



A Tradition of Stewardship
A Commitment to Service

Napa County Airport Land Use Commission

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4417
Fax: (707) 253-4336

Hillary Gitelman
Executive Officer

October 9, 2009

Michael Allen, Associate Planner
City of Napa
Community Development Department
1600 First Street
Napa, CA 94559

RE: ST. REGIS NAPA VALLEY RESORT PROJECT
Draft Environmental Impact Report – Comment Letter

Dear Mr. Allen,

On behalf of the Napa County Airport Land Use Commission (ALUC), I would like to thank the City for providing our agency with opportunity to comment on the proposed St. Regis Napa Valley Resort and Winery. The project is located within the Airport Influence Area for the Napa County Airport, and pursuant to the *State Aeronautics Act* (Public Utilities Code Section 21676), the project is subject to ALUC Consistency Determination with the *Napa County Airport Land Use Compatibility Plan*. As such, the ALUC requests that the City address the following comments concerning the adequacy of the Draft Environmental Impact Report prior to submitting the project for a formal determination:

1. Consultation – On prior occasions ALUC and County Staff have suggested to both the applicant's representatives and City staff that the project plans be voluntarily brought forward to the ALUC, the Napa County Airport Staff, and/or Airport Advisory Commission in advance of the required Consistency Determination hearing. This was suggested as a means to facilitate potential issue resolution early in the process.
2. Vineyard Units – Residential uses are not allowed in Zone D. It is unclear in the aviation analysis whether any vineyard units will be located within Zone D. The vineyard units appear to meet the definition of a residence. Further explanation is needed if the City and developer do not consider the vineyard units residences and wish to locate such units in Zone D.
3. Project Objectives – Given the sensitive location of the use, which is directly under the primary downwind approach pattern to the airport's main runway, and that luxury resorts can benefit from having an executive jet airport in close proximity, it is suggested that the project objectives be augmented to address this relationship with the airport. Two objectives are recommended. The first would be a statement concerning the sustainability and protection of the Napa County Airport as an economic resource vital to not only Napa County as a whole, but to this particular

luxury resort. The second would be a statement concerning the resort operators intentions to disclose to their guests and residents the risks and annoyances associated with regular overflight from this 24-hour, all-weather general aviation facility whose use is bound to change in response to the future needs of Napa County.

4. Rezoning – ALUC records indicate that the last rezoning on the subject site designated the property as Agricultural Resource with an Airport Compatibility Overlay. The document appears to solely refer to the existing zoning as just Agricultural Resource. It is assumed that this is an oversight since rezoning the property out of the Airport Compatibility Overlay district would have required notice to the ALUC. It is strongly recommended that the rezoning include carrying forward the Airport Compatibility Overlay designation. It will be difficult for the ALUC to find a project within an Airport Influence Area consistent with the Airport Land Use Compatibility Plan if the site will no longer contain this zoning.
5. Property History – The project history makes incomplete reference to the previous resort project (Carefree Resorts). It only states that the project was withdrawn after the EIR was certified. That statement is misleading because it fails to mention the reason why the project was withdrawn. The history section should include a complete explanation of the project history. Prior to withdrawal of the previous resort proposal, the applicant sued the ALUC for finding the proposed resort inconsistent with the Airport Land Use Compatibility Plan. The ALUC prevailed in the lawsuit, and the applicant only withdrew after the Napa City Council declined to Override the ALUC findings, as required by State law. It should also be noted that the City-certified EIR was not augmented to address the airport compatibility issues raised in the Inconsistency Finding.
6. New Pond – The EIR notes that a new pond will be constructed, and notes that the Airport Land Use Compatibility Plan identifies such uses as “normally not acceptable” within the Airport Influence Area. On page 3.9-60 of the report it states that the project biologist “...evaluated the pond’s characteristics in context with surrounding water features and determined that it would have a low potential to attract significant numbers of birds.” The analysis then goes on to rationalize that adding this normally unacceptable use is okay because there are already other unacceptable water features closer to the airport. Besides the conclusory nature of the analysis, the conclusion is fundamentally flawed. Adding a potential hazard is not justifiable simply because other similar hazards already exist. For the ALUC to find such a use compatible with air operations, the evidence in the record needs to indicate that the use has no potential to generate new hazards, primarily bird flights at elevations coinciding with the traffic pattern. The EIR should quantify baseline conditions and the extent of change that will occur as a result of adding the pond. The pond should be considered for its potential to cumulatively contribute to the conditions that already exist. The ALUC recommends that a person with expertise in bird strikes consult with the biologist, the FAA tower, the Airport Manager, and then augment the Draft EIR accordingly.
7. Overflight Annoyance / Noise – The report is absent discussion and mitigation resulting from the inconveniences and annoyances associated with regular, single-event overflights. The report does not mention the frequency and altitude of overflights, and does not mention the types of aircraft making those overflights. The noise analysis simply dismisses aircraft noise as

a non-factor because it is outside of the Community Noise Equivalent Level contour. The Draft EIR should include analysis accounting for the specific aviation characteristics affecting the subject property, including but not limited to the regular training flights conducted Japan Airlines and the comparatively high number of executive jets that use this airport. It is recommended that the report address overflights resulting from airport special events, such as the annual NASCAR race at Sears Point that results in high numbers of executive jet and helicopter overflights of the site.

The project will also include an unspecified number of large gatherings for weddings and other special events. It is recommended that the Draft EIR be augmented to address potential for overflight annoyance associated with such events. The report should note the number of events, the size, the location, and the sensitivity of the event to noise intrusion. Will such events occur when overflights are typically occurring? Will any measures, such as notification of guests, be included to mitigate for the annoyance of overflights occurring during special events?

8. Concentrations of People – The report does a fine job of estimating typical expected densities on the project site, but does not address density spikes resulting from the large events mentioned in the project description. The density analysis should address the frequency, duration, size, location and types of events occurring and relate them to the frequency, duration, and type of aircraft overflight occurring.
9. Aviation Hazards – This section of the report arrives at conclusions without any factual evidence to support them. There is no analysis of whether building materials and/or site improvements result in any new sources of glare or distraction to pilots. It is recommended that the following questions be addressed: Will cranes be used to construct the project? Will there be skylights? Will they be shielded or otherwise opaque so as not to generate significant nighttime up lighting? Will roofing materials, windows, green building functions, such as any solar panels, be reflective? Also, there is an unsupported statement that vineyards do not attract large flocks of birds. ALUC recommends that this analysis be changed to indicate that vineyards do have the potential to attract large flocks of birds, and then describe the measures that farmers take to protect their crops and whether those measures will be used on these vineyards. Vineyards can attract large flocks of birds that can be hazardous to aircraft.
10. Stanly Ranch Overflight Easements – With the previous agricultural subdivision approval, a commitment was made to the ALUC and Napa County Airport that augmented overflight easements would be granted to the Napa County Airport assuring that future property owners would not seek to restrict airport operations, and putting them on notice that their property is in a high volume overflight zone. The Draft EIR appears silent on this past commitment. Will that commitment carry forward with this action? If not, what measures will be included in the project to comply with notification requirements specified in the Airport Land Use Compatibility Plan?
11. Caltrans Aeronautics Referral – Was the project referred to Caltrans Aeronautics for comment? If not, the ALUC recommends that the City solicit comments from Caltrans Aeronautics prior to presenting the project to the ALUC for formal a Consistency Determination.

Thank you again for the opportunity to comment. Please contact John McDowell, ALUC Deputy Executive Officer if you have any questions or comments at (707) 299-1354, or by email at jmcdowel@co.napa.ca.us.

Sincerely,

Robert Fiddaman
Chairman
Napa County Airport Land Use Commission

cc: Martin Pehl, Napa County Airport Manager
Sandy Hesnard, Caltrans Aeronautics