHAL Properties, L.P. (the Pacific Coast Site). The analysis in the Draft EIR evaluated two possible site development layouts and assessed the impacts associated with development of one or both parcels. As such, all of the potential impacts associated with acquisition and development of the Pacific Coast Site Alternative have been properly analyzed.

# SECTION 6. Findings Associated With Less Than Significant Impacts Without Need for Imposition of Mitigation.

The Board of Supervisors has reviewed and considered the information in the Draft EIR and the Final EIR, addressing environmental effects, mitigation measures, and alternatives. The Board of Supervisors, relying on the facts and analysis in the DEIR, and FEIR, which were presented to the Board and reviewed and considered prior to any approvals, concurs with the conclusions of the DEIR and FEIR regarding the less than significant environmental effects.

The following impacts from implementation of the proposed County Jail Project are less than significant: Aesthetics, Air Quality (Impact 3.3‐2 Long‐term Operational‐Generated Emissions of ROG, NOX, PM10, or PM2.5; Impact 3.3‐3 Mobile‐Source CO Concentrations; Impact 3.3‐4 Exposure of Sensitive Receptors to TACs; Impact 3.3‐5 Exposure of Sensitive Receptors to Odors); Greenhouse Gas Emissions (Impact 3.4‐2 Impacts of Climate Change on the Project); Hydrology and Water Quality (Impact 3.6‐1 Short‐term, Construction‐Related Water Quality Degradation; Impact 3.6‐3 Long‐Term Water Quality Degradation); Land Use (Impact 3.7‐1 Potential for Division of an Established Community; Impact 3.7‐2. Conflict with Relevant Plans, Policies, and Zoning Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect;

Noise (Impact 3.8‐1 Short‐term, Construction‐Related Noise and Vibration Effects on Nearby Sensitive Land Uses; Impact 3.8‐2 Long‐term Increase in Noise Levels from Operation of On‐Site Stationary Noise Sources; Impact 3.8‐3 Project‐Related Traffic Noise Increase; Impact 3.8‐4 Exposure of a Proposed Noise‐Sensitive Land Use to Excessive Noise Levels; Impact 3.8‐5 Exposure of a Proposed Noise‐Sensitive Land Use to Excessive Ground Vibration Levels); Traffic (Impact 3.9‐6 Parking Impacts); and Utilities and Service Systems (Impact 3.10‐1 Water Supply and Infrastructure Impacts. Impact 3.10‐3 Increased Natural Gas and Electricity Services. Impact 3.10‐4 Increased Solid Waste Generation). (See Initial Study Checklist)

# SECTION 7. Findings Associated With Impacts and Mitigation Measures.

According to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

CEQA does not require that a lead agency adopt every mitigation measure recommended in an EIR. However, when an agency rejects any of the mitigation measures identified in the EIR for a significant impact, it must make specific findings that the rejected measures are infeasible. These findings must show the agency’s reasons for rejecting the mitigation measures that the EIR recommends. An agency may reject a mitigation measure recommended in an EIR if it finds that it would be infeasible to implement the measure because of “specific legal, economic, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers.” (Public Resources Code Section 21081(a)(3); 14 CCR Section 15091 (a)(3).)

## A) AIR QUALITY

**1) Impact 3.3‐1. Short‐term Construction‐Generated Emissions of ROG, NOX, PM10 and PM2.5.** Short‐term construction‐generated emissions could exceed BAAQMD’s significance threshold for criteria air pollutants (e.g., ROG, NOX, exhaust PM10 and PM2.5) unless BAAQMD‐Best Management Practices for dust control are implemented. Therefore, fugitive dust emissions could contribute to pollutant concentrations that exceed the NAAQS or CAAQS and would be inconsistent with the County’s General Plan policy (CON‐77) requiring consistency with BAAQMD requirements.

**Mitigation Measure 3.3‐1. Implement Construction‐Related Measures to Reduce Impacts from Fugitive Dust Emissions.** The County shall require its contractors to comply with the following construction-related measures to reduce impacts from fugitive dust emissions:

a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day.

b) All haul trucks transporting soil, sand, or other loose material off‐site will be covered.

c) All visible mud or dirt track‐out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

d) All vehicle speeds on unpaved roads will be limited to 15 mph.

e) All roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used.

f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage will be provided for construction workers at all access points.

g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment will be checked by a certified visible emissions evaluator.

h) Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The Air District’s phone number will also be visible to ensure compliance with applicable regulations.

i) Building pads shall be laid as soon as possible upon completion of grading, unless seeding or soil binders are used to minimize wind‐generated fugitive dust emissions.

Finding: Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential air quality impact is mitigated by adoption of Mitigation Measure 3.3-1 found on page 3.3-16-17 of the DEIR.

Implementation of construction-related measures to reduce impacts from fugitive dust emissions would reduce this impact to less than significant.

## B) HAZARDS AND HAZARDOUS MATERIALS

**1) Impact 3.5‐1. Exposure of Construction Workers and the Environment to Hazardous Materials.** A 2012 environmental record search identified two addresses associated with the project site on several environmental databases related to historic quarry operations and the use and/or generation of hazardous materials by various site owners and/or tenants over time. Both addresses were listed in the record search under the HAZNET and/or Small Quantity Generator (SQG) database under various business names. Currently, the project site is used for various industrial purposes. Based on prior history of the project site and surrounding area, proposed demolition, excavation, and facility construction activities on the project site could result in the exposure of construction workers and the general public to previously undiscovered hazardous materials contamination.

**Mitigation Measure 3.5‐1. Prepare and Implement a Health and Safety Plan.** To avoid health risks to construction workers, the County shall prepare a Health and Safety Plan prior to initiating any demolition, grading, or other earthmoving activities. This plan will outline measures that will be employed to protect construction workers and the public from exposure to hazardous materials during demolition and construction activities.

These measures could include, but would not be limited to, posting notices, limiting access to the site, air monitoring, watering, and installation of wind fences. Contractors will be required to comply with state health and safety standards for all demolition work. If necessary, this will include compliance with OSHA and Cal‐OSHA requirements regarding exposure to asbestos and lead‐based paint.

In addition, the plan shall include procedures to follow in the event that contaminated soil and/or groundwater or other hazardous materials are generated or encountered during construction. Such procedures could include, but would not be limited to, the following:

a) All work shall be halted in the affected area and the type and extent of the contamination shall be determined.

b) The project contractor will notify the Napa County Environmental Health Division if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during excavation.

c) Any contaminated areas will be remediated in accordance with recommendations made by the Napa County Environmental Health Division, State Water Resources Control Board (SFRWQCB), and Department of Toxic Substances Control (DTSC).

d) Remediation activities could include, but would not be limited to, the excavation of contaminated soil areas and hauling of contaminated soil materials to an appropriate off‐site disposal facility, mixing of on‐site soils, and capping (i.e., paving or sealing) of contaminated areas.

Before demolition of any structure, or removal of building materials, the County will hire a qualified consultant to investigate whether any building materials to be removed contain lead or asbestos‐containing materials that could become friable or mobile during demolition/construction activities. If found, the lead‐ or asbestos-containing materials will be removed by an accredited inspector in accordance with U.S. EPA and Cal‐OSHA standards. In addition, all activities (construction or demolition) in the vicinity of these materials will comply with Cal‐OSHA asbestos worker construction standards. The lead‐ or asbestos‐containing materials will be disposed of properly at an appropriate off‐site disposal facility.

Finding: Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential hazards and hazardous materials exposure impact is mitigated by adoption of Mitigation Measure 3.5-1 found on page 3.5-13 and 3.5-14 of the DEIR. The preparation and implementation of a Health and Safety plan prior to initiating any demolition or earthmoving activities will protect workers and the public from exposure to hazardous materials and would reduce this impact to less than significant.

**2) Impact 3.5‐2. Impacts From Implementation of or Physical Interference With An Adopted Emergency Response Plan or Emergency Evacuation Plan.** The specific access and circulation plan for the proposed project is still in the design phase and a site-specific emergency response plan has not been prepared. Therefore, the project’s compatibility with implementation of or physical interference with an adopted emergency response plan or emergency evacuation plan is currently unknown.

**Mitigation Measure 3.5‐2. Prepare Emergency Response Plan Consistent With the County’s Operational Area Hazard Mitigation Plan (OAHMP).** The County shall prepare an emergency response plan for the new jail in coordination with first responders and other emergency agencies. The plan will include an evacuation plan for the site that will detail what parties are responsible for specific response actions. The plan will also identify applicable mitigation from the OAHMP; this may include community education programs, post‐emergency power generation plans, remote area detection systems, and communication and response systems that contribute to effective emergency response in the County. The emergency response plan for the new jail will be approved by the Napa County PBES Department and the Napa County Fire Chief prior to issuance of occupancy permits.

Finding: Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this emergency response plan and evacuation plan impact is mitigated by adoption of Mitigation Measure 3.5-2 found on page 3.5-14 of the DEIR. The preparation and implementation of an emergency response plan will ensure adequate access and circulation for emergency situations and would reduce this impact to less than significant.

## C) HYDROLOGY AND WATER QUALITY

**1) Impact 3.6‐2. Increase in Surface Runoff Potentially Exceeding the Capacity of Existing or Planned Stormwater Drainage Systems.** Construction and operation of a new jail and ancillary facilities would add new development at the project site, which could potentially increase surface runoff. This increase in surface runoff could result in an increase in both the total volume and the peak discharge rate of stormwater runoff, and could result in exceeding the capacity of on‐site stormwater systems and greater potential for on‐ and off‐site flooding. Because final drainage design specifications have not been completed, including stormwater flow runoff based on a finalized site plan, the project has the potential to cause an increase in surface runoff that would exceed the capacity of the stormwater drainage system, resulting in on-and off-site flooding.

**Mitigation Measure 3.6‐2a. Complete Final Drainage Plan and Provide Adequate On‐site Storm Drainage Facilities**. Prior to final project design, the County shall assess drainage patterns and potential downstream flooding impacts including increased flow rates and volume and flood potential. Final project design will include design features to ensure that all runoff from the project site will not exceed pre‐project flow rates.

As part of the final design process, the County will ensure that the proposed drainage plans are consistent with local requirements. The final drainage plan will include, but not be limited to, the following items:

a) an accurate calculation of pre‐project and post‐project runoff scenarios, obtained using appropriate engineering methods that accurately evaluate potential changes to runoff, including increased surface runoff;

b) installation of a drainage basin, if needed, to accommodate on‐site stormwater flows designed to be consistent with the requirements of Napa County and provide enough storage to accommodate the difference between calculated 10‐year storm peak run‐off of the existing site and the 100‐year storm runoff of the developed site;

c) implementation of appropriate Best Management Practices (BMPs);

d) a description of any treatments necessary to protect earthen channels from erosion, and modifications that may be needed to existing underground pipe and culvert capacities;

e) a description of the proposed maintenance program for the on‐site drainage system; and

f) a description of the project‐specific standards for installing drainage systems.

**Mitigation Measure 3.6‐2b. Prepare and Implement a Stormwater Pollution Prevention Plan (SWPPP).** The County shall prepare a SWPPP to include the incorporation of source control, site design, and treatment control BMPs to address anticipated and potential pollutants including but not limited to the following:

**Source Control**:

a) All storm drain inlets and catch basins will be stenciled or have a tile placed with prohibitive language and/or graphical icons to discourage illegal dumping.

b) Waste collection areas will (1) be paved with an impervious surface, designed not to allow runoff from adjoining areas, and screened or walled to prevent off‐site transport of trash; and (2) contain attached lids on all trash containers that exclude rain; or (3) contain a roof or awning to minimize direct precipitation. Waste will be collected by a servicing company on a routine basis. This will minimize direct contact of trash and debris with precipitation.

c) Drought‐tolerant native or naturalized landscaping will be used to the maximum extent practicable to reduce the need for pesticides, fertilizers, and irrigation.

d) Maintenance personnel will be educated on environmentally friendly pesticides and herbicides and will be encouraged to reduce or eliminate the need for pesticides. Personnel will also be required to be familiar with and to apply the principles of integrated pest management.

e) Maintenance personnel will be educated on effective and efficient use of fertilizers and encouraged to minimize use of their application.

f) Maintenance personnel will inspect the site routinely for trash and debris to reduce the potential discharge of materials into the storm drain system. Maintenance personnel will also monitor storm drain inlets and catch basins for trash and debris.

g) Efficient landscape irrigation systems with rain sensors will be used where possible to minimize runoff of excess irrigation water to the stormwater conveyance system. Irrigation systems will be designed to each landscape area’s specific water requirements. Flow reducers or shutoff valves triggered by a pressure drop will be used to control water loss in the event of broken sprinkler heads or lines.

h) Maintenance personnel will be trained to inspect the facilities for signs of plumbing and sewer problems. A routine monitoring schedule will be put in place to check cleanouts and other facility controls for maintenance needs.

**Site Design:**

a) Runoff from roofs will be directed to landscaped areas or infiltration basins to allow for infiltration and reduced runoff to the maximum extent practicable.

b) Pavers or other porous surfaces such as grass paver systems, gravel paver systems, porous concrete, porous asphalt, or granular surfaces will be used where possible to reduce impervious areas.

c) The project will maintain existing flow patterns and control runoff from impervious areas, particularly from pavement, by directing flow to an engineered stormwater drain system that will control runoff from the development.

**Treatment Control**:

If determined to be needed, the proposed detention basin(s) on‐site will be designed with the following general design parameters:

a) basins must drain within 24 to 72 hours (48‐hour optimal drawdown),

b) inlet/outlet dissipation must be included to reduce velocity,

c) length to width ratio should be at least 1.5:1 (may use internal baffling or berms),

d) optimal basin depths range from 2 to 5 feet, and

e) maintenance access ramp and perimeter access will be provided.

Finding: Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this stormwater impact is mitigated by adoption of Mitigation Measures 3.6-2a and 3.6-2b found on pages 3.6-19 through 3.6-21 of the DEIR. The preparation and implementation of final drainage plans and a SWPPP to address pre and post-project flows, source control, site design and treatment control of runoff would reduce this impact to less than significant.

## D) TRANSPORTATION AND TRAFFIC

**1) Impact 3.9‐1. Existing Plus Project Intersection Level of Service Impacts.** With implementation of the 366‐bed project under existing plus project conditions, the intersection of SR 221/Main Access would experience further degradation of existing adverse operating conditions.

With implementation of the 526‐bed project under existing plus project conditions, the same intersection would experience further degradation of existing adverse operating conditions such that the intersection of SR 221/Main Access would experience unacceptable LOS E operation during the p.m. peak period in addition to the a.m. peak period.

**Mitigation Measure 3.9‐1b. SR 221/Main Access.** Prior to occupancy of the site, the County shall fund and signalize the intersection of SR 221/Main Access, including providing protected left‐turn phasing on southbound SR 221. To eliminate conflicts between the protected southbound left‐turn movement and northbound right turns, the free right‐turn lane shall be controlled by a yield sign. The free westbound right‐turn can be maintained and right‐turn overlap phasing shall be provided between the southbound left turn and westbound right turn. Adequate right‐of-way is available to accommodate this improvement and adequate spacing (i.e., more than 2,000 feet) is available between this signal and the nearest signal.

Finding: Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, the traffic impacts on the intersection of SR 221/Main Access are mitigated by adoption of Mitigation Measures 3.9-1b found on page 3.9-28 of the DEIR and page 4-3 of the FEIR. With the County funding signalization of the intersection and providing traffic improvements, this impact would be reduced to less than significant.

**2) Impact 3.9‐2. Future Plus Project Intersection Level of Service Impacts.** With implementation of the 366‐bed project under future plus project conditions, three intersections (SR 221/Main Access, SR 221/Magnolia Drive‐College Way, and SR 221/Kaiser Road) would degrade to unacceptable operating conditions and/or further exacerbate existing adverse operating conditions.

With implementation of the 526‐bed project under future plus project conditions, six intersections (SR 221/Main Access, SR 221‐Soscol Ferry Road/SR 29, SR 221/Magnolia Drive‐College Way, and SR 221/Kaiser Road) would degrade to unacceptable operating conditions and/or further exacerbate existing adverse operating conditions.

**Mitigation Measure 3.9‐2b. SR 221/Main Access.** Prior to occupancy of the site, the County shall fund and signalize the intersection of SR 221/Main Access, including providing protected left‐turn phasing on southbound SR 221. To eliminate conflicts between the protected southbound left‐turn movement and northbound right turns, the free right‐turn lane shall be controlled by a yield sign. The free westbound right‐turn can be maintained and right‐turn overlap phasing shall be provided between the southbound left turn and westbound right turn. Adequate right‐of-way is available to accommodate this improvement and adequate spacing (i.e., more than 2,000 feet) is available between this signal and the nearest signal.

**Mitigation Measure 3.9‐2e. SR 221/Magnolia Drive‐College Way.** At the time the County approves development plans for construction of 366 beds, the County shall construct an exclusive left‐turn lane to the westbound approach at the SR 221/Magnolia Drive‐College Way intersection. There is sufficient right‐of‐way available for this lane. Additionally, a right‐turn overlap phase will be provided between the southbound right turn and eastbound left turn at the intersection of SR 229/Magnolia Drive‐College Way. With the added lane and right-turn overlap in place, delay at this intersection would be reduced to levels below existing conditions.

**Mitigation Measure 3.9‐2f. SR 221/Kaiser Road.** The County shall fund its proportional share of 2.4% for Phase 1 trips and an additional 0.5% for Phase 2 trips towards improvements which include constructing either an additional northbound left‐turn lane or extending the existing left‐turn lane to 500 feet, installing an additional through lane both northbound and southbound, providing free right‐turn movements for the southbound and eastbound approaches, and constructing an additional eastbound left‐turn lane.

Finding: Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, the traffic impacts on the intersections of SR 221/Main Access, SR 221/Magnolia Drive-College Way and SR 221/Kaiser Road are mitigated by adoption of Mitigation Measures 3.9-2b, 3.9-2e and 3.9-2f found on pages 3.9-30 through 3.9-32 of the DEIR. With implementation of Mitigation Measure 3.9-2b, the intersection of SR 221/Main Access would operate at an acceptable LOS D or better under both the 366-bed and 526-bed design options. With implementation of Mitigation Measure 3.9-2e, delay at the intersection of SR 221/Magnolia Drive-College Way during the p.m. peak hour would be reduced to a level below conditions without the project, thereby eliminating the project’s contribution to increased delay at this intersection. With implementation of Mitigation Measure 3.9-f, the intersection of SR 221/Kaiser Road would operate acceptably at LOS B under future plus project conditions for either the 366-bed or 526-bed design options. As such, impacts on these three intersections would be reduced to less than significant.

**3) Impact 3.9‐3. Construction‐Related Traffic Impacts.** Traffic generated during construction of the project would be attributable to trucks and construction workers’ trips to and from the site. These trips could result in one or more of the study area intersections operating unacceptably.

**Mitigation Measure 3.9‐3. Construction Management Plan.** The County shall prepare a Construction Traffic Management Plan (TMP) in consultation with the applicable transportation entities, including Caltrans for state roadway facilities and the City of Napa. The County will implement the construction TMP during project construction. The TMP will address the following, as needed:

a) scheduling for oversized material deliveries to the work site and haul routes, including flagging, scheduling off‐peak deliveries, etc.;

b) the cumulative effect of construction traffic with other concurrent, major construction projects nearby;

c) daily construction time windows during which construction traffic is restricted; and

d) other actions to be identified and developed as may be needed by the construction manager/resident engineer to ensure that temporary impacts on transportation facilities are minimized.

The TMP will include an updated evaluation of current operational characteristics of the roadways. To minimize potential impacts, the TMP will restrict, to the extent feasible, peak‐hour trips entering and exiting the project site to 50 peak hour passenger‐car equivalents.

The TMP would specify temporary mitigations as needed, including but not limited to temporary operational improvements or limiting the hours or amount of construction trips on affected roadway segments.

Finding: Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, the traffic impacts resulting from construction are mitigated by adoption of Mitigation Measure 3.9-3 found on page 3.9-33 of the DEIR. The preparation and implementation of a construction management plan would minimize, to the extent feasible, peak hour trips entering and exiting the project site and would reduce this impact to less than significant.

**4) Impact 3.9‐4. Pedestrian, Bicycle, and Transit Facilities Impacts.** While the project would not conflict with any of the County’s plans to implement pedestrian, bicycle, and/or transit improvements in the project area, there are no existing pedestrian, bicycle, or transit facilities located on or in close proximity (i.e., within reasonable walking distance) to the site such that employees or work‐release inmates would have access.

**Mitigation Measure 3.9‐4a. Construct Pedestrian Facilities Serving the Site and Connecting to Nearby Facilities.** The County shall construct pedestrian and bicycle facilities connecting building entrances/parking areas to the nearby River‐to‐Ridge Trail at SR 221. New pedestrian and bicycle facilities constructed as part of this project will be paved, as will the portion of the River-to-Ridge Trail that connects to the project site.

**Mitigation Measure 3.9‐4b. Provide Transit Bus Stop and Associated Amenities on the Project Site.** The County shall work with NCTPA to ensure transit service to the site prior to building occupancy. Also, to encourage transit usage by employees, visitors and inmates on work-furlough programs, the County will construct a transit stop on the project site within the parking area. The stop shall include amenities such as benches and a shelter. Upon implementation, the site would have transit connectivity to the region via the Soscol Gateway Transit Center.

Finding: Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, impacts on pedestrians and bicycle connector facilities are mitigated by adoption of Mitigation Measures 3.9-4a and 3.9-4b found on pages 3.9-27 through 3.9-28 of the DEIR and page 4.2 of the FEIR. The construction of pedestrian and bicycle facilities and the provision of a transit stop and associated amenities would reduce this impact to less than significant.

**5) Impact 3.9‐5. Access and Circulation Impacts**. The site circulation would be adequate to accommodate the volumes and types of traffic expected and to meet emergency response needs; however, sight lines could be inadequate if the driveway is located too near either SR 221 or Basalt Road.

**Mitigation Measure 3.9‐5. Locate Project Driveway as near the Midpoint of Project Access as Feasible.** The project driveway shall be located as near the midpoint of Project Access, the roadway connecting SR 221 to Basalt Road, as feasible.

Finding: Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, access and circulation impacts are mitigated by adoption of Mitigation Measure 3.9-5 found on pages 3.9-34 and 3.9-35

of the DEIR. Locating the driveway as near the midpoint of Project Access, the roadway connecting SR-221 to Basalt Road, as feasible, would reduce this traffic impact to less than significant.

**6) Impact 3.9‐7. Safety Impacts**. The proposed project will be constructed to meet current design standards and criteria, so is not expected to result in any adverse safety impacts from hazardous design features; however, the project could result in conflicts at the intersection of Project Access and Basalt Road due to the movement of large trucks to/from the Syar Napa Quarry and project‐related traffic.

**Mitigation Measure 3.9‐7. Reconfigure the Intersection of Project Access and Basalt Road.** The intersection of Project Access and Basalt Road shall be reconfigured to reduce the radius of the right turn from westbound Basalt Road to Project Access.

Finding: Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, the traffic safety impacts on the intersection of Project Access and Basalt Road are mitigated by adoption of Mitigation Measures 3.9-7 found on page 3.9-38 of the DEIR. Reconfiguring the intersection of Project Access and Basalt Road will address traffic safety impacts and reduce this impact to less than significant.

## E) UTILITIES AND SERVICE SYSTEMS

**1) Impact 3.10‐2. Wastewater Collection, Conveyance, and Treatment Infrastructure.** Under the existing conditions, the 66‐inch trunk main that would serve the project is at capacity, and the wastewater treatment plant is nearing capacity. Implementation of the project would require upgrades to the system in order to meet the project’s wastewater conveyance demands.

**Mitigation Measure 3.10‐2. Coordinate with Napa Sanitation District (NSD) to Fund and/or Implement I/I Projects to Reduce Wastewater Flow Throughout the System**. In accordance with the Board of Directors of NSD, under Resolution No. 11‐025, the County shall coordinate funding and/or implement I/I reduction projects to provide sufficient wastewater conveyance capacity to meet the demands of the project. Specifically, the County will contribute funding to Basin L – I/I Reduction Projects (project 1, 2, 3, and/or 4) and/or Basin I/J – I/I Reduction Project 1 as identified in Resolution No. 11‐025. The level of funding will be determined in consultation between the County and NSD, at a 2:1 (improvements to impacts) ratio. All necessary agreements between the County and NSD, and all LAFCO actions will be completed before the start of construction of the proposed project.

Finding: Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, the wastewater infrastructure and capacity impacts are mitigated by adoption of Mitigation Measure 3.10-2 found on page 3.10-24 of the DEIR. The County’s coordination of funding and/or implementation of infiltration and inflow reduction projects would be reduce this impact on wastewater flows to less than significant.

# SECTION 8. Findings Associated with Impacts that were Evaluated in the Initial Study and Determined to be Less Than Significant With Mitigation Incorporated.

The County prepared an Initial Study Environmental Checklist (“Initial Study”) which identified the following potential impacts on biological resources, cultural resources, geology and soils that are less than significant with mitigation incorporated. Although these impacts and mitigation measures were not discussed in the EIR, the Board has considered them and finds that adoption of these measures will reduce these potential impacts to a less than significant level.

## A) BIOLOGICAL RESOURCES

**1) Biological Resources: Bat Roosts.** Numerous vacant buildings in the study area could provide day roosts, maternity colony roosts, and/or hibernation roosts for several bat species. Common bats with potential to roost on the project site include Yuma myotis, Mexican free‐tailed bat, California myotis, and big brown and little brown bats. Special‐status bats that could roost on‐site include pallid and Townsend’s big‐eared bat. These species of bats are known to roost in abandoned or little‐used structures in wall sections, behind fascia, in spaces between vaulted interior ceiling and roofing materials, and in similar enclosed spaces that provide thermal protection. Day roosts are used throughout the spring and summer, and maternity colony roosts can be active from early April until mid‐October. Demolition of buildings, sealing of openings or cracks, or other construction activities that cause noise, vibration, or physical disturbance, could affect the survival of adult or young bats.

**Mitigation Measure BIO‐2: Bat Roosts.** Surveys for roosting bats on the project site will be conducted by a qualified biologist. Surveys will consist of a daytime pedestrian survey looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. The type of survey will depend on the condition of the buildings. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the number and species of bats using the roost will be determined.

If bat roosts are determined to be present in buildings to be removed or disturbed, the bats will be excluded from the roosting site before the activity. A program addressing compensation, exclusion methods, and roost removal procedures will be developed in consultation with California Department of Fish and Wildlife (CDFW) before implementation. Exclusion methods may include use of one‐way doors at roost entrances (bats may leave but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) will be replaced in consultation with CDFW and may include construction and installation of bat boxes suitable to the bat species and colony size excluded from the original roosting site. Roost replacement will be implemented before bats are excluded from the original roost sites. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site, the structures may be removed or sealed.

Finding: Based on the analysis contained in the Initial Study and the administrative record, the Board adopts Mitigation Measure BIO-2 and finds that performing surveys for roosting bats prior to construction and adherence to the bat avoidance measures in Mitigation Measure BIO-2 would reduce impacts on bat roosts to a less than significant level.

Reference: Initial Study, pgs. 12-13; DEIR, pgs. ES-25-26.

**2) Biological Resources: Nesting Raptors.** Although no trees would be removed for the proposed project, the trees in the woodlands immediately adjacent to the study area provide potential nesting sites for white‐tailed kite, which is Fully Protected under the Fish and Game Code; and common raptors such as red‐tailed hawk, red shouldered hawk, and great horned owl, which are protected under Section 3503.5 of the Fish and Game Code. An active osprey nest was observed on a light pole on the Pacific Coast parcel in March 2013. Demolition of structures could result in mortality of eggs and chicks if an active nest were present. In addition, project construction could disturb active nests in trees near the study area, potentially resulting in nest abandonment by the adults and mortality of chicks and eggs.

**Mitigation Measure BIO‐2: Nesting Raptors.**

a) If construction activities would occur between February 15 and August 31 (typically nesting season), a qualified biologist will conduct preconstruction surveys for nesting raptors to identify active nests on and within legally accessible or visible suitable habitat within 300 feet of area that would be disturbed by project activities. The surveys will be conducted no more than 30 days before the beginning of construction activities that could remove nesting structures or otherwise disturb nesting raptors.

b) If active nests are found, impacts on nesting raptors will be avoided by establishing a 300‐foot buffer around the nests. No development activity will commence within the buffer area until a qualified biologist confirms that any young have fledged and the nest is no longer active. The size of the buffer may be adjusted if a qualified biologist, in consultation with CDFW, determines that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist will be required if the activity has potential to adversely affect the nest.

Finding: Based on the analysis contained in the Initial Study and the administrative record, the Board adopts Mitigation Measure BIO-2 and finds that performing pre-construction surveys for nesting raptors prior to construction and adherence to avoidance measures contained in Mitigation Measure BIO-2 would reduce impacts on nesting raptors to a less than significant level.

Reference: Initial Study, pages 12013; DEIR pages ES-26.

**3) Impact BIO-3: Wetlands and Other Federally Protected Waters.** The intermittent stream in the study area would not be affected by construction or operation of the new jail facility because project activities would be set back from the riparian vegetation and bank; however, construction of the planned pedestrian/bicycle trail (see Mitigation Measure 3.9-4a) in this area would include installation of a bridge that would span the channel for a distance of approximately 40 to 50 feet. The bridge footings would be installed on the top of the banks, and would not encroach on the bed of the channel or be within the ordinary high water mark of the channel; however, some riparian vegetation would likely be removed to accommodate the bridge footings. A potential ditch was observed on the Boca parcel from examining aerial photography. Because site access was restricted, we do not know if this potential feature meets the parameters required to qualify as wetlands as defined by USACE, if it would be considered waters of the state, or both. If the ditch qualifies as a water of the U.S. or water of the state, development of the project on the Boca parcel could result in fill of wetlands and other waters.

**Mitigation Measure BIO‐3: Wetlands and Other Federally Protected Waters.**

a) The County will have a reconnaissance survey conducted of the Boca parcel if this site is selected for development. If potential wetlands are present within the project area, a wetland delineation report will be prepared and submitted to USACE. Based on the jurisdictional determination, the County will determine the exact acreage of waters of the U.S. and waters of the state would be filled as a result of project implementation.

b) The County will obtain a USACE Section 404 permit and RWQCB Section 401 certification before any groundbreaking activity within 50 feet of or discharge of fill or dredge material into any water of the U.S. The County will implement all permit conditions. The County may qualify for a Section 404 Nationwide Permit (NWP) for this project under NWP 39 for commercial and institutional developments if the discharge will not cause the loss of greater than 0.5-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed.

c) The County will commit to replace or restore on a “no net loss” basis (in accordance with USACE and/or RWQCB) the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation. Wetland habitat will be restored or replaced at an acreage and location and by methods agreeable to USACE and the San Francisco Bay RWQCB, as appropriate, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes.

d) The County will compensate for the permanent loss of riparian habitat through contribution to a CDFW-approved mitigation bank or through development of a Habitat Mitigation and Monitoring Plan (HMMP). On-site compensation may include a combination of riparian habitat restoration and preservation and enhancement of existing riparian habitat along the stream outside of the project impact area. The compensation habitat will be similar in composition and structure to the habitat to be removed and will be at ratios adequate to offset the loss of riparian habitat functions and services at the project site such that there would be no net loss of riparian habitat.

e) Prior to beginning construction that could affect the bed or bank of seasonal streams and riparian habitat, the County will provide written notification to CDFW describing the activity and including all required information as described under Section 1602 of the California Fish and Game Code, and pay the applicable notification fees. The County will submit the HMMP to CDFW for review.

f) The County will obtain a streambed alteration agreement from CDFW and conduct project construction activities in accordance with the agreement, including implementing reasonable measures to protect wildlife resources.

Finding: Based on the analysis contained in the Initial Study and the administrative record, the Board adopts Mitigation Measure BIO-3 and finds that additional reconnaissance level surveys for wetlands on the Boca Site (if that site were selected for development), obtaining appropriate permits and the replacement or restoration of wetlands to achieve “no net loss” would reduce this impact to less than significant. The Board further finds that because there are no wetlands on the Pacific Coast Site, there would be no impact on wetlands and Mitigation Measure BIO-3 is unnecessary.

Reference: Initial Study Checklist, pages 13-14; DEIR, pages E-26 and E-27; and FEIR, pages 4-4 through 4-6.

## B) CULTURAL RESOURCES

**1) Cultural Resources.** The proposed project site has been heavily modified for industrial uses; therefore, historic, archaeological, paleontological resources, or human remains are not anticipated to be present. However, the presence of undiscovered or undocumented resources may exist within the project area that have the potential to be impacted through ground disturbing

activities.

**Mitigation Measure CUL‐1.**

a) In accordance with CEQA Guidelines Section 15064.5(f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable solids, glass, metal, ceramics, wood or similar debris, be discovered during grading, trenching or other on-site excavation(s), earth work within 100‐feet of these materials will be stopped until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.

b) In the event that paleontological resources are discovered, all construction activity will be halted within 10 feet of the discovery. Notification procedures provided during the preconstruction meeting(s) will be followed. The decision to conduct paleontological salvage operations will be determined by the paleontologist in consultation with County staff and project management. If deemed significant, the paleontological finds will be salvaged in accordance with professional paleontological standards. This will include removal of identifiable paleontological remains, fossil preparation and subsequent curation of these remains at a recognized repository such as the University of California, Museum of Paleontology.

c) If human remains are encountered, the Napa County Coroner will be informed to determine if an investigation of the cause of death is required and/or if the remains are of Native American origin. Pursuant to Public Resources Code Section 5097.98, if such remains are of Native American origin the nearest tribal relatives as determined by the State Native American Heritage Commission will be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity.

d) All persons working on‐site will be bound by contract and instructed in the field to adhere to these provisions and restrictions.

Finding: Based on the analysis contained in the Initial Study and the administrative record, the Board adopts Mitigation Measure CUL-1 and finds that halting construction activities, conducting an evaluation of cultural resources if human remains are discovered and complying with Mitigation Measure CUL-1 would reduce impacts on cultural resources to a less than significant level.

Rationale: Initial Study Checklist, pages 15-16; DEIR, pg. ES-27 and ES-28.

## C) GEOLOGY AND SOILS

**1) Geology and Soils.** The project site is currently developed with industrial buildings and maintenance and equipment storage yards. These parcels are relatively level, except for the easternmost area, which slopes up to the adjacent rock quarry. While no specific soil or geologic hazards have been identified on the site, the Napa area is susceptible to ground shaking.

**Mitigation Measure GEO‐1**. To lessen potential damage from strong or violent ground shaking from seismic hazards, prior to the issuance of permits for the construction of infrastructure and buildings, the County’s geotechnical engineer will prepare geotechnical reports incorporating the specific mitigation of seismic hazards pursuant to State law, as detailed in the California Building Code, and as required by the County of Napa to ensure that structures and infrastructure can withstand ground accelerations expected from seismic activity. The improvement plans will incorporate all design and construction criteria specific in the report(s). The geotechnical engineer will sign the improvement plans and approve them as conforming to their recommendations prior to approval. The project geotechnical engineer will provide geotechnical observations during the construction, which will allow the geotechnical engineer to compare the actual with the anticipated soil conditions and to check that the contractor’s work conforms to the geotechnical aspects of the plans and specifications. The geotechnical engineer of record will prepare letters and as‐built documents, to be submitted to the County, to document their observances during construction and to document that the work performed is in accordance with the project plans and specifications.

Finding: Based on the analysis contained in the Initial Study and the administrative record, the Board adopts Mitigation Measure GEO-1 and finds that the preparation of geotechnical studies and incorporation of specific mitigation for seismic hazards into the project as set forth in Mitigation Measure GEO-1 would reduce impacts on geology and soils to a less than significant level.

Rationale: Initial Study Checklist, pages 17-18; DEIR, pg., ES-29.

# SECTION 9. Significant Unavoidable Impacts.

**A) GREENHOUSE GAS EMISSIONS**

**1) Impact 3.4‐1. Generation of Greenhouse Gas Emissions.** The proposed project (366 beds or 526 beds) would result in long‐term operational emissions from mobile (i.e., employees and visitors) and indirect sources (i.e., electricity consumption) that exceed 1,100 MT CO2e/year.

**Mitigation Measure 3.4‐1. Incorporate Design Features into Project to Reduce Project‐Related Operational GHG Emissions**. To reduce project‐related operational GHG emissions, Napa County shall achieve a 15% or more reduction in energy consumption below Title 24 standards (Green Building Code). Measures implemented to achieve this performance standard may include but shall not be limited to the following:

a) construct all new buildings at the new jail facility to LEED Gold standard;

b) install enough solar panels on and/or around the new facility to meet the facility’s full electricity demand on a year‐round basis, provided that the County has the funding to support associated capital costs at the time of building;

c) install rooftop solar hot water heaters to partially meet the demand for hot water by the facility;

d) in rooftop areas where solar panels or solar hot water heaters are not installed, incorporate cool roofs using material with a greater than or equal to 30 albedo (i.e., the proportion of the incident light or radiation reflected by a surface);

e) install smart meters and programmable thermostats into the heating, ventilation, and cooling systems for all buildings;

f) only include drought tolerant plants in the facility’s landscaping; and

g) install energy‐efficient appliances, fixtures, and water saving plumbing.

Finding: Even with implementation of Mitigation Measure 3.4-1, which is adopted and incorporated into the project, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the proposed project outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Implementation of Mitigation Measure 3.4-1 would reduce GHG emissions associated with energy consumption by a minimum of 15%. This reduction, however, would not reduce total operation emissions to less than the threshold of 1,100 MT CO2e/yr. Consequently, operational GHGs associated with the project would remain cumulatively considerable and this impact would be **significant and unavoidable.**

**B) TRANSPORTATION AND TRAFFIC**

**1) Impact 3.9‐1. Existing Plus Project Intersection Level of Service Impacts.** With implementation of the 366‐bed project under existing plus project conditions, three intersections (Soscol Avenue/Imola Avenue, SR 221‐Soscol Ferry Road/SR 29, Soscol Ave/Silverado Trail) would experience further degradation of existing adverse operating conditions.

With implementation of the 526‐bed project under existing plus project conditions, the same Soscol Avenue/Silverado Trail three intersections (Soscol Avenue/Imola Avenue, SR 221‐Soscol Ferry Road/SR 29) would experience further degradation of existing adverse operating conditions.

**Mitigation Measure 3.9‐1a. Soscol Avenue‐SR 221/SR 121‐Imola Avenue.** The County will pay its proportional share to the City towards potential future improvements at Soscol Avenue‐SR 221/SR 121‐Imola Avenue, which is calculated as 2.49% for Phase 1(366 beds) and an additional 0.50% (or a total of 2.99%) with the addition of Phase 2 trips (526 beds). As identified in the Napa Pipe Impact Transportation Analysis Sensitivity Analysis (Mitchell, Crosley, and Foletta, pers. comm., 2013), the improvements needed to achieve acceptable operation include an additional left‐turn lane on the eastbound approach and an exclusive right‐turn lane on the westbound approach. Because the intersection is operating at an unacceptable LOS under existing conditions under the applied standards, the County shall pay its proportional share of the construction of these improvements.

**Mitigation Measure 3.9‐1c. SR 221‐Soscol Ferry Road/SR 29.** The County and Caltrans plan to implement a fly‐over overpass at the SR 221‐Soscol Ferry Road/SR 29 intersection. This improvement has been planned for completion in 2040 and MTC has set aside $5 million in discretionary funds towards the estimated cost of approximately $30 million. The project’s proportional share contribution is 1.34% for the traffic associated with Phase 1, and 1.63% for the entire project, or an additional 0.29% for the Phase 2 trips. The County will fund its share of this improvement.

**Mitigation Measure 3.9‐2d. Soscol Avenue/Silverado Trail.** The County will pay its proportional share of 7.5% for Phase 1 trips and an additional 1.5% for Phase 2 trips to the City towards the planned future improvements at Soscol Avenue/Silverado Trail. These improvements are described in the City’s General Plan to include widening as necessary on southbound Silverado Trail to provide a second left‐turn lane together with the right‐turn lane. These improvements are anticipated to be implemented by the City, and would be funded through developer fees and proportional share contributions together with other City funding sources. With implementation of the improvements, this intersection would operate at an acceptable LOS under future plus project conditions, based on the City’s standards.

Finding: Even with implementation of Mitigation Measures 3.9-1a, 3.9-1c and 3.9-2d, which are adopted and incorporated into the project, the impact on these intersections would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the proposed project outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: With implementation of Mitigation Measure 3.9-1a, the intersection of Soscol Avenue-SR 221/SR 121-Imola Avenue would operate acceptably at LOS D during the PM peak hour, and better than under existing conditions, even with the project traffic. The County will contribute its fair share funding to improve intersection operation at such time that the City of Napa decides to implement improvements, though the timing of such improvements is unknown. While it is possible to construct improvements that would eliminate unacceptable operating conditions, it is unknown when such improvements will be implemented because they are not under the County’s control. As a result, the impacts to this intersection is considered **significant and unavoidable.**

With implementation of Mitigation Measure 3.9-1c, operations to the SR 221-Soscol Ferry Rd/SR 29 intersection would improve to LOS D; however, given the 2040 year of completion, this improvement will not be completed prior to the opening of the proposed project. Therefore, this impact would remain **significant and unavoidable.**

With implementation of Mitigation Measure 3.9-2d, the intersection of Soscol Avenue/Silverado Trail would operate acceptably. However, implementation of this mitigation measure is dependent on the collection of fees from local developers and other funding sources, the timing of which is uncertain. Further, the necessary improvements are under the jurisdiction of, and planned to be implemented by, the City of Napa. It is unknown whether this improvement would be implemented in time for operation of the project in 2018. Therefore, this impact would remain **significant and unavoidable.**

**2) Impact 3.9‐2. Future Plus Project Intersection Level of Service Impacts.** With implementation of the 366‐bed or 526-bed project under future plus project conditions, three intersections (Soscol Avenue‐SR 221/SR 121‐Imola Avenue, Soscol Ferry Road/SR 29, and Soscol Avenue/Silverado Trail) would degrade to unacceptable operating conditions and/or further exacerbate existing adverse operating conditions.

**Mitigation Measure 3.9‐2a. Soscol Avenue‐SR 221/SR 121‐Imola Avenue**. The County shall pay its proportional share to the City towards potential future improvements at Soscol Avenue-SR 221/SR 121-Imola Avenue, which is calculated as 2.49% for Phase 1(366 beds) and an additional 0.50% (or a total of 2.99%) with the addition of Phase 2 trips (526 beds). As identified in the Napa Pipe Impact Transportation Analysis Sensitivity Analysis (Mitchell, Crosley, and Foletta, pers. comm., 2013), the improvements needed to achieve acceptable operation include an additional left-turn lane on the eastbound approach and an exclusive right-turn lane on the westbound approach. Because the intersection is operating at an unacceptable LOS under existing conditions under the applied standards, the County shall pay its proportional share of the construction of these improvements.

**Mitigation Measure 3.9‐2c. SR 221‐Soscol Ferry Road/SR 29**. The County and Caltrans plan to implement a fly-over overpass at the SR 221-Soscol Ferry Road/SR 29 intersection. This improvement has been planned for completion in 2040 and MTC has set aside $5 million in discretionary funds towards the estimated cost of approximately $30 million. The project’s proportional share contribution is 1.34% for the traffic associated with Phase 1, and 1.63% for the entire project, or an additional 0.29% for the Phase 2 trips. The County will fund its share of this improvement

**Mitigation Measure 3.9‐2d. Soscol Avenue/Silverado Trail.** The County shall pay its proportional share of 7.5% for Phase 1 trips and an additional 1.5% for Phase 2 trips to the City towards the planned future improvements at Soscol Avenue/Silverado Trail. These improvements are described in the City’s General Plan to include widening as necessary on southbound Silverado Trail to provide a second left‐turn lane together with the right‐turn lane. These improvements are anticipated to be implemented by the City, and would be funded through developer fees and proportional share contributions together with other City funding sources. With implementation of the improvements, this intersection would operate at an acceptable LOS under future plus project conditions, based on the City’s standards.

Finding: Even with implementation of Mitigation Measure 3.9-2a, 3.9-2c and 3.9-2d,

which are adopted and incorporated into the project, the impact on these three intersections would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the proposed project outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Although mitigation is available to reduce impacts at Soscol Avenue-SR221/SR 121-Imola Avenue, SR-221-Soscol Ferry Road/SR 29, and Soscol Avenue/Silverado Trail, the timing and funding of these improvements are currently uncertain. Therefore, for these three intersections, this impact would be **significant and unavoidable.**

# SECTION 10. Project Alternatives.

## A) Legal Requirements.

Section 15126.6 (f) of the CEQA Guidelines requires that an EIR include a “reasonable range of alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project.”

Public Resources Code section 21081(b)(3) provides that when approving a project for which an EIR has been prepared, a public agency may find that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

## B) Range of Alternatives.

Section 6 of the DEIR (pages 6-1 through 6-12) describes the alternatives considered and compares their impacts to the proposed project. In addition to evaluating the Pacific Coast Site and the Boca Site in an equal level of detail, the DEIR evaluated three alternatives: The No Project (No Development) Alternative; the Mitigated Design Alternative; and the Downtown Site Alternative. (DEIR, pg. 6-2) Additional alternatives were considered during the preliminary stages of the project but ultimately rejected for further evaluation. (DEIR, pg. 6-12)

### 1) The No Project (No Development) Alternative.

**Description:** CEQA Guidelines Section 15126.6 (e)(1) states that a “no project” alternative shall be analyzed. The purpose of describing a “no project” alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. The “no project” alternative analysis is not the baseline for determining whether the environmental impacts of a proposed project may be significant, unless the analysis is identical to the environmental setting analysis, which does establish that baseline.

The No Project Alternative is discussed on pages 6-3 through 6-5 of the DEIR. Under this alternative, Napa County would continue to use the existing jail in downtown Napa without any major upgrades or changes to capacity. Industrial use of the project site (the Pacific Coast and Boca parcels) would continue similar to existing conditions. Any future use of the project site under this alternative would be too speculative, and, thus, is not described in the DEIR. The No Project Alternative would involve no new development and therefore no change to existing visual conditions, no new construction or operations-related air or greenhouse gas emissions, no exposure of workers to hazardous materials, no change in runoff conditions or soil erosion, no change in land use, no construction related noise or operational noise impacts, no construction or operational traffic impacts, and there would be no need to extend water or sewer infrastructure to the site. While the No Project Alternative would avoid the significant and unavoidable environmental impacts identified for the project (i.e., GHG emissions, transportation and traffic), it would not meet the County’s project objectives.

**Finding:** Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that the No Project Alternative is less desirable than the Pacific Coast Site Alternative and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

1) Under this Alternative, the County would continue to use the existing jail without any major upgrades or changes to capacity. The existing jail was constructed in 1979 and is limited in capacity to 277 beds which is below the project objective of 366 beds in the near term, with expansion to 526 beds in the future. (See DEIR, page 2-4.)

2) Given the age of the existing jail it is an inefficient building that does not meet more modern and current energy efficient standards such as efficient lighting controls, water conservation measures, efficient heating, ventilation and air conditioning system. (See Memorandum from Public Works Director Steven Lederer dated March 24, 2014 incorporated here by reference.)

**Reference:** The DEIR pages 6-3 through 6-5 provide an analysis of the environmental effects of this Alternative as compared to the Pacific Coast Site Alternative.

### 2) Mitigated Design Alternative.

**Description:** The Mitigated Design Alternative is discussed on pages 6-5 through 6-7 of the DEIR and is considered the Environmentally Superior Alternative. The Mitigated Design Alternative would include development of a 366-bed jail on the project site, but without the core facilities that would permit expansion to 526 beds. These core facilities would include the kitchen, laundry, HVAC, etc. No changes in the number of staffing would occur under this alternative. Rather, this alternative would limit the size of certain facilities and features of the project that would allow the expansion of the facility to 526 beds. Ultimately this Alternative would limit total inmate and employees at the site to a 366-bed facility.

While the Mitigated Design Alternative would incrementally lessen the project’s significant and unavoidable impact related to GHG emissions and transportation and traffic, it would not reduce the impacts to a less than significant level; they would remain significant and unavoidable. Further, this Alternative would not fully satisfy the County’s stated project objectives to meet future facility needs by providing the potential for up to 526 beds. The Mitigated Design Alternative would only increase the inmate capacity from 277 beds to 366 beds, leaving the need for an additional 160 beds. Nonetheless, this Alternative is environmentally superior to the project because it would incrementally lessen some of the project’s significant and unavoidable impacts.

**Finding:** Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that the Mitigated Design Alternative is less desirable than the Pacific Coast Site Alternative and is infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

1) This Alternative would not fully satisfy the County’s stated project objectives to meet future facility needs by providing the potential for up to 526 beds. The Mitigated Design Alternative would only increase the inmate capacity from 277 beds to 366 beds, leaving the need for an additional 160 beds. (DEIR, page ES-2; and See Memorandum from County Executive Office entitled “Revised Jail Bed Projections and Site Alternatives” dated November 13, 2012 incorporated here by reference.)

2) The Mitigated Design Alternative would also not include the core facilities that would permit future expansion such as the kitchen, laundry, HVAC, etc. and therefore this Alternative would not meet the stated project objectives of building a cost effective and state-of-the art jail facility. (DEIR, page ES-2.)

**Reference:** The DEIR pages 6-5 through 6-7 provides an analysis of the environmental effects of the Existing Site Preservation Alternative as compared to the proposed project.

### 3) The Downtown Site Alternative.

**Description:** This Alternative would expand the existing jail in downtown Napa to accommodate a single 398‐bed jail on the existing site. The existing County Jail is located at the Hall of Justice at 1125 3rd Street. The existing jail is approximately 53 feet tall and is housed in the Hall of Justice Building and Jail Annex, which together are approximately 125,000 square feet in area. The existing jail facility would be demolished in phases and a new jail facility would be constructed in its place. The construction process may involve temporarily accommodating inmates elsewhere.

The architectural concept for the new jail under the Downtown Site Alternative provides for a basement and four above‐ground floors providing 202,052 square feet of floor space and 398 beds. The height of the jail would be 51 to 55 feet tall. The exterior design of the structure could be designed to respect the character of nearby historic buildings. A total of 126 personnel, including 12 administrative staff, 22 support services staff, and 92 custodial staff would be required for this facility. Staff shifts and operations at the facility would be the same as the proposed project.

The Downtown Site Alternative would also accommodate a commercial development opportunity on the Main Street side of the new jail structure. This structure would be placed on the site where staff parking currently exists to screen the new jail building from Main Street. The commercial building would be mixed use, retail, office, and/or residential with a footprint of approximately 47 feet by 200 feet and would provide approximately 36,200 square feet of leasable area.

**Finding:** Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that the Downtown Site Alternative is less desirable than the Pacific Coast Site Alternative and is infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

1) This Alternative would not accomplish the project objectives of accommodating possible expansion of up to 526 beds in the future. It would only result in an increase in the inmate capacity from 277 beds to 398 beds, leaving the need for an additional 128 beds. (See Memorandum from County Executive Office entitled “Revised Jail Bed Projections and Site Alternatives” dated November 13, 2012 incorporated here by reference.)

2) The downtown area has undergone a transformation over the last 38 years and has significantly changed since 1979 when the existing jail was originally constructed. The area surrounding the existing jail had little development but since 2008 has seen an influx of retail, restaurants, lodging, commercial and some residential uses. While the proposed new jail would be designed to be consistent with the surrounding public facilities, it would be one story taller in height (four stories in total), and have an expanded footprint of 40,000 square feet over the existing jail and community and business interests have argued that it would be too big and not fit in with the surrounding land uses and that this site could better be used for retail or other purposes more harmonious with the downtown revitalization efforts. [See Memorandum from Principal Management Analyst Liz Habkirk dated March 21, 2014 incorporated here by reference

3) This Alternative would be located within the 100-year floodplain of the Napa River and would result in the exposure of persons to flood-related hazards, although project facilities would be designed consistent with City and County policies to resist the effect of flood damages, this would be a new significant impact that would not occur with the project being located at the Pacific Coast Site. Overall hydrology and water quality impacts would be greater under the Downtown Alternative than what would occur under the Pacific Coast Site alternative. (See DEIR, page 6-10.)

4) This Alternative would result in a four story jail which would require more staff to monitor and move inmates between floors through elevators thus impacting the safety of both inmates and staff and increased operational costs and therefore would not accomplish the goal of developing a cost effective new jail facility. (See Memorandum from Principal Management Analyst Liz Habkirk dated March 21, 2014 incorporated here by reference.)

5) Given the site constraints of the Downtown Alternative, it would not have the space available to provide sufficient outdoor yards and would utilize mainly indoor yard space for recreation. Longer sentences as a result of Realignment will require jails to provide outdoor yard and recreational spaces and there is a liability risk to the County if these facilities are not available to inmates. The Downtown Alternative would not accomplish the project objectives of developing a state-of-the art jail facility in compliance with State and constitutional mandates and would not address the goals of the Napa County Adult Correctional System Master Plan. (See Memorandum from County Executive Office entitled “Revised Jail Bed Projections and Site Alternatives” dated November 13, 2012 incorporated here by reference.)

6) The projected demolition and construction under this Alternative would occur in four phases over 52 months at a projected cost of approximately $114 million dollars. Because of the phased construction, inmates would need to be temporarily relocated to other secure facilities at an estimated additional cost of $7.9 million dollars for the construction period. (See Memorandum from County Executive Office entitled “Revised Jail Bed Projections and Site Alternatives” dated November 13, 2012 incorporated here by reference.)

**Reference:** The DEIR pages 6-8 through 6-12 provides an analysis of the environmental effects of the Downtown Site Alternative as compared to the proposed project.

### 4) The Environmentally Superior Alternative.

**Description:** The DEIR discusses the Environmentally Superior Alternative at page 6-14. The DEIR identifies the No Project Alternative as the Environmentally Superior Alternative because it would have the least number of impacts. Under CEQA, if the No Project Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative among the other alternatives. (CEQA Guidelines Section 15126.6(e)(2).) While the No Project Alternative would be environmentally superior in the technical sense in that no impacts would occur, the No Project Alternative would also fail to achieve any of the project’s objectives. Overall, the Mitigated Design Alternative would be the environmentally superior alternative because it would lessen some of the project’s significant and unavoidable impacts.

**Finding:** The Environmentally Superior Alternative is discussed on page 6-14 of the DEIR. Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that the Environmentally Superior Alternative is less desirable than the Pacific Coast Site Alternative and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the same reasons stated above regarding rejection of the Mitigated Design Alternative.

**Reference:** The DEIR provides an analysis of the environmental effects of the Environmentally Superior Alternative at page 6-14 as compared to the proposed project.

**5) The Boca Site Alternative.**

**Description:** The DEIR evaluated the Boca Site Alternative in an equal level of detail throughout the document. The Boca Site is approximately 55 acres and is zoned for industrial use. There are industrial buildings located on the parcel.

**Finding:** Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that the Boca Site Alternative is less desirable than the Pacific Coast Site Alternative and is infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

1) The Boca Site is hillier, slopes up to an adjacent quarry and is located further from Highway SR 221 than the Pacific Coast Site and therefore would result in greater costs for access roads and extension of infrastructure. (See Memorandum from Public Works Director Steven Lederer dated March 24, 2014 incorporated here by reference.)

2) At approximately 55 acres, the Boca Site is more than double the acreage needed to accommodate the project which would have resulted in a higher purchase price had the property owners been willing to sell the property. (See Memorandum from Public Works Director Steven Lederer dated March 24, 2014 incorporated here by reference.)

# SECTION 11. Statement of Overriding Considerations.

In approving the Pacific Coast Site Alternative, the Board makes the following Statement of Overriding Considerations in support of its findings on the FEIR. The Board has considered the information contained in the FEIR (the Draft EIR, Comments on the Draft EIR, Response to Comments on the Draft EIR), and all other public comments, responses to comments, and accompanying staff reports included in the public record.

The Board has carefully balanced the benefits of the Pacific Coast Site against any adverse impacts identified in the EIR that could not be feasibly mitigated to a level of insignificance. Notwithstanding the identification and analysis of impacts that are identified in the FEIR as being significant and which have not been eliminated, lessened or mitigated to a level of insignificance, the Board, acting pursuant to CEQA Guidelines Section 15092 and 15093, hereby determines that remaining significant effects on the environment found to be unavoidable in Section 9 above, are acceptable due to overriding considerations described herein. Specifically, the benefits of the Pacific Coast Site Alternative outweigh the unmitigated adverse impacts and the project should be approved.

Based on the objectives identified in the DEIR and FEIR, and through extensive public participation, the Board has determined that the Pacific Coast Site Alternative should be approved, and any remaining unmitigated environmental impacts attributable to the project are outweighed by the following specific environmental, economic, fiscal, social, housing and other overriding considerations, each one being a separate and independent basis upon which to approve the Project. Substantial evidence in the record demonstrates the County would derive the following benefits from adoption of the Pacific Coast Site Alternative:

A) The project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible.

B) It offers the County a sufficiently sized parcel (approximately 27 acres) to build a facility accommodating the identified need of 366 beds with area to expand to 526 beds in the future whereas because of size limitations, the Downtown Site Alternative would restrict the number of beds to 398. The Pacific Coast Site is also more desirable than the adjacent Boca Parcel, which at 55 acres is more than double the space the County needs for the new jail project. The additional space on the Boca Parcel would result in an inefficient use of the property space and would have been more costly to purchase. (See Memorandum from Principal Management Analyst Liz Habkirk dated March 21, 2014 incorporated here by reference.)

C) The costs associated with acquisition of the Pacific Coast Site at approximately $6.6 million dollars with an estimated additional $77 Million for construction and development costs are significantly lower than the projected $114 Million dollars needed to develop the Downtown Site Alternative or the projected $80 Million needed to develop the Boca Parcel. (See Memorandum from Public Works Director Steven Lederer dated March 24, 2014 and Memorandum from County Executive Office entitled “Revised Jail Bed Projections and Site Alternatives” dated November 13, 2012 incorporated here by reference.)

D) Locating the new jail out of downtown on the Pacific Coast Site will reduce the potential for incompatible land uses. Downtown Napa that has undergone revitalization and redevelopment over the years with many new commercial uses including, but not limited to, retail, restaurants and eateries, lodging, day spas, offices and residential uses along the Napa River waterfront. These uses and the promenade along the Napa River are intended to attract tourists and residents. Although the new jail would be designed to be consistent with surrounding development, as this area continues to grow and develop, community and business interests expressed concern that constructing an approximately 202,000 square foot jail in the midst of this commercial water front area may result incompatible land uses or conflicts. The Pacific Coast Site is in an industrial area several miles away from downtown and therefore would have no potential to harm the revitalization efforts occurring in downtown Napa. (See Memorandum from Principal Management Analyst Liz Habkirk dated March 21, 2014 incorporated here by reference and Memorandum from County Executive Office entitled “Revised Jail Bed Projections and Site Alternatives” dated November 13, 2012 incorporated here by reference.)

E) The Pacific Coast Site is a flat parcel located close to Highway SR 221 which makes construction, development, and extension of infrastructure including site access less costly compared to the Boca Parcel which is hillier and further from Highway SR 221. (See Memorandum from Public Works Director Steven Lederer dated March 24, 2014 incorporated here by reference.)

F) Development of the Pacific Coast Site could result in some unused portions of the existing Hall of Justice building being demolished or remodeled to house commercial space, offices or other County administrative functions thus potentially generating revenue to the County and/or providing additional options for locating other County administrative offices and functions. (See Memorandum from Public Works Director Steven Lederer dated March 24, 2014 incorporated here by reference.)

G) Many of the abandoned and dilapidated buildings that were located on the Pacific Coast Site were demolished by the property owner for safety and other reasons independent of the purchase and sale of the site to the County thus saving time, demolition costs and rendering the site in “shovel ready” condition. (See Memorandum from Public Works Director Steven Lederer dated March 24, 2014 incorporated here by reference.)

H) The size and layout of the Pacific Coast Site allows for the construction of an efficient jail in that the housing units can be designed using a “floor mezzanine” style that allows for greater visibility of inmates by fewer staff thus reducing operation costs and improving security over a vertical jail such the Downtown Alternative which requires movement of inmates between floors through elevators and a greater staff to inmate ratio. It also provides the opportunity to build a state-of-the-art facility with adequate mental health, medical and programming space as well as outdoor recreation space in conformance with State and constitutional mandates. There is also ample space on site to locate the staff secure facility adjacent to the new jail rather than on a separate parcel. (See Memorandum from Principal Management Analyst Liz Habkirk dated 21, 2014 incorporated here by reference and Memorandum from County Executive Office entitled “Revised Jail Bed Projections and site Alternatives” dated November 13, 2012 incorporated here by reference.)

I) Because the Pacific Coast Site is “shovel ready” construction would finish faster, in approximately one 24 to 30 month phase versus four phases over 52 months projected for demolition and redevelopment of the Downtown Alternative. Furthermore, the existing jail would continue to be used until the new jail has been constructed at the Pacific Coast Site thus avoiding the need to relocate inmates to temporary secure facilities and saving temporary inmate housing costs estimated be $7.9 million dollars for the construction period. (See Memorandum from County Executive Office entitled “Revised Jail Bed Projections and Site Alternatives” dated November 13, 2012 incorporated here by reference.)

J) The County was awarded a grant in the amount of $13,474,000 from the Board of State and Community Corrections for funding a new portion of the new jail facilities. Pursuant to the terms of the grant, the County must be in possession a suitable jail site no later than April 15, 2014 to avoid forfeiture of the grant funds. The County contacted and attempted to negotiate with the owners of both the Pacific Coast Site and the Boca Site but negotiations with the owner of the Boca parcel were unsuccessful. On October 15, 2013, the County entered into an option agreement with WHAL Properties, L.P. for purchase of the Pacific Coast Site. Purchase of the site was expressly contingent upon the County completing its due diligence investigations of the site to determine the suitability and feasibility of constructing the new jail on the site, and upon completion of the CEQA process. From mid-October 2013 to mid-March 2014, the County conducted various environmental and economic investigations and ultimately determined the Pacific Coast Site to be suitable and the most feasible location to construct the new jail facilities. By having already completed its due diligence investigations, the County is now in a position to act quickly to consummate the purchase and possess the Pacific Coast Site prior to the grant deadline on April 15, 2014. Adoption of and acquisition of the Pacific Coast Site will ensure that the County receives the much needed grant money to assist with the construction costs for the new jail. (See Memorandum from Public Works Director Steven Lederer dated March 24, 2014 incorporated here by reference.)

# SECTION 12. Recirculation is Not Required.

In the course of responding to comments received during the public review and comment period on the Draft EIR, certain portions of the Draft EIR have been modified and some new information amplifying and clarifying information in the Draft EIR has been added to the Final EIR.

Adoption and implementation of the Pacific Coast Site Alterative will not result in any significant environmental impacts not identified in the Draft EIR or result in a substantial increase in the severity of a significant environmental impact identified in the Draft EIR. Since release of the Draft EIR, the County has continued to refine the features of the County Jail Project. As a result of these planning and design refinements, the County Jail Project has undergone minor modifications that have been identified in the Final EIR. (See FEIR, pages 2-1 through 2-5.) There are no substantial changes in the County Jail Project or the circumstances under which the project is being undertaken that necessitate revisions of the Draft EIR, nor has significant new information become available. “Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” (14 Cal Code Regs. Section 15088.5(b).) The Board of Supervisors hereby determines, based on the standards provided in Public Resources Code Section 21092.1 and Section 15088.5 of the CEQA Guidelines, that recirculation of the Draft EIR is not required prior to adoption of the Pacific Coast Site Alternative.

# SECTION 13. General Plan Consistency.

The property is zoned Industrial and has a General Plan designation of “Study Area.” The property has been in industrial use for several years. In order to accommodate the new jail, the County will need to amend the General Plan to change the land use designation from Study Area to Public Institutional and make necessary changes to the General Plan text and map.

The Board of Supervisors hereby finds that implementation of the Pacific Coast Site Alternative is consistent with the Napa County General Plan and concurs with the analysis, findings and conclusions set forth in the “General Plan Consistency Analysis” incorporated here by reference.

# SECTION 14. Record of Proceedings.

The environmental analysis provided in the Draft and Final EIR and the Findings provided herein are based on and are supported by the following documents, materials and other evidence, which constitute the Administrative Record for the County Jail Project:

1) The NOP, comments received on the NOP and all other public notices issued by the County in relation to the County Jail Project (e.g., Notice of Availability).

2) The Draft EIR, associated appendices to the Draft EIR and technical materials cited in the document.

3) The Final EIR, including comment letters, oral testimony and technical materials cited in the document.

4) All non-draft and/or non-confidential reports and memoranda prepared by the County and consultants related to the EIR, its analysis and findings.

5) Minutes and transcripts of the discussions regarding the County Jail Project and/or project components at public hearings or scoping meetings held by the PBES Department and the Board of Supervisors.

6) Staff reports associated with Board Meetings on the County Jail Project and supporting technical memoranda.

7) All files, documents and records related to the County Jail Project.

# SECTION 15. Location and Custodian of Records.

The documents and other materials that constitute the record of proceedings on which the Board’s findings regarding the mitigation measures and alternatives and statement of overriding considerations are based are located at the office and in the custody of the Napa County Planning, Building and Environmental Services Department, at 1195 Third Street, Suite 210, Napa, California. The location and custodian of these documents is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 Cal. Code of Regulations section 15091(e).

# SECTION 16. Adoption of the Pacific Coast Alternative and Related Actions.

The Board hereby:

A) Adopts the Mitigation Monitoring and Reporting Program (dated January 30, 2014);

B) Adopts the Pacific Coast Site Alternative;

C) Authorizes the Chairman of the Board to exercise the option and sign the Purchase and Sale Agreement (as approved by County Counsel) with Whal Properties, L.P. for the Pacific Coast Site to develop the County Jail Project; and

D) Authorizes the County Executive Officer to sign any and all documents related to the Purchase and Sale Agreement as approved by County Counsel.

# SECTION 17. Filing Notice of Determination.

The Board hereby directs the Director of the PBES Department to file a Notice of Determination regarding the County Jail Project and Pacific Coast Site Alternative within five business days of adoption of this Resolution.

# SECTION 18. Effective Date.

This Resolution shall take effect immediately upon its adoption.

The foregoing resolution was read, considered, and adopted at a regular meeting of the Board of Supervisors of Napa County, State of California, on the 8th day of April, 2014 by the following vote:

AYES: SUPERVISORS DILLON, CALDWELL, LUCE, WAGENKNECHT

and DODD

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

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MARK LUCE, Chairman

Napa County Board of Supervisors

ATTEST: GLADYS I. COIL

Clerk of the Board of Supervisors

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| **APPROVED AS TO FORM**  **Office of County Counsel**  By: Laura J. Anderson (by e-signature)  Deputy County Counsel  Date: March 25, 2014 | **Approved by the Napa County**  **Board of Supervisors**  Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Processed by:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Deputy Clerk of the Board |