RESOLUTION NO. 2014-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, ADOPTING CEQA FINDINGS FOR ADOPTION OF THE DEVELOPMENT PLAN, DESIGN GUIDELINES, DEVELOPMENT AGREEMENT TENTATIVE MAP AND CITY/COUNTY AGREEMENTS FOR THE NAPA PIPE PROJECT

WHEREAS, Napa Redevelopment Partners, LLC ("Landowner") owns the 154 acre former industrial site commonly referred to as Napa Pipe at 1025 Kaiser Road in unincorporated Napa County, approximately ¼ mile west of State Highway 121 and ¼ mile north of State Highway 29 (APN's: 046-400-030 & 046-412-005) (the "Property"); and

WHEREAS, on January 14, 2013, the Board of Supervisors of the County of Napa ("Board") held a duly noticed public hearing and adopted a resolution certifying the final environmental impact report ("FEIR") for the Napa Pipe Project; and

WHEREAS, on June 4, 2013, by Resolution No. 2013-60, the Board adopted CEQA findings, including a Statement of Overriding Considerations, a Mitigation Monitoring and Reporting Program, a Water Supply Assessment that included an evaluation of the feasibility of using City of Napa water supplies to serve the Project, and a General Plan Amendment (the "GPA"), and by Ordinance No. 1382 adopted the zoning ordinance (the "Zoning Ordinance") to add Chapter 18.66 to the Napa County Zoning Code to create the Napa Pipe Zoning District that rezoned a portion of the Property to provide for the future development of the following (the "Project"), subject to future County approval of a conforming Development Agreement, Development Plan, Design Guidelines, subdivision maps and other necessary permits and approvals:

- 700 dwelling units (or 945 with a State-required density bonus for exceeding County affordability requirements)
- 34 acres of public parks, open space, wetlands, and trails
- 10-acre potential school site
- 150 senior housing units
- 15,600 square feet of various community facilities
- 40,000 square feet of neighborhood services (e.g., retail and restaurant) uses
- 150 unit hotel
- 10,000 square feet of office space as the primary use within the IBP-W District
- 154,000-square foot membership warehouse retail store and gas station
- 165,000 square feet of office, industrial, research and development or warehousing space (in the industrial zoned area)
- Groundwater and/or City of Napa water or water from an alternate source for potable water; and
- Napa Sanitation District wastewater service; and

WHEREAS, following the County's approval of the GPA and Zoning Ordinance, the County and the City of Napa (the "City") executed a Memorandum of Understanding ("MOU") to establish the terms and conditions under which the City would provide municipal services to the Property and could ultimately annex the Property to the City. The MOU establishes a process by which the City and County would work together to facilitate development of the Project and identifies various actions that will be taken by the City and County to implement the MOU process; and

WHEREAS, the City prepared an Initial Study/Addendum for the Project dated July 2, 2014 (the "Addendum"), to determine whether the County's certified FEIR could be used to support certain City actions to implement the MOU process, or whether additional environmental review is required. The City determined that none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent or supplemental environmental impact report ("EIR") were present and prepared the Addendum pursuant to CEQA Guidelines 15164; and

WHEREAS, Landowner has submitted an application for a Development Agreement, a Development Plan, Design Guidelines and a Tentative Map, all as associated with the development of the Project; and

WHEREAS, in accordance with Napa County Subdivision Code Section 17.12.020, on October 4, 2014, a Notice of Public Hearing regarding the Project, including the CEQA Findings, Development Agreement, Development Plan, Design Guidelines, and Tentative Map, was published in a newspaper of general circulation in the County and mailed to interested persons within 300 feet of the Project and other parties as required by law; and

WHEREAS, on October 15, 2014, the Planning Commission held public hearings on the Project for purposes of considering making an advisory recommendation to the Board on adoption of the CEQA Findings and approval of the Development Agreement, Development Plan and a Tentative Map, all as associated with the development of the Project; and

WHEREAS, on October 29, 2014, at a duly noticed public hearing, the Planning Commission considered all testimony, both oral and written regarding the Project and recommended that the Board of Supervisors (Board) adopt the CEQA Findings; and

WHEREAS, on [_____], 2014, the Board held a duly noticed public hearing and testimony was presented regarding the CEQA Findings, Development Agreement, Development Plan, Design Guidelines and a Tentative Map as recommended by the Commission, as well as certain City/County Agreements.

NOW, THEREFORE, **BE IT RESOLVED,** by the Napa County Board of Supervisors as follows:

1. The above recitals are true and correct and are incorporated herein by this reference.

2. The Board has reviewed and considered the FEIR and Addendum and the record associated therewith, including the comments and submissions made to the Planning Commission and this Board, and based thereon, hereby adopts the CEQA Findings attached hereto as **Attachment A** including a statement of overriding considerations.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Supervisors of Napa County, State of California, at a regular meeting of the Board held on the _____ day of _____, 2014, by the following vote:

AYES: SUPERVISORS _____

_____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

_____
MARK LUCE, Chairman
Napa County Board of Supervisors

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By:_____

APPROVED AS TO FORM
Office of County Counsel

By:, by e-signature

Date:

APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS

Date:

Processed by:

_____
Deputy Clerk of the Board

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COUNTY OF NAPA

CEQA FINDINGS

FOR ADOPTION OF THE DEVELOPMENT PLAN, DESIGN GUIDELINES, DEVELOPMENT AGREEMENT, TENTATIVE MAP, AND CITY/COUNTY AGREEMENTS FOR THE NAPE PIPE PROJECT

October 9, 2014

I. INTRODUCTION & BACKGROUND.

On June 5, 2007, the Board of Supervisors directed the Conservation, Development and Planning Department (now the Planning, Building and Environmental Services Department, and hereafter "Planning Department") to formally commence preparation of a General Plan amendment (PO-00230) related to the Napa Pipe Project (the "Project") re-designating the Project site from "Study Area" to "Napa Pipe Mixed Use". In conjunction with the General Plan amendment, the Project also proposed zoning designation and text amendments, design guidelines, a subdivision map, and an development plan.

The Project was generally proposed as a mixed use neighborhood including 2,580 dwelling units on the 154-acre industrial site south of the City of Napa. The subject property, bearing Assessor's Parcel Numbers 046-400-030 and 046-412-005, is located at 1025 Kaiser Road in unincorporated Napa County on the west side of Kaiser Road southwest of its intersection with Syar Industrial Way approximately 3 miles south of the downtown of the City of Napa, and is adjacent to the City of Napa boundary.

Environmental analysis of the Napa Pipe project formally began in January 2009, when the County of Napa prepared an Initial Study and issued a Notice of Preparation for the Project's EIR. A Draft EIR was released on October 23, 2009, followed by a Supplement to the Draft EIR, released on February 14, 2011. The Supplement to the Draft EIR analyzed modifications made to the Project in response to comments received on the Draft EIR, and also included additional information on site remediation and air quality. Subsequent to the close of the comment period on the Supplement to the Draft EIR, the Project was modified to reduce the number of dwelling units from 2,580 to 2,050, consistent with studies prepared by the Napa Sanitation District for the use of that District's wastewater services and with the "Medium Density Alternative" described in the 2009 DEIR and Supplement to the Draft EIR.

The Final EIR ("FEIR") was released on February 3, 2012, and focused on the Mid-Range Density Alternative previously evaluated in the Draft EIR. Subsequently, the Planning Department recommended a less intensive development proposal than the proposed Project, and requested amendment of the General Plan for only that portion of the Napa Pipe site encompassed by Assessor's Parcel No. 046-412-005, consisting of approximately 63 acres. This 63-acre proposal, referred to as the "Modified (63 Acre) Project" (or "63 Acre Project"), called for a new mixed-use neighborhood to be constructed on the portion of the Napa Pipe site between the Napa River and the railroad tracks. This new neighborhood would have a combination of up to 945 residential units, neighborhood-serving retail, a 150-unit senior/assisted living facility, a 150-room hotel, 100,000 additional square feet of non-residential uses in addition to public open spaces, new streets and other infrastructure. Under the Planning Department's recommendation, the 91-acre parcel east of the railroad tracks would retain its current General Plan land-use designation ("Study Area") and zoning (Industrial with Airport Compatibility Combination District overlay (I:AC)), and would contain project-related open space and infrastructure. The remaining area on the 91-acre parcel was anticipated to be built out with up to 550,000 square feet of warehousing and other industrial uses permitted in the Industrial zoning district. County Staff prepared a February 10, 2012, Supplemental Environmental Analysis or Addendum to the FEIR to allow for the consideration and potential adoption of the 63 Acre Project.

At its May 2, 2012 meeting, the Planning Commission modified the Planning Department's 63 Acre Project proposal by recommending to the Board of Supervisors that the entire Napa Pipe site comprised of APN's 046-412-005 and 046-400-030, with the exception of a 19-acre area within APN 046-400-030, which would remain as "Study Area", be re-designated in the General Plan as "Napa Pipe Mixed Use", and recommended further General Plan amendments. Subsequent to the May 2, 2012 actions of the Planning Commission, and prior to a hearing by the Board of Supervisors, the Project applicant submitted a revised development application, and asked that the revised development application be analyzed and resubmitted to the Planning Commission for its consideration. The revised development application ("Developer's Revised Proposal") mirrors the Modified (63 Acre) Project as adopted by the Planning Commission with the following revisions:

- A 17.5-acre portion of the land located east of the railroad tracks (APN 046-400-030) in "Zone D," north of Bedford Slough would be rezoned to "Napa Pipe Industrial/Business Park Zoning District" (NP-IBP).

- The remainder of the 91 acres located east of the railroad tracks retains its existing "I:AC" zoning designation.

The NP-IBP zoning would allow the same uses as proposed in the NP-IBP-W zoning district previously considered by the Planning Commission, but would also allow, upon approval of a development plan, "General Wholesale Sales Commercial Activities" to facilitate the development of a membership warehouse retail store on the 17.5 acre portion of the site.

In a Supplemental Environmental Analysis dated September 19, 2012 ("SEA"), the environmental effects of the Developer's Revised Proposal were analyzed and compared to the proposed Project as analyzed in the FEIR. The SEA found, in comparison to the proposed Project, that the Developer's Revised Proposal would not result in any new or increased environmental impacts which were not addressed in the FEIR.

At its meeting on October 3, 2012, the Planning Commission adopted, with respect to the Developer's Revised Proposal, Resolution No. 2012-04 recommending that the Board of Supervisors certify the FEIR; Resolution No. 2012-05 recommending the Board adopt findings, a statement of overriding considerations and a mitigation monitoring program, water supply assessment, and adopt conforming general plan amendments, including re-designating the entire Project site to Napa Pipe Mixed Use in the General Plan. The Planning Commission also adopted Resolution No. 2012-06 recommending that the Board of Supervisors adopt a proposed zoning ordinance associated with the Developer's Revised Proposal and rezone APN 046-412-005 and 16 acres of 046-400-030 to the new Napa Pipe Zoning District.

On January 14, 2013, the Board of Supervisors held a duly noticed public hearing and adopted a resolution certifying the FEIR. At its regular meeting of June 4, 2013, the Board of Supervisors made certain findings regarding the Developer's Revised Proposal (the "Revised Napa Pipe Project"), adopted CEQA Findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, approved a Water Supply Assessment pursuant to Water

Code 10911; and adopted a project-related General Plan Amendment and Zoning Ordinance to provide for the future development of the following (subject to the future County approval of a conforming Development Agreement, Development Plan, Design Guidelines, subdivision maps and other necessary permits and approvals):

- 700 dwelling units (or 945 with a State-required density bonus for exceeding County affordability requirements)
- 34 acres of public parks, open space, wetlands, and trails
- 10-acre potential school site
- 150 senior housing units
- 15,600 square feet of various community facilities
- 40,000 square feet of retail and restaurant space
- 150 unit hotel
- 10,000 square feet of office space
- 154,000-square foot membership warehouse retail store and gas station
- Groundwater and/or City of Napa water or water from an alternate source for potable water
- Napa Sanitation District wastewater service
- On an approximately 75-acre portion of the Napa Pipe site located east of the railroad tracks retaining its existing I:AC zoning designation, limit the amount of additional non-residential development to 90,000 gsf of office use and 75,000 gsf of light industrial, R&D, and warehouse uses
- Require the addition of a roundabout or signal at the intersection of Corporate Drive and Anselmo Way, the southern entrance to the site; and
- Require construction of open space, including a five acre "urban farm.

Following the County's approval of the General Plan amendment and rezoning, the City of Napa (the "City") and the County executed a Memorandum of Understanding ("MOU") to establish the terms and conditions under which the City would provide municipal services to the property and could ultimately annex the property to the City. The MOU establishes certain principles under which the City and County would work to facilitate development of the Revised Napa Pipe Project and identifies various actions that will be taken by the City and County to implement the principles delineated in the MOU.

The City prepared an Initial Study/Addendum ("Addendum") pursuant to Sections 15063, subdivision (c)(7) and 15164 subdivision (a) of the California Code Regulations, title 14 ("CEQA Guidelines") to determine whether the County's certified FEIR could be used to support certain City actions to implement certain actions anticipated under the MOU (including placing a measure on the general election ballot to amend its Rural Urban Limit ("RUL") line to include the Napa Pipe Property; adopting General Plan Amendments modifying the RUL line and establishing land use designations for the Napa Pipe Property; prezoning the Napa Pipe Property; executing Sphere of Influence ("SOI"), Tax Sharing, and Regional Housing Needs Allocation Agreements with the County; applying to the Napa County Local Agency Formation Commission ("LAFCO") to amend its SOI boundary and extend City water service to the property; approving the provision of City water service to the property; and, if the RUL line ballot measure passes, applying to LAFCO for approval of the phased annexation of the Napa Pipe Property), or whether additional environmental review is required. The City determined that

none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent or supplemental EIR were present and prepared an Addendum pursuant to CEQA Guidelines section 15164.

The Addendum noted that while the circumstances under which the Revised Napa Pipe Project would be undertaken would change if the Napa Pipe property is annexed to the City and comes under City jurisdiction, such change would not allow for or result in any different or increased levels of development than was considered and analyzed in the County's EIR, and would not require major revisions to the County's EIR. In particular, with respect to providing City services to the property, the Addendum noted that the provision of City services to the property was considered in the FEIR under certain circumstances, such as the provision of water by the City, but not in other instances, such as the provision of fire or police services by the City. To the extent that the County's FEIR did not consider it, the Addendum evaluated whether providing City services to the property would result in any new significant environmental effects that were not identified and addressed in the County's EIR. Based on the best information currently available to the City, the City determined that providing City services to the Napa Pipe property would not result in any new significant environmental effects. Based on this and other information in the Addendum, the City concluded that the County's FEIR adequately identified and analyzed the potential environmental effects that are likely to result from the City actions implementing the MOU. Thus, no additional environmental document was required for the City's actions.

The FEIR and Addendum referenced in the subsequent section of these Findings consists of the *Napa Pipe Draft EIR, Volumes I – IIIB (dated October 23, 2009)* [also referred to herein as the "2009 DEIR"], the *Napa Pipe Supplement to the Draft EIR, Volumes I & II (dated February 14, 2011)* [also referred to herein as the "Supplement" or "Supplement to the 2009 DEIR"], the *Napa Pipe Final Environmental Impact Report (dated February 3, 2012), the February 10, 2012 Supplemental Environmental Assessment*, the *September 19, 2012 Supplemental Environmental Assessment ("SEA")*; all of the comments and staff responses entered into the record orally and in writing between February 21, 2012 and January 14, 2013, accompanying planning and other County records, files, minutes, technical memos or evidence entered into the record, and the July 2, 2014 Addendum prepared by the City of Napa and adopted by the City of Napa City Council on July 22, 2014.

Although the County has certified the FEIR and approved amendments to the General Plan and Zoning, other actions are required prior to allowing physical development on the Napa Pipe property. These actions include approval of a Development Plan, Design Guidelines, Tentative Map, Development Agreement, and certain agreements between the City and the County (hereinafter, "City/County Agreements"), including:

(i) A tax allocation agreement regarding the allocation of property tax and other tax revenues generated by the Napa Pipe Site ;

(ii) An agreement regarding the provision of municipal services for the Napa Pipe Municipal Services for the Napa Pipe Development Project;

(iii) An agreement regarding Regional Housing Needs Allocations ("RHNA") for future housing element planning periods;

(iv) An agreement regarding permit inspection services; and

(v) An agreement regarding City annexation obligations and roles of City and County with respect to the processing of development applications and building permits, payment of fees and administration of the Development Agreement.

As such, the County and the project applicant now wish to enter into a Development Agreement for the Revised Napa Pipe Project pursuant to California Government Code sections 65864, et seq. The Development Agreement specifies the standards and conditions that will govern development of the property, including how the project will be phased, the required timing of public improvements, the developer's contribution toward funding system-wide area improvements, and other conditions. In addition, the project applicant seeks County approval of a Development Plan and Design Guidelines pursuant to Section 18.66.030 of the Napa County Code and a Tentative Map, and approval by the County and City of the City/County Agreements. The Development Agreement, Development Plan and Tentative Map ensure that adequate public facilities (which may include privately owned facilities restricted for public use), including streets, water, sewer, parks, schools, and other facilities are or will be available to serve the proposed development. The Development Plan also specifies the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, plans for public facilities (such as publicly accessible parks and open space) and circulation improvements, other public benefits and project phasing. The Design Guidelines govern the architectural design of buildings, signage, lighting, and any other requirements necessary to ensure an aesthetically pleasing and livable neighborhood consistent with the Napa Pipe Zoning Ordinance and the Development Plan. The Tentative Map also provides for the subdivision of the Napa Pipe property in compliance with the Subdivision Map Act (California Government Code sections 66410 et seq.). The City/County Agreements represent certain actions necessary to implement the MOU, including provision of certain City municipal services to the Napa Pipe property prior to annexation, including police and fire.

These findings have been prepared in accordance with the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) and its implementing guidelines ("CEQA Guidelines") (Cal. Code Regs., tit. 14, § 15000 et seq.), and document the reasons why the County has determined that additional environmental review, in the form of a subsequent or supplemental EIR, is unnecessary prior to approval of the Development Agreement, Development Plan, Design Guidelines, Tentative Map, and City/County Agreements.

II. CONSIDERATION OF DEVELOPMENT AGREEMENT, DEVELOPMENT PLAN, DESIGN GUIDELINES, TENTATIVE MAP, AND CITY/COUNTY AGREEMENTS PURSUANT TO CEQA

For purposes of considering the proposed Development Agreement, Development Plan, Design Guidelines, Tentative Map, and City/County Agreements pursuant to CEQA, the County has reviewed the FEIR and Addendum. The County has also considered whether there are any grounds for the preparation of a subsequent EIR or supplement to the EIR. (See Pub. Resources Code, § 21166; CEQA Guidelines, §§ 15162, 15163.)

Public Resources Code section 21166 provides that when an environmental impact report has been prepared and certified for a project, no subsequent or supplemental environmental impact

report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

a. Substantial changes are proposed in the project, which will require major revisions of the environmental impact report.

b. Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

c. New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

Public Resources Code section 21068 defines "Significant effect on the environment" as a substantial, or potentially substantial, adverse change in the environment. CEQA Guidelines section 15382 further defines, in relevant part, a "Significant effect on the environment" as meaning a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Consequently, once an EIR has been certified for a project, no subsequent EIR is required under CEQA unless, based on substantial evidence:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete . . . shows any of the following:

   a. The project will have one or more significant effects not discussed in the previous EIR;

   b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. [1]

[1] / A lead or responsible agency could also choose to prepare a supplement to an EIR rather than a subsequent EIR if: (1) any of the conditions described in Section 15162 would require the preparation of

(CEQA Guidelines, § 15162)

In this case, the Development Agreement, Development Plan, Design Guidelines, Tentative Map, and City/County Agreements do not involve any of the conditions of CEQA Guidelines section 15162 that require preparation of a subsequent or supplemental EIR.

With respect to item 1, above, approval of the Development Agreement, Development Plan, Design Guidelines, Tentative Map, and City/County Agreements are intended to implement conditions and guidelines for development of the Revised Napa Pipe Project described in the FEIR and Addendum. The only changes implicated by these approvals are with respect to the timing and manner of obligation for two traffic improvements. In the FEIR, the mitigation for Impact TRA-8 at the intersection of Soscol Ferry Road/Devlin Road (Intersection 25) required the project applicant to construct the improvement prior to the occupancy of the project. The "Implementation Procedure" in the adopted Mitigated Monitoring and Reporting Plan ("MMRP"), however, required the project applicant to pay to the County the costs associated with constructing the identified improvements prior to occupancy. The obligation for this mitigation measure has been clarified in the Development Agreement to require the project applicant to construct the improvements.

Similarly, Section 3 of the Napa Pipe Zoning Ordinance No. 1382 required the project applicant to construct the improvements to Anselmo Court/Napa Valley Corporate Drive (Intersection 22). The Opening Day Mitigation section of the July 14, 2014 Napa Pipe Intersection Improvement Plan for the project prepared by Fehr & Peers, however, included language making it unclear whether the project applicant was required to fund or to construct the improvements for Intersection 22. The obligation for this mitigation measure has been clarified in the Development Agreement to require the project applicant to construct the improvements.

These minor clarifications in the language and implementation obligations for these traffic improvements will not cause or result in any change to the proposed development in a manner that could result in new significant environmental effects or a substantial increase in the severity of any previously identified significant effects.

With respect to item 2, above, the circumstances under which the Revised Napa Pipe Project would be undertaken would not change with approval of the Development Agreement, Development Plan, Design Guidelines, Tentative Map, and City/County Agreements because the approvals are intended to implement conditions and guidelines for development of the Revised Napa Pipe Project described in the FEIR and Addendum.

With respect to item 3, above, the County is not aware of any new information that was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified, that meets any of the standards set forth in CEQA Guidelines section 15162, subdivision (a)(3)(A) through (D). As such, the Development Agreement, Development Plan, Design Guidelines, Tentative Map, and City/County Agreements will not require major revisions to the FEIR, and the Development Agreement, Development Plan, Design Guidelines, Tentative Map,

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a subsequent EIR, and (2) only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. (See CEQA Guidelines, § 15163, subd. (a).)

and City/County Agreements will not result in any new significant adverse impacts or a substantial increase in the severity of a significant impact identified in the FEIR. (CEQA Guidelines, § 15162, subd. (a)(3)(A), (B).) Moreover, no new information of substantial importance exists that indicates that mitigation measures or alternatives previously found not to be feasible in the FEIR would in fact be feasible, and would substantially reduce one or more significant effects of the Project, and that the project proponents have declined to adopt the mitigation measure or alternative. (CEQA Guidelines, § 15162, subd. (a)(3)(C).) Furthermore, no new information of substantial importance exists that indicates that there are mitigation measures or alternatives which are considerably different from those analyzed in the FEIR that will substantially reduce one or more significant effects on the environment, and that the project proponents have declined to adopt the mitigation measure or alternative. (CEQA Guidelines, § 15162, subd. (a)(3)(D).)

Based on these considerations and after considering the evidence in the record, the County concludes that the FEIR and Addendum provide adequate substantial evidence upon which the County may base its decision to approve the Development Agreement, Development Plan, Design Guidelines, Tentative Map, and City/County Agreements in full compliance with CEQA.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

The County's findings with respect to the Revised Napa Pipe Project's significant effects and mitigation measures are set forth in the findings of fact adopted on June 4, 2013 by the Board of Supervisors in Resolution No. 2013-60. The June 4, 2013 findings ("2013 Finding of Fact") are hereby incorporated by reference. As set forth in Section 9 of the 2013 Finding of Fact, the County determined that approving the Revised Napa Pipe Project would result in several significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures. The County also determined there were no feasible Project alternatives that would mitigate or substantially lessen the impacts. (See 2013 Finding of Fact, Section 12.) Despite these effects, the County, in accordance with CEQA Guidelines Section 15093, chose to approve the Revised Napa Pipe Project for the reasons set forth in Section 13 of the 2013 Finding of Fact, determining that overriding economic, social, and other considerations outweigh the significant, unavoidable effects associated with the Revised Napa Pipe Project.

The County has considered the previously adopted statement of overriding considerations set forth in Section 13 of the 2013 Finding of Fact and finds that the Development Agreement, Development Plan, Design Guidelines, Tentative Map, and City/County Agreements do not present any changes to the Revised Napa Pipe Project that would result in new significant adverse impacts, much less new significant and unavoidable impacts, not previously identified in the FEIR. Consequently, the previously adopted statement of overriding considerations is adequate and adoption of a new statement of overriding considerations is unwarranted.

IV. MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program ("MMRP") was prepared and adopted as part of the approval of the Revised Napa Pipe Project. The County uses the MMRP to track compliance with Project mitigation measures. The County finds that the Development Agreement, Development Plan, Design Guidelines, Tentative Map, and City/County Agreements

do not present any modifications to the Revised Napa Pipe Project that would result in new significant adverse environmental impacts or a substantial increase in the severity of previously identified significant adverse impacts and will only result in minor text changes to two traffic improvement requirements. Additional mitigation measures are therefore not required. The County will, however, continue to require compliance with the mitigation measures set forth in the adopted MMRP as part of the Development Agreement, Development Plan, Design Guidelines, Tentative Map, and City/County Agreements implementation.

V. RECORD OF PROCEEDINGS

In accordance with Public Resources Code section 21167.6, subdivision (e), the record of proceedings for the County's decision on the Development Agreement, Development Plan, Design Guidelines, Tentative Map, and City/County Agreements includes all of the substantial evidence contained within the record prepared for the certified FEIR, listed in Section 18 of the 2013 Findings of Fact, and all of the substantial evidence contained within the record prepared for the City's Addendum adopted by the City Council on July 22, 2014, as well as the following additional documents:

- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Development Agreement, Development Plan, Design Guidelines, Tentative Map, and/or City/County Agreements;

- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;

- Any and all resolutions and ordinances adopted by the County regarding the Development Agreement, Development Plan, Design Guidelines, Tentative Map, and/or City/County Agreements, and all staff reports, analyses, and summaries related to the adoption of those resolutions and ordinances;

- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;

- Any documents expressly cited in the FEIR or Addendum;

- Development Agreement, Development Plan, Design Guidelines, Tentative Map, and/or City/County Agreements applications and any written or oral comments submitted to the County on the applications; and

- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

VI. LOCATION AND CUSTODIAN OF RECORDS

The documents and other materials that constitute the record of proceedings on which these findings are based are located at the office and in the custody of the Napa County Department of Planning, Building & Environmental Services, at 1195 Third Street, Suite 210, Napa, California.

The location and custodian of these documents is provided in compliance with Public Resources Code section 21081.6, subdivision (a)(2) and CEQA Guidelines section 15091, subdivision (e).