



A Tradition of Stewardship  
A Commitment to Service

**Napa County Airport Land Use Commission**

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**Hillary Gitelman**  
Executive Officer

October 9, 2009

ALUC  
Page 1 of 4

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:

ALUC-1

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.

ALUC-2

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.

ALUC-3

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

ALUC-4

- 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 compatibility 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

<p>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.</p>	ALUC-8 CONT
<p>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?</p>	ALUC-9
<p>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.</p>	ALUC-10
<p>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.</p>	ALUC-11
<p>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?</p>	ALUC-12
<p>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.</p>	ALUC-13

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](mailto: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

**County of Napa – Airport Land Use Commission (ALUC)**

*Response to ALUC-1*

The commenter provided introductory remarks to preface the letter. No response is necessary.

*Response to ALUC-2*

The commenter stated that the ALUC and County staff have suggested to both the project applicant and City staff on prior occasions that project plans be voluntarily brought forward to ALUC, Napa County Airport staff, or the Airport Advisory Commission in advance of the required consistency determination hearing. The commenter noted that this suggestion was intended to facilitate potential issue resolution early in the process.

This comment pertains to ALUC review and not to the analysis in the Draft EIR. As such, no response is necessary.

*Response to ALUC-3*

The commenter stated that residential uses are not allowed in Airport Compatibility Zone D and asserted that the Draft EIR was unclear as to whether any vineyard units would be located within this zone. The commenter noted that the vineyard units appear to meet the definition of a residence and requested that the applicant and City provide further explanation about the status of such units and whether they would be located in Zone D.

As shown in Exhibit 3.9-1 and Table 3.9-4, all or portions of 27 vineyard units totaling 27,672 square feet would be located within Zone D. Section 2, Project Description of the Draft EIR and Exhibit 2-5 show hotel cottage units, Vineyard Units A (whole ownership) and Vineyard Units B (fractional ownership). Only hotel cottages and Vineyard Units B are located within Zone D. Vineyard Units B are only available for purchase on a fractional basis and are sublet to guests when not occupied by the owners. Therefore, hotel guests within a cottage unit and owners or sublet guests of a Vineyard Unit B would occupy the units for short and discrete periods of time. Vineyard Units A would be available for outright purchase, but there are no A units within Zone D. Additionally, all vineyard unit occupants would have access to onsite facilities, including the spa, the swimming pool, the restaurant, the winery, the exercise facilities, and the meeting/banquet rooms. This is distinctly different from a traditional residential use.

Therefore, the hotel cottages and Vineyard Units B are most appropriately classified as an allowed “non-residential use” pursuant to Napa County Airport Land Use Compatibility Plan Table 3-2.

The Master Plan has been revised to clarify that only Vineyard Units B are allowed within Zone D. The revised Master Plan is provided in Appendix O.

*Response to ALUC-4*

The commenter suggested that two additional project objectives be added to the Draft EIR that reflect the project’s proximity to the Napa County Airport. The first objective would consist of a statement

concerning the sustainability and protection of the airport as an economic resource to both Napa County and the proposed project, the latter of which would benefit from a nearby airport to host executive jets. The second objective would consist of a statement concerning the resort operators' intention to disclose to their guests and residents the risks and annoyances associated with regular overflight of the project site. This latter objective reflects Napa County Airport's status as a 24-hour, all-weather, general aviation facility, which may experience changes in operational characteristics in response to future needs.

CEQA Guidelines Section 15124(b) provides that project objectives are intended to reflect the underlying purpose of the project. The project objectives identified in the Draft EIR generally relate to the agricultural, economic, environmental, and planning benefits that could be achieved through implementation of the proposed project. The commenter's proposed objectives reflect desired outcomes in terms of airport land use compatibility and do not relate to the basic purpose of the project.

*Response to ALUC-5*

The commenter stated that ALUC records indicate that the project site is zoned "Agricultural Resource with an Airport Compatibility Overlay," but also noted the EIR fails to recognize the Airport Compatibility Overlay. The commenter recommended that the proposed rezoning include the Airport Compatibility Overlay designation and noted that it would be difficult for the ALUC to find a project within the Airport Influence Area consistent with the Napa County Airport Land Use Compatibility Plan without this designation.

The Draft EIR identifies the existing Airport Compatibility Overlay District designation in several places, including on pages 2-17, 3.2-15, 3.9-2, and 3.9-5. However, in portions of the document, the existing zoning designation was simply identified as "Agricultural Resource" because the relevant issue of that section concerned the agricultural, non-urban land uses allowed by this zoning district. One example is the discussion of air quality attainment plan consistency on page 3.3-24. The omission of the Airport Compatibility Overlay in this context does not constitute an inconsistency because airport land use compatibility was not relevant to these discussions.

The Airport Compatibility Overlay District is a permanent designation that applies to all properties within the Airport Influence Area. The proposed Master Plan designation would not remove or otherwise void this designation on the project site.

The City of Napa has revised the Master Plan to note specifically that the Airport Compatibility Overlay District will continue to remain in effect. The revised Master Plan is provided in Appendix O.

*Response to ALUC-6*

The commenter stated that the project history discussion in Section 2, Project Description makes incomplete reference to the previous resort project (Stanly Ranch Specific Plan) by noting only that the application was withdrawn after the EIR for that project was certified. The commenter asserted that the discussion is misleading because it fails to delve into the reasons why the application was withdrawn, including an ALUC finding that the project was inconsistent with the Airport Land Use Compatibility Plan and the outcome of litigation between the applicant and the ALUC. The commenter asserted that the project history discussion should be revised to discuss these matters.

The Draft EIR's discussion of project history in Section 2, Project Description was provided strictly for informational purposes and has no bearing on the underlying purpose of the EIR, which is to disclose potential impacts, mitigate them to the extent feasible, and identify feasible alternatives that could avoid or substantially lessen significant impacts. Therefore, it is not necessary to revise it as proposed by the commenter.

*Response to ALUC-7*

The commenter cited the Draft EIR's discussion of the proposed pond on page 3.9-60, which acknowledged that the Airport Land Use Compatibility Plan identifies such uses as "not normally acceptable," and noted that the analysis rationalizes that adding such a use is "okay because there are already other unacceptable water features closer to the airport." The commenter alleged that this analysis was flawed because adding a potential hazard is not justifiable because other similar hazards already exist. The commenter asserted that the EIR should quantify baseline conditions and the extent of change that would occur, including the potential for the pond to cumulatively contribute to the conditions that already exist. The commenter stated that in order for the ALUC to find such a use compatible, 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 patterns. The commenter recommended that a person with expertise in bird strikes consult with the biologist, the "FAA tower," and the airport manager and revise the Draft EIR accordingly.

The Draft EIR disclosed on page 3.9-60 that the proposed pond is currently a seasonal wetland and has the potential to attract birds during various times of the year in its current state. This fact played a significant role in concluding that the proposed pond would not have a significantly greater potential to attract birds than the current seasonal wetland or other water features in the project vicinity.

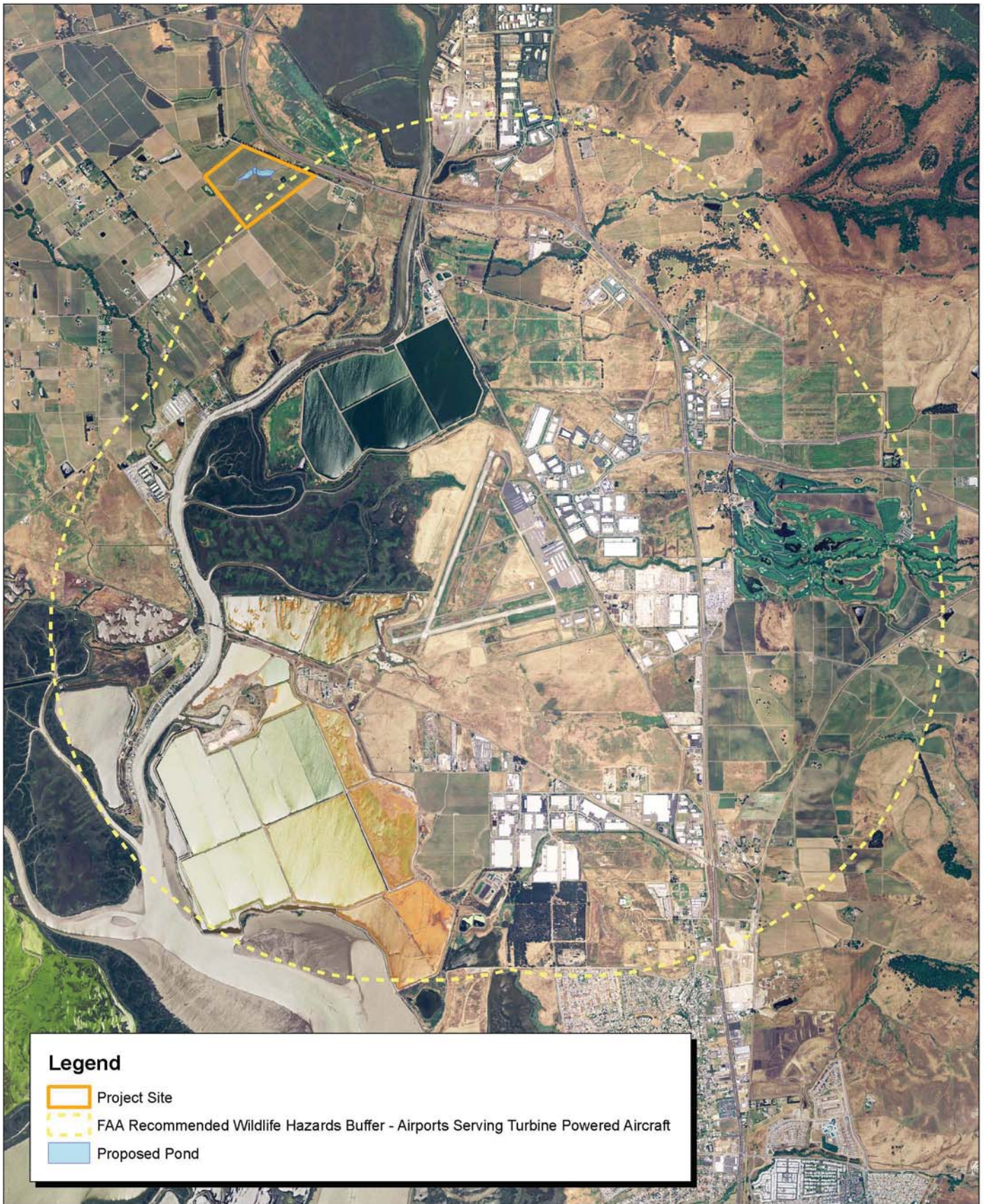
Reinforcing this, Exhibit 3-2 depicts the Federal Aviation Administration's (FAA) recommended wildlife hazard buffer for airports serving turbine-powered aircraft, which is based on guidance provided in FAA Advisory Circular 150-5200-33B. As shown in the image, the proposed pond is outside of the buffer.

The Draft EIR's discussion of other water features in the project vicinity provides a baseline and cumulative analysis of the bird attraction features of the pond. Table 3.9-10 documents 10

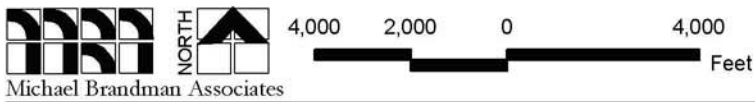
significantly larger water features that are closer to the Napa County Airport runways than the existing seasonal wetland and proposed pond. Note that most, if not all, of these features are within the 10,000-foot buffer shown in Exhibit 3-2. WRA, Inc., the firm that prepared the biological analysis contained in the Draft EIR, specifically evaluated the bird attraction characteristics of these other features, as well as the existing seasonal wetland and proposed pond. WRA concluded that the proposed pond would not have a significantly greater potential to attract birds than the existing seasonal wetland or other water features in the project vicinity.

Finally, the Napa County Airport's own filings with the FAA support the Draft EIR's conclusions. FAA Form 5010 Master Record for the Napa County Airport states: "Flocks of gulls and numerous birds on runways and in vicinity of airport during months of Oct thru Apr and during rainy weather." This clearly indicates that bird attraction is an existing condition at the airport and is likely attributable to the water features that immediately surround the facility. Thus, the development of a pond more than 10,000 feet away from the nearest runway and outside of the FAA's recommended wildlife hazard buffer zone would be unlikely to have any cumulative effect as it relates to the airport's existing conditions.





Source: USDA NAIP Imagery, 2005.



## Exhibit 3-2 Recommended Wildlife Hazards Buffer



*Response to ALUC-8*

The commenter asserted that the Draft EIR failed to provide any discussion of or mitigation for the inconveniences and annoyances associated with regular, single-event overflights. The commenter alleged that the Draft EIR does not mention the frequency or altitude of overflights and does not mention the types of aircraft making those overflights and, instead, simply dismisses aircraft noise as a non-factor because it is outside the Napa County Airport's 55-dBA Community Noise Exposure Level (CNEL) noise contour. The commenter stated that the Draft EIR should include analysis accounting for the specific aviation characteristics affecting the subject property, including, but not limited to, regular training flights by Japan Airlines and executive jets. The commenter also recommended that the report address overflights resulting from airport special events, such as the annual NASCAR race at Sears Point, that result in high numbers of executive jets and helicopter overflights.

This response first will address applicable noise exposure standards and then will discuss the Draft EIR's evaluation of aviation noise impacts.

**Noise Exposure Standards**

Single-event noise level is not a noise impact metric recognized by the FAA, State of California, or the City of Napa. Instead, the FAA, State, City of Napa, and the Airport Land Use Compatibility Plan all use average noise exposure descriptors (CNEL or day-night average [ $L_{dn}$ ]) as the basis for establishing noise exposure thresholds. Furthermore, the Airport Land Use Compatibility Plan acknowledges on pages 2-1 and 2-2 that CNEL is the noise descriptor used in California to measure aviation noise impacts and accounts for factors including single-event noise exposure levels for each type of aircraft. This is supported by Table 2-1, which establishes noise compatibility guidelines using the CNEL descriptor, and Figure 5C, which depicts aviation noise using CNEL. As such, average noise descriptors are the established method of evaluating aviation noise impacts.

Nonetheless, Napa County Airport Land Use Compatibility Plan Supporting Compatibility Policy 3.1.6 states the following:

Single event noise should be addressed when evaluating the compatibility of highly noise sensitive land uses such as schools, libraries, and outdoor theatres. Single-event noise is particularly important in areas which are regularly overflowed by aircraft, but which do not produce significant CNEL contours . . .

This policy indicates that single-event noise need only be evaluated for projects developing highly sensitive uses such as schools, libraries, or outdoor theatres. The proposed project does not propose to develop any such highly sensitive uses and, therefore, would not be subject to this policy under this interpretation.

However, even if one were to take a more expansive interpretation of the policy to mean that the Draft EIR should have considered single-event noise from overflights, the Airport Land Use Compatibility Plan does not establish any thresholds for determining the significance of such impacts. The Airport Land Use Compatibility Plan previously acknowledged that CNEL accounts for factors including single-event noise exposure levels for each type of aircraft. Because CNEL already captures such noise sources, and there is no basis for specifically evaluating single-event noise impacts.

As explained by the Airport Land Use Compatibility Plan on pages 2-6 and 2-7, the annoyance factor of overflight noise is subtle and subjective and is influenced by factors such as noise levels, frequency, altitude, terrain, and the receptor's attitudes towards and knowledge of aviation. As such, even if it were appropriate to evaluate single-event noise impacts, it would be inherently too speculative to do so.

***Draft EIR's Evaluation of Aviation Noise Impacts***

As discussed on pages 3.10-6 through 3.10-12 (and shown in Exhibits 3.10-1 through 3.10-3), the Draft EIR's noise analysis included two 24-hour noise measurements on the project site, which were taken on Saturday, May 9 and Sunday, May 10, 2009. Both were clear days, with temperatures in the 60s, and they overlapped with Mother's Day weekend, a period of peak visitation to Napa County. These noise measurements were intended to capture the ambient noise environment on the project site, including roadway noise, vineyard operations, and aircraft overflights. As stated in page 3.10-20, several aircraft overflights were observed during the noise measurements and are reflected in the 24-hour noise levels documented in Table 3.10-3 and shown in Exhibit 3.10-2.

Regarding the commenter's claims that the noise analysis did not disclose the frequency or altitude of overflights, or the types of aircraft making those overflights, it was neither possible nor necessary to provide this information. The noise analyst taking the measurements was on the ground and did not have the means to reasonably estimate the altitude of overflights, much less decipher the make and model of the aircraft. Regardless, the noise measurements captured all overflights that were audible on the project site during the 24-hour period; therefore, it can be reasonably concluded that the measurements captured the representative aviation noise environment, regardless of a particular aircraft's overflight altitude or make and model.

As for the commenter's recommendations that analysis of airport special events be accounted for in the Draft EIR, this is contrary to accepted standards for evaluating noise impacts. As shown in Exhibit 3.10-4, the City of Napa General Plan establishes noise exposure standards by land use using noise exposure averaged over a 24-hour period (i.e.,  $L_{dn}$  and CNEL). (The County of Napa General Plan establishes noise exposure standards using the same methodology). Generally speaking, for a noise event to have a significant contribution to average noise exposure levels, it must occur on a frequent, recurring basis, such as vehicle trips on a roadway. In contrast, special events such as the

NASCAR race at Sears Point occur infrequently (once a year in this case), and airport activity associated with the event does not significantly affect average noise exposure in the project vicinity.

Finally, the Draft EIR appropriately concluded that the proposed project would not be exposed to excessive aviation noise by citing the aviation noise contours shown in County of Napa General Plan Figure CC-1. This noise contour map, which is the most recent one available for the Napa County Airport, demonstrates that the project site is outside of the 55-dBA CNEL contour for the airport. The Draft EIR's noise analysis provided confirmation of the accuracy of this figure in Table 3.10-3, which shows that 24-hour noise measurements on the project site resulted in average noise levels of 53.7 dBA CNEL and 46.6 dBA CNEL.

In summary, the Draft EIR appropriately used average noise exposure as the basis for determining that the proposed project would not be exposed to significant aviation noise impacts.

*Response to ALUC-9*

The commenter noted that the Draft EIR stated that the proposed project would host an unspecified number of special events such as weddings and stated that the Draft EIR should be augmented to address the potential for overflight annoyance associated with such events. The commenter asserted that the Draft EIR should identify the number, size, and location of events and the sensitivity to noise intrusion. The commenter asked if events would overlap at times when overflights occur and requested identification of measures such as notification of guests about overflights be included as a mitigation measure.

The Draft EIR disclosed on page 2-37 that the resort and winery would host special events and that such events were defined as those that would be open to a significant number of outside guests. The commenter's statement is premised on the notion that most, if not all, special events would occur outdoors. This is not a correct assumption, as the resort and winery would provide indoor facilities suitable for meetings, banquets, receptions, and other events. These types of indoor events would not be affected by overflight noise.

Regarding outdoor special events, as explained in Response to ALUC-8, the project site is not exposed to excessive aviation noise levels. Although it is possible that an overflight may be observed during an outdoor special event, it would likely be no more intrusive than traffic from SR-29 or onsite noise from resort and winery operations (e.g., vehicle movements, mechanical equipment, guests talking, children playing, etc.). This statement is based on the 24-hour noise measurements discussed in Response to ALUC-8. Furthermore, many of these special events would be expected to employ a public address system, amplified music, or other devices that would likely mask the sound of any overflights.

Finally, overflight noise represents single-event noise and, as discussed in Response to ALUC-8, there is no basis for evaluating this impact.

*Response to ALUC-10*

The commenter noted that the Draft EIR does not address density spikes from the large events mentioned in Section 2, Project Description. The commenter stated that the Draft EIR's density analysis should address the frequency, duration, size, location, and types of events occurring onsite and relate them to the frequency, duration, and type of overflights occurring.

As explained on page 3.9-50, only 20.34 acres of the project site are within Zone D and the remaining 72.66 acres are within Zone E. The Airport Land Use Compatibility Plan establishes density recommendations for land uses within Zone D; there are no density recommendations for Zone E. As such, special events that occur in the portion of the project site that overlaps with Zone E would not be subject to any density recommendations.

Exhibit 3.9-1 depicts the portion of the proposed project that would be within Zone D. As shown in the image, this area overlaps with a small portion of the winery building (1,581 square feet), most of the winery parking area and roadways, 27 resort units (resort cottages and fractional units only) and associated pathways, spa facilities, and vineyards. No winery floor plan is available at the time of this writing; however, because the facility would be approximately 39,000 square feet, the amount of space within Zone D would represent 4 percent of the total building area; therefore, it is reasonable to exclude this from a special-event density calculation. The resort units, pathways, winery parking area and roadways, indoor spa, and vineyards would not be suitable to hold special events. Only the outdoor spa, which would total 26,581 square feet, would be suitable for hosting a special event.

The Maximum Occupancy calculations in Table 3.9-7 estimated that the maximum occupancy of the outdoor spa would be 290.5 persons (581 persons x 0.5). These calculations assumed that the entire outdoor spa area was equivalent to a swimming pool and, therefore, would be representative of the density of a pool party special event. Table 3.9-7 indicate that the maximum indoor and outdoor density of the portions of the resort and winery that overlapped with Zone D would be 21.3 persons per acre, substantially fewer than the 150-persons-per-acre recommendation set forth by the Airport Land Use Compatibility Plan. As such, the Draft EIR accounted for special-event density in the maximum occupancy calculations.

*Response to ALUC-11*

The commenter stated that the Draft EIR did not evaluate whether building materials or site improvements would result in new sources of glare or distraction to pilots. The commenter 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 lighting?

- Will roofing materials, windows, green building functions, such as any solar panels, be reflective?

The commenter also asserted that there is an “unsupported statement” that vineyards do not attract large flocks of birds. The commenter recommended that the statement be changed to indicate that vineyards do have the potential to attract large flocks of birds and then describe measures that farmers can take to protect their crops and whether those measures would be used on these vineyards.

The full text of Napa County Airport Land Use Compatibility Plan Supporting Compatibility Policy 3.3.5 is provided below:

Land uses which may produce hazards aircraft in flight shall not be permitted within any airport’s planning area. Specific characteristics to be avoided include: (1) glare or distracting lights which could be mistaken for airport lights; (2) sources of dust, steam, or smoke which may impair pilot visibility; (3) sources of electrical interference with aircraft communications or navigation; or (4) any uses that may attract large flocks of birds, especially landfills and certain agricultural uses.

The commenter’s specific questions above, as well as the comment about the bird attraction potential of vineyards, are addressed below.

### **Cranes**

The Airport Land Use Compatibility Plan establishes 35 feet above grade as the maximum height for objects located within Zone D and Zone E. The tallest building that could be developed under the Master Plan would be 50 feet above average grade, which respects the 35-foot recommendation by allowing sub-grade development. Although the construction fleet has not been identified at the time of this writing, it would be expected that mobile cranes with extendable arms would be used. No fixed cranes exceeding 35-feet in height would be used. All cranes would be required to comply with FAA Part 77 provisions that pertain to proper flagging and lighting. This would be consistent with the 35-foot height recommendation established by the Airport Land Use Compatibility Plan.

### **Skylights**

At the time of this writing, no detailed architectural plans are available; therefore, it is unknown at the time of this writing if skylights would be used. However, there are no provisions in the proposed Master Plan or mitigation measures in the Draft EIR that preclude their use; furthermore, the State’s Title 24 energy efficiency standards encourage the use of skylights. Thus, it will be assumed that they will be used.

The most relevant concern with nighttime lighting near airports is the “Milk Bowl Effect,” which occurs during overcast conditions (including fog) and consists of a pilot becoming disoriented by

light sources interacting with low clouds. The types of light sources that are most conducive to the Milk Bowl Effect are bright and intense sources of light such as athletic field lighting.

The proposed project does not propose any bright or intense sources of nighttime lighting. Mitigation Measure AES-3 requires exterior lighting fixtures to be shielded, recessed, or directed downward, which would prevent “uplighting” and significant contribution to the Milk Bowl Effect.

Small skylights on buildings located more than 10,000 feet from the Napa County Airport are unlikely to create significant aviation hazards because (1) they would not be oriented in a manner typically found at an airport (i.e., in a direct line at the end of a runway); (2) they would be low intensity, particularly skylights associated with resort units; and (3) they may be illuminated sporadically because rooms are unoccupied or the occupants are sleeping.

Finally, the project site is not located directly under the approach or departure patterns for the Napa County Airport. Thus, overflights of the project site would occur at much higher altitudes than landing or take-offs, which significantly reduces the potential for illuminated skylights to be visible to pilots.

In summary, if skylights are installed on project buildings, it would be highly unlikely they would create aviation hazards.

### ***Roofing Materials, Windows, and Solar Panels***

Mitigation Measure AIR-9c requires the project applicant to install high-albedo or green roof technologies on all structures 1,000 square feet in size or larger. High-albedo roofs are typically white membrane roofs, while green roofs are planted with vegetation. Neither type of roof would be mistaken for airport lights or would be considered distracting to pilots.

At the time of this writing, no detailed architectural plans are available; therefore, it is uncertain what types of windows would be employed. However, the types of windows of most concern as they relate to aviation are glazed windows on high-rise buildings, which have been observed to be distracting to pilots. The proposed project would primarily consist of low-rise buildings with a maximum allowable height of 50 feet above average grade; therefore, it would be unlikely that glare from windows could be observed by a pilot in the air.

Mitigation Measure AIR-9a requires the project applicant to install wiring conduits and provide a minimum of 500 square feet of rooftop space suitable for future photovoltaic solar installation on all buildings 10,000 square feet or larger. Certain photovoltaic solar panels may produce glare; however, the solar panels envisioned by the mitigation measure would consist of small arrays distributed among various project buildings, such that it would be doubtful that significant glare would be visible at several thousand feet in the air. In any event, until solar panels are installed, these roof surfaces would be subject to the requirements of Mitigation Measure AIR-9c, which requires either high-albedo or green roofs to be used on buildings larger than 1,000 square feet.



Again, as previously mentioned, the project site is not located under the approach or departure patterns for the Napa County Airport. Thus, overflights of the project site would occur at much higher altitudes than landings or take-offs, which significantly reduces the potential for reflective building materials to be visible to pilots.

***Bird Attraction Potential of Vineyards***

Regarding the commenter's contention the vineyards have high bird attraction potential, it should be noted that the project site is currently planted with vineyards. Public Utilities Code Section 21674(a) defines the powers and duties of an Airport Land Use Commission, as follows:

To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.

Accordingly, the existing vineyards would be considered a land use "devoted to incompatible use" (i.e., an existing land use) and, therefore, outside the scope of the ALUC's review.

Regardless, as discussed in Impact AG-1, the proposed project would result in a net decrease of approximately 50 acres of vineyards. As such, the bird attraction potential of the project site would decline with the reduction in vineyard acreage.

***Response to ALUC-12***

The commenter noted that the 2003 Stanly Ranch subdivision included a commitment that overflight easements that would be granted to Napa County Airport assuring that future property owners would not seek to restrict airport operations and notifying them that their property is within a high-volume overflight zone. The commenter asserted that the Draft EIR is silent on this past commitment and inquired about what measures would be included in the project to comply with the notification requirements specified in the Airport Land Use Compatibility Plan.

The overflight easements granted as part of the 2003 Stanly Ranch subdivision are permanent and will not be voided as part of the proposed project. The Master Plan has been revised to specifically mention the existing overflight easements. The revised Master Plan is provided in Appendix O.

Regarding the commenter's question about what measures would be included in the project to comply with the notification requirements, Business & Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353 require that a specifically worded notification statement disclosing the presence of the airport and the potential for annoyances associated with airport operations be provided to individuals purchasing real property within an Airport Influence Area. This notice would be provided to any person purchasing a unit or units at the proposed project as part of the escrow package.

*Response to ALUC-13*

The commenter inquired if the project had been referred to Caltrans Aeronautics for comment. The commenter stated that if this had not occurred, it is recommended that the City solicit comments from this agency prior to presenting the project to the ALUC for a formal consistency determination.

CEQA Guidelines Section 15023(c) establishes that the State Clearinghouse is responsible for distributing environmental documents to state agencies, departments, boards, and commissions for review and comment. The City of Napa submitted 15 copies of the Draft EIR to the State Clearinghouse, along with a Notice of Completion form identifying state agencies to which the document was recommended for distribution. Caltrans Aeronautics was one of the agencies the City recommended the Draft EIR be provided to for review and comment. This is an accepted method of referring projects to Caltrans Aeronautics.

*Response to ALUC-14*

The commenter provided closing remarks to conclude the letter. No response is necessary.