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MEMORANDUM

To: Conservation, Development, and
Planning Commission

From: John McDowell
Deputy Planning Director
Laura Anderson
Deputy County Counsel

Date: January 18, 2012

Re: Aetna Spring Retreat
Categorical Exemption Determination
Use Permit Modification P11-00385-MOD

Pursuant to Section 303 of Napa County's Local Procedures for Implementing the California Environmental Quality Act (CEQA), the Planning Division has prepared this environmental evaluation of the proposed Aetna Springs Retreat Use Permit Modification (File No. P11-00385-MOD). This is a proposal to rehabilitate and modify an existing historic resort located in northern Pope Valley with no expansion in use. Staff recommends that the Commission find the project Categorically Exempt from the provisions of CEQA, based on the rationale provided herein, and as supported by the technical studies included in the project staff report and administrative record for the project.

PROJECT DESCRIPTION:

The applicant requests approval of a Use Permit Major Modification to Use Permit 96349-UP for the existing historic Aetna Springs Retreat / Resort to facilitate its reopening and including the following: 1) alteration, primarily consisting of interior room reconfiguration, and rehabilitation of existing historic structures in accordance with the Secretary of the Interior's Guidelines for the Rehabilitation of Historic Buildings to existing overnight lodging accommodations with no increase in the existing maximum of 200 guests on weekends and 100 guests on weekdays; 2) relocation of five existing buildings out of the County-established stream setback for Aetna Springs Creek; 3) replacement of the existing swimming pool located within Aetna Springs Creek with a new swimming pool located outside of stream setbacks; 4) Restoration of historic stone bridge crossing Aetna Springs Creek; 4) minor reconfiguration and improvement of the existing western parking lot for approximately 150 vehicles; 5) addition of approximately a 450 sq. ft. to the Social Hall for ADA accessible bathrooms and storage; 6) construction of the approximately 12,000 sq. ft. Owens/Owner's building for guest lodging in the same location as the original Owens/Owner's structure lost to fire and later demolished in the 1950's; 7) realignment and improvement of internal access roads; 8) installation of two additional water storage tanks; 9) replacement of the existing substandard septic system located partially within the stream setback of Aetna Springs Creek to a new location outside of stream setbacks; 10) implementation of a stream restoration plan for Aetna Springs Creek within the project area; 11) implementation of a bat roosting plan for the protection of bat species residing within

the project area; 12) increase the number of employees from 25 (on-site) resident employees to a maximum of 120 employees over three shifts with a maximum of 45 employees on any shift. The application also includes continuation of all of the following historic uses included within existing Use Permit 96349-UP: a) overnight lodging for 200 guests on weekends, and 100 guests on weekdays; b) religious retreat activities including but not limited to reflection, meditation, yoga, prayer, singing, contemplation, weddings; c) education activities such as seminars, art exhibits, wine appreciation and tastings, nature studies; d) recreational activities including golf, tennis, swimming, court sports, field sports, children's games, fishing, hiking, horseback riding cycling; e) spa experiences with wellness and fitness classes; f) hosting private events and meetings; and g) food and beverage service for guests and event participants (not open to general public).

The resort / retreat component of the project which is subject to the use permit modification is located on approximately 80 acres within the overall 672 acre common holding that comprises Aetna Springs. The project site is located on Aetna Springs Road approximately a ½ mile west of its intersection with Pope Valley Road/Butts Canyon Road within the northern portion of Pope Valley.

EXISTING CONDITIONS AND SURROUNDING LAND USES:

As noted in the project description, the project area is an existing and entitled resort/retreat development. It is a significant historic site with a well documented history of resort use dating back to the mid-1800's. Presently, the resort buildings are in various degrees of disrepair. Several of the main buildings, such as the social hall and dining hall are in fair to good condition, whereas most of the historic lodging units cannot currently be occupied without significant repair, or in some cases total replacement. These unoccupied structures have essentially been unmaintained or under maintained for roughly the last 30 to 50 years under prior ownership. The project area is presently designated as a historic district on the National Register of Historic Places, and is locally designated by Napa County Landmarks as one of Napa County's ten most threatened treasures.

Aetna Spring Creek runs through the middle of the historic resort area. Historically, there were four bridges crossing the stream. Three still exist as follows: 1) the western vehicle bridge is well maintained and in regular use providing access to vineyards south of the creek; 2) a wooden and stone footbridge located near the Lawton structure is largely intact but in need of major repair; and 3) just to the east is an intact and functional concrete and stone in-channel footpath accessing the historic swimming pool. The stone footings of the fourth bridge are all that remains of the fourth bridge, which was a stone and wood structure near the Soda Fountain.

Several other historic features are located within the creek channel and within County established stream setbacks, including existing roads, pedestrian pathways, non-native landscaping, several buildings, a swimming pool, an abandoned mine shaft, an abandoned mineral spring, and rock retaining walls.

Just to the north of the historic resort and across Aetna Springs Road is the foundation of the original owner's residence, which was built in 1904 and burned in 1908. It was not ultimately demolished until sometime in the 1950's. The old foundation rests a short distance down the hill from the modern golf course clubhouse constructed three years ago. There are four tennis courts, a historic barn and a number of maintenance buildings located between the resort and the nine hole golf course all located north of Aetna Springs Road. To the south of the historic resort is an existing vineyard managed by Aetna Springs. The remainder of the 672-acre holding is primarily undeveloped oak woodland hillsides containing several fire roads, some unmaintained trails, and earthen dam reservoirs that provide irrigation water for the golf course, and were historically used as swimming, boating and fishing ponds.

Properties surrounding Aetna Springs consists of a range of large-lot rural/agricultural private holdings. There are several houses and vineyards on these properties, but much of the land is either vacant or used for livestock

grazing. The nearest residences are located to the west of the project site off of Aetna Springs Roads. These neighbors access their property by Aetna Spring Road through the project site.

OTHER AGENCIES WITH JURISDICTION:

State Department of Fish and Game: This agency has approval authority over the proposed stream restoration plan.

Sacramento Valley Region, State Regional Water Quality Control Board: This agency has approval authority of the regulated water system (both drinking water and sewage), and the proposed stream restoration plan. This agency will administer a Storm Water Pollution Prevention Plan (SWPPP) in concert with the County Public Works Department to control construction and post-construction related runoff.

APPLICABLE CEQA STATUTE AND CATEGORICAL EXEMPTION CLASSIFICATIONS:

The CEQA Guidelines include a list of classes of projects which the State has determined do not have a significant effect on the environment and thus are exempt from CEQA. If a project fits into one or more of these classes, it is categorically exempt from CEQA. An agency may combine several exemptions to find an entire project exempt. *See, e.g., Surfrider Found. v. California Coastal Commission*, 26 Cal.App.4th 151 (1994) and *Madrigal v. City of Huntington Beach*, 147 Cal.App.4th 1375 (2004). Based upon staff's analysis of the project and related studies, staff has concluded that the project is exempt from CEQA pursuant to one or more categorical exemptions discussed below.

The Class 1 exemption "consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." Examples of this exemption include, among others: (1) interior or exterior alterations, (2) existing streets, trails and similar facilities, (3) restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety, (4) additions to existing structures of up to 50 percent of the floor area of the structures before the addition or 2,500 square feet, whichever is less, (5) maintenance of existing landscaping, native growth and water supply reservoirs, and (6) maintenance of stream channels (clearing of debris) to protect fish and wildlife resources. As additional examples of projects qualifying for the Class 1 exemption, the County's Local Procedures for Implementing CEQA include reconstruction, replacement and minor expansion of existing streets and roads (e.g., widening a paved roadway by less than 8 feet or adding up to 4 foot wide foot shoulders) and working on clear-space bridge structures, reconstructing existing stream crossings and making minor operational improvements to drainage facilities provided that the construction of temporary stream bypasses is not involved. The entire restoration and rehabilitation of the Retreat would qualify for the Class 1 exemption. In particular, all of the following project components are exempt pursuant to the Class 1 exemption: relocation of the buildings, swimming pool and parking area; minor addition to the Social Hall Building; realignment of internal vehicular circulation roads; and restoration of the bridges.

The Class 2 exemption consists of "replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including . . . [r]eplacement of a commercial structure with a new structure of substantially the same size, purpose and capacity." CEQA Guidelines section 15302. A substantial modernization of a cement manufacturing plant, including replacement of production kilns and air pollution control equipment, repositioning of structures so as to reduce visual impacts, and the option to burn coal in addition to natural gas and oil, was held to be an exempt project under the Class 2 exemption. *Dehne v. County of*

Santa Clara, 115 Cal.App.3d 827, 837-838 (1981). The entire restoration and rehabilitation of the Retreat would qualify for the Class 2 exemption. Specifically, the following project components are exempt pursuant to the Class 2 exemption: relocation of the buildings, swimming pool and parking area; realignment of internal vehicular circulation roads; restoration and rebuilding of the three historic structures; and restoration of the bridges.

The Class 3 exemption consists of “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.” CEQA Guidelines section 15303. Examples of this exemption include “[a] store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area”; various utility extensions, including street connections; and “[a]ccessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.” *Id.* The following project components are exempt pursuant to the Class 3 exemption: relocation of the swimming pool and parking area, minor addition to the Social Hall building, shifting uses among buildings on site, installation of utilities and restoration and rebuilding of the Plumbing Shop and Garage buildings. Given the size of the proposed Owens Residence, it would not qualify for the Class 3 exemption. However, reconstruction of this structure would qualify for the Class 2 and/or Class 31 exemptions.

The Class 4 exemption consists of “minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature scenic trees except for forestry and agricultural purposes.” CEQA Guidelines section 15304. Examples include grading on land with a slope of less than 10 percent (except in wetlands and specified sensitive environmental areas), new gardening or landscaping, and minor trenching and backfilling where the surface is restored. As additional examples of projects qualifying for the Class 4 exemption, the County’s Local Procedures for Implementing CEQA include new access roads and driveways (longer than 300 feet and resulting in less than 2,000 cubic yards of grading) that would not disturb more than 2 acres of land, not traverse slopes that are steeper than 29.9% and not discharge concentrated runoff within a stream setback area. The realignment of the internal vehicular circulation roads would qualify for the Class 4 exemption.

The Class 8 exemption “consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process includes procedures for protection of the environment.” CEQA Guidelines section 15308. The County’s approval of the Creek Restoration Plan qualifies for the Class 8 exemption.

The Class 11 exemption “consists of construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities . . .” CEQA Guidelines section 15311. Examples of activities that fall within this category include on-premise signs, small parking lots, and placement of seasonal or temporary use items. *Id.* The project would likely include such items. For instance, the following project components would qualify for the Class 11 exemption: relocation of the swimming pool and parking area, minor addition to the Social Hall building and restoration of the bridges.

The Class 31 exemption “consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.” CEQA Guidelines section 15331. The project consists of rehabilitation and restoration of the Retreat in accordance with the Secretary of the Interior’s Standards. Thus, the entire project is exempt pursuant to the Class 31 exemption. Specifically, restoration of all existing buildings and rebuilding of the three historic structures as well as restoration of the bridges would qualify for the Class 31 exemption.

The Class 33 exemption “consists of projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife. . . .” This exemption is contingent upon the project not resulting in significant adverse impact on endangered, rare or threatened species; that there are no hazardous materials at or around the project; and that the project will not result in significant impacts when viewed in connection with the effects of past projects. The restoration project includes: revegetation of disturbed areas with native plant species; restoration and enhancement of habitat; will be carried out principally with hand labor and not mechanized equipment; and stream bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce erosion and sedimentation.

The entire restoration and rehabilitation of the Aetna Springs Resort project would qualify for the Class 1, Class 2, Class 31 and/or Class 33 exemptions, any of which could apply independently. Alternatively, the project is exempt from CEQA because its constituent parts qualify for one or more categorical exemptions. For instance, relocating the Retreat structures out of the Creek setback area (or further from the Creek in the case of the Caroline building) would qualify for the Class 1 and/or Class 2 exemptions. The relocation of the swimming pool and parking area would qualify for the Class 1, Class 2, Class 3 and/or Class 11 exemptions. The minor addition to the Social Hall building would qualify for the Class 1, Class 3 and/or Class 11 exemptions. The swapping of uses from one building to another on site and installation of utilities would qualify for the Class 3 exemption. The restoration and rebuilding of all or some of the three non-extant historic structures would qualify for the Class 2, Class 3 and/or Class 31 exemptions. The realignment of internal vehicular circulation roads would qualify for the Class 1, Class 2 and/or Class 4 exemptions. Finally, restoration of the Creek per the Creek Restoration Plan would qualify for the Class 8 exemption and restoration of the bridges would qualify for the Class 1, Class 2, Class 11, Class 31 and/or Class 33 exemptions.

As noted, a categorical exemption under CEQA cannot be used if certain exceptions apply. CEQA Guidelines § 15300.2. An agency’s determination that an activity is categorically exempt constitutes an implied finding that none of the exceptions to the exemptions exists and an agency thus is not required to specifically find that none of the exceptions apply. *Association for Protection of Environmental Values v. City of Ukiah*, 2 Cal.App.4th 720, 731 (1991). If someone believes that an exemption does not apply, they must supply evidence to show that one or more specified exemptions are met. Nonetheless, here the applicant (in consultation with staff as to which issues to address and methodologies to employ) submitted numerous environmental studies. Staff has independently evaluated these reports and concurs in the findings.

There is a split in the case law as to whether the substantial evidence or the fair argument standard of review applies to any claim that an exception applies. The substantial evidence standard is a more deferential standard of review than the fair argument standard that applies to an agency’s adoption of a negative declaration. In applying the “substantial evidence” standard, the question is whether substantial evidence in the record supports the agency’s decision. By contrast, in applying the “fair argument” standard, the question would be whether any substantial evidence in the record supports a fair argument that the project may have a significant effect on the environment. CEQA Guidelines section 15064(f)(1); *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d 68 (1974). County staff finds that none of the exceptions would apply here even if the more stringent fair argument standard were to apply.

To determine whether an exception applies, one must evaluate the impacts of the project against the existing environmental setting. The environmental setting (or baseline) normally consists of the existing environmental conditions in the vicinity of the project as they exist at the time environmental analysis is commenced. CEQA Guidelines section 15125. However, there are notable exceptions to the use of existing conditions as the baseline. For instance, the baseline includes fully permitted operations if the project involves either: (1) subsequent environmental review under Public Resources Code section 21166 for modification of a previously analyzed project, or (2) approvals allowing the continuation of an existing operation without significant expansion of use

and thus qualifying for a categorical exemption as an existing facility under CEQA Guidelines section 15301. *Communities for a Better Environment v. South Coast Air Quality Management District*, 48 Cal.4th 310, 326 (2010). Both of these exceptions apply here such that the baseline is properly full operation of the Retreat under the Use Permit.

An EIR was prepared and certified by the County for the original 1986 use permit authorizing retreat uses (including overnight accommodations) on the site. The County adopted a mitigated negative declaration for the 1997 Use Permit allowing continued use of the site for retreat purposes. Since the proposed modification to the Use Permit involves changes to an existing project for which prior environmental review was conducted, the project arises in a subsequent environmental review context. See, e.g., Public Resources Code section 21166 and CEQA Guidelines section 15162 (specifying that when an EIR or negative declaration has been prepared for a project, further environmental review shall only be required in limited circumstances); see also, CEQA Guidelines section 15162; *Fairview Neighbors v. County of Ventura*, 70 Cal.App.4th 238, 242-243 (1999); *Benton v. Board of Supervisors*, 226 Cal.App.3d 1467, 1484 (1991) and *Temecula Band of Luiseno Mission Indians v. Rancho Cal. Water District*, 43 Cal.App.4th 425, 437 (1996). In *Benton*, a case arising out of Napa County, the court upheld the County's adoption of a negative declaration for the change in location of an approved winery project that had already undergone environmental review, noting that "[t]he county properly considered only the incremental differences between the original project and the modification when evaluating whether the modifications to the original proposal would result in any significant environmental impacts." 226 Cal.App.3d at 1484.

Because the project arises in a subsequent environmental review context and/or because it qualifies for the Class 1 Exemption, CEQA review of the project may properly rely on the permitted baseline. This means that the only environmental impacts that need be evaluated in connection with the project are impacts that are different from or greater than those that were authorized by the Use Permit. The Use Permit authorized overnight lodging for up to 200 guests and associated uses. The project does not propose any changes to the number of overnight guests and will only result in minor increases in water and wastewater use. Nonetheless, the studies submitted in connection with the project application analyzed the potential impacts of the project compared to actual, existing conditions. These include: Civil Review Letter, Sanitary Sewage Wastewater Feasibility Study, Water Availability Study, Historical Water Usage, Groundwater Recharge Analysis, Traffic Impact Analysis, Supplemental Traffic Impact Analysis, Biological Resources Report, Bat Roost Compensation Plan and Approach to Addressing Valley Mine Features. Even compared to the existing conditions, the studies support the conclusion that none of the exceptions apply.

A categorical exemption may not be used for a project if "there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." CEQA Guidelines section 15300.2(c) (the "Unusual Circumstances Exception"). Application of this test involves two distinct inquiries: (1) whether the project presents unusual circumstances and (2) whether there is a reasonable possibility of a significant environmental impact resulting from those unusual circumstances. *Banker's Hillcrest, Park West Community Preservation Group v. City of San Diego*, 139 Cal.App.4th 249, 278 (2006). "A negative answer to either question means the exception does not apply." *Santa Monica Chamber of Commerce v. City of Santa Monica*, 101 Cal.App.4th 786, 800 (2002). "[W]hether a circumstance is 'unusual' is judged relative to the *typical* circumstances related to an otherwise typically exempt project." *Id.* at 801. In particular, the Unusual Circumstances Exception applies where "the circumstances of a project differ from the circumstances of projects covered by a particular categorical exemption, and those circumstances create an environmental risk that does not exist for the general class of exempt projects." *Banker's Hill*, *supra*, 139 Cal.App.4th at 278. Here, not only is there no indication of a significant impact, but there is also no unusual circumstance.

In some cases, courts have ruled that the Unusual Circumstances Exception precluded an agency's reliance on a categorical exemption. For instance, in *Azusa Land Reclamation Company, Inc. v. Main San Gabriel Basin Watermaster*, 52 Cal.App.4th 1165 (1997), the court found unusual circumstances given the nature and size of the proposed project, i.e., *an 80 acre unlined solid waste landfill atop a groundwater basin*, and found that the project did

not qualify for the Class 1 exemption because there was evidence that the landfill was leaking and would continue to leak leachate into the groundwater thereby contributing to degradation of the basin. 52 Cal.App.4th at 1205. By comparison, in several cases, the courts have ruled that the Unusual Circumstances Exception did not preclude reliance on the use of categorical exemption because there was no evidence of adverse environmental impacts due to unusual circumstances. See, e.g., *Banker's Hill*, *supra* (court upholds agency's reliance on categorical exemption for 14-story, multi-family residential building finding no substantial evidence of fair argument of impacts related to shadows, views, community character or traffic).

Based on the evidence received and reviewed by the County, the Unusual Circumstances Exception would not preclude the County's reliance on categorical exemptions in this case. First, there are no unusual circumstances associated with the project that sets it apart from the types of projects for which the exemptions were intended to apply. Rather, the use is compatible with its surroundings, there are no hazardous materials on the site nor would the project appear to result in any adverse air or other emissions. Moreover, reuse of the Retreat for overnight lodging and other purposes for which it was originally constructed comports with the typical projects for which the exemptions were intended to apply. See, e.g., *City of Pasadena*, *supra* (court observes that continued use of building for office purposes does not constitute significant adverse environmental impact). The project is not of the nature or magnitude of the landfill at issue in *Azusa* nor would it be placed on a sensitive drinking water aquifer as was the case there. Further, the project would restore and rehabilitate a historic resource and not result in potential adverse changes to a historic resource as was the case in *Committee to Save the Hollywood Land Specific Plan*. Since there are no unusual circumstances, there can be no significant effects arising from unusual circumstances. Even assuming that there were unusual circumstance here, as demonstrated by the plans and studies prepared by the applicant's expert consultants (which have been thoroughly and independently reviewed by County staff), the project will not result in any significant environmental impacts.

In short, the Unusual Circumstances Exception would not preclude reliance on the above-mentioned categorical exemptions in connection with the County's action on the project.

The Class 3, 4, 5, 6 and 11 exemptions apply except where, due to the location of the project, it may impact an environmental resource of hazardous or critical concern that has been designated, precisely mapped and officially adopted by a government agency. CEQA Guidelines section 15300.2(a) (the "Location Exception"). For example, construction of a new home within a designated stream conservation area was not categorically exempt from CEQA due to the Location Exception. *Salmon Protection and Watershed Network v. County of Marin*, 125 Cal.App.4th 1098 (2004).

While the County Code requires that development be set back from creeks, the Creek is not a designated resource of critical concern. Moreover, it has been determined that there will be no impact (except beneficial) to any environmental resource of critical concern, including any that may have been designated, mapped and approved. The project would move certain buildings and part of a parking lot from within the Creek setback to outside the Creek setback area, restore the Creek in accordance with the Creek Restoration Plan and restore all historic buildings in accordance with the Secretary of the Interior's Standards per the Preservation Plan. These essential project components will result in beneficial changes to the existing environment. Thus, the Location Exception does not preclude the County's reliance on the Class 3, 4 and 11 exemptions here.

DISCUSSION OF POTENTIAL IMPACT AREAS:

Aesthetics: The project is set in the northern end of Pope Valley adjacent to a one-lane, dead end public road resting on the lowest eastern flanks of the Palisades Ridge. Visibility into the site from nearby Pope Valley Road/Buttes Canyon Road, the main public road traversing this area, is quite limited. CEQA criteria addressing potential aesthetic impacts focus on a project's potential to impact scenic resources or vistas. In this case, the project is the area's scenic resource. Surrounding properties, in concert with the project site convey a great deal of

what is Pope Valley's rural character and charm. The property improvements, although in distress, are visually stunning containing a vast array of largely intact historical structures set amongst mature trees on the banks of Swartz Creek.

This proposed action would result in the restoration and minor alteration of these significant historic and aesthetic resources, preserving them for future generations. Proposed restoration and improvement plans have been prepared by Architectural Resource Group (ARG), a leading architectural preservation and planning firm with substantial past experience working on other historic structures in Napa County. Project plans incorporate ARG's rehabilitation requirements, and are consistent with Secretary of Interior's Standard for Rehabilitating Historic Structures.

Consequently, it could be argued from an aesthetic standpoint that failure to implement the project could result the loss of these significant structures, and thus cause a significant change to environment. Although that is not a valid CEQA conclusion, it is worthy of mention when considering the proposed project's potential to impact an aesthetic resource. To save this aesthetic resource, improvement and alteration of it to some degree is an absolute necessity. Therefore, the question at hand in applying CEQA, and evaluating potential impact to an aesthetic resource, is to determine whether the improvement/alteration necessary to save the resource also collaterally damages the quality of that resource. In this case, it is very apparent the proposed project has been designed in an aesthetically sensitive manner that results in minimal change to that of the existing setting. The project will not alter any nearby scenic resources nor discernibly change the visual setting of the site itself. The overall complex of historic structures will be saved and reused in a fashion consistent with their originally intended purpose. Alterations to the site consist of minor relocations of structures; construction of a new, replacement structure (Owens/Owners Building) of similar mass and scale as the original structure; and landscaping and site improvements complimentary to the overall design and in keeping with the historic context. These factors clearly indicate that the project, as proposed, does not have any potential to affect aesthetics.

Agriculture and Forest Resources: The project does not involve the removal, replacement or alteration of any existing agricultural resources or stands of harvestable timber. Project improvements involve restoration and minor alteration of existing resort improvements within a previously developed area with the exception of a new parking area adjacent to the resort and construction of 2 additional water supply tanks on a nearby hill. Mature trees located within the project site consist of oaks and other non-commercial hardwoods. No healthy native trees will be removed or otherwise damaged. There is no potential for the project to impact harvestable timber resources or significantly impact oak woodlands.

Existing vineyards adjoin the western portion of the resort and are separated by an existing vineyard/maintenance road. The vineyard is owned and operated by the applicant/property owner. Project improvements in this area consist of restoration and reuse of the structures for overnight accommodations. Lodging guest will be treated to vineyard views. Being that vineyard is owned and operated by the project owner and operator, it is unlikely that these lodging units will result in complaints causing the removal and/or abandonment of the vineyards. These adjacent vineyards were planted at some point in the 1990's (based on aerial photographs), whereas the lodging units have existed since the early 1900's.

Air Quality: The project site is located within the San Francisco Bay Area Air Basin and is thus within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The project would not conflict with or obstruct implementation of any applicable air quality plan. In order to avoid potential adverse construction-related air quality impacts, the County will impose standard dust control measures and emission control measures as conditions of approval on the project. *See, e.g.,* General Plan, Policy CON-81 and Policy CON-85. BAAQMD has developed screening criteria to determine whether a project may have potentially significant air quality impacts. Projects below the applicable screening criteria would not result in the generation of operation-related criteria air pollutants and/or precursors that exceed BAAQMD's thresholds of significance and operation

of the project would likewise result in a less than significant cumulative air quality impact (BAAQMD CEQA Guidelines, p. 3-1). For overnight lodging uses, the construction criteria pollutant screening size is 554 rooms for reactive organic gases and the operational criteria pollutant screening size is 489 rooms for nitrogen oxide. BAAQMD CEQA Guidelines, Table 3-1. At maximum, the project will accommodate 200 guests and thus will have far fewer rooms than those specified by the screening criteria. Thus, the project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Likewise, the project will not result in a cumulatively considerable new increase of any criteria pollutant for which the region is non-attainment under an applicable federal or state ambient air quality standard. The project site is surrounded by agricultural, rural residential, commercial and recreational vehicle storage uses. Given the nature of the project, its location and the surrounding land uses, potential exposure of sensitive receptors to substantial pollutant concentrations or odors is considered less than significant. In sum, the project will not result in any significant air quality impacts.

Greenhouse Gas Emissions: The project consists of the continued use of the Retreat property for overnight lodging and associated uses. As shown in the Greenhouse Gas Analysis prepared by LSA Associates, the project will not generate greenhouse gas (“GHG”) emissions, either directly or indirectly, that may have a significant impact on the environment nor will it conflict with an applicable plan adopted for the purpose of reducing the emissions of GHGs. Moreover, recent amendments to Public Resources Code section 21084 make clear that a project’s GHG emissions shall not be deemed to cause a categorical exemption to be inapplicable if the project complies with all applicable plans for the reduction of GHG emissions. The project is expected to comply with all such plans here. Thus, the County is precluded from considering the project’s GHG emissions in determining whether a categorical exemption applies to the project. Nonetheless, the project would result in no significant GHG related impact.

Biological Resources: The Retreat site has previously been developed and the project consists mainly of restoring and rehabilitating existing structures and related facilities. An Assessment of Biological Resources With Botanical, Raptor, Bat and Herptile Surveys of the Retreat was prepared by Northwest Biosurvey. No sensitive plant species were found within the Retreat area. The Retreat area does contain sensitive herptile species (western pond turtle and foothill yellow legged frog) and federal and state listed bat species (Townsend’s big-eared bat and pallid bat). The report also concludes that while a total of 4.17 acres of possible waters of the U.S. are located within the larger Retreat area (including portions of 3 reservoirs, some of which are located on the golf course), none of these waters qualify as wetlands. The report includes recommended modifications of specific Project components and other measures designed to ensure that there will be no potential impacts to sensitive biological resources. Among others, the measures include providing replacement bat roosting habitat at a 1:1 ratio as detailed in the October 13, 2011 Bat Roost Compensation Plan prepared by LSA Associates. All of the recommendations have been reviewed and accepted by the applicant and incorporated into the project description and plans. As such, the project will not have a substantial adverse effect on any candidate, sensitive or special status species. The project will similarly not interfere substantially with the movement of any native resident or migratory fish or wildlife species or impede the use of native wildlife nursery sites.

The project will relocate five existing buildings, all currently within the Creek setback area, to sites further removed from the Creek, as well as relocate the swimming pool use and parking lots outside of the Creek setback area. In addition, the project will restore historic bridges over the Creek and other pathways through the Retreat. Per the recommendations of Northwest Biosurvey, which have been incorporated into the project description and plans, construction equipment will generally not be allowed within 10 feet of the Creek bank top and restoration of the bridges will be conducted in a manner so as to avoid potential impacts to sensitive species and the Creek. The project accordingly will not have a substantial adverse effect on any riparian habitat or other sensitive natural community. Since there are no wetlands on the Retreat site, the project will not result in any substantial impacts to federally protected or potentially sensitive wetlands.

The project does not conflict with any County ordinances or policies regarding protection of biological resources. The proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plans. There are no such plans applicable to the subject parcel. The project will not result in any significant impacts to biological resources.

Cultural Resources: The Aetna Springs Resort was nominated to the National Register of Historic Places in 1987 (Listing No. 87000341). As explained in the Preservation Plan, all buildings will be renovated, rehabilitated or reconstructed in accordance with the Secretary of the Interior's Standards. The County's General Plan states that the County "supports the appropriate rehabilitation and reuse of historic structures in Pope Valley in conformance with the U.S. Secretary of the Interior's Standards for Preservation Projects" and specifically provides that "[p]rojects which follow the Secretary of the Interior's Standards for Preservation Projects shall be considered to have mitigated their impact on the historic resource." General Plan, Policy AG/LU-100 and Policy CC-26. This same principle is reflected in CEQA Guidelines section 15064.5(b)(3). With implementation of the Preservation Plan, the project will not cause a substantial adverse change in the significance of a historical resource, and will in fact ensure the protection and reverse the degradation of a key historic resource.

The project site is not known to contain any significant archaeological or paleontological resources. As explained in more detail below, the project will involve relatively minor grading or excavation construction activities. The County's General Plan contains policies to protect significant archaeological resources from inadvertent damage during grading, excavation and construction activities. For projects that do not have a significant potential for containing archaeological or paleontological resources, the applicant must notify the County Planning Department immediately if any prehistoric, archaeological, or paleontological artifact is uncovered during construction, all construction must stop and a qualified archaeologist must be retained to evaluate the find(s) and recommend appropriate action. General Plan, Action Item CC-23.2. The project will be conditioned to comply with these existing County policies.

The project site is not known to contain any formal cemeteries or otherwise to have been used for the burial of human remains. Nonetheless, if such remains are uncovered, the applicant will be required to notify the County Coroner, and if the remains are determined to be Native American, the procedures outlined in CEQA Guidelines section 15064.5(e) must be followed. General Plan, Action Item CC-23.2. The project will not result in any significant impacts related to cultural resources.

Geology and Soils: The project occurs on a relatively flat site with an average slope of less than 15 percent. The applicant proposes to use as much of the existing infrastructure as possible to minimize disturbance at the site. The project will involve relatively minimal grading (primarily related to drainage improvements). Site grading and utility changes will be designed per the County Code and standards. A grading plan will need to be submitted for review and approval by County staff. Implementation of the project, including restoration of the Retreat buildings, will occur in accordance with pertinent building codes. The County Building Department will ensure that the requirements of such codes have been met prior to issuance of any building permit for the project. The proposed project is not located within any designated Alquist-Priolo earthquake fault zone. According to Napa County Environmental Sensitive Maps (Alquist-Priolo Fault, Liquefaction Overlays), the soil types contained on the Retreat site have very low liquefaction potential and are not considered to be expansive soils. The project site is not known to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project. The project does include replacement of the existing septic tank system on the site with a state-of-the-art system. In order to be approved by County staff, the new system will need to be designed in accordance with County standards and other applicable local or state requirements. The soils on site are capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. In sum, the project will not result in any significant impacts to geology and soils.

Hazards and Hazardous Materials: The project will involve limited transport, use or disposal of hazardous materials. These materials will consist mainly of paints, solvents, oils and landscaping maintenance-related materials. With proper storage, use, handling and disposal of these materials, as required by existing state and local laws, the project will not create a significant hazard to the public or the environment. The project will not emit hazardous emissions or handle hazardous wastes and is not located within ¼ mile of an existing or proposed school. The project site is not on any known list of hazardous materials sites. The project site is not located within an airport land use plan or within 2 miles of any public airport or public use airport. A private airstrip exists in Pope Valley, approximately 5 miles from the Retreat. The Retreat was developed prior to the airstrip and the two uses have co-existed successfully without incident for some time. As such and given the nature of the airstrip and its location relative to the site, the project will not result in a safety hazard for people residing or working within the project area. The project will enhance emergency vehicle access to the Retreat by reconfiguring the internal circulation roads/pathways on the Retreat site. Per the existing conditions imposed on the Use Permit, the applicant will be required to comply with current fire safety requirements of the County Fire Department (consistent with the California Historical Building Code), fires are prohibited on the site without the prior approval of the Fire Department and the applicant must post a notice in a public location informing guests of the fire hazard. *See also*, General Plan, Policy SAF-16 and Policy SAF-20. As such, the project will not increase exposure of people and/or structures to a significant loss, injury or death involving wildland fires. In sum, the project's impacts to hazards and hazardous materials will be less than significant.

Hydrology and Water Quality: The proposed project will not violate any known water quality standards or waste discharge requirements. The project will require preparation and filing of a construction stormwater pollution prevention plan ("SWPPP"), which will ensure that any potential water quality impacts remain at a less than significant level. The applicant will also need to obtain approval of an amended Waste Discharge Order from the San Francisco Regional Water Quality Control Board ("Regional Board") due to the proposed changes in wastewater treatment flows and treatment and associated approvals from the County's Department of Environmental Management.

The project will rely on existing groundwater rights and a County approved well water system for domestic water supplies. The December 2011 Groundwater Recharge Analysis by Summit Engineering confirms that the project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

In addition, due to the large, open surface area of the site, the project will not discernibly change the amount of groundwater filtration or discernibly increase surface runoff from that which currently exists on site. For drainage needs, the project will be designed so that storm water will sheet flow to existing outfalls to the Creek. If collection devices and/or new outfalls are needed, they will be designed in accordance with County standards and approved by the County and any other applicable agencies. The project will not exceed the capacity of the existing drainage system. The proposed project will not substantially alter the drainage pattern on site or cause a significant increase in erosion, siltation or flooding due to alteration of a stream or river. The project will not otherwise degrade water quality.

According to Napa County Resource Maps (Flood Overlay), the site is not located in any FEMA-designated 100-year or 500-year flood zones and thus the project will not impede or redirect any flood flows. The project site is located a considerable distance from San Francisco Bay. In the unlikely event that a tsunami enters the bay, any surge would dissipate well before reaching the Pope Valley area. The project will result in less than significant impacts to hydrology and water quality.

Land Use and Planning: The project would not result in physical division of an established community. The Land Use Element of the County's General Plan designates the site for Agricultural Watershed and Open Space. The General Plan specifically references the applicant's purchase of the Retreat and plans to rehabilitate it.

General Plan, AG/LU-57. The General Plan also states that the County “supports the appropriate rehabilitation and reuse of historic structures in Pope Valley in conformance with the U.S. Secretary of the Interior’s Standards for Preservation Projects.” General Plan, Policy AG/LU-100. The site is zoned Agricultural Watershed (“AW”) pursuant to the County’s Zoning Ordinance. Section 18.20.020.N of the County Code permits in the AW district “[o]vernight lodging in public parks or in structures, at the density and intensity of use (number of units) lawfully developed for such purpose prior to October 13, 1977, provided that such use has a currently-valid [CLN].” The County granted a CLN for overnight lodging uses in February 1997, i.e., prior to issuance of the Use Permit. Thus, at the time the Use Permit was granted, overnight lodging was (and thus remains) a permitted use of the Retreat site. The Use Permit also specifically authorizes a number of accessory uses to the overnight lodging use, including certain recreational activities, food service facilities, common use buildings, and recreational structures. In addition to the above permitted uses, the Use Permit also authorizes three separate categories of uses for which a use permit was (and still is) required by the AW zoning designation: (1) the church use, (2) parks and recreation uses and facilities (including the 9 hole golf course) and (3) camping. County Code sections 18.120.010.B.11, 18.20.030.A, 18.20.020.O. Rehabilitation and enhancement of the historic Retreat is generally consistent with both the General Plan designation and AW zoning district and will not conflict with any policies adopted for the purpose of avoiding or mitigating an environmental effect. Indeed, the project is consistent with various County General Plan policies designed for the purpose of avoiding or mitigating significant environmental impacts, including those pertaining to preservation of historic resources and avoidance of traffic, air quality and noise impacts. A detailed analysis of the project’s consistency with the General Plan is provided as attachments to the Staff Report. The project will not conflict with any applicable habitat conservation plan or natural community conservation plan. The project will not result in any significant land use and planning impacts.

Mineral Resources: Cinnabar mining occurred within the project boundaries at what was known as the Valley Mine, and approximately ¼ mile east of the project site at the Aetna Mercury Mine. Activity at the Valley Mine within the project site occurred sporadically between 1854 and 1890, but ceased when mine shafts filled with mineral water. Exploratory mining occurred again in 1957 to determine if additional ore was available. The currently proposed involves restoring the existing resort/retreat and returning it to active use. No mining is proposed as part of this project, and there no longer is any entitlement existing to allow mining. Although there is some remote possibility that significant mineral resources are present in the vicinity of the site, the current proposal will not have any impact on any mineral resources that may remain.

Noise: Given the location of the project, its density and the surrounding topography, it appears that the project will be consistent with the County’s Noise Compatibility Guidelines and the maximum acceptable noise limits at the nearest sensitive receptor. As such, the project will not expose persons to noise levels in excess of established standards. Temporary construction noise will be required to comply with County noise standards. For instance, construction activities will be limited to daylight hours and use of properly muffled vehicles. Thus, the project will not result in a substantial temporary increase in ambient noise levels in the project vicinity existing without the project. Given the location of the project and the proposed construction activities and methods, the project is not expected to expose persons to or generate excessive ground borne vibration or ground borne noise levels. The anticipated noise levels following the completion of construction will be minimal and typical of rural residential and agricultural areas. Further, per existing conditions imposed on the Use Permit and that would continue to apply to the project, outside activities would be restricted to non-amplified sound and large group meetings would be restricted in remote areas on-site (e.g., above the 800 foot elevation). The project will not result in a substantial permanent increase in noise levels in the project vicinity existing without the project. The project site is not located within an airport land use plan or within 2 miles of a public use airport. The project site is located 5 miles from the Pope Valley airstrip. However, given the location, nature and limited use of the airstrip, people residing or working in the project area will not be exposed to excessive noise levels. In sum, the project will not result in any significant noise impact.

Population and Housing: A total of 120 employees are proposed to cover the three shifts required to operate the 24 hour per day facility. A maximum of 45 employees will be present on site during the busiest shift. Total employees will increase from 25 resident employees permitted in the 1997 use permit. Employees will not reside on site. Residential communities within 30 to 60 minutes commute time to the property include the Berryessa Estates Subdivision, City of Calistoga, City of St. Helena, Angwin, Middletown, Berryessa Highlands, Circle Oaks Subdivision, Hidden Valley Subdivision, City of Napa, Town of Yountville. Berryessa Estates Subdivision and Angwin are the most geographically convenient communities. The addition of 120 jobs will not induce substantial population growth in the area, either directly or indirectly. The project will not result in a cumulatively considerable increase in the demand for housing units within Napa County that is not otherwise addressed and accommodated in the County's General Plan. Infrastructure upgrades will be sized to serve the project and not to accommodate other growth. The project will not displace any existing housing or people, necessitating the construction of replacement housing elsewhere. The project will not have a significant population and housing impact.

Public Services: The project does not result in a discernable change in the demand for public services. As a modification to an existing approved use, the proposal represents no increase in the demand for public services than what currently could occur without the proposed modification. The proposed modification while likely also nominally reduce current demand for public services as a result of the restoration activities being designed to meet numerous current health and safety standards that, without this modification application, may not necessarily be possible. For example, under the current entitlement, buildings could be reconstructed and reopen for business with the issuance of a building permit. Through the building permit process, the County Fire Marshall would require structures to meet minimum fire safety requirements, but would not have a nexus to require upgrades to emergency vehicle access points. The current proposal has been designed to meet current emergency vehicle access requirements, thus improving safety and consequently reducing potential demand for public emergency services.

Other public services related to the development are the schools and law enforcement. The project has been reviewed by the County Sheriff, and found not to result any significant potential change in the number of service calls. The Deputy reviewing the project informally commented that reactivation of the site may actually reduce the potential for service calls as a result of reoccupying vacated structures.

Public schools could be indirectly affected as a result of 120 new employees. It cannot be determined with certainty the number of employees that would have families with school aged children, nor can it be determined where these families would reside. However, based on the application materials and traffic study, it is likely that these employees would reside primarily within 25 miles of the project site. This potential indirect increase in the number of school children attending schools within the overall region does not represent a potential significant impact to public school services for the following reasons: 1) A substantial portion of the resort's new employees will likely already be residing in the overall region with any school aged children already attending the schools; 2) The applicant has indicated that many of the entry level service positions for these types of projects are typically filled by younger, single adults; and 3) The development presently exists and has a use permit for the intended use. The modification being considered does not intensify the overall approved use, although the number of employees is higher than what was referred to in the 1997 use permit. The development could reopen without any discretionary review by the County and return to previous employment levels. This proposed modification does not represent a significant change in the level of employment from that which is already permitted at the site.

Recreation: The project does not result in any adverse effects on recreation. Planned and existing public recreation opportunities in the vicinity of the project site are limited, consisting primarily of the recently reopened Oat Hill Mine Trail/Road. The trail's eastern trailhead is located at the end of Aetna Springs Road approximate 1 mile west of the project site. It is possible, if not likely, that project guests will use this amenity

during the course of their stay, but given this remote locale, the trail will not be impacted as a result of any increase in use caused by this use reopening.

Private recreation is a significant component of current proposal. The current use permit entitles various recreation uses which have also historically occurred within the overall Aetna Springs property. The applicant intends to once again offer those private recreation opportunities as part of this project. Activities include golf (at the adjoining Aetna Spring Golf Course), tennis, horseback riding, hiking, cycling, fishing, and other passive activities. No new recreation facilities will be constructed. Private trails and road currently extend over the various properties within the overall Aetna Springs holding. The golf course and tennis courts also presently exist. The current proposal will not result in changes to the existing recreation features. Change from current conditions will consist solely of these features being more regularly utilized. Given that these features are already exist, there is no potential for these features to cause an impact to the environment as a result of reopening them to regular use.

Transportation/Traffic: The proposed project will not result in an increase in traffic on roadways providing access to the project site that is substantial in relation to the existing traffic load and capacity of the street system. Per the County General Plan, the County seeks to maintain level of service (“LOS”) D or better on all signalized intersections and County roadways. General Plan, Policy CIR-16. The October 2011 Traffic Impact Analysis prepared by LSA Associates concludes that all study area intersections will operate at an acceptable LOS A under existing plus project conditions. In addition, the LSA study found that adequate access to/from the Retreat site will be provided along Aetna Springs Road and that left-turns at the pocket driveways would not be required. A Supplemental Traffic Analysis prepared by LSA Associates on November 21, 2011 similarly concludes that all study area roadways would operate at an acceptable LOS C or better under 2030 plus project conditions. Thus, the project will not result in any significant traffic impact, either on a project level or on a cumulative basis. The project will not have any impact on air traffic patterns and will not substantially increase hazards due to design features or incompatible uses. The project will improve the internal site circulation, thereby enhancing emergency access. Finally, the proposed project would not conflict with any plans or policies promoting the use of alternative transportation. In sum, the project will not result in any significant impacts to transportation or traffic.

Utilities and Service Systems: The project relies on a private water system sourced from groundwater, and a private septic system. As such, the project will not have any impact on public water or sewer service. The private utility systems are designed to meet current standards and have been reviewed and conceptually approved by County Public Works and Environmental Management Departments, as well as the State Regional Water Quality Control Board. Therefore, the project will not result in an impact to private utility services.

Pacific Gas and Electric Company (PG&E) is the power provider for this region. PG&E facilities present extend to the project site. No new transmission facilities will be necessary off-site in order to implement the project. On site power lines will be improved as part of the project. The project will not result in impacts to PG&E’s ability to provide for power needs.

The project will be required to obtain approvals from the County and Regional Board for the proposed improvements to the Retreat’s wastewater treatment system, thereby ensuring that the project will meet wastewater treatment requirements. As detailed in the Sanitary Sewage Wastewater Feasibility Study and Water Availability Study prepared by Summit Engineering, the project will not require construction of any new water or wastewater treatment facilities that will result in a significant impact to the environment. For potable water supply, the project will rely on the Retreat’s existing well water system that was approved by the County’s Department of Environmental Management and has sufficient capacity to meet peak demands for the project. Irrigation water has historically been supplied from surface water diversion sources and this practice is expected to continue. In addition, per the approved modification of the Use Permit for the golf course renovation, the

applicant will treat and recycle wastewater for use on the golf course landscaping, thereby conserving water use on the Retreat site. As detailed in the Sanitary Sewage Wastewater Feasibility Study, the Retreat's existing septic system will be replaced with an improved wastewater treatment and disposal system. Compliance with existing local and state laws will ensure that such improvements will not result in any significant environmental impacts. The project will not require construction of a new storm water drainage facility or expansion of existing facilities that could cause significant environmental effects. The project has been designed so that storm water will sheet flow to existing outfalls to the Creek; if new collection devices and/or outfalls are deemed necessary, they will be designed in accordance with County standards and approved by the County and any other applicable agencies. Other utility improvements (e.g., water, fire protection, electrical) were completed in conjunction with the golf course improvements and stubbed for future use by the Retreat. As applicable, tie-ins to these locations will be shown on plans submitted for plan check review and permitting. The project's solid waste needs will be provided by Upper Valley Disposal Services, which provides waste transfer and landfill disposal with sufficient capacity to meet the project's demands. The project will comply with federal, state and local statutes and regulations related to solid waste. In short, the project will not result in significant impacts to utilities and service systems.

Cumulative impacts: The project site has previously been developed and used for overnight lodging and associated uses since the late 1800s. As demonstrated in the numerous studies submitted by the applicant, the project does not have the potential to degrade the quality of the environment. In particular, the project (including the recommendations within the Northwest Biosurvey report) will not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. The project will rehabilitate and restore the historic Retreat facility and thus will not eliminate important examples of the major periods of California history or prehistory. As demonstrated in the analysis above, the project does not have impacts that are individually limited, but cumulatively considerable. Given the nature and location of the project and its adherence to applicable state and local laws, the project does not pose any substantial adverse effects on human beings, either directly or indirectly.

"[W]hen the cumulative impact of successive projects of the same type in the same place, over time is significant," a categorical exemption cannot be used. CEQA Guidelines section 15300.2(b) (the "Cumulative Impact Exception").

There must be evidence of cumulative impacts in order to trigger the Cumulative Impact Exception. *East Peninsula Educ. Council v. Palos Verdes Peninsula Unified Sch. Dist.*, 210 Cal.App.3d 155 (1989), (court set aside an agency's reliance on statutory and categorical exemptions for the closure of a high school due to the agency's failure to consider, among others, the cumulative impact of the proposed project when there was evidence in the record of other potential school closures) and *Santa Monica Chamber of Commerce, supra*, 101 Cal.App.4th at 799 (in upholding agency's reliance on Class 1 exemption for creation of a residential parking district, court finds no substantial evidence to support Cumulative Impact Exception). By comparison, speculation that significant cumulative impacts will occur because other projects may be approved in the same area is insufficient to trigger this exception. *Hines v. California Coastal Commission*, 186 Cal.App.4th 830, 857 (2010) (listing other projects in the area that might cause significant cumulative impacts is not evidence that the proposed project will have adverse impacts or that the impacts are cumulatively considerable).

Given the nature of the project and the lack of other comparable, future projects in the general vicinity of the Retreat site, the Cumulative Impact Exception does not apply. There is no evidence of cumulative impacts; instead, the evidence demonstrates that there will be no such impacts. Moreover, cumulative impacts were addressed in the prior EIR for the project site. As applicable, the project studies also demonstrate that the project will not result in significant cumulative impacts. Further, cumulative impacts were discussed in the EIR for the General Plan adopted in 2008 and the project is consistent with the General Plan. See, e.g., CEQA Guidelines

section 15130(e) (no further cumulative analysis is required if cumulative impacts were adequately addressed in a prior EIR for a general plan and the project is consistent with that plan).