



P10-00003-ALUC

Balanced Planning, Inc. 855 Bordeaux Way, Suite 100
Napa, CA 94558

Phone: (707) 261-8719
Fax: (707) 253-0135
e-mail: beth@swgnapa.com

January 5, 2010

John McDowell
Napa County Conservation, Development
and Planning Department
1195 Third Street
Napa, CA 94559

RECEIVED

JAN 06 2010

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

SUBJECT: ST. REGIS NAPA VALLEY, ALUC APPLICATION

Dear John:

The St. Regis Napa Valley project is currently scheduled for consideration by the City of Napa Planning Commission on January 21, 2010. This project is located within the jurisdiction of the City of Napa. The Planning Commission will not take a final action, as final consideration of the project will take place with Napa City Council. The Zoning on the property includes an Airport Compatibility (:AC) Overlay, as the project is located within Zones D and E of the Airport Compatibility Plan Area. The ALUC received the Draft EIR prepared for this project and authorized you to send a comment letter at their October 7, 2009 meeting.

I am submitting the enclosed materials for application to the Airport Land Use Commission (ALUC) to request the necessary consistency determination. The City of Napa released the Final EIR for this project on December 22, 2009. Responses to the October 7 letter are contained in the FEIR. Airport Land Use Plan Consistency was discussed in the Land Use section of the DEIR, pages 3.9-50 through 3.9-62. The following brief summary contains information applicable to the ALUC review:

The 93 acre project site is located within Zone D (20.34 acres) and Zone E (72.66 acres) of the Napa County Airport Influence Area. Buildings within Zone D include (1) 15,000 square foot spa that is constructed predominantly at or below existing grade, (2) 1,581 square feet of the winery building and (3) 27,672 square feet of resort accommodations. This equates to roughly 6% of the resort building area and 4% of the winery building area within Zone D. The remaining buildings are all located within Zone E. Building height within Zone D will not exceed 35 feet. The main resort building located within Zone E will not exceed 50 feet with the application of a stepped building standard. Note that the building height of the main resort building as measured at the highest natural grade location will not exceed 35 feet. Please refer to the DEIR project description for a full discussion of the project characteristics.

The City of Napa will be considering approval of a Master Plan that would guide the future construction of the project. Both a Master Plan Ordinance and set of Design Guidelines will be included with the staff report that will be presented to the City of Napa Planning Commission. These documents will include guidelines associates with potential aircraft hazard, such as restrictions on reflective roof and window materials, limitations of type of exterior lighting, use of cranes during construction and operational restrictions that could be considered a conflict with aircraft use (such as smoke production and/or electronic equipment location). These guidelines will be imposed during final design review by the City of Napa and will be implemented during construction and ongoing operation of the project. .

The City of Napa has provided you with copies of the DEIR and FEIR, but I have also enclosed a CD of each for your use. After consideration by the Planning Commission, you will receive the staff report, draft conditions of approval, draft Master Plan Ordinance and all other associated documents. The property is already restricted by an avigation easement that was recorded January 23, 2004 (Document No. 2004-0006867) (copy enclosed). As described in the City of Napa Municipal Code, Section 17.34.070, the Planning Commission shall hold a public hearing and make a recommendation on the application and refer the project to the ALUC. The project shall then be reviewed by the ALUC and the ALUC shall provide an ALUCP consistency determination. The City decision-making body (City Council in this case) shall then hold a public hearing and take final action on the project. As described in the application materials, the ALUC's failure to act on this referral within sixty (60) days of the date of receipt of the referral shall result in the proposed action being deemed consistent by operation of law.

Enclosed is a check in the amount of \$3,137.45 to cover the application fee. If you need any additional information for the processing of this request, please contact me at 261-8719. If you need information from the City on Napa, I would recommend that you contact Michael Allen at 257-9530.

Sincerely,



Beth Painter
Beth Painter
Balanced Planning

Cc: Jeff Selby
Kevin Teague
Michael Allen
Jim Hare

Enclosures

FIRST AMERICAN TITLE COMPANY
OF NAPA



2004-0006867

RECORDING REQUESTED BY AND
PLEASE RETURN TO:

Clerk, Board of Supervisors
for the County of Napa
1195 Third Street, Room 310
Napa, California 94559

Exempt from recording fees,
Gov. Code § 27383

Recorded
Official Records
County Of
NAPA
JOHN TUTEUR
Recorder

REC FEE .00

01:02PM 25-Feb-2004

EV
Page 1 of 12

APN 47-230-005

47-230-024

47-240-010 thru

47-240-015

47-262-001

**AVIGATION AND HAZARD
EASEMENT DEED**

FOR GOOD AND SUFFICIENT CONSIDERATION, the receipt of which is hereby acknowledged, Stanly Ranch Vineyard LLC, a California Limited Liability Company, ("Grantor"), hereby grants to the COUNTY OF NAPA, a political subdivision of the State of California, and to the CITY OF NAPA, A California Municipal Corporation, (collectively, "Grantees," and individually "Grantee") and to Grantees' successors and assigns, a perpetual and assignable easement and right-of-way ("said easement") appurtenant to the Napa County Airport ("the airport") for the unobstructed passage of aircraft in the airspace within those imaginary approach, transition, horizontal and conical zones, as defined and described in Chapter 11.08 (as it may be amended from time to time) of the Napa County Code and depicted on those diagrams attached hereto as Exhibits "A", "B", and "C", and incorporated by reference herein. In the event of discrepancy between Chapter 11.08 and said Exhibits, the text of the former shall govern. For the purpose of this instrument, the term "aircraft" shall refer to any contrivance, by whomsoever owned or operated, which is designed or used for navigation in the air.

In its approval of the Stanly Ranch subdivision, the City of Napa required this Avigation Easement and Hazard Easement Deed to make the following statement: 1) The property more particularly described below is subject to routine overflight by aircraft at low altitudes and the airport has a right of overflight; 2) There is potential for increased traffic and increase jet operations consistent with the Napa County Airport Master Plan; 3) Noise complaints by owners can be items of disclosure upon resale of property and frequent complaints could negatively impact the property's resale value.

The aforesaid easement and right of way includes, but is not limited to:

1. For the use and benefit of the public, the easement and continuing right to fly or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or

hereafter known, in, through, across, or about any portion of the airspace hereinabove described; and

2. The easement and right to cause or create, permit or allow to be caused or created within all space above the existing surface of the hereinabove described real property, such noise, vibrations, currents, fumes, dust, emission of fuel particles, other effects of air, illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and

3. A continuing right of Grantee(s) to prevent the erection or growth upon the property and permit the removal of any building, structure or improvements of any kind, and trees or other objects extending into the prohibited airspace to the extent and with the exceptions described in Chapter 11.12 of Title 11 of the Napa County Code, together with the right of ingress to, egress from, and passage over the property for the purpose of exercising said rights.

4. A continuing right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects, which extend into or above the airspace, together with the right of ingress to, egress from, and passage over the property for the purpose of exercising said rights.

Said easement extends over all of the following real property ("the property") owned by Grantor, which is illustrated on Exhibit "D" attached hereto and incorporated by reference herein:

All that certain real property situated in the City of Napa, County of Napa, State of California, legally described on Exhibit "E."

Also known as Assessor's Parcel Numbers 47-230-005 & 024; 47-240-010, 011, 012, 013, 014 & 015; 47-262-01 on the Assessor's Maps in effect on the date of the execution of this Deed, a portion of which is attached as Exhibit "D".

In the event of discrepancy between the foregoing description of the property and the map set forth in Exhibit "D", the attached legal description shall govern.

For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the County of Napa and the City of Napa, for the direct benefit of the real property constituting the Napa County Airport hereinafter described, that:

1) During the life of said easement, they will not construct, install, erect, place or grow in or upon the hereinabove described real property, nor will they permit to allow, any building

structure, improvement, tree or other object which extends into or above the airspace, or which constitutes an obstruction to air navigation, or which obstructs or interferes with the use of the easement and rights of way herein granted, except to the extent permitted by Chapter 11.12 of Title 11 of the Napa County Code.

2) That within a reasonable time after written notice from Grantee(s) to Grantor which specifies with particularity the interfering use, it will discontinue or modify to the reasonable satisfaction of the County the use of the property in any manner that in the reasonable opinion of the County: creates electrical interference with radio communication between any installation upon the airport and aircraft operating in or around the airport; interferes with the ability of the operators of such aircraft to distinguish between airport lights and other lights; impairs visibility in the vicinity of the airport; or otherwise endangers the landing, take off, or maneuvering of aircraft in or around the airport.

3) That the easements and rights of way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the Napa County Airport and shall further be deemed in gross, being conveyed to the Grantee(s) for the benefit of the Grantee and any and all members of the general public who may use said easement or right of way, in landing at, taking off from or operating such aircraft in or about the Napa County Airport, or in otherwise flying through the airspace.

4) That Grantor, its successors and assigns, hereby waive their right to legal action against Grantee(s), its successors and assigns, for monetary damages or other redress, for any loss or damage, arising out airport operations in the air or on the ground at the airport, including, but not limited to, future expansion of airport activities, future increases on the volume or type of aircraft activities, or changes in location of said operations. Said rights to legal action include but are not limited to those based on inverse condemnation, nuisance, negligence, loss of sleep, emotional distress, and trespass.

Grantor expressly reserves all rights and privileges in said property that may be exercised and enjoyed without interference with said easement and the foregoing covenants.

This grant of easement shall not operate to deprive the Grantor, his successors or assigns, of any rights which any of them may from time to time have against any carrier, private operator, the City of Napa or the County of Napa in relation to negligent or unlawful operation of aircraft or the airport.

This grant of easement and all rights, covenants, waivers, and reservations pertaining thereto or reserved therefrom shall run with the land and are binding upon Grantor and its heirs, executors, administrators, successors and assigns, and shall inure to the Grantees, its successors and assigns, for the use and benefit of the public until such time as the airport shall cease to be used for a public airport.

If any clause, sentence, or other portion of this Avigation and Hazard Easement Deed shall become illegal, null or void for any reason, or shall be held by any court of competent jurisdiction to be so, the remaining portions shall remain in force and effect.

DATED this 18th day of December, 2003.

Mark E. Couchman

Grantor, Stanly Ranch Vineyard LLC,
a California Limited Liability Company

By: Mark Couchman
Its President

“Grantor”

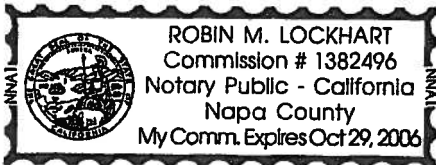
NOTARIZATIONS

STATE OF CALIFORNIA)
COUNTY OF NAPA) ss.

On 12-18-03, before me, Robin M. Lockhart,
personally appeared Mark E. Couchman, [] personally known
to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose
names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

WITNESS my hand and official seal.

Robin M. Lockhart
Notary Public



APN 47-230-005, 47-230-024, 47-240-010 thru 47-240-015, and 47-262-001

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by that certain AVIGATION AND HAZARD EASEMENT DEED dated December 18, 2003, from Stanley Ranch Vineyard, LLC a California Limited Liability Co., to the COUNTY OF NAPA, a political subdivision of the State of California, is hereby accepted by order of the Board of Supervisors of said County of Napa on January 6, 2004, and Grantee consents to recordation thereof by its duly authorized officer.

Dated January 6, 2004.

Mark Luce

SEAL AFFIXED

MARK LUCE, CHAIR of the Board of Supervisors of the County of Napa, State of California

ATTEST:

Pamela Miller

PAMELA MILLER, Deputy Clerk of the Board

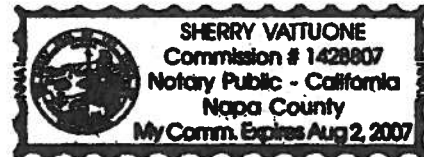
STATE OF CALIFORNIA)
COUNTY OF NAPA) ss.

On January 6, 2004, before me, Sherry Vattuone, personally appeared Mark Luce, personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Clerk of the Board of Supervisors
for the County of Napa

By: Sherry Vattuone, Deputy



APPROVED BY THE BOARD
OF SUPERVISORS:

Date: 1-6-04

APPROVED AS TO FORM: ROBERT
WESTMEYER, Napa County Counsel

By: Robert Westmeyer

Processed by: Sherry Vattuone
Deputy Clerk of the Board

APN 47-230-005, 47-230-024, 47-240-010 thru 47-240-015, and 47-262-001

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by that certain AVIGATION AND HAZARD EASEMENT DEED dated December 18, 2003, from Stanly Ranch Vineyards, LLC, a California Limited Liability Co., to the City of Napa, a municipal corporation of the State of California, is hereby accepted by order of the City Council of said City of Napa on February 17, 2004, and Grantee consents to recordation thereof by its duly authorized officer.

Dated: 2/19/04

By: *Ed Henderson*
ED HENDERSON, Mayor

Dated: 2/19/04

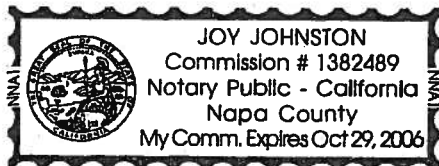
ATTEST:
Pam Nigliazzo
PAM NIGLIAZZO, City Clerk

STATE OF CALIFORNIA)
CITY OF NAPA)SS
)

SEAL AFFIXED

On 2-20-04, before me, Joy Johnston, a Notary Public in and for the State of California, personally appeared Ed Henderson, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/~~she/it~~ executed the same in his/~~her/its~~ authorized capacity, and that by his/~~her/its~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.



Joy Johnston
SIGNATURE OF NOTARY

THIS DOCUMENT IS EXEMPT FROM
RECORDING FEES PURSUANT TO
SEC. 6103 OF THE GOV'T CODE

RESOLUTION R2004 28

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING THE FINAL MAP FOR STANLY RANCH VINEYARDS SUBDIVISION, 01 158; APPROVING THE TRAIL AGREEMENT AND PERFORMANCE AGREEMENT FOR THE SUBDIVISION; ACCEPTING THE AVIGATION EASEMENT DEED AND GRANTING A QUITCLAIM DEED

WHEREAS, the City Council acknowledges that on March 11, 2003, the City Council of the City of Napa adopted a Negative Declaration for the Stanly Ranch Vineyards Subdivision (Resolution R2003 68).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa, State of California, the following:

Section 1. That the Final Map entitled "Final Map of Stanly Ranch Vineyards Subdivision" is hereby approved and that the Mayor and City Clerk be and they are hereby authorized to execute the Final Map of said subdivision, Project No. 01 158, subject to the signing of the Subdivision Improvement Agreement, posting of subdivision bond, payment of inspection fees, approval of construction plans by the City Engineer.

Section 2. That the Trail Agreement entitled "Agreement Regarding Grant of Easement for Public Trail, Access and Recreation Purposes" is hereby approved and that the Public Works Director be and he is hereby authorized to sign and record at the office of the County Recorder that certain said agreement for the "Stanly Ranch Vineyards Subdivision", Project No. 01 158.

Section 3. That the Performance Agreement entitled "Performance Agreement Declaration of Land Use Restrictions" is hereby approved and that the Public Works Director be and he is hereby authorized to sign and record at the office of the County Recorder that certain said agreement for the "Stanly Ranch Vineyards Subdivision", Project No. 01 158.

Section 4. That the Avigation Easement Deed entitled "Avigation and Hazard Easement Deed" is hereby accepted and that the Mayor and City Clerk be and they are hereby authorized to accept and record at the office of the County Recorder that certain said deed for the "Stanly Ranch Vineyards Subdivision", Project No. 01 158.

Section 5. That the Quitclaim Deed entitled "Quitclaim Deed" to Stanly Ranch Vineyards, LLC is hereby approved and that the Mayor be and is hereby authorized to sign and record at the office of the County Recorder that said deed for the "Stanly Ranch Vineyards Subdivision", Project No. 01 158.

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 17th of February, 2004, by the following roll call vote:

AYES: Block, Techel, Martin, Crawford and Henderson

NOES: None

ABSENT: None

ATTEST: *Aimee Haysler*
CITY CLERK OF THE CITY OF NAPA

SEAL AFFIXED

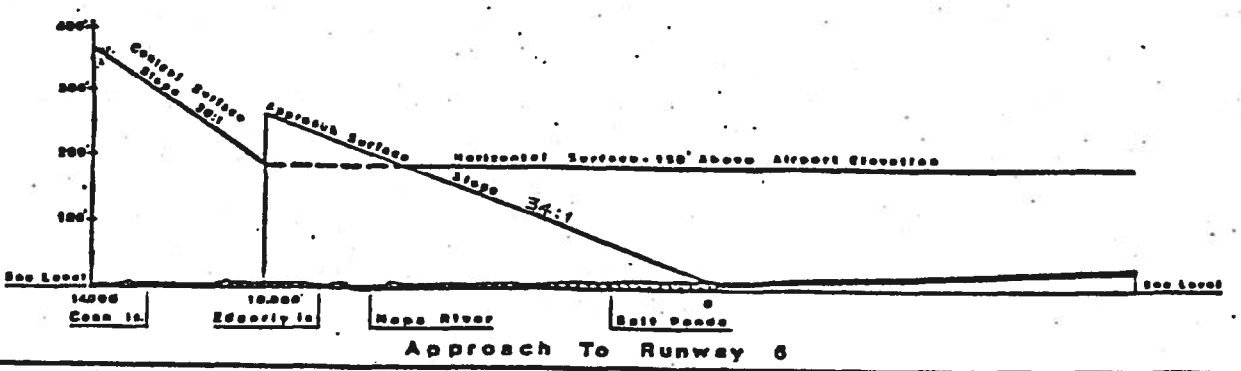
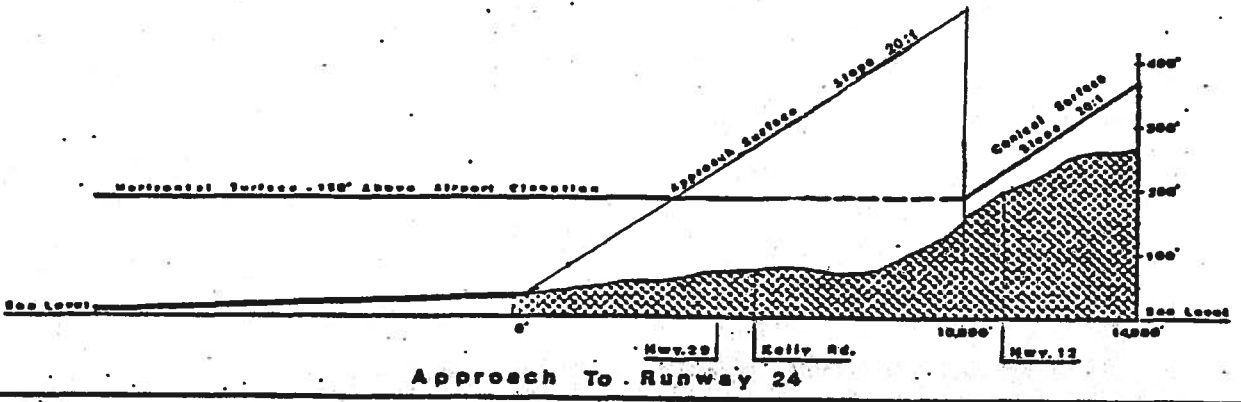
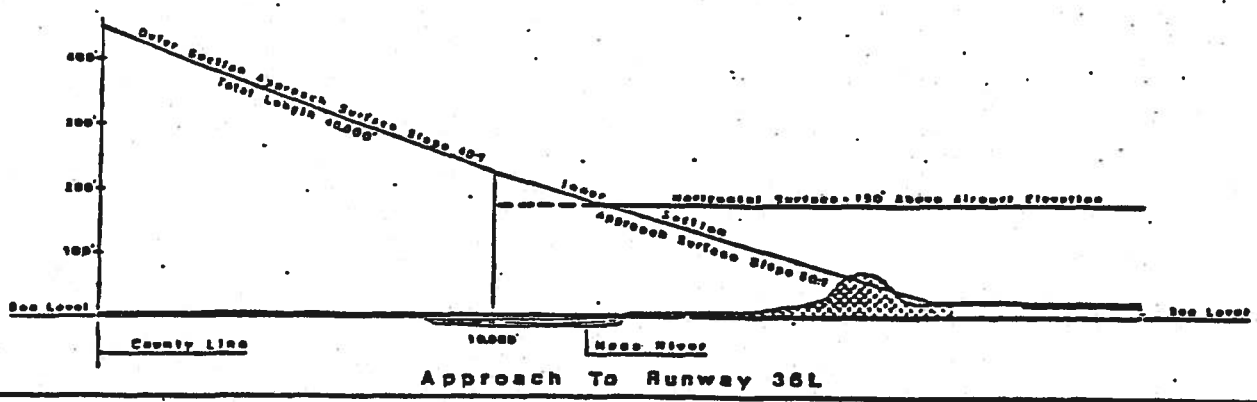
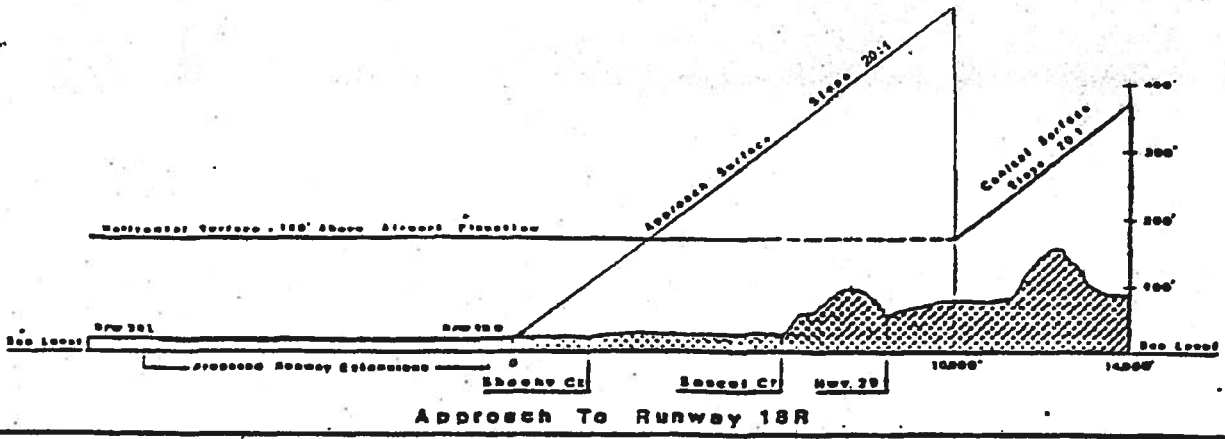
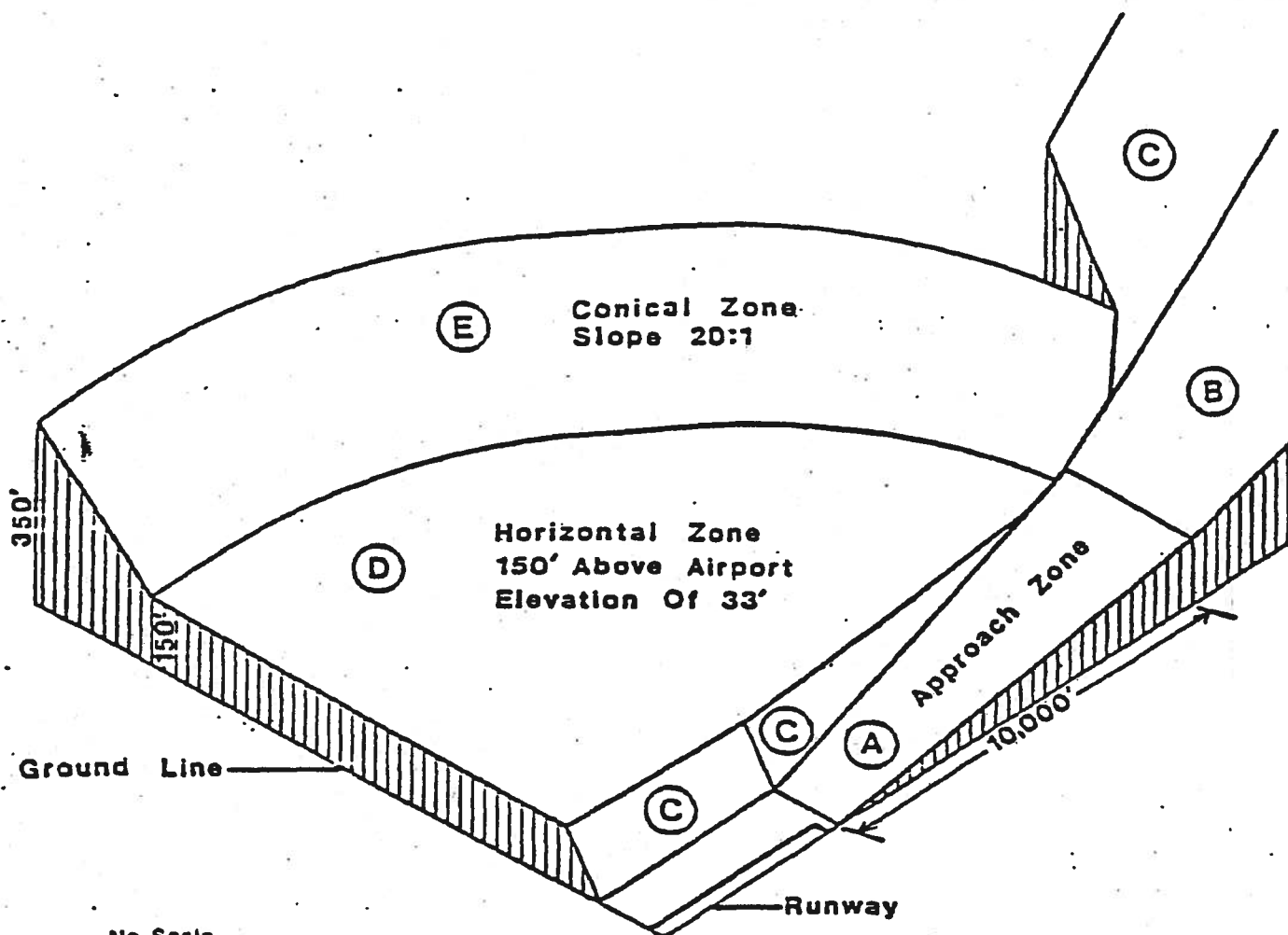


Exhibit "B"

APPROACH ZONE CROSS SECTIONS

August, 1995



- A - PRECISION INSTRUMENT APPROACH ZONE - SLOPE 50:1.
NON-PRECISION INSTRUMENT APPROACH ZONE - SLOPE 34:1.
- B - OUTER SECTION EXTENDS 40,000' AND FLARES TO 16,000' IN WIDTH - THIS APPLIES ONLY TO RUNWAY 36 L TO THE SOUTH - SLOPE 40:1.
- C - TRANSITION ZONES - SLOPE 7:1 - EXTENDS 5,000' FROM EDGE OF OUTER SECTION.
- D - HORIZONTAL ZONE EXTENDS 10,000' FROM END OF RUNWAYS.
- E - CONICAL ZONE EXTENDS 4,000' FROM EDGE OF HORIZONTAL ZONE.

Exhibit "C"

ISOMETRIC VIEW OF AIRPORT SAFETY ZONES



CUTTINGS WHARF ROAD

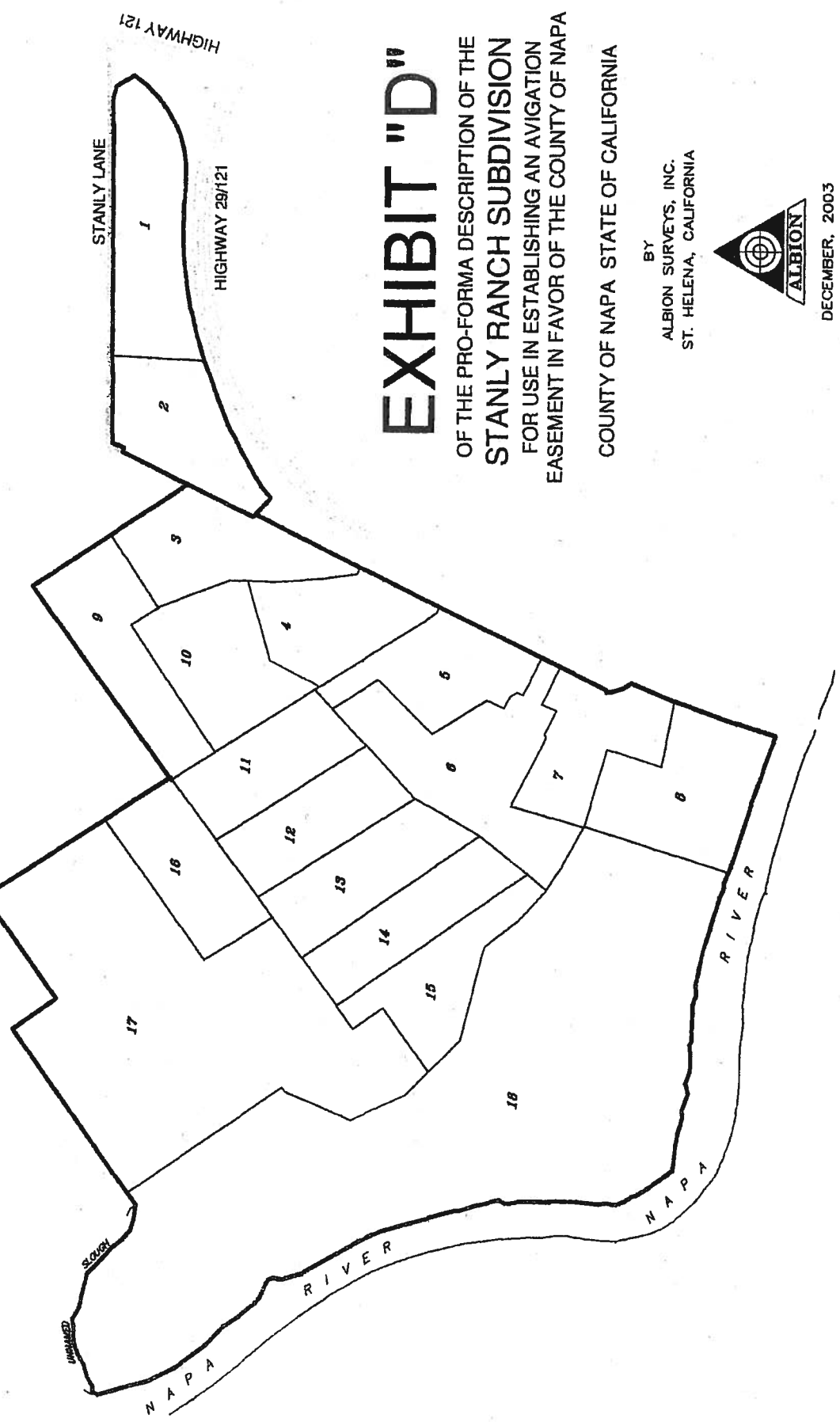


EXHIBIT "D"

OF THE PRO-FORMA DESCRIPTION OF THE
STANLEY RANCH SUBDIVISION
FOR USE IN ESTABLISHING AN AVIGATION
EASEMENT IN FAVOR OF THE COUNTY OF NAPA

COUNTY OF NAPA STATE OF CALIFORNIA

BY
ALBION SURVEYS, INC.
ST. HELENA, CALIFORNIA



DECEMBER, 2003

END OF DOCUMENT

ALBION SURVEYS, INC.

CONSULTING LAND SURVEYORS

1336 Oak Ave., Suite C, St. Helena, CA 94574

(707) 963-1217 ♦ FAX (707) 963-1829

E-Mail: Rbell@Albionsurveys.com

EXHIBIT "E"

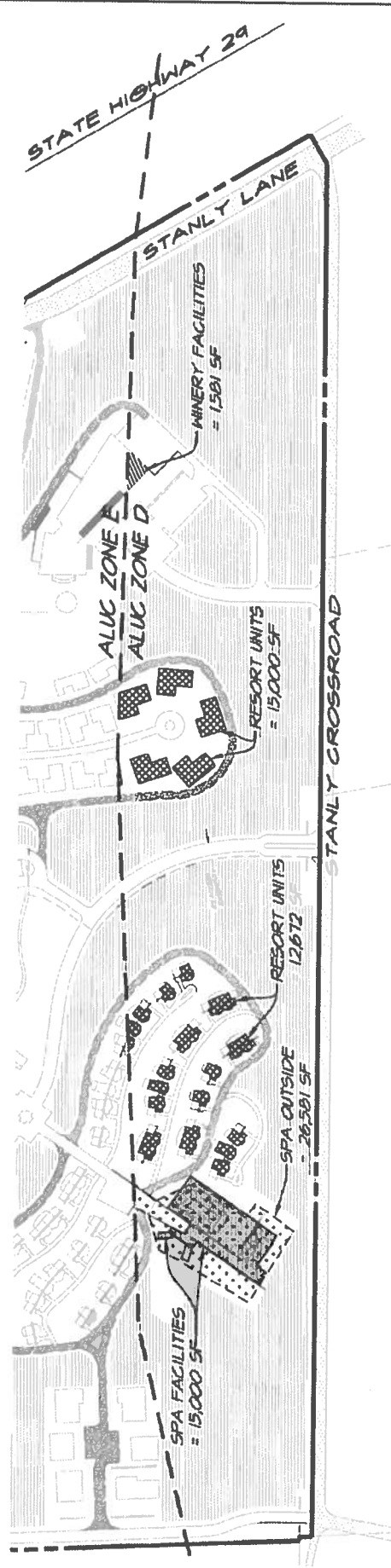
Pro-forma Description of the
Stanly Ranch Vineyards Subdivision
for use in establishing an Avigation Easement in favor of the
County of Napa

Real property situated in the City of Napa, County of Napa, State of California, being all of the lands shown within the exterior boundary lines on the Map No. 5539 entitled "Final Map of the Stanly Ranch Vineyards Subdivision" filed 2/25/04, 2004 in Book 24 of Maps at Page 2390 in the Office of the Recorder of the County of Napa, State of California.

AIRPORT LAND USE COMPATIBILITY PLAN REVIEW NOTES, ST REGIS PROJECT

ACLUP Criteria	Project Attribute
<u>Zone D:</u>	
<p>Maximum density recommendation of 100 persons per acre inside structures for non-residential uses.</p> <p>Maximum density recommendation of 150 persons per acre (both indoors and outdoors) for non-residential uses.</p> <p>Residential uses are prohibited.</p>	<p>Residential units are prohibited, and full ownership units are not proposed in this area; the duration of stay is limited for resort facilities in this area; outdoor facilities in this area are limited and user aggregations not accommodated by the plan; calculations included in the EIR document conformance with the person density limitations.</p>
<p>Uses hazardous to flight are prohibited (i.e., features that attract large numbers of birds and sources of smoke, glare, distracting lights, or electrical interference).</p>	<p>The project plan includes the potential for a pond in the wetland area currently existing on the site; this water feature has been evaluated in light of the ALUCP standard and determined not to constitute a hazard; conditions of approval require control of lighting.</p>
<p>Overflight easement or deed restrictions are required.</p>	<p>Overflight easements and deed restrictions established in the Stanly Ranch Vineyards subdivision remain in full force and effect, and conditions of approval require CC&Rs and buyer notification to reflect and uphold these easements.</p>
<p>Building envelopes and approach surfaces are required on all development plans within 100 feet of approach zones.</p>	<p>This criteria does not apply to the project.</p>
<p>Clustering is encouraged to maximize open land areas.</p>	<p>The project design and Master Plan criteria require very low floor area ratios, and the concept plan indicates clustering and a design feature</p>
<p>Noise level reduction measures may be required for noise-sensitive uses.</p>	<p>Mitigation measures will be applied per the EIR, applicable to the anticipated noise levels from all sources.</p>
<u>Zone E:</u>	
<p>Noise-sensitive outdoor uses are prohibited.</p>	<p>The outdoor areas of the resort and winery would consist of exercise and recreation facilities (the spa, paths, etc.), the pond, vineyards, and parking and roadways. None of these uses are noise</p>





	sensitive.
Overflight easement or deed restrictions are required.	Overflight easements and deed restrictions established in the Stanly Ranch Vineyards subdivision remain in full force and effect, and conditions of approval require CC&Rs and buyer notification to reflect and uphold these easements.



SUMMARY

DESCRIPTION	AREA (SF)
SPA FACILITIES	15,000
WINERY FACILITIES	1,501
SPA OUTSIDE	26,501
TOTAL RETAIL AREA	40,000
RESORT UNITS	27,672
TOTAL BUILDING AREA	44,253
TOTAL ZONE D AREA	896,130

HATCH LEGEND

-  RESORT UNITS
-  SPA FACILITIES
-  SPA OUTSIDE (GATHERING SPACE)
-  WINERY FACILITIES

Source: Riechers Spence Associates, April 2009.



**Exhibit 3.9-1
Airport Land Use Zones**



Balanced Planning, Inc. 855 Bordeaux Way, Suite 100
Napa, CA 94558

Phone: (707) 261-8719
Fax: (707) 253-0135
e-mail: beth@swgnapa.com

January 27, 2010

John McDowell
Napa County Conservation, Development
and Planning Department
1195 Third Street
Napa, CA 94559

SUBJECT: ST. REGIS NAPA VALLEY, ALUC APPLICATION

Dear John:

I am writing on behalf of my client, SR Napa, LLC to request a continuance of the St. Regis Napa Valley project currently scheduled for the February 3, 2010 Airport Land Use Commission meeting. If the schedule allows, we would request that the item be continued to the next available Planning Commission date of February 17, 2010.

Although the Napa ALUC is bound by statutory requirement to hear this request within 60 days of application (California Public Utilities Code Sec. 21670 et seq.), the applicant has agreed to waive this requirement and extend the time line for an additional 30 days from the date of this letter.

Sincerely,

Beth Painter
Balanced Planning

Cc: Jeff Selby
Kevin Teague
Michael Allen
Jim Hare

RECEIVED

JAN 27 2010

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.