RESOLUTION R2010 48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE ST. REGIS NAPA RESORT PROJECT, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, ADOPTING CERTAIN FINDINGS OF FACT, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDEDRATIONS

WHEREAS, on September 30, 2008, SR NAPA LLC, submitted an application for a General Plan Amendment, Zoning Amendment/Master Plan, Master Use Permit, and Tentative Subdivision Map; all of the above which comprise the "Proposed Project"; and

WHEREAS, the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. ("CEQA"), requires that the City consider the potential environmental impacts of the Proposed Project prior to approving any entitlements for the Proposed Project; and

WHEREAS, the City of Napa caused an Environmental Impact Report, consisting of a Draft EIR, a Final EIR and all the appendices ("EIR") regarding the Proposed Project, to be prepared pursuant to CEQA and the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 et seq., and the City of Napa CEQA Guidelines; and

WHEREAS, on March 4, 2009, a Notice of Preparation of a Draft Environmental Impact Report for the Stanly Ranch Resort Master Plan was posted and mailed to all responsible and affected agencies pursuant to CEQA Guidelines section 15082; and

WHEREAS, on March 30, 2009 a Scoping Meeting was noticed and held pursuant to CEQA Guidelines section 15083; and

WHEREAS, on August 26, 2009 the City of Napa filed a notice of Completion of the Draft EIR with the State Office of Planning and Research (State Clearinghouse No. 2009032009), and from August 27, 2009 to October 12, 2009, circulated the Draft EIR, including an appendix thereto containing the preliminary draft Stanly Ranch Resort Master Plan ("Master Plan"), for review and comment by the public and public agencies having jurisdiction by law with respect to the project; and

WHEREAS, on December 22, 2009, the Final EIR ("FEIR"), which incorporates the Draft EIR by reference and contains the public written comments submitted within the statutory circulation period for the Draft EIR, and the written responses to those comments, was published and circulated to commenting agencies and responding persons; and

WHEREAS, on January 21, 2009 the Planning Commission considered the EIR and all written and oral testimony submitted to them at a noticed public hearing on the General Plan Amendment, Zoning Amendment/Master Plan, Master Use Permit, and Tentative Parcel Map, at which the Planning Commission heard a presentation by staff and took public testimony, and thereafter closed the public hearing and subsequently recommended that the City Council certify the FEIR, adopt Findings of Fact and a Statement of Overriding Considerations related to the EIR, approve of the General Plan Amendment, the Master Plan, Master Use Permit, and the Tentative Parcel Map; and

WHEREAS, on March 3, 2010 the FEIR and the Proposed Project were considered at a meeting of the County of Napa Airport Land Use Commission ("ALUC"), which heard a presentation by County of Napa staff, took public testimony and thereafter found the project application out of compliance with the Napa County Airport Land Use Compatibility Plan, due to the lack of particular conditions in the zoning and permit documents approved by the Planning Commission and due to a lack of data related to flights over the site; and

WHEREAS, on April 7, 2010 the FEIR and the Proposed Project were considered at a meeting of the ALUC, which heard a presentation by County of Napa staff, took public testimony and thereafter found the project, as amended, to be in compliance with the Napa County Airport Land Use Compatibility Plan; and

WHEREAS, on April 20, 2010 the City Council of the City of Napa held a public hearing on the subject FEIR, General Plan Amendment, Zoning Amendment/Master Plan, Master Use Permit, and Tentative Parcel Map and received the recommendation of the Planning Commission, received a presentation by staff, and took public testimony, and thereafter closed the public hearing and considered the adequacy of the EIR, the Mitigation Monitoring Plan, the Findings of Fact, and the Statement of Overriding Considerations.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa as follows:

Section 1. Recitals. The foregoing recitals are true and are incorporated herein as findings.

Section 2. Compliance with CEQA. The EIR was prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA"). Pursuant to CEQA Guidelines Section 15088.5 and as found in Section III of Exhibit "A", the changes to the EIR Errata do not require recirculation of the EIR as the identified changes do not add significant new information to the EIR which deprived members of the public and commenting responsible agencies of an opportunity to comment on a substantial adverse environmental impact.

Section 3. EIR Reviewed and Considered. The City Council certifies that the EIR has been completed in compliance with CEQA; that it has been presented to the City

Council; that the City Council has reviewed and considered the information contained in the EIR; that the EIR reflects the independent judgment of the City Council; and that the information contained therein has substantially influenced all aspects of the decision by the City Council to approve the Proposed Project.

Section 4. Findings of Fact Regarding Significant Effects. Section 21081(a) of the Public Resources Code requires the City Council to make certain findings regarding the significant effects of the Proposed Project. This includes findings regarding effects that would be significant, even after the adoption of all feasible mitigation measures and any feasible alternatives, certain significant or potentially significant environmental effects caused by the project, or cumulatively. Therefore the City Council of the City of Napa hereby adopts, pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations in the form set forth in Exhibit "B", identifying specific economic social and other considerations that outweigh the unavoidable significant adverse environmental effects.

Section 5. As more fully identified and set forth in the FEIR and in the Findings for Fact for the Proposed Project, which is Exhibit "A" to this Resolution, the City Council hereby finds pursuant to Public Resources Code Section 231081 and CEQA Guidelines Section 15091 that the mitigation measures described in the above referenced document are feasible and will become binding upon the entity (such as the project proponent or the City) assigned thereby to implement the same.

Section 6. As more fully identified and set forth in the FEIR and in the Findings of Fact for the Proposed Project, which is Exhibit "A" to this Resolution, the City Council hereby finds, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, that in light of City policies and objectives for the project site, specific economic and social considerations make the alternatives to the project which were identified in the FEIR infeasible.

Section 7. As required by the Public Resources Code Section 21081.6, the City Councils hereby adopts the Mitigation Monitoring and Reporting Program as set for the in the FEIR and attached to this Resolution as Exhibit "C". The City Council further finds that the Mitigation Monitoring and Reporting Program is designed to ensure that, during the project implementation, the permittee/project applicant and any other responsible parties shall implement the project components and comply with the mitigation measures identified in the Findings of Fact and in the Mitigation Monitoring and Reporting Program.

Section 8. The City Council hereby adopts all findings contained in Exhibit "A". The City Council, exercising its own independent judgment, determines that all the findings contained in Exhibit "A" are supported by substantial evidence in the record.

Section 9. Mitigation Monitoring. Pursuant to Section 21081.6 of the Public Resources Code and the findings in Section VI of Exhibit "A", the Mitigation Monitoring and Reporting Program, set forth in Exhibit "C" is hereby adopted to ensure that all

mitigation measures adopted for the Proposed Project are fully implemented. Further, the City Council finds that compliance with the Mitigation Monitoring Plan will be a condition of the Master Use Permit that is part of the approvals for the Proposed Project.

Section 10. Location and Custodian of Documents. The record of Proposed Project's environmental review, which is further described in Section IV of Exhibit "A", shall be kept at the Napa City Community Development Department, 1600 First Street, Napa, CA 94559

Section 11. Certification. Based on the above facts and findings and the findings in the attached Exhibits, City Council of the City of Napa hereby certifies as lead agency for the Proposed Project that the EIR for this Proposed Project is accurate and adequate. The Council further certifies that the EIR was completed in compliance with CEQA and the State CEQA Guidelines. The City Clerk is directed to file a Notice of Determination as required by CEQA and the CEQA Guidelines.

Section 12. This Resolution shall take effect immediately upon its adoption.

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 20th day of April, 2010, by the following roll call vote:

AYES: Techel, Mott, Krider, van Gorder, Inman

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: Dorothy Roadman
Dorothy Roadman
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney

Exhibit "A"

CEQA Findings of Fact
St. Regis Napa Valley Project

January 2010

I. INTRODUCTION

1. These are the California Environmental Quality Act Findings of Fact ("CEQA Findings") prepared for the City of Napa ("City") as lead agency for the St. Regis Napa Valley Project ("Proposed Project"). These CEQA Findings pertain to the Proposed Project and the Environmental Impact Report ("EIR") prepared for the Proposed Project, SCH #2009032009. The Draft EIR, the Final EIR, Addendum to the Final EIR, and all the appendices comprise the "EIR" referenced in these CEQA Findings.

2. These CEQA Findings are attached as Exhibit A and are incorporated by reference into the resolution certifying the EIR. That resolution also incorporates an Exhibit B, which contains the Mitigation Monitoring and Reporting Program ("MMRP"), and which references the Proposed Project's impacts, mitigation measures, levels of significance before mitigation, and resulting levels of significance after mitigation.

3. Each statement made in these CEQA Findings is a finding of the City Council of the City ("Council".) Thus, the CEQA Findings are comprised of many individual findings.

4. The CEQA Findings attached as Exhibit A do not, in all cases, identify the party responsible for carrying out the mitigation measure, monitoring the mitigation measure, or the timing of the mitigation measure. That information is contained in the MMRP.

5. A Statement of Overriding Considerations with respect to significant unavoidable impacts is attached as Exhibit B. Findings of Fact in support of the Statement of Overriding Considerations are attached as Exhibit A.

II. PROJECT DESCRIPTION

1. The project site is located in the City of Napa, Napa County, California. The project site is located within the boundaries of the Stanly Ranch in the southern portion of the City of Napa, southwest of the junction of State Route 12 (SR-12), State Route 29 (SR-29), and State Route 121 (SR-121). The project site consists of four parcels totaling approximately 93 acres (Assessor's Parcel Numbers 047-230-049, 047-230-052, 047-230-051, 047-230-050). The project site is bounded by vineyards (west, north, and south) and Stanly Lane (east) (Exhibit 2-2 of the DEIR). The project includes the shared alignment of a future wastewater pipeline and recycled water pipeline, a portion of which would be under the Napa River.

2. The Project Applicant is SR Napa, LLC.

3. The proposed project consists of the development of a resort, winery, and associated infrastructure on the 93-acre project site. The resort would consist of 245 units, dining facilities, event facilities, health and recreational facilities, and operational and maintenance facilities. The winery would have an annual production capacity of 25,000 cases. Parking facilities, internal roadways, and other infrastructure would be developed within the resort and winery grounds. Sewer and recycled water service would be extended to the project site from the Napa Sanitation District Soscol Water Recycling Facility. The alignment for the sewer and recycled water pipelines would cross under the Napa River and would be located within Stanly Lane.

The proposed project would require discretionary approvals including a General Plan Amendment, Master Plan adoption, tentative subdivision map, condominium map, Airport Land Use Compatibility Plan review, and annexation into the Napa Sanitation District.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

1. Pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA") and the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 et seq., and the City of Napa CEQA Guidelines, Resolution No. R1 1999-217, the City determined that an Environmental Impact Report consisting of a Draft EIR, a Final EIR, Addendum to the Final EIR, and all the appendices ("EIR") would be prepared for the Proposed Project. The City issued a Notice of Preparation ("NOP") on Tuesday March 3, 2009 which was circulated to responsible agencies and interested groups and individuals for review and comment.

2. A Draft EIR was prepared for the Proposed Project to analyze its environmental effects. The Draft EIR was circulated for a public review period from August 27, 2009 to October 13, 2009. A public hearing was held by the City of Napa on January 21, 2010.

3. The City received written comments on the Draft EIR during the public review period. The City prepared responses to comments on environmental issues and made changes to the Draft EIR. These changes to the EIR Erratta were determined to not require recirculation of the EIR. The responses to comments, changes to the Draft EIR, and additional information were published in the Final EIR on December 22, 2009.

4. The Planning Commission held a public hearing on the EIR on January 21, 2010. At this meeting, the Planning Commission recommended the certification of the EIR, the approval of a General Plan amendment, the adoption of a Master Plan, the approval of a tentative subdivision and a condominium map. The Council subsequently held a public hearing on the EIR and the abovementioned entitlements on February 16, 2010.

5. At all public hearings, the City staff and its engineering and environmental consultants provided information about the Proposed Project, the potential environmental impacts, and the CEQA review process. At each meeting/hearing, members of the public had the opportunity to ask questions and express their concerns and interests regarding the Proposed Project.

IV. RECORD OF PROCEEDINGS

1. For the purposes of CEQA and these CEQA Findings, the Record of Proceedings upon which all Findings and determinations related to the Proposed Project are based includes but is not limited to the following:

a. The Notice of Preparation (NOP), dated Tuesday March 3, 2009, and all other public notices issued by the City in conjunction with the Proposed Project;

b. The Draft EIR for the Proposed Project, including appendices and technical studies included or referenced in the DEIR;

c. Notice of Completion (NOC), distributed August 22, 2009, which was published in the local newspaper providing notice that the Draft EIR had been completed and was available for public review and comment through October 13, 2009;

d. All comments submitted by agencies or members of the public during the comment period on the Draft EIR;

e. All comments and correspondence submitted to the City with respect to the Proposed Project;

f. The Final EIR for the Proposed Project, including comments on environmental issues received on the DEIR, responses to those comments, and technical appendices;

g. The Addendum to the Final EIR for the Proposed Project;

h. Documents cited or referenced in the Draft and Final EIRs and the Addendum to the Final EIR;

i. All findings, ordinances and resolutions adopted by the Council in connection with the Proposed Project, and all documents cited or referred to therein;

j. All reports, studies, memoranda (including internal memoranda not protected by the attorney-client privilege), maps, staff reports, or other planning documents relating to the Proposed Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Proposed Project;

k. Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Proposed Project;

l. Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;

m. All matters of common knowledge to the City Council, including but not limited to (1) the City of Napa General Plan and other applicable policies, (2) the City of Napa Municipal Code and other applicable ordinances, (3) information regarding the City's fiscal status, (4) all applicable City policies and regulations, (5) reports, projections, and documentation regarding development within and surrounding the Proposed Project site, and (6) federal, state, and local laws, regulations, guidelines and publications;

n. Any documents expressly cited in these CEQA Findings, in addition to those cited above; and

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

2. The official custodian of the record is Tambri Hayden, Community Development Director, City of Napa, or designee. Such documents and other materials are generally located at 1600 First Street, Napa, CA 94559.

3. The Council has relied on all of the documents listed above in reaching its decision on the Proposed Project, even if not every document was formally presented to the City Staff as part of the City files generated in connection with the Proposed Project. Without exception, any documents set forth above and not found in the Proposed Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the Council was aware in approving the Proposed Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents included the expert advice provided to City Staff or consultants, who then provided advice to the Council. For that reason, such documents form part of the underlying factual basis for the Council's decisions relating to the Proposed Project. (See Public Resources Code Section 21167.6 (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

V. CERTIFICATION OF THE EIR

1. In accordance with CEQA, the CEQA Guidelines and the City Guidelines, the Council, as lead agency, certifies that the EIR has been completed in compliance with CEQA, the CEQA Guidelines and the City Guidelines. The Council further certifies that it has reviewed and considered the information in the EIR prior to approving any element of or entitlement for the Proposed Project. Similarly, the Council finds that it has reviewed the record and the EIR prior to approving any element of or entitlement for the Proposed Project. The Council further finds that it has reviewed the, the record upon which these CEQA Findings are made, as set forth in Section IV, prior to approving any element of or entitlement for the Proposed Project. By making these CEQA Findings, the Council confirms, ratifies and adopts the findings and conclusions of the EIR, as supplemented and modified by the findings contained herein. The EIR and these CEQA Findings represent the independent judgment and analysis of the City and the Council.

2. The Council certifies that the EIR is adequate to support the approval of the Proposed Project, each alternative in the EIR, and variations within the range of alternatives described and evaluated in the EIR. The EIR is adequate for each entitlement or approval required for construction or operation of the Proposed Project.

VI. MITIGATION MEASURES, CONDITIONS OF APPROVAL, AND MMRP

1. Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097 require the City to adopt a mitigation monitoring plan or reporting program to ensure that the mitigation measures and revisions to the Proposed Project identified in the EIR are implemented. The Council finds that the MMRP attached as Exhibit "C" meets these requirements and hereby adopts the MMRP.

2. The mitigation measures set forth in the MMRP reflect the mitigation measures set forth in the EIR. The City has modified the language of some of the mitigation measures and corresponding conditions for purposes of clarification and consistency,

to enhance enforceability, to defer more to the expertise of other agencies with jurisdiction over the affected resources, to summarize or strengthen their provisions, and/or to make those mitigation measures more precise and effective, all without making any substantive changes to those mitigation measures.

VII. FINDINGS REGARDING IMPACTS

1. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Council adopts the findings and conclusions regarding impacts and mitigation measures that are set forth in the EIR, and summarized in the attached Exhibit "A-1". These findings do not repeat the full discussions of environmental impacts contained in the EIR. The Council ratifies, adopts and incorporates the analysis, explanation, findings, responses to comments and conclusions of the EIR. The Council adopts the reasoning of the EIR, City staff reports, and City staff and the presentations provided by the Proposed Project Applicant.

2. A number of impacts analyzed under the EIR were found to be less than significant even without mitigation. For less than significant impacts, no specific findings are made in this document, consistent with CEQA Guidelines Section 15091. These less than significant findings are set forth in Exhibit "A-1". The Council hereby adopts the reasoning of the EIR in finding that these impacts are less than significant.

3. The Council has, by its review of the evidence and analysis presented in the EIR and in the record, acquired a better understanding of the full scope of the environmental issues presented by the Proposed Project. In turn, this understanding has enabled the Council to make fully informed, thoroughly considered decisions on these important issues. These CEQA Findings are based on a full appraisal of the EIR and the record, as well as other relevant information in the record of proceedings for the Proposed Project.

4. Under Public Resources Code section 21081(a)(2) and CEQA Guidelines sections 15091(a)(2) and 15092(b)(2)(A), the Council recognizes that some mitigation measures may require action by, or cooperation from, other agencies. Similarly, mitigation measures requiring the Project Applicant to contribute towards improvements planned by other agencies will require the relevant agencies to receive the funds and spend them appropriately. The Council also recognizes that some cumulative impacts will be feasibly mitigated when other agencies build the relevant improvements, which also requires action by these other agencies. For each mitigation measure that requires the cooperation or action of another agency, the Council finds that adoption and/or implementation of each of those mitigation measures is within the responsibility and jurisdiction of another public agency, and that the measures can and should be adopted and/or implemented by that other agency.

5. The Council finds that after mitigation all of the Proposed Project impacts will be at a level of less than significant as shown in **Table ES-1 Executive Summary Matrix** of the Draft EIR except for two significant unavoidable impacts described below.

VIII. SIGNIFICANT UNAVOIDABLE IMPACTS

1. The Proposed Project will result in two significant unavoidable impacts:

- **Air Quality Management Plan Inconsistency:** The proposed project requires a General Plan Amendment that would re-designate the project site from

Resource Area to Tourist Commercial. This re-designation would facilitate the development of more intense uses that substantially increase vehicle miles traveled (VMT) above existing levels and, therefore, conflict with the assumptions contained in the Clean Air Plan.

- **Cumulative Air Quality:** Because of the significant unavoidable impact associated with air quality management plan inconsistency, a significant cumulative air quality impact would also occur.

2. The City council has prepared a Statement of Overriding Considerations for these two significant unavoidable impacts. That Statement of Overriding Considerations may be adopted following approval of these findings.

IX. FINDINGS REGARDING ALTERNATIVES

1. The EIR identified the significant environmental impacts of the Proposed Project and mitigation measures to reduce those impacts to less than significant levels except for those described in Section VIII.

2. Under the No Project/No Development Alternative, the project site would remain unchanged and no development would occur. The project site would remain planted as vineyards for the foreseeable future, and the cistern and associated wooden structure would remain unchanged. The existing General Plan designation of Resource Area and Zoning Ordinance designation of Agricultural Resource, Airport Compatibility Overlay/Floodplain Management Overlay would be maintained. No sewer or recycled water service would be extended to the project site. The project site would remain in its existing condition, and no development would occur. The proposed project would result in two significant unavoidable impacts associated with air quality, which would be avoided by the No Project Alternative. In addition, the proposed project would result in potentially significant impacts on aesthetics, light, and glare; agricultural resources, air quality; biological resources; cultural resources; geology, soils, and seismicity; hydrology and water quality; noise; public services and utilities; and transportation, all of which would be mitigated to a level of less than significant by the mitigation measures described in the EIR and the MMRP. None of these potentially significant impacts would occur under the No Project/No Development Alternative. The No Project/No Development Alternative would have less impact on all environmental topical areas. However, this alternative would not advance City goals and policies intended to enhance tourism opportunities and associated City revenue streams, increase employment opportunities, and promote water conservation through the increased use of recycled water, and would not advance any of the project objectives, including those associated with developing a luxury resort use in a vineyard/agricultural setting, enhancing tourism opportunities available in the City of Napa and Napa County, contributing to the local agricultural economy, creating new job opportunities, complementing the Stanly Ranch land uses, and promoting water conservation through the use of recycled water. Therefore the No Project/No Development Alternative is not feasible.

3. The No Project/Existing Entitlements Alternative consists of development of four wineries (A, B, C, and D) on the project site, one winery on each parcel (Lots 3, 4, 9, and 10). The four wineries envisioned under this alternative would be permitted under the existing entitlements for the Stanly Ranch. The No Project/Existing Entitlements Alternative would avoid

the proposed project's two significant unavoidable impacts and also have less severe impacts on agricultural resources; air quality; biological resources; cultural resources; hydrology and water quality; land use; noise; and transportation. The No Project/Existing Entitlements Alternative would not advance City goals and policies relating to increasing tourism and associated City revenues, increasing employment opportunities, and promoting water conservation, to the same degree as the Proposed Project. Nor would the No Project/Existing Entitlements Alternative advance the project objectives or further them to the same degree as the proposed project. Specifically, this alternative would not develop a resort that would serve a unique segment of the tourism market and would not extend sewage collection and recycled water supply infrastructure to the area, and would not provide economic benefits in terms of new jobs, sales of goods and services, and accrual of tax revenue to the same degree as the proposed project. Therefore the No Project/Existing Entitlements Alternative is not feasible.

4. The Reduced Density Alternative would reduce the size of the resort in order to reduce the amount of developed area. Given its modest size and the viticulture characteristics of the Stanly Ranch, the winery would be maintained as proposed. This alternative would provide 200 resort units, a 45-unit or approximately 20-percent reduction relative to the proposed project's figure of 245. Keyed units would consist of 125 rooms and vineyard units would consist of 75 units. The reduction of 25 keyed units would be achieved by eliminating all of the units located in Zone D of the Napa County Airport Land Use Compatibility Plan. The reduction of 20 vineyard units would be achieved by eliminating two of the clusters in the northwestern corner of the project site and five of the vineyard units in the Zone D area. All other units would be maintained in their proposed locations. Resort facilities would also be reduced in size. The signature restaurant would be reduced to 100 seats. Operations and maintenance areas would also experience a corresponding reduction based on the smaller size of the resort. The Reduced Density Alternative would not avoid either of the proposed project's two significant unavoidable impacts associated with air quality; however, it could lessen the severity of these impacts because it would generate fewer vehicular trips. In addition, the Reduced Density Alternative would slightly lessen the severity of transportation impacts by reducing the number of trips contributed to unacceptable intersection operations. The Reduced Density Alternative would advance the City's goals and policies relating to increasing tourism and associated City revenues, and increased employment opportunities, but not to the same degree as the Proposed Project. The Reduced Density Alternative would also advance the project objectives to some degree, but not to the same degree as the Proposed Project. Specifically, this alternative would develop a smaller resort and, therefore, would not produce the same volume of sales of goods and services, and the same increase of associated tax revenues for the City, as the Proposed Project. This alternative would also not increase the number of job opportunities in the City to the same degree as the Proposed Project. Because this alternative does not avoid any of the Proposed Project's significant unavoidable impacts, and does not advance the City's goals and policies to the same degree as the Proposed Project, and does not achieve the project objectives to the same degree as the Proposed Project, this alternative is not feasible.

5. The Wastewater Package Plant Alternative consists of developing the resort and winery as proposed, but developing a wastewater package plant on another property within the Stanly Ranch in lieu of extending sewer and recycled water service to the project site from the Soscol Water Recycling Facility. The wastewater package plant would be located 1,500 feet south of the project site on approximately 8 acres on an adjacent property. The package plant would consist of microfiltration bioreactor with pretreatment. Pretreatment head works would include coarse and fine screening. The microfiltration bioreactor would include blowers, equalization basin, electrical controls, mixers, and pumps. Treated effluent would be

stored in 4.8-acre pond (surface area) for use as irrigation water. A 5,400-lineal-foot, 6-inch-diameter force main would convey effluent from the proposed project to the package plant, and a 4,600-lineal-foot, 8-inch-diameter pipeline would send treated effluent to the project site for irrigation use. The amount of irrigation water generated by the package plant would only partially offset the existing amount of potable water used for vineyard irrigation on the project site. Landscaping would be provided around the plant to soften its visual impact. The plant would employ the use of treatment chemicals such as chlorine, and would be secured and only accessible to authorized individuals. The characteristics of the resort and winery would be identical to the proposed project. Because this alternative would obviate the need for sewer and recycled water service from Napa Sanitation District, no pipelines would be installed between the Soscol Water Recycling Facility and the project site. In addition, the project site would not be annexed into the Napa Sanitation District. The Wastewater Package Plant Alternative would not avoid or substantially lessen the proposed project's two significant unavoidable impacts associated with air quality. This alternative would slightly increase the severity of the project's impacts associated with aesthetics, light, and glare; agricultural resources; hazards and hazardous materials; and public services and utilities, although these impacts would be less than significant after mitigation. The Wastewater Package Plant Alternative would advance the City's goals and policies relating to increasing tourism and associated revenues, and increasing employment opportunities in the City, to the same degree as the Proposed Project. However, this alternative would not advance the City's goals and policies relating to water conservation to the same degree as the Proposed Project, because it would not extend sewer and recycled water service to the Stanly Ranch area. This alternative would advance the project objectives pertaining to the resort and winery to the same degree as the proposed project, but would not advance the project objectives pertaining to the extension of sewer and recycled water service to the project site. Finally, this alternative would be expected to achieve economic benefits in terms of new jobs, sales of goods and services, and accrual of tax revenue similar to the Proposed Project. Because this alternative does not promote the City's goals and policies relating to water conservation to the same degree as the Proposed Project, does not advance the project objectives of extending sewer and recycled water service to the Stanly Ranch area, and does not reduce the two significant unavoidable impacts and increases some impacts, it is not feasible.

6. Furthermore, the Council has considered the alternatives to the Proposed Project analyzed in Section 5 of the Draft EIR and finds them to be infeasible for specific economic, legal, social, technological, or other considerations pursuant to Public Resources Code Sections 21002 and 21081(a)(3), and CEQA Guidelines Section 15091(a)(3). For CEQA purposes, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. (Public Resources Code Section 21061.1, CEQA Guidelines Section 15364.)

7. The Council adopts the EIR's analysis and conclusions regarding feasibility of alternatives eliminated from further consideration, both during the scoping process and in response to comments. (DEIR, Section 5 and FEIR, Section 3)

8. The Council certifies that it has independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR and this Section reflect the Council's independent judgment as to alternatives.

EXHIBIT A-1

FINDINGS REGARDING SIGNIFICANT IMPACTS

The EIR identified a number of potentially significant environmental effects (or "impacts") that the Proposed Project may cause. These potentially significant environmental effects can be fully avoided or substantially reduced through the adoption of feasible mitigation measures so that they become less than significant.

A. AESTHETICS, LIGHT, AND GLARE

Potential Impact AES-1: Project development may have a substantial adverse effect on a scenic vista. (Less than Significant after Mitigation) (DEIR, p. 3.1-10 to 3.1-12)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified potentially significant environmental effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The City of Napa General Plan Figure 1-3 does not identify the project site as a visual gateway or a scenic resource. The General Plan does establish SR-29, SR-121, and SR-221 as scenic corridors. The project site is partially within view of a portion of SR-29; SR-12–SR-121 and SR-221 are screened from view by intervening topography and vegetation.

Cistern Hill and its associated mature pine trees are the most prominent visual features on the project site and are visible from SR-29. The cistern located on top of the knoll is a subsurface feature and is not visible from surrounding vantage points. The wooden structure that encloses the cistern is largely screened from view by the pine trees and does not possess any unique architectural characteristics that would make it a scenic resource. Although it is not officially designated as a scenic vista by the General Plan, several goals and policies set forth objectives for preserving or minimizing development on hills and maintaining trees. The mitigation implemented by the project will make any impacts to Cistern Hill and its associated pine trees consistent with the General Plan.

As shown in Exhibit 2-5 of the DEIR, the winery will be located on the southeast side of Cistern Hill, with the top of the knoll occupied by trees. The project applicant indicated that the existing pine trees will likely be removed and replaced because they are in poor health. The wooden structure will be removed and the cistern will be incorporated into this area as part of an outdoor garden or similar use. The wooden structure is largely screened from view and does not possess any unique architectural characteristics; therefore, its removal would not impact a scenic vista. Likewise, the reuse of the cistern would not constitute a significant scenic vista impact because it is a subsurface feature.

The winery would face SR-29, which is considered a scenic corridor by the General Plan. Since the project site is currently planted as vineyards, the introduction of a large structure may diminish the scenic attributes of SR-29. Exhibit 2-5 of the DEIR indicates that landscaping will be planted around the perimeter of the winery, which would screen the structures from the roadway. However, to ensure that trees are provided on the top of the knoll and around the perimeter of the winery, the applicant must prepare and submit landscaping plans showing that

the top of the knoll will be planted with trees and the winery will be screened from view of SR-29 to the maximum extent possible.

The balance of the resort would be located at lower elevations than Cistern Hill or screened from view by the knoll and vegetation and, therefore, either would not be visible or would be only partially visible from SR-29. Neighboring properties may have views of various portions of the resort; however, this would not be considered a significant scenic vista impact because these properties are primarily occupied by vineyards, and only a few individuals would potentially experience a change in views.

The wastewater and recycled water pipelines would be located underground and would not have the potential to impact scenic vistas or resources upon completion. Views of the pipeline alignment as seen from adjoining land uses and SR-29 would be temporarily impacted during construction activities. However, because construction activities would be temporary and natural topography and vegetation would be restored upon completion, impacts to scenic vistas would be less than significant.

A pump station would be developed on the west bank of the Napa River. Pump stations are low-profile structures that are generally not visible except from close range. As such, the development of a pump station would not significantly impact a scenic vista.

Implementation of the recommended mitigation measures will reduce the effects to the scenic vista to a less than significant level. Provided that the Proposed Project is constructed in accordance with the mitigation measures, impacts would be considered less than significant after mitigation. (DEIR p. 3.1-10 to 3.1-11)

Mitigation Measures:

Mitigation Measure AES-1

Prior to issuance of grading permits for the winery, the project applicant shall prepare and submit a landscaping plan that provides for landscaping on top of Cistern Hill and around the perimeter of the winery. Landscaping on the top of the knoll shall consist of either the retention of the existing pine trees or the planting of replacement trees if the existing trees are to be removed. Any removed trees shall be replaced at a minimum 2:1 ratio with an appropriate species. Landscaping shall be planted around the perimeter of the winery and shall consist of trees, shrubs, vines, or other plants that are compatible in appearance with the trees on top of the knoll and also serve to screen views of the structure from SR-29 in accordance with various General Plan goals and policies that seek to preserve aesthetic character. Landscaping shall be in place prior to issuance of the final certificate of occupancy for the winery.

Significance After Mitigation: Less than significant after mitigation. (DEIR p. 3.1-10 to 3.1-11)

Potential Impact AES-2: The proposed project may degrade the visual character of the project site and its surroundings. (Less than Significant after Mitigation) (DEIR, p. 3.1-12 to 3.1-13)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified potentially significant environmental effect. Changes or alterations have been

required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The project site occupies 93 acres and consists of rolling topography dominated by two large knolls in the southern portion of the site and a depression in the middle of the site. Vineyards occupy most of the site, with a seasonal wetland located in the depression.

A maximum of 499,999 square feet of buildings will be developed on the project site, along with associated roadways, pathways, outdoor recreational facilities, and utilities. The design of the resort seeks to maintain as much of the existing topography of the site as possible, which will provide visual screening of the resort and winery buildings and grounds. As shown in Exhibit 2-5 of the DEIR, buildings will generally consist of smaller, one- and two-story structures clustered in the center of the project site and vineyards will be located around the perimeter of the site to soften the transition to neighboring agricultural properties.

The Floor Area Ratio (FAR) of the proposed project would be 0.12, which is within the 1.00 standard established by the General Plan for the Tourist Commercial designation. The 0.12 FAR indicates that most of the project site will be occupied by uses other than buildings (e.g. the pond, vineyards, open space, landscaped areas, paths), which is consistent with the land use intensity and characteristics of surrounding properties within the Stanly Ranch.

Approximately 50 acres of the site will be maintained as either open space or vineyards which is 54 percent of the total acreage of the project site. The existing depression (that contains a seasonal wetland) located in the center of the property will be enhanced as an off-stream pond, which will increase the visual interest of the project site.

Cistern Hill is the most significant visual feature on the project site. As discussed in Impact AES-1, the visual character of Cistern Hill will be preserved through the implementation of Mitigation Measure AES-1, which requires that trees be provided atop the knoll and landscaping be provided around the winery to screen views of the facility from SR-29. This mitigation measure will serve to mitigate for adverse impacts on the visual character of the project site (Potential Impact AES-2).

The visual character of surrounding land uses is anticipated to be negligibly affected by the proposed project. Vineyards will be located around the project site to buffer the resort and winery from surrounding properties. The only buildings located near neighboring properties will be the vineyard units located along the western and northern boundaries. As shown in Exhibit 2-5 of the DEIR, the vineyard units will consist of small clusters of low-profile buildings surrounded by landscaping. The portions of the neighboring properties located near these structures are occupied by vineyards and, therefore, will not be visually affected.

The wastewater and recycled water pipelines alignment will be buried underground and will not be visible. Construction activities will be visible from surrounding land uses but will be temporary. Therefore, pipelines will not degrade the visual character of the project site and its surroundings. Impacts would be less than significant.

A pump station will be developed on the west bank of the Napa River. Pump stations are low-profile structures that are generally not visible except from close range. As such, the development of a pump station will not substantially degrade the visual character of the surrounding area. The impact of the pump station will be less than significant.

The proposed project will introduce development to the project site but site design features such as the retention of the natural topography, the provision of 50 acres of vineyards and open space, and the improvement of the depression to a pond will more than offset the change in visual character. Furthermore, the visual attributes of Cistern Hill—the most prominent visual feature on the project site—will be maintained through the implementation of Mitigation Measure AES-1. Impacts on visual character will be reduced to a level of less than significant with the implementation of these design features and Mitigation Measure AES-1. (DEIR, p. 3.1-12 – 3.1-13)

Mitigation Measures:

Mitigation Measure AES-1

Prior to issuance of grading permits for the winery, the project applicant shall prepare and submit a landscaping plan that provides for landscaping on top of Cistern Hill and around the perimeter of the winery. Landscaping on the top of the knoll shall consist of either the retention of the existing pine trees or the planting of replacement trees if the existing trees are to be removed. Any removed trees shall be replaced at a minimum 2:1 ratio with an appropriate species. Landscaping shall be planted around the perimeter of the winery and shall consist of trees, shrubs, vines, or other plants that are compatible in appearance with the trees on top of the knoll and also serve to screen views of the structure from SR-29 in accordance with various General Plan goals and policies that seek to preserve aesthetic character. Landscaping shall be in place prior to issuance of the final certificate of occupancy for the winery.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.1-12 to 3.1-14)

Potential Impact AES-3: Implementation of the proposed project would result in the introduction of new sources of light and glare. (Less than Significant after Mitigation) (DEIR, p. 3.1-14)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified potentially significant environmental effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The project site currently contains no sources of light or glare. Surrounding agricultural and residential land uses include minimal outdoor lighting. The Starmont Winery, located east of the project site, utilizes external lighting fixtures located throughout their property. Cars traveling on SR-29 are also a nearby source of light.

The proposed project will include the installation of freestanding and building-mounted lighting associated with the resort and winery. Such lighting will include lighting in parking lots, along pathways, and mounted on buildings for safety and security reasons. As such, the proposed project may create a substantial source of nighttime light, which may affect nighttime views in the surrounding area. The mitigation recommended will require the applicant to install lighting fixtures and implement practices to prevent unwanted spillage of light and glare onto neighboring properties. The mitigation measure requires that exterior lighting fixtures be limited

to no more than 1.8 foot-candles, which is sufficient for localized illumination for safety purposes but not bright enough for significant offsite impacts. With the implementation of this mitigation, the proposed resort will minimize the amount of light and glare it will add to the ambient environment and, therefore, ensure that impacts are reduced to a level of less than significant.

The wastewater and recycled water pipelines alignment will not include any permanent sources of lighting or glare. As such, no impacts would result.

Mitigation Measures:

Mitigation Measure AES-3

Prior to issuance of building permits, the project applicant shall submit a photometric plan to the City of Napa for review and approval. The photometric plan shall identify types of exterior lighting fixtures and their locations on the project site. All light fixtures shall be limited to no more than 1.8 foot-candles of light (as measured at the nearest property line) and shielded, recessed, or directed downward to prevent unwanted illumination of neighboring properties and substantial changes to ambient nighttime lighting. (DEIR, p. 3.1-14)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.1-14)

B. *AGRICULTURAL RESOURCES*

Potential Impact AG-1: The project would convert Important Farmland to non-agricultural use. (Less than Significant after Mitigation) (DEIR, p. 3.2-12)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified potentially significant environmental effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: As shown in Exhibit 3.2-1 of the DEIR, the project site contains 74.75 acres of Farmland of Statewide Importance and 16.64 acres of Unique Farmland, for a total of 91.39 acres of Important Farmland. The development of the proposed resort and winery will result in the conversion of approximately 51 acres of the site to non-agricultural use (e.g., buildings, roadways, recreation facilities) and retention of the balance of the site as vineyards. Reflecting the project site's dual agricultural (vineyards and a winery) and non-agricultural use (resort), this impact conservatively evaluates the conversion of agricultural land under two scenarios:

- The entire 91.39 acres of Important Farmland is classified as converted to non-agricultural use.
- 51.00 acres of Important Farmland is classified as converted to non-agricultural use.

Conversion of Entire Site

Table 3.2-4 of the DEIR summarizes the LESA model score results based on the assumption that the entire 91.93 acres of Important Farmland would be converted to non-agricultural use.

Table 3.2-4 of the DEIR showed the project site has a total score of 72.9. The LESA model indicates that scores between 60 and 79 points are considered significant unless either the Land Evaluation subtotal or the Site Assessment subtotal is less than 20. In this case, neither subtotal is less than 20; therefore, the proposed project is considered to have a significant impact in terms of converting Important Farmland to non-agricultural use. (DEIR, p. 3.2-12 to 3.2-15)

Conversion of 51 Acres

Table 3.2-5 of the DEIR summarizes the LESA model score results based on the assumption that 51 acres of Important Farmland would be converted to non-agricultural use.

This Table (3.2-5) of the DEIR, showed the project site has a total score of 71.5. The LESA model indicates that scores between 60 and 79 points are considered significant unless either the Land Evaluation subtotal or the Site Assessment subtotal is less than 20. In this case, neither subtotal is less than 20 and, therefore, the proposed project is considered to have a significant impact in terms of converting Important Farmland to non-agricultural use. (DEIR, p. 3.2-12 to 3.2-15)

Summary of Impact AG-1

Under both scenarios, the conversion of Important Farmland to non-agricultural use constitutes a significant impact.

The standard method for mitigating the loss of Important Farmland is the preservation of agricultural land, through the use of an irrevocable instrument (e.g., deed restriction or easement). The applicant proposed using Napa County General Plan Policy AG/LU-9 as the basis for mitigating Important Farmland impacts. Accordingly, the mitigation requires the applicant to permanently preserve Important Farmland in Napa County at no less than a 1:1 ratio for each lost acre of farmland using an irrevocable instrument. With the implementation of this mitigation measure, impacts will be reduced to a level of less than significant.

The sewer and recycled water pipelines will be located within paved and unpaved roads, some of which may overlap with Important Farmland designations. However, this infrastructure will be located underground and will not result in the permanent conversion of any of these lands or adjacent lands to non-agricultural use. Therefore, the installation of the sewer and recycled water pipelines will not convert Important Farmland to non-agricultural use. (DEIR, p. 3.2-12 to 3.2-15)

Mitigation Measures:

Mitigation Measure AG-1

Prior to issuance of the first grading permits for either the resort or winery, the project applicant shall preserve Important Farmland acreage, as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program, within Napa County at no less than a 1:1 ratio for each acre of Important Farmland converted to non-agricultural use by the proposed project. Preserved acreage of Important Farmland shall be of equal or higher quality to farmland converted to non-agricultural use. The preservation shall be accomplished through an irrevocable instrument, such as a deed restriction(s) or preservation easement(s), which shall be recorded against the preserve

acreage property. Such instruments shall prohibit conversion of the preserved portion of the property to non-agricultural use. Provided that the California Department of Conservation confirms that it would continue to classify this acreage as Important Farmland, the preferred location for the preserved acreage would be the undeveloped area of the project site. If onsite acreage does not continue to be so classified, or if the acreage on site is insufficient, all or part of the preserved acreage may be offsite, but in no case may it be located outside of Napa County.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.2-12 to 3.2-15)

C. ***AIR QUALITY***

Potential Impact AIR-1: The proposed project would conflict with or obstruct implementation of the applicable air quality plan. (Significant unavoidable impact) (DEIR, p. 3.2-24)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified significant unavoidable environmental effect. Specific economic, legal, social, technological, or other considerations, including but not limited to increasing tourism and associated revenue streams for the City, increasing employment opportunities in the City, and promoting water conservation, make infeasible the mitigation measures or project alternatives identified in the final EIR. See the associated Statement of Overriding Considerations attached as Exhibit B hereto for additional information regarding considerations that override the Proposed Project's significant and unavoidable impacts relating to air quality.

Explanation: The BAAQMD Clean Air Plan is the regional air quality management plan for the San Francisco Bay Area. The Clean Air Plan accounts for projections of population growth provided by Association of Bay Area Governments and vehicle miles traveled (VMT) provided by the Metropolitan Transportation Commission, and it identifies strategies to bring regional emissions into compliance with federal and state air quality standards. Because population growth and VMT projections constitute the bases of the Clean Air Plan's strategies, a project would conflict with the plan if it results in more growth or VMT relative to the plan's projections. The primary way of determining if a project would result in more growth or VMT than in the Clean Air Plan is to determine consistency with the applicable General Plan to ensure that the project's population density and land use are consistent with the growth assumptions used in the Clean Air Plan.

The applicable general plan for the project is the City of Napa General Plan, adopted in 1998 and subsequently amended. The resort site is presently designated Resource Area by the General Plan and zoned Agricultural Resource by the Napa Zoning Ordinance. As such, the resort project requires a General Plan Amendment (and zone change). Because the Clean Air Plan used the assumptions from the 1998 General Plan, the project would result in increases in VMT that exceed the assumptions contained in the Clean Air Plan. This is considered a conflict with the regional air quality management plan, and is therefore considered a significant impact.

The project will implement design features as described in the EIR to reduce the air quality impact, but not to a less than significant level. The project also will implement a number of mitigation measures that would promote VMT reductions.

The proposed project is implementing the following design features that would have the air benefit of reducing VMT:

- The proposed project is designed to promote bicycling and walking within the resort grounds. Internal pathways and roadways would link the various buildings on the site. Both pathways and roadways are proposed to be narrower than typical urban city street standards. Pathways would prohibit all private vehicular traffic and would provide multipurpose use for walking, bicycling, small electric cart transport, and emergency vehicle access.

- The proposed project would install a Class I bicycle/pedestrian facility along its frontage with Stanly Cross Road or provide an alternate location which would accomplish this goal, subject to approval of the Community Development Department. This facility would connect with the existing Class I facility located along Stanly Lane, and would be part of the Bay Trail network.

As proposed, the project would implement a number of measures that would promote VMT reductions, which measures have been incorporated into the MMRP as formal mitigation requirements:

- Mitigation Measure TRANS-7a requires the project applicant to prepare and submit an employee shuttle service operational plan to the City of Napa for review and approval.

- Mitigation Measure TRANS-7b requires the project applicant to install bicycle storage facilities in appropriate places throughout the resort and winery grounds.

- Mitigation Measure TRANS-7c requires the project applicant to install direct pedestrian connections between the new Stanly Cross Road Class I trail facility and the winery and resort entrances.

However, even with the implementation of these design features and mitigation measures, the proposed project would result in a significant net increase in VMT relative to the existing conditions of the project site. Since VMT assumptions serve as a central component in the Clean Air Plan's strategies to reduce air emissions, a substantial increase would constitute a significant impact. No further mitigation is available to reduce this impact to a level of less than significant. Therefore, this would be a significant unavoidable impact of the proposed project.

Mitigation Measures:

Mitigation Measure TRANS-7a

Prior to issuance of the first final occupancy permit for the proposed resort, the project applicant shall prepare and submit an employee shuttle service operational plan to the City of Napa for review and approval. The plan shall identify proposed service characteristics such as stops, equipment, hours of operation, headways, and connections to other transit service (e.g., VINE). The applicant shall implement the proposed shuttle service at the time the resort becomes operational. The applicant shall have the ability to modify the service on an as-needed basis with the consent of the City of Napa.

Mitigation Measure TRANS-7b

Prior to issuance of the first final occupancy permit for the proposed resort, the project applicant shall install bicycle parking and storage facilities in appropriate places throughout the resort and winery grounds. Appropriate places shall include but are not limited to building entrances, common outdoor areas, and employee/backroom facilities. Bicycle parking facilities shall include racks (public areas) and lockers (employee/backroom areas). Bicycle storage facilities shall be provided at a rate of 1 bicycle space for each 10 vehicular spaces pursuant to Napa Municipal Code Title 17, Chapter 54.060. Alternately, the applicant shall have the option of providing bicycle parking at a different rate acceptable to the City of Napa pursuant to Napa Municipal Code Title 17, Chapter 54.060.

Mitigation Measure TRANS-7c.

Prior to issuance of the first final occupancy permit for the proposed resort and winery, the project applicant shall install direct pedestrian connections between Stanly Cross Road and the winery and resort entrances. The pedestrian connections may parallel the access roads to each facility. The connections shall be compliant with the applicable provisions of the Americans with Disabilities Act.

Significance After Mitigation: Significant unavoidable impact. (DEIR, p. 3.3-25)

Potential Impact AIR-3: The Proposed project may result in significant air pollutant emissions during the project construction. (Less than Significant after Mitigation) (DEIR, p. 3.3-27)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation:

Construction-related emissions are generally short-term in duration but may still cause adverse air quality impacts. The analysis in the DEIR used the annual and daily thresholds established by the BAAQMD for operational emissions. An air quality impact is considered significant if implementation of the proposed project or alternatives under consideration would generate construction-related emissions that exceed 15 tons per year for NO_x, ROG, or PM_{10}. Additionally, construction emissions are significant if they exceeded 80 pounds per day.

Construction impacts include fugitive dust and other particulate matter, as well as exhaust emissions generated by earthmoving activities, and operation of grading equipment during site preparation. Construction emissions are caused by onsite or offsite activities. Onsite emissions principally consist of exhaust emissions from heavy-duty construction equipment, motor vehicle operation, and fugitive dust from disturbed soil. Offsite emissions are caused by motor vehicle exhaust from delivery vehicles as well as worker traffic, but also include road dust.

Construction equipment used on the project site will result in exhaust emissions consisting of NO_x, ROG, CO, PM_{10}, and $PM_{2.5}$. Construction activities are carried out in discrete steps, each

of which has a unique mix of equipment. Therefore, the construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and the prevailing weather conditions. The analysis in the DEIR used URBEMIS (Urban Emission Software) 2007 v. 9.2.4 to estimate emissions from the construction of the proposed project.

Paving operations and architectural coatings will release ROG emissions. Impervious surfaces (including buildings, asphalt, and concrete) will cover the development site.

Four phases of construction are anticipated, including fine site grading, paving, building construction, and architectural coating. Fine site grading will consist of grading 51 acres of the project site for the resort, open space, and winery. The default maximum daily acreage of disturbance of 12.75 acres was used. All other grading variables are URBEMIS default values. The BAAQMD's CEQA Guidelines contain control measures to reduce fugitive particulate matter emissions from construction activity. The measures in the CEQA Guidelines are divided into three categories: basic control measures, enhanced control measures, and optional control measures. The BAAQMD recommends that all construction incorporate basic control measures, regardless of the size of the site. However, incorporation of measures is not required by any BAAQMD rules or regulations. Therefore, the measures are not assumed to be in place in the "baseline" construction analysis to provide a conservative estimation of construction emissions.

Key assumptions were used in the analysis in the DEIR and are summarized here:

- Paving: The default URBEMIS estimate of 12.45 acres of paving was used.
- Building Construction: The URBEMIS default construction equipment was used.
- Architectural Coating: No changes were made from the URBEMIS default values for architectural coating.

The project involves the installation of wastewater and recycled water pipelines. The DEIR assumed that the pipeline would be constructed concurrent with the resort and winery. The area of disturbance for the pipeline was assumed to be 6.5 feet in width to conservatively accommodate a 6-inch diameter pipe for the wastewater, a 24-inch diameter pipe for the recycled water, and an additional 4 feet for easements. The total acreage to be disturbed was estimated at 0.72 acre. The maximum daily acreage of disturbance for grading was estimated at 0.18 acre (a default of 25 percent of the total acreage). The pipeline trench was assumed to be at a depth of 4 feet. The volume of soil disturbed was estimated at 4,642 cubic yards. It was assumed that up to one-third of the soil would be hauled away, which is approximately 1,547 cubic yards. Estimated construction equipment for the pipeline construction was generated using the Sacramento Metropolitan Air Quality Management District's Road Construction model. The estimated construction equipment fleet mix and the acreage and soil volume were put into the URBEMIS model in order to maintain consistency in reporting. The pipeline construction would employ horizontal directional drilling under the Napa River. The amount of soil excavated was estimated at 353 cubic yards, based on the horizontal directional drilling length (the length accounts for 175 feet on both sides of the river and the 428 foot width of the river) and a 42-inch ream for the encased pipelines. The pipeline construction phases and corresponding URBEMIS model phases and activity duration were provided in Table 3.3-8 of the DEIR.

Table 3.3-9 of the DEIR showed the emissions output from URBEMIS in total tons for the year 2011 and Table 3.3-10 of the DEIR provided the emissions output for the year 2012. These tables showed the emissions do not exceed the annual significance thresholds.

Some phases of the resort and winery construction and pipeline construction will occur concurrently as shown below:

- Resort/Winery Grading and Pipeline Grubbing/Land Clearing
- Resort/Winery Grading and Pipeline Grading/Excavation
- Resort/Winery Grading and Pipeline Drainage/Utilities/Sub-grade
- Resort/Winery Grading and Pipeline Drainage/Utilities/Sub-grade
- Resort/Winery Paving and Pipeline Horizontal Directional Drilling

Table 3.3-11 of the DEIR displayed the daily emissions; the concurrent phases are added where applicable. The maximum daily emissions exceed the daily significance thresholds for PM_{10}. Construction emissions are therefore potentially significant.

Mitigation requires the implementation of dust abatement measures during construction activities. Table 3.3-12 in the DEIR showed the mitigated maximum daily emissions for construction of the proposed project. According to that table, the mitigated emission levels would not exceed the thresholds of significance. Therefore, the impact would be reduced to a level of less than significant. (DEIR, p. 3.3-27 to 3.3-33)

Mitigation Measures:

Mitigation Measure AIR-3

During construction of the proposed project, the applicant shall implement a Fugitive Dust Best Management Practices Plan that involves the application of standard best management practices for the control of fugitive PM_{10} emissions. Best management practices shall include, but not are not limited to, the following:

- Apply water on disturbed soils a minimum of two times per day.
- Ensure that all trucks hauling dirt, sand, soil, or other loose materials are covered or maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep (with water sweepers) all paved access roads, parking areas and staging areas at construction sites daily.
- Sweep (with water sweepers) streets daily if visible soil material is carried onto adjacent public streets.
- Apply non-toxic soil stabilizers to inactive areas.
- Replace ground cover quickly (where applicable).
- Restrict vehicle speeds on unpaved roads to 15 miles per hour (mph).
- Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site each trip.
- Suspend grading operations when instantaneous wind gust speeds exceed 25 mph.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.3-27 to 3.3-33)

Potential AIR-6: The proposed project may create objectionable odors affecting a substantial number of people. (Less than Significant after Mitigation) (DEIR, p. 3.3-39)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation:

Any project with the potential to frequently expose members of the public to objectionable odors would be deemed to have a significant impact. Individual responses to odors are highly variable and can result in a variety of effects. Generally, the impact of an odor results from a variety of interacting factors such as frequency, duration, offensiveness, location, and sensory perception. The frequency is a measure of how often an individual is exposed to an odor in the ambient environment. The intensity refers to an individual's or group's perception of the odor strength or concentration. The duration of an odor refers to the elapsed time over which an odor is experienced. The offensiveness of the odor is the subjective rating of the pleasantness or unpleasantness of an odor. The location accounts for the type of area in which a potentially affected person lives, works, or visits; the type of activity in which he or she is engaged; and the sensitivity of the impacted receptor.

Two circumstances have the potential to cause odor impacts:

- A source of odors is proposed to be located near existing or planned receptors.
- A receptor land use is proposed near an existing or planned source of odor.

(a) Odors from Project

There are existing receptors (residences) located within 0.5 mile north of the project boundary. The proposed resort and winery does not contain uses typically considered to be sources of objectionable odors (composting facilities, dairies, feedlots, landfills, sewage treatment plants, etc.). Diesel exhaust and VOCs would be emitted during construction of the project, which are objectionable to some; however, emissions would disperse rapidly from the project site and, therefore, should not be at a level to induce a negative response.

The proposed project would develop three pump stations: two on the project site and one on the west bank of the Napa River. The Napa Sanitation District requested in its Notice of Preparation comment letter dated April 1, 2009 that odor impacts associated with pump station operations be evaluated in this EIR. The two onsite pump stations would be sited in low-lying areas of the project site in order to pump effluent to the gravity-fed sewer line that would be installed within Stanly Lane. The offsite pump station would be located more than 500 feet away from the Starmont Winery buildings, which include agricultural worker housing. To ensure that nearby sensitive receptors are not exposed to objectionable odors associated with the pump stations, mitigation is proposed requiring the implementation of odor control measures. With the implementation of this mitigation measure, impacts would be reduced to a level of less than significant.

(b) Odors from Surrounding Uses

The Napa Sanitation District operates the Soscol Water Recycling Facility approximately 1 mile southeast of the project boundary. The Water Recycling Facility consists of the Soscol Oxidation Ponds, a series of four oxidation ponds with 342 acres total surface acres, physical-chemical treatment processes for solids removal with a permitted dry weather capacity of 15.4 million gallons per day (mgd). The Water Recycling Facility produces tertiary quality water by employing a continuous up flow backwash sand filter (Parkson Dyna Sand). The facility provides secondary treatment of combined domestic and industrial wastewater from the City of Napa and adjacent unincorporated areas. The Water Recycling Facility provides algae removal for Oxidation Pond effluent prior to filtration through a system of chemical-physical processes and disinfection capabilities of up to 9.8 mgd of non-restricted use tertiary quality effluent for reclamation.

Odor controls include the use of chemicals such as ferric chloride and the use of injectors to maintain adequate oxygen levels in during the secondary treatment in the oxidation ponds.

Although not meeting the definition of sensitive receptor, the outdoor recreational facilities of the proposed resort provide a gathering place that may be susceptible to adverse odors. The BAAQMD CEQA Guidelines require a more detailed analysis of potential odor impacts because the proposed project is located within 1 mile of the Water Recycling Facility.

The BAAQMD was contacted to determine if there have been (a) more than one confirmed complaint per year averaged over a three-year period or (b) three unconfirmed complaints per year averaged over a three-year period.

The BAAQMD indicated on May 26, 2009 via Public Record Request number 09-05-72 that there were no odor complaints, episodes, or complaints associated with the Water Recycling Facility between January 2006 and December 2008, the most recent 3-year period available.

Using guidance presented by the BAAQMD, odor impacts associated with the Water Recycling Facility are less than significant. (DEIR, p. 3.3-39 to 3.3-43)

Mitigation Measures:

Mitigation Measure AIR-6

Prior to issuance of building permits for the resort or winery, the project applicant shall submit plans to the City of Napa and Napa Sanitation District identifying pump station locations and control measures to limit releases of objectionable odors. To the extent feasible, the onsite pump stations shall be located as far as possible from resort units. Additionally, the project applicant shall prepare an odor management plan for the onsite pump stations that includes action limits for hydrogen sulfide exposure and measures to mitigate odor impacts when such limits are exceeded. The Napa Sanitation District shall review and approve the odor management plan and the applicant shall implement the provisions of the approved plan.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.3-39 to 3.3-43).

Potential Impact AIR-7: The proposed project would have a significant cumulative impact on air quality. (Significant unavoidable impact) (DEIR, p. 3.3-43)

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified significant unavoidable environmental effect. Specific economic, legal, social, technological, or other considerations, including but not limited to increasing tourism and associated revenue streams for the City, increasing employment opportunities in the City, and promoting water conservation, make infeasible the mitigation measures or project alternatives identified in the final EIR. See the associated Statement of Overriding Considerations attached as Exhibit B hereto for additional information regarding considerations that override the Proposed Project's significant and unavoidable impacts relating to air quality.

Explanation: CEQA Guidelines Section 15355, as amended, provides the following definition of cumulative impacts:

> "Cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

The BAAQMD has set the threshold for cumulative significance as any proposed project that would individually have a significant air quality impact and would also be considered to have a significant cumulative air quality impact. Additionally, for any project that does not individually have significant operational air quality impacts, the determination of significant cumulative impact should be based on an evaluation of the consistency of the project with the local general plan and of the general plan with the regional air quality plan.

According to the BAAQMD's CEQA Guidelines, a project may have a cumulative impact if it individually has a significant impact. As shown in Impact AIR-3 and Impact AIR-4, the proposed project would not have a significant impact at the project-level. However, as shown in Impact AIR-1, the project is not consistent with the applicable Clean Air Plan. Therefore, the project would have a potentially significant cumulative impact on air quality.

The project includes design features and mitigation measures that will reduce Vehicle Miles Traveled ("VMT"), but not to a less than significant level. No additional mitigation measures are available to address VMT. Therefore, this is a significant unavoidable impact. (DEIR, p. 3.3-43)

Mitigation Measures:

Mitigation Measure TRANS-7a

Prior to issuance of the first final occupancy permit for the proposed resort, the project applicant shall prepare and submit an employee shuttle service operational plan to the City of Napa for review and approval. The plan shall identify proposed service characteristics such as stops, equipment, hours of operation, headways, and connections to other transit service (e.g., VINE). The applicant shall implement the proposed shuttle service at the time the resort becomes operational. The applicant shall have the ability to modify the service on an as-needed basis with the consent of the City of Napa.

Mitigation Measure TRANS-7b

Prior to issuance of the first final occupancy permit for the proposed resort, the project applicant shall install bicycle parking and storage facilities in appropriate places

throughout the resort and winery grounds. Appropriate places shall include but are not limited to building entrances, common outdoor areas, and employee/backroom facilities. Bicycle parking facilities shall include racks (public areas) and lockers (employee/backroom areas). Bicycle storage facilities shall be provided at a rate of 1 bicycle space for each 10 vehicular spaces pursuant to Napa Municipal Code Title 17, Chapter 54.060. Alternately, the applicant shall have the option of providing bicycle parking at a different rate acceptable to the City of Napa pursuant to Napa Municipal Code Title 17, Chapter 54.060.

Mitigation Measure TRANS-7c.

Prior to issuance of the first final occupancy permit for the proposed resort and winery, the project applicant shall install direct pedestrian connections between Stanly Cross Road and the winery and resort entrances. The pedestrian connections may parallel the access roads to each facility. The connections shall be compliant with the applicable provisions of the Americans with Disabilities Act.

Significance After Mitigation: Significant unavoidable impact. (DEIR, p. 3.3-43)

Potential Impact AIR-9: The proposed project may emit significant amounts of greenhouse gases. (Less than Significant after Mitigation) (DEIR p. 3.3-45)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation:

CEQA requires lead agencies to evaluate potential environmental effects based on, to the fullest extent possible, scientific and factual data (CEQA Guidelines Section 15064(b)).

On April 13, 2009, the OPR submitted to the California Secretary for Natural Resources proposed amendments to the CEQA Guidelines for greenhouse gas emissions. The OPR proposes adding a new section, CEQA Guidelines Section 15064.4, to assist agencies in determining the significance of greenhouse gas emissions. The proposed guidelines also amend CEQA Guidelines Sections 15126.4 and 15130, which address mitigation measures and cumulative impacts, respectively. The OPR also proposes a Guideline section that would encourage agencies to tier and streamline the greenhouse gas emissions analysis in certain cases. Section 15183.5 permits programmatic greenhouse gas analysis and later project-specific tiering, as well as the preparation of GHG Reduction Plans. Compliance with such plans can support a determination that a project's cumulative effect is not cumulatively considerable, according to proposed Section 15183.5(b). In addition, the amendments propose revisions to Appendix F of the CEQA Guidelines, which focuses on Energy Conservation, and Appendix G, which includes the sample Environmental Checklist Form. The OPR would amend the Checklist to include the following questions:

- Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gas?

The DEIR analyzed the two above-listed thresholds to evaluate the significance of the proposed project's greenhouse gas emissions.

The project will generate a variety of greenhouse gases during construction and operation, including several defined by AB 32, such as carbon dioxide, methane, and nitrous oxide.

The project may also emit greenhouse gases that are not defined by AB 32. For example, the project may generate aerosols. Aerosols are short-lived greenhouse gases, as they remain in the atmosphere for about one week. Black carbon is a component of aerosol. A couple of studies have indicated that black carbon has a high global warming potential; however, the Intergovernmental Panel on Climate Change states that it has a low level of scientific certainty. Water vapor could be emitted from evaporated water used for landscaping, but this is not a significant impact because water vapor concentrations in the upper atmosphere are primarily due to climate feedbacks rather than emissions from project-related activities. The project will emit nitrogen oxides and volatile organic compounds, which are ozone precursors. Ozone is a greenhouse gas; however, unlike the other greenhouse gases, ozone in the troposphere is relatively short-lived and can be reduced in the troposphere on a daily basis.

Certain greenhouse gases defined by AB 32 would not be emitted by the project. Perfluorocarbons and sulfur hexafluoride are typically used in industrial applications, none of which would be used by the project. Therefore, it is not anticipated that the project would emit perfluorocarbons or sulfur hexafluoride.

Construction Emissions Inventory

The proposed project will emit greenhouse gases during construction from combustion of fuels in worker vehicles accessing the site and from construction equipment. Exhaust emissions during construction for the project were estimated using URBEMIS 2007 Version 9.2.4 and are presented in Table 3.3-18 of the DEIR. Table 3.3-18 showed the main source of construction-related emissions is from the resort construction building, accounting for 50 percent of the total emissions.

Operational Emissions Inventory

Operational greenhouse gas emissions from the proposed project are shown in Table 3.3-19 of the DEIR (OMITTED). Table 3.3-19 showed emissions would be approximately 20,595 $MTCO_2e$ per year. The main source of new emissions is from the refrigerants, which would add 14,789 $MTCO_2e$ per year. Not including the refrigerants, the net new emissions would be 5,806 $MTCO_2e$ per year.

Project Design Features to Reduce Greenhouse Gas Emissions

The project design features displayed in Table 3.3-20 of the DEIR (and included here) will reduce project-related greenhouse gas emissions.

Table 3.3-20: Project Design Features that Reduce Emissions

Project Design Feature	Reductions in Emissions
Internal pathways and roadways would link the various buildings on the site. Both pathways and roadways are proposed to be narrower than typical urban city street standards. Pathways would prohibit all private vehicular traffic and would provide multipurpose use for walking, bicycling, small electric cart transport, and emergency vehicle access.	This feature may encourage guests to bicycle and walk from one use to the other within the resort and winery grounds, thereby reducing vehicle trips.
The proposed project would install a Class I bicycle/pedestrian facility along its frontage with Stanly Cross Road. This facility would connect with the existing Class I facility along Stanly Lane, and would be part of the Bay Trail network.	This feature would enhance the Bay Trail network and may encourage guests to bicycle and walk outside of the resort and winery rather than use motor vehicles to travel offsite.
Employee shuttle service would be provided between the urbanized portions of Napa and the resort.	This feature will provide employees with an alternative to single occupancy vehicle use, which may result in a reduction in VMT.
The proposed resort and winery would be designed and constructed to meet the United States Green Building Council's Leadership in Environmental and Energy Design (LEED) Silver standard.	This feature would promote sustainable building practices that would lead to decreased energy, water, and natural resource usage.
The project would implement the use of recycled water for landscape and irrigation.	This feature would reduce demand for potable water, and associate energy requirements necessary for treatment and conveyance. Furthermore, it would provide a supplemental source of water, which would be beneficial from a climate change adaptation perspective.
Multiple recreational and leisure uses would be offered onsite (spa, paths, pond, event pavilion, winery, etc.).	This feature would allow resort guests to remain onsite for recreational activities and events, thereby decreasing offsite vehicle trips.
Source: Michael Brandman Associates, 2009.	

CARB Scoping Plan

The CARB Scoping Plan calls for an "ambitious but achievable" reduction in California's greenhouse gas emissions, cutting approximately 30 percent from business-as-usual emission levels projected for 2020, or about 10 percent from today's levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman, and child in California down to about 10 tons per person by 2020.

Project consistency or applicability with the measures in the Plan is assessed in Table 3.3-21 of the DEIR (OMITTED). Table 3.3-21 showed most of the reduction measures are not applicable to the project. With mitigation, the proposed project is consistent with the remainder of the measures.

CARB Early Action Measures

CARB published its Expanded Early Actions to Mitigate Climate Change in California, which describes recommendations for discrete early action measures to reduce greenhouse gas emissions. A review of CARB's reduction measures underway or to be initiated by CARB in the 2007 to 2012 timeframe indicates that only one measure would be applicable to the project. This program is recommended to be a non-regulatory voluntary program with guidelines to foster the establishment of or transition to cool communities in California. The following is a brief description of the strategies to be adopted in the Cool Communities Program guidelines:

- Cool Roofs. Cool roof programs as part of the Building Energy Efficiency standards (Title 24) can save as much as 15 percent of cooling energy use during hot months of the year. The per-house cost premium is estimated at about $500.

- Cool Pavements. Cool pavements can reduce the ambient air temperature by 1 degree Fahrenheit, thereby reducing energy cooling demand.

- Shade Trees and Urban Forest. The Tree Benefit Estimator reports that a mature tree system would save about 700 kWh of energy (1,100 kg of CO2 per household).

The project incorporates landscaping that is in keeping with rural nature of the project site; additionally, approximately 50 acres of the site would be maintained as either open space or vineyards. Furthermore, Mitigation Measure AES-1 requires that trees be provided atop Cistern Hill and landscaping be provided around the perimeter of the winery adjacent to the knoll. Mitigation Measure AIR-9c requires the use of cool roofs and Mitigation Measure AIR-9d requires the use of cool paving. Additionally, Mitigation Measure AIR-9e requires the implementation of anti-idling measures in loading docks and delivery areas.

Accordingly, the proposed project will implement all of the greenhouse gas emissions strategies identified in the CARB Early Action Measures.

Attorney General Mitigation

The Office of the California Attorney General maintains a list of CEQA Mitigations for Global Warming Impacts on its website. The Attorney General's Office has listed some examples of types of mitigation that local agencies may consider to offset or reduce greenhouse gas emissions from a project. The Attorney General's Office states that the presented lists are examples and not intended to be exhaustive but are instead provided as measures and policies that could be undertaken. Moreover, the measures cited may not be appropriate for every project, so the Attorney General suggests that the lead agency should use its own informed judgment in deciding which measures it would analyze, and which measures it would require, for a given project. The mitigation measures are divided into two groups: generally applicable measures and general plan measures. As this project does not involve the development of a general plan, only the generally applicable measures were reviewed. The Attorney General presents "generally applicable" measures in the following areas:

- Energy efficiency
- Renewable energy
- Water conservation and efficiency
- Solid waste measures
- Transportation and motor vehicles
- Carbon offsets

The proposed project incorporates design features or mitigation measures that will conserve energy and water, promote recycling and waste reduction, and make the site accessible to alternative transportation. As discussed in Table 3.3-21 of the DEIR, the proposed project will obtain electricity from PG&E, which is increasing its share of energy generated by renewable sources as mandated by AB 32.

Carbon offsets are not proposed to be used because of the unregulated nature of the offset market, which does not provide reasonable certainty that credits would actually result in greenhouse gas reductions. Accordingly, the proposed project will implement all feasible greenhouse gas emissions strategies identified by the Attorney General's Office.

In addition, several project design features have significant greenhouse gas emission reducing characteristics:

- The proposed project will provide a destination resort and winery, which will provide onsite amenities and activities for guests that will reduce the need for offsite trips. Furthermore, the proposed project is designed to promote bicycle and walking within the resort and winery grounds.

- The resort and winery buildings will be designed and constructed to LEED Silver standards, which are widely recognized green building standards.

- The proposed project will extend recycled water service to the project site, which is anticipated to result in a net decrease in potable water usage relative to existing levels.

The proposed project will also implement a number of mitigation measures that either will directly or indirectly reduce emissions of greenhouse gases:

- Mitigation Measure AES-1 requires the provision of trees atop Cistern Hill and landscaping around the winery adjacent to the knoll.

- Mitigation Measure PSU-3a requires the applicant to offset the existing and net increase in potable use attributable to the resort and winery through the provision of recycled water service to other properties within the Stanly Ranch for irrigation purposes.

- Mitigation Measure PSU-3b requires the use of outdoor and indoor water conservation measures.

- Mitigation Measure PSU-6a requires that construction and demolition debris recycling be performed.

- Mitigation Measure PSU-6b requires the installation of onsite facilities necessary to collect and store recyclable materials and green waste.

- Mitigation Measure TRANS-7a requires the applicant to prepare and submit an employee shuttle service operational plan to the City of Napa for review and approval prior to issuance of the first final occupancy permit for the proposed resort.

- Mitigation Measure TRANS-7b requires the applicant to install bicycle storage facilities in appropriate places throughout the resort and winery grounds prior to issuance of the first final occupancy permit for the proposed resort.

- Mitigation Measure TRANS-7c requires the applicant to install direct pedestrian connections between Stanly Cross Road and the winery and resort entrances prior to issuance of the first final occupancy permit for the proposed resort and winery.

Mitigation Measures AIR-9a through AIR-9e provide specific measures to reduce greenhouse gas emissions.

The proposed project incorporates a number of design features and mitigation measures that will minimize greenhouse gas emissions to the maximum extent feasible. These features and mitigation measures are consistent with all project-level strategies identified by the 2006 CAT Report, the CARB's Early Action Measures, the CARB's Scoping Plan, and the Attorney General's Office. Therefore, impacts would be less than significant. (DEIR p. 3.3-45 to 3.3-55)

Mitigation Measures:

Mitigation Measure AIR-9a

Prior to issuance of building permits for the proposed resort and winery, the project applicant shall prepare and submit plans to the City of Napa that identify wiring conduits and at least 500 square feet of available rooftop space for future photovoltaic solar installation on all buildings 10,000 square feet in area or larger. The approved plans shall be incorporated into the proposed project.

Mitigation Measure AIR-9b

Prior to issuance of the first final occupancy permit, the project applicant shall retain a qualified contractor to inspect and verify that all refrigeration systems are leak-proof to prevent fugitive refrigerant emissions. Any leaks shall be fixed prior to commencement of operations. The resort and winery operators shall conduct annual inspections of refrigeration systems, and make repairs as necessary, to ensure that fugitive refrigerant emissions do not occur.

Mitigation Measure AIR-9c

Prior to issuance of building permits for the proposed resort and winery, the project applicant shall prepare and submit plans to the City of Napa that identify high albedo and low-emissive roofs, EPA "Energy Star" approved roofing materials, or "Green Roof" technology for all structures 1,000 square feet in size or larger. The approved plans shall be incorporated into the proposed project.

Mitigation Measure AIR-9d

Prior to issuance of building permits for the proposed resort and winery, the project applicant shall prepare and submit plans to the City of Napa that identify the use of "cool paving" materials in parking areas, roadways, or other hardscaped surfaces. Examples of cool paving materials include asphalt or concrete with high solar reflectivity (i.e., through the use of light-colored aggregate), porous or permeable asphalt or concrete, roller compacted concrete, or asphalt chip seals that employ light-colored aggregate. Exceptions to this requirement may be allowed in areas where heavy-duty paving materials are necessary (e.g., heavily trafficked areas and loading docks). The approved plans shall be incorporated into the proposed project. concrete, roller compacted concrete, or asphalt chip seals that employ light-colored aggregate. Exceptions to this requirement may be allowed in areas where heavy-duty paving materials are necessary (e.g., heavily trafficked areas and loading docks). The approved plans shall be incorporated into the proposed project.

Mitigation Measure AIR-9e

Prior to issuance of the first final occupancy permit for the proposed resort or winery, the project applicant shall install the following measures in dock and delivery areas to educe idling emissions:

- Signage advising truck drivers to turn off engines when not in use.
- Signage advising truck drivers of State law prohibiting diesel idling of more than 5 minutes.

Auxiliary 110-volt and 220-volt power units so trucks can power refrigeration units or other equipment without idling. (DEIR p. 3.3-45 to 3.3-55)

Significance After Mitigation: Less than Significant after mitigation. (DEIR p. 3.3-45 to 3.3-55)

D. *BIOLOGICAL RESOURCES*

Potential Impact Bio-1: Development of the proposed project may impact special-status species (Less than Significant after Mitigation) (DEIR, p. 3.4-25)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Biologists, WRA's, prepared a Biological Resources Assessment to evaluate biological impacts in the DEIR.

Special-Status Plant Species

WRA's reconnaissance level surveys indicated that 11 special-status plant species had the potential to occur within the three study areas: Congdon's tarplant, pappose tarplant, Contra Costa goldfields, legenere, saline clover, delta tule pea, Suisun marsh aster, alkali milk-vetch, San Joaquin spearscale, soft bird's beak, and dwarf downingia. WRA recommended protocol-level surveys be conducted in compliance with CNPS, CDFG, and USFWS guidelines in order to determine the presence or absence for each species.

WRA conducted protocol-level surveys for the 11 aforementioned species in May and June 2009. During the surveys, two special-status species, Mason's lilaeopsis and Marin knotweed, were positively identified along the outboard portion of the Napa River levee. Approximately 805 individual plants of the lilaeopsis and 100 individual plants of the Marin knotweed were observed during protocol-level surveys. The sewer and recycled water pipelines would traverse the eastern and western banks of the Napa River; however, the pipelines would be installed under the river and its banks by horizontal directional drilling and, therefore, would not impact these species. Impacts would be less than significant.

Special-Status Wildlife Species

(a) Salt Marsh Harvest Mouse

Because of the status of the salt marsh harvest mouse (Federal and State Endangered, California Fully Protected), CDFG and USFWS are conservative when establishing avoidance, minimization, and mitigation measures. Since suitable habitat is present within the project site along the Napa River and because there are documented occurrences in CNDDB in contiguous brackish marsh, minimization and avoidance measures are set forth in Mitigation Measure BIO-1a to address potential impacts to the salt marsh harvest mouse. This measure will reduce impacts to a level that is less than significant.

(b) Pallid Bat

Bat roosts are protected by CDFG and CEQA. The study areas contains suitable foraging habitat for pallid bats. Furthermore, the cistern and associated wooden structure may contain suitable roosting habitat for pallid bats. Accordingly, Mitigation Measure BIO-1b requires a pre-construction acoustic survey and an internal survey of the facility to determine the presence or absence of this species and measures to safely exclude them from buildings if they are present. The implementation of this mitigation measure will reduce impacts to a level of less than significant.

(c) California Black Rail

Suitable habitat exists for State-listed California black rail along the Napa River within and adjacent to the St. Regis study area. If the species is present at the site, certain project activities, such as vegetation removal or movement of work crews and equipment during the breeding season, could potentially cause impacts to the California black rails. Such activities are not expected to be conducted in the tidal wetland habitat occupied by this species. In addition, visual or acoustic disturbance associated with construction activities will be reduced because the pipelines will be installed under the river and its banks by horizontal directional drilling and, therefore, will not impact tidal wetland habitat located outboard of the levee. Implementation of Mitigation Measure BIO-1c will ensure that impacts will be reduced to a less than significant level.

(d) Golden Eagle and Swainson's Hawk

The St. Regis study area provides suitable foraging habitat for both the golden eagle and Swainson's hawk. In addition, trees adjacent to but outside of the St. Regis study area may provide suitable nesting habitat for both species. Construction activities associated with the proposed project may significantly impact foraging or nesting activities for both species. Accordingly, Mitigation Measure BIO-ld will require the implementation of standard nesting bird

mitigation for both species. In addition, Mitigation Measure BIO-1e will require specific mitigation for the Swainson's hawk. The implementation of both mitigation measures will reduce impacts to a level of less than significant.

(e) Ferruginous Hawk

The St. Regis study area supports suitable foraging habitat for wintering ferruginous hawks. This species has been documented in the vicinity of the project area. Since this species has no potential to breed within the study areas, construction activities associated with the proposed project will not affect breeding ferruginous hawks. Impacts to ferruginous hawk wintering and foraging habitats are not regionally important and therefore, are less than significant.

(f) Northern Harrier, Saltmarsh Common Yellowthroat and Short-eared Owl

The wetland vegetation, brackish salt marsh, and brushy habitats in the study areas provide suitable foraging habitat for the saltmarsh common yellowthroat and northern harrier. Dense vegetation along wetland margins may provide suitable nesting habitat for these two species. In addition, the seasonal wetlands and nearby annual grasslands and small shrubs may provide potentially suitable breeding and foraging habitat for the short-eared owl and northern harrier.

Construction activities associated with the resort, winery, and pipelines may adversely affect the saltmarsh common yellowthroat and short-eared owl. Mitigation Measure BIO-1d will address impacts to all species. The implementation of this mitigation measure will reduce impacts to a level of less than significant.

(g) Loggerhead Shrike

Loggerhead shrike has a moderate potential to breed and forage within shrubby vegetation within the study areas. Construction activities associated with the pipelines may adversely affect this species. Mitigation Measure BIO-1d will address impacts to this species. The implementation of this mitigation measure will reduce impacts to a level of less than significant.

(h) Western Pond Turtle

Western pond turtle is documented to occur within the Napa River system in the vicinity of the project site. Suitable aquatic and upland nesting habitat is present within and adjacent to the study areas. Mitigation measure BIO-1f will reduce impacts of filling, grading, or other ground disturbance of wetlands within the study areas to a less than significant level for Western pond turtle adults, nests, and young.

(i) Fish Species

Central California coast ESU steelhead, Central Valley fall/late fall-run ESU Chinook salmon, hardhead, and Sacramento splittail are known to occur in the Napa River. Suitable foraging and rearing habitat is present within and adjacent to the study areas. Additionally, the Napa River is Critical Habitat for Central California coast ESU steelhead, a species listed as threatened under the FESA, and have been documented in the Napa River in the vicinity of the study areas.

Steelhead and Chinook salmon adults likely move upstream past the study areas between December and March. After spawning, Chinook salmon die; however, steelhead can spawn more than once and move downstream toward San Francisco Bay after spawning. Chinook

salmon juveniles move downstream within a few months to rear in the lower reaches of the river and its estuary. Juvenile steelhead generally remain in fresh water for one or more years before heading to the sea. According to dredging work windows designated by the National Marine Fisheries Service, steelhead and Chinook salmon adults and juveniles near the mouth of the Napa River are at their lowest densities between June and November.

Hardhead are sedentary fish that are generally associated with clear pools and runs with sand-gravel-boulder substrates. The Napa River in the vicinity of the study areas is turbid and does not represent preferred habitat.

According to dredging work windows designated by the National Marine Fisheries Service, Sacramento splittail adults and juveniles are likely present in the lower Napa River throughout the year.

The proposed project includes a horizontal directional drilling component that is aligned under the Napa River. Potential impacts to these four fish species are discussed below.

Erosion associated with project activities resulting in the introduction of sediments into the Napa River could negatively affect water quality in rearing and foraging habitat. Introduction of sediments could lead to increased embedding of river substrate, which could negatively affect invertebrate communities used as a food source by juvenile fish. Impacts to steelhead and steelhead critical habitat that constitute harm or harassment could be considered a "take" by the FESA. This is considered a significant impact if the project would substantially reduce the number or restrict the range of an endangered, rare or threatened species. Mitigation Measures BIO-1g and BIO-1h will reduce the potential impacts to less than significant levels.

Mitigation Measure BIO-1g requires Best Management Practices be installed to eliminate construction-related runoff and sedimentation into the Napa River. This elimination of runoff will avoid a negative affect to the water quality and the fish habitat.

Construction could result in "frac-out" during horizontal directional drilling. Frac-out is a term used to describe the fracture or cracking of soil or rock above an active subsurface drilling operation leading to discharge of drilling slurry to the surface. Frac-outs occurring in aquatic environments are difficult to contain, primarily because bentonite—a commonly used, inert drilling lubricant—readily disperses in flowing water and quickly settles in standing water. Bentonite is non-toxic, but there are two specific, indirect effects of bentonite on aquatic life. Initially, the suspended bentonite may inhibit respiration of fishes, although this is typically short-lived. Once the bentonite settles, secondary long-term effects can result. For example, egg masses of fish could be covered by a layer of bentonite, inhibiting the flow of dissolved oxygen to the egg masses. Secondly, benthic invertebrates may be covered and suffocate from fouled gills and/or lack of oxygen. Mitigation Measure BIO-1h requires horizontal directional drilling activities to be conducted during a work window identified by the National Marine Fisheries Service when adult and juvenile salmonids are not present in the project area (June 1 through November 30). This will reduce potential frac-out impacts to steelhead and Chinook salmon to a less than significant level.

Hardhead are not expected to occur in the vicinity of the study areas because of their preference for clear water and sand-gravel-boulder substrates; therefore, a potential frac-out event would not result in impacts to this species.

Adult and juvenile Sacramento splittail are tolerant of a wide range of salinities, temperatures, and dissolved oxygen levels. In the event of a frac-out, it is likely that the escape of drilling slurry would be quickly controlled, and that the slurry material would be diluted and dispersed downstream. It would not result in a substantial reduction in the Sacramento splittail population in the lower Napa River. Potential impacts to Sacramento splittail resulting from a frac-out event are considered less than significant. (DEIR, p. 3.4-25 to 3.4-33)

Mitigation Measures:

Mitigation Measure BIO-1a

The following measures to mitigate impacts to the salt marsh harvest mouse shall be implemented:

- Prior to the commencement of horizontal directional drilling activities, the footprint of the work area shall be flagged. The work area shall be the minimum necessary to complete the drilling work.
- Pickleweed within the flagged footprint area shall be removed using hand tools at least 7 days prior to start of any work. A biologist shall first survey the flagged work area for the salt marsh harvest mouse prior to vegetation removal and shall be present during the removal. If a salt marsh harvest mouse is observed, the biologist shall have authority to stop work until the species has left the flagged work area, at which time vegetation removal can continue. The vegetation removal will allow any salt marsh harvest mouse potentially present to disperse away from the work area into more dense cover away from the work area.
- Once the vegetation has been removed, a temporary barrier fence shall be constructed along the flagged boundaries of the cleared work area that will prevent salt marsh harvest mice from re-entering the work area.
- No equipment, storage of materials, or work shall be allowed within the adjacent salt marsh harvest mouse habitat outside of the cleared work area.
- A biologist shall conduct weekly inspections of the barrier fence to identify maintenance needs.
- Following completion of all work and removal of equipment, the barrier fence will be removed and the disturbed area will be re-seeded.
- If this potential impact from the project falls within the jurisdiction of the CDFG or the USFWS through a federal action, such measures shall be applied as required by the agencies to avoid or minimize impacts prior to any construction that would significantly impact the species.

Mitigation Measure BIO-1b

Preconstruction surveys for bats should take place during the maternity roosting season (defined as April 1 through August 31). Surveys should be conducted by a qualified biologist no less than 14 days prior to removal of trees, snags, or buildings within the project area. Ultrasonic acoustic surveys and/or other site-appropriate survey method should be performed to determine the presence or absence of bats utilizing the project site as roosting or foraging habitat. If special-status bat species are detected during surveys, then appropriate species- and roost-specific mitigation measures will be developed. Such measures may include postponing the removal of trees, snags, or structures until the end of the maternity roosting season or construction of species-appropriate roosting habitat within or adjacent to the project site.

Trees, snags, and buildings may be removed outside of the maternity roosting season without performing preconstruction bat surveys. However, if buildings are to be demolished, internal entrance surveys should be performed by a qualified bat biologist no less than 14 days prior to demolition to determine if buildings currently or previously support roosting bats. If bats are determined to be present, appropriate methods should be used to exclude bats from the building. Such methods may include installation of one-way "valves" to allow bats to exit but to prevent them from reentering the building. Species- and roost-appropriate mitigation measures will be developed based on the results of the survey in consultation with CDFG

Mitigation Measure BIO-1c

For wastewater and recycled water pipelines horizontal directional drilling activities that occur between February 1 and August 31, pre-construction surveys for black rail should be conducted following the Point Reyes Bird Observatory Black Rail Survey Protocol. Surveys shall be conducted by a qualified biologist prior to and within 10 days of any initial ground-disturbance activities. Surveys shall be conducted within all suitable nesting habitat within 250 feet of the activity. Active rail nests shall be protected by a buffer with a minimum radius of 250 feet until the nest is abandoned or all young have fledged. Protocol-level surveys should be conducted during every breeding season for which construction is proposed. Note that surveys are not required during the non-breeding season, which falls between September 1 and January 31.

Mitigation Measure BIO-1d

For construction activities that occur between February 1 and August 31, pre-construction breeding bird surveys shall be conducted by a qualified biologist prior to and within 10 days of any initial ground-disturbance activities. Surveys shall be conducted within all suitable nesting habitat within 250 feet of the activity. All active, non-status passerine nests identified at that time should be protected by a 50 foot radius minimum exclusion zone. Active raptor or special-status species nests should be protected by a buffer with a minimum radius of 200 feet. CDFG recommends that a minimum 500-foot exclusion buffer be established around active white-tailed kite and golden eagle nests. The following considerations apply to this mitigation measure:

- Survey results are valid for 14 days from the survey date. Should ground disturbance commence later than 14 days from the survey date, surveys should be repeated. If no breeding birds are encountered, then work may proceed as planned.
- Exclusion zone sizes may vary, depending on habitat characteristics and species, and are generally larger for raptors and colonial nesting birds. Each exclusion zone would remain in place until the nest is abandoned or all young have fledged.
- The non-breeding season is defined as September 1 to January 31. During this period, breeding is not occurring and surveys are not required. However, if nesting birds are encountered during work activities in the non-breeding season, disturbance activities within a minimum of 50 feet of the nest should be postponed until the nest is abandoned or young birds have fledged.

Mitigation Measure BIO-1e

For any construction activities initiated between March 15 and September 1, surveys for nesting Swainson's hawk are required with 0.25 mile of areas of disturbance. If an active nest is found, a qualified biologist shall monitor the nest during construction activities within 0.25 mile of the nest to determine whether project construction may

result in abandonment. The monitor shall continue monitoring the nest until construction within 0.25 mile of the nest is completed, or until all chicks have completely fledged. If the monitor determines that construction may result in abandonment of the nest, all construction activities within 0.25 mile should be halted until the nest is abandoned or all young have fledged.

Mitigation Measure BIO-1f

Prior to construction activities associated with the wastewater and recycled water pipelines horizontal directional drilling under the Napa River, the project applicant shall install exclusion fencing around upland areas slated for ground disturbance to prevent pond turtles from excavating nests. This measure shall apply between March 1 and April 30. The exclusion fencing should be maintained until ground disturbance in the upland habitat is complete.

Mitigation Measure BIO-1g

Prior to commencement of ground-disturbing activities, the project applicant shall implement Best Management Practices in accordance with the Storm Water Pollution Prevention Plan (SWPPP) to prevent construction-related runoff or sedimentation from entering the Napa River. This mitigation measure shall be coordinated with Mitigation Measure HYD-1.

Mitigation Measure BIO-1h

No pipeline horizontal drilling activities shall occur between December 1 and May 31, which is the period when adult and juvenile salmonids are likely to occur in the Napa River.

(DEIR, p. 3.4-25 to 3.4-33)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.4-25 to 3.4-33)

Potential Impact BIO-2: Construction and operation of the proposed project may impact riparian habitat or sensitive natural communities. (Less than Significant after Mitigation (DEIR, p. 3.4-32)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR. In addition, the City hereby makes finding (a)(2), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Such changes or alterations are within the responsibility and jurisdiction of other public agencies (such agencies may include, but is not limited to, the United States Army Corps of Engineers, the California Department of Fish and Game, and the San Francisco Bay Regional Water Quality Control Board) and not the City. Such changes have been adopted by such other agencies or can and should be adopted by such other agencies.

Explanation: The proposed project would involve converting the depression containing the seasonal wetland to an off-stream pond. The seasonal wetland is considered a sensitive

natural community and, therefore, impacts to this feature are subject to review by the CDFG through the CEQA process. Mitigation for impacts to sensitive natural communities is often required by the CDFG at a ratio of no less than 1:1 through onsite or offsite restoration or purchase of credits at an agency-approved mitigation bank. In this case, the project applicant intends to mitigate impacts to jurisdictional sensitive biological communities through onsite restoration, although offsite restoration or purchase of credits may be necessary if onsite restoration is not feasible. Accordingly, the project applicant will incorporate the mitigation requirement into Mitigation Measure BIO-2a. The implementation of this mitigation measure will reduce impacts associated with the pond creation to a level of less than significant.

The sewer and recycled water pipelines would involve construction activities near the Napa River, as well as horizontal drilling under the river. While no direct impacts to riparian habitat along the river or to the river itself are expected, Mitigation Measure BIO-2b requires the project applicant to obtain all necessary authorization from regulatory agencies and implement any necessary restoration or mitigation. The implementation of this mitigation measure will reduce impacts associated with the sewer and recycled water pipelines to a level of less than significant. (DEIR, p. 3.4-32)

Mitigation Measures:

Mitigation Measure BIO-2a

Prior to issuance of grading permits within any impacted resource area, the project applicant shall obtain all required authorization from agencies with jurisdiction over the conversions of the seasonal wetland to a pond. Such agencies may include, but are not limited to, the United States Army Corps of Engineers, the California Department of Fish and Game, and the San Francisco Bay Regional Water Quality Control Board. Impacted resources shall be offset through onsite restoration, offsite restoration, or purchase of credits at an agency-approved mitigation bank in the region at no less than a 1:1 ratio.

Mitigation Measure BIO-2b

Prior to issuance of encroachment permits for the sewer and recycled water pipelines, the project applicant shall obtain all required authorization from agencies with jurisdiction over the conversions of the seasonal wetland to a pond. Such agencies may include, but are not limited to, the United States Army Corps of Engineers, the California Department of Fish and Game, and the San Francisco Bay Regional Water Quality Control Board. Impacted habitat shall be offset through onsite restoration, offsite restoration, or purchase of credits at a CDFG-approved mitigation bank in the region at no less than a 1:1 ratio. The requirements of this mitigation measure do not apply if pipeline installation activities completely avoid work within the bed, bank, or channel of the Napa River. (DEIR, p. 3.4-32 to 3.4-33)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.4-32)

Potential Impact BIO-3: Construction and operation of the project may impact waters of the US, including wetlands. (Less than Signicant after Mitigation) (DEIR, p. 3.3-33)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project

which mitigate or avoid the significant environmental effect as identified in the EIR. In addition, the City hereby makes finding (a)(2), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Such changes or alterations are within the responsibility and jurisdiction of other such agencies (such agencies may include the United States Army Corps of Engineers and the San Francisco Bay Regional Water Quality Control Board) and not the City. Such changes have been adopted by such other agencies or can and should be adopted by such other agency..

Explanation: The seasonal wetland located within the project site drains into the Napa River and, therefore, is classified as water of the United States under jurisdiction of USACE. In addition, the sewer and recycled water pipelines would cross under the Napa River and possibly through features under jurisdiction of USACE. Accordingly, Mitigation Measures BIO-3a and BIO-3b will mitigate impacts to jurisdictional features. Both measures require the applicant to obtain all required authorization from those agencies with jurisdiction over the waters of the US and wetlands to mitigate impacts related to the wetland and the pipelines. The implementation of these mitigation measures will reduce impacts to a level of less than significant. (DEIR, p. 3.4-33)

Mitigation Measures:

Mitigation Measures BIO-3a

Prior to issuance of grading permits within any impacted resource area, the project applicant shall obtain all required authorization from agencies with jurisdiction over the conversion of the seasonal wetland to a pond. This authorization may involve approvals from the United States Army Corps of Engineers and the San Francisco Bay Regional Water Quality Control Board. Impacted features shall be offset through onsite restoration, offsite restoration, or purchase of credits at an agency-approved mitigation bank in the region at no less than a 1:1 ratio.

Mitigation Measures BIO-3b

Prior to issuance of encroachment permits for the sewer and recycled water pipelines, the project applicant shall obtain all required authorization for the installation of the pipelines with jurisdictional features. This authorization may involve approvals from the United States Army Corps of Engineers and the San Francisco Bay Regional Water Quality Control Board. Impacted features shall be offset through onsite restoration, offsite restoration, or purchase of credits at an agency-approved mitigation bank in the region at no less than a 1:1 ratio. (DEIR, p. 3.4-33 to 3.3-34)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.4-33 to 3.3-34)

Potential Impact BIO-5: The proposed project may conflict with local biological policies or ordinances pertaining to tree removal. (Less than Significant after Mitigation) (DEIR, p. 3.4-35)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Napa Municipal Code Title 12, Chapter 45, which governs trees on private property, is the only local biological ordinance applicable to the proposed project. Title 12, Chapter 45 applies to "significant" trees and "protected native trees" on private property. Significant trees are those designated by the City that meet one or more criteria pertaining to history, uniqueness, visual prominence, habitat protection, or other factors. Protected native trees are species of oak, redwood, bay, and walnut with a minimum diameter. Chapter 45 establishes permitting requirements for tree removal and minimum standards for tree replacement and requires that significant and protected native trees be protected from nearby construction activities.

The mature pine trees on Cistern Hill may meet the criteria necessary to be classified as significant trees, given their age, uniqueness, and visual prominence. However, the trees have not been officially designated as significant trees by the City of Napa; therefore, the requirements of Title 12, Chapter 45 do not apply at the time of this writing. Nonetheless, because the trees will be removed, Mitigation Measure AES-1 requires that removed trees be replaced at a minimum ratio of 2:1. The implementation of this mitigation measure will be consistent with the intent of Title 12, Chapter 45. Therefore, impacts would be less than significant. (DEIR, p. 3.4-35)

Mitigation Measures:

Mitigation Measure AES-1

Prior to issuance of grading permits for the winery, the project applicant shall prepare and submit a landscaping plan that provides for landscaping on top of Cistern Hill and around the perimeter of the winery. Landscaping on the top of the knoll shall consist of either the retention of the existing pine trees or the planting of replacement trees if the existing trees are to be removed. Any removed trees shall be replaced at a minimum 2:1 ratio with an appropriate species. Landscaping shall be planted around the perimeter of the winery and shall consist of trees, shrubs, vines, or other plants that are compatible in appearance with the trees on top of the knoll and also serve to screen views of the structure from SR-29 in accordance with various General Plan goals and policies that seek to preserve aesthetic character. Landscaping shall be in place prior to issuance of the final certificate of occupancy for the winery.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.4-35 to 3.4-36)

E. CULTURAL RESOURCES

Potential Impact CUL-2: Subsurface construction activities associated with the proposed project may damage or destroy previously undiscovered archaeological resources. (Less than Significant after Mitigation) (DEIR, p. 3.5-16)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Research described in the EIR [Section 3.5.4, p. 3.5-11] indicates that no archaeological resources have been previously recorded within the project APE or within a 0.25-

mile radius of the project APE. In addition, no archaeological resources were discovered during the pedestrian field survey. The results of the NAHC record search failed to indicate the presence of Native American cultural resources in the immediate vicinity of the project APE. In addition, the majority of the project APE has been highly disturbed from over 100 years of agricultural planting of vineyards and orchards. Therefore, the project APE is considered to have a low sensitivity for prehistoric resources.

However, there is always the possibility that ground-disturbing activities during project development could potentially impact prehistoric or historic archaeological resources. Prehistoric resources can include flaked-stone tools (e.g., projectile points, knives, and choppers) or obsidian, chert, or quartzite toolmaking debris; culturally darkened soil (such as midden soil containing heat-affected rock, ash, and charcoal, shellfish remains, and animal bones); and stone milling equipment (e.g., mortars, pestles, handstones). Historical materials can include wood, stone, foundations, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, and other refuse. Therefore, this could be a potentially significant impact. If either resource is discovered during construction, Mitigation Measure CUL-2 will ensure the impact to the resources will be less than significant by requiring the necessary evaluations and methods of preserving the resources. (DEIR, p. 3.5-16 to 3.5-17)

Mitigation Measures:

Mitigation Measure CUL-2

If areas of prehistoric or historic archaeological resources are encountered during subsurface excavation, all work within 100 feet of the discovery shall cease until a qualified archaeologist can determine the significance of the find. The discoveries shall be evaluated for their CR and NRHP eligibility and recommendations made. The identified resources or resource area shall be avoided by project activities during evaluation. The City of Napa shall require the project applicant to include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results, and offering recommendations. The report shall be submitted to the City of Napa, the Northwest Information Center, and the State Historic Preservation Officer (SHPO), if required.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.5-16 to 3.5-17)

Potential Impact CUL-3: Subsurface construction activities associated with the proposed project may damage or destroy previously undiscovered paleontological resources. (Less than Significant after Mitigation) (DEIR, p. 3.5-17)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: A search of the University of California Museum of Paleontology database by a qualified paleontologist indicated that the proposed project includes four geologic units of very low paleontological sensitivity; therefore, no further paleontological work is recommended.

Although no paleontological resources are known to exist within or near the project APE, there is always the possibility that previously unknown, buried paleontological resources could be uncovered during excavation activities. Resources may include, but are not limited to, fossils from mammoths, saber-toothed cats, rodents, reptiles, and birds. Therefore, this could be a potentially significant impact. However, with mitigation in place for the project, this impact would be reduced to a less than significant level. (DEIR, p. 3.5-17 to 3.5-18)

Mitigation Measures:

Mitigation Measure CUL-3

If plant or animal fossils are encountered during subsurface excavation activities, all work within 100 feet of the discovery shall cease until a qualified paleontologist has determined the significance of the find and provides recommendations. Project personnel shall not collect or remove any paleontological material. If the paleontological finds are found to be significant, the area shall be avoided by project activities. The recommendations of the paleontologist shall be incorporated into construction plans.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.5-17 to 3.5-18)

Potential Impact CUL-4: Subsurface construction activities associated with the proposed project may damage or destroy previously undiscovered human remains. (Less than Significant after Mitigation) (DEIR, p. 3.5-18)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: There are no known burial sites within the project APE. The field survey did not find any evidence of human remains or burial goods within the project APE. In addition, none of the previous surveys that included the APE or were within a 0.25-mile radius reported finding any human remains. Nonetheless, the possibility exists that subsurface construction activities may encounter undiscovered human remains. Accordingly, this is a potentially significant impact. The mitigation required of the applicant will reduce this potentially significant impact to a level of less than significant. (DEIR, p. 3.5-18)

Mitigation Measures:

Mitigation Measure CUL-4

If human remains are encountered during excavation activities conducted for the project, all work in the adjacent area shall stop immediately and the Napa County Coroner's office shall be notified. If the Coroner determines that the remains are Native American in origin, the Native American Heritage Commission shall be notified and will identify the Most Likely Descendent, who will be consulted for recommendations for treatment of the discovered human remains and any associated burial goods. (DEIR, p. 3.5-18 to 3.5-19)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.5-18 to 3.5-19)

F. GEOLOGY, SOILS, AND SEISMICITY

Potential Impact GEO-1: The proposed project may expose people or structures to potential substantial adverse effects associated with seismic hazards. (Less than Significant after Mitigation) (DEIR, p. 3.6-10)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The proposed project may expose people or structures to potential substantial adverse effects associated with seismic hazards The DEIR evaluated this potential exposure to seismic hazards, including fault rupture, strong ground shaking, ground failure and liquefaction, and landslides.

The Preliminary Geotechnical Investigation indicated a lineament of the West Napa Fault traverses the Stanly Ranch. Although this portion of the fault is not a designated Alquist-Priolo Fault Zone, and the 1993 fault hazard investigation conducted by Joyce Associates concluded that the Stanly Ranch was at low risk of fault rupture, the Preliminary Geotechnical Investigation recommended further investigation for future site-specific, occupancy-specific developments within the Stanly Ranch. Accordingly, the mitigation measure (GEO-1a) requires the project applicant to submit an updated fault investigation to the City of Napa for review and approval. A provision in the mitigation measure requires that the recommendations of the investigation be incorporated into the project plans. With the implementation of this mitigation measure, fault rupture impacts associated with the resort and winery will be less than significant.

The Preliminary Geotechnical Investigation indicates that the proposed resort, winery, and pipelines may be subject to strong ground shaking during a seismic event. At the time of the writing of the DEIR, a design-level geotechnical report for the proposed resort, winery, and pipelines was not available. This type of report would provide recommendations on the appropriate level of soil engineering and building design necessary to minimize ground shaking hazards. Accordingly, the mitigation measure (GEO-1b) requires the applicant to submit such a study to the City of Napa for review and approval. In addition, a related mitigation measure (GEO-1c) requires the applicant to submit plans that comply with the California Building Standards Code seismic design requirements and the design-level geotechnical report recommendations. The implementation of these two measures will ensure that the resort, winery, and pipelines are not exposed to strong ground shaking hazards. Impacts will be less than significant.

The Preliminary Geotechnical Investigation indicates that the Stanly Ranch is underlain by relative strong and incompressible alluvial soils comprising stiff clays and silts and dense sands and gravels. Free groundwater was not encountered in any of the borings, the deepest of which extended to 14.5 feet below ground surface. The Preliminary Geotechnical Investigation concluded that these characteristics indicate that the Stanly Ranch would not be susceptible to ground failure, liquefaction, or liquefaction-related phenomena. Therefore, the proposed resort, winery, and pipelines will not be at risk of significant hazards associated with ground failure and liquefaction. Impacts will be less than significant.

Impacts will be less than significant for landslides because of these design features, and mitigation. (DEIR, p. 3.6-10 to 3.6-12)

Mitigation Measures:

Mitigation Measure GEO-1a

Prior to the issuance of permits for the resort, winery, or pipelines, the project applicant shall submit an updated fault hazard investigation of the West Napa Fault to the City of Napa for review and approval. The investigation shall be prepared by a licensed Geotechnical Engineer or Certified Engineering Geologist and evaluate the potential for the resort, winery, and pipelines to be exposed to fault rupture associated with the West Napa Fault. The recommendations of the investigation shall be incorporated into project plans.

Mitigation Measure GEO-1b

Prior to the issuance of permits for the resort, winery, or pipelines, the project applicant shall submit a project-level Geotechnical Investigation for the resort and winery to the City of Napa for review and approval. The investigation shall be prepared by a qualified engineer and identify necessary grading and building practices necessary to achieve compliance with the 2007 California Building Standards Code seismic requirements. The measures identified in the approved report shall be incorporated into the project plans.

Mitigation Measure GEO-1c

Prior to the issuance of permits for the resort, winery, or pipelines, the project applicant shall submit plans to the City of Napa for review and approval demonstrating compliance with the 2007 California Building Standards Code seismic requirements and the recommendations of the project-level Geotechnical Investigation. A licensed professional engineer shall prepare the plans, including those that pertain to soil engineering, structural foundations, pipeline excavation, and installation. The approved plans shall be incorporated into the proposed project. All onsite soil engineering activities shall be conducted under the supervision of a licensed Geotechnical Engineer or Certified Engineering Geologist.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.6-10 to 3.6-12)

Potential Impact GEO-2: Construction activities associated with the proposed project have the potential to cause substantial soil erosion or the loss of topsoil. (Less than Significant after Mitigation) (DEIR, p. 3.6-12)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Construction activities associates with the proposed project will involve grading, excavation, and trenching activities that could expose barren soils to sources of wind or water, resulting the potential for erosion and sedimentation on and off the project site. Nation Pollutant Discharge Elimination System (NPDES) stormwater permitting programs regulate stormwater quality from construction sites, which includes erosion and sedimentation. Under the NPDES

permitting program, the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) is required for construction activities that would disturb an area of 1 acre or more. The SWPPP must identify potential sources of erosion or sedimentation that may be reasonably expected to affect the quality of stormwater discharge as well as identify and implement Best Management Practices (BMPs) that ensure the reduction of these pollutants during stormwater discharges. Typical BMPs intended to control erosion include sand bags, detentions basins, silt fencing, storm drain inlet protection, street sweeping, and monitoring of water bodies.

These requirements have been incorporated into the mitigation measures to reduce impacts to a less than significant level. The implementation of an SWPPP and its associated BMPs will reduce potential erosion impacts to a level of less than significant. (DEIR, p. 3.6-12 top 3.6-13)

Mitigation Measures:

Mitigation Measure HYD-1

Prior to the issuance of grading or building permits for either the onsite development project or the pipeline installation project, the project applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Napa that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation and maintenance, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include, but not be limited to, the following elements:

- Temporary erosion control measures shall be employed for disturbed areas.
- Specific measures shall be identified to protect the onsite wetland during construction of the proposed resort.
- Specific measures shall be identified to protect the Napa River and floodplain during pipeline construction.
- No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.
- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.
- BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure.

In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.6-12 top 3.6-13)

Potential Impact GEO-4: The proposed project may create substantial risks to life or property as a result of expansive soil conditions on the project site. (Less than Significant after Mitigation) (DEIR, p. 3.6-14)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The project site contains Haire Loam, 2 to 9 percent slopes and Haire Clay Loam, 15 to 30 percent slopes. Both soils exhibit high plasticity and shrink-swell potential, which are characteristic of expansive soils. Accordingly, the development of the proposed resort and winery may expose persons and structures to hazards associated with expansive soils. Mitigation requires the applicant to submit a design-level geotechnical study to the City of Napa identifying measures to abate expansive soil conditions. A provision in the Mitigation Measure requires that the recommendations from the approved study be incorporated into the proposed project. With the implementation of this mitigation measure, impacts will be reduced to a level of less than significant.

The proposed pipelines will be located underground, below the topsoil layer. Furthermore, a portion of the pipelines will be located within paved and unpaved roads, which have been previously graded and soil engineered. Therefore, the pipelines will not be exposed to shrinking and swelling associated with expansive soils. No impacts will occur. (DEIR, p. 3.6-14)

Mitigation Measures:

Mitigation Measure GEO-4

Prior to the issuance of permits for the resort or winery, the project applicant shall submit a project-level Geotechnical Investigation to the City of Napa for review and approval. The investigation shall be prepared by a qualified engineer and identify grading and building practices necessary to abate expansive soil conditions on the project site. The project applicant shall implement the recommendations of the approved project-level Geotechnical Investigation into project plans.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.6-14)

G. HYDROLOGY AND WATER QUALITY

Potential Impact HYD-1: Construction activities associated with the proposed project have the potential to degrade water quality in downstream water bodies. (Less than Significant after Mitigation) (DEIR, p. 3.8-13)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The development of the resort and winery will require extensive grading of the project site to construct the buildings and associated parking lot, internal pathways, and roadways. There may be additional grading to create the pond feature and excavation for wine caves and a belowground parking facility. The majority of project grading will occur within existing vineyards, and there will be a concentrated effort to maintain much of the existing topography of the site.

The pipelines installation will require excavation and trenching along the Stanly Lane right-of-way and into the floodplain, and along the banks and across the Napa River. Construction activities in and around the Napa River have the potential to directly introduce sediment and other pollutants into surface water. The use of horizontal directional drilling will eliminate the need for diverting the river around the work area and should minimize the potential for erosion and sediment entering the waterway during pipe installation under the streambed. However, the extensive trenching activities in the floodplain and adjacent to the river will likely require dewatering and several temporary BMPs to protect water quality during construction. BMPs will need to be implemented and maintained to protect the drainages, wetlands, and the Napa River during all nearby grading and trenching activities.

During earthwork activities, there is the potential for sediment introduction into the onsite drainages and wetland, then into the channel that crosses Stanly Lane and SR-29, and ultimately into the Napa River—potentially degrading water quality. Temporary stockpiles of sediment or other materials also have the potential to erode and be carried into the stormwater system and waterways. Construction activities will likely involve the use of gasoline and diesel-powered vehicles and equipment that pose a potential risk of accidental fuel and related chemical releases that could enter the drainage system and degrade water quality.

Any construction project that will result in the disturbance of more than 1 acre is required by the SWRCB to obtain a General Activity Stormwater Permit and National Discharge Elimination System (NPDES) permit prior to project initiation. As part of the NPDES permit, the project applicant must prepare and implement an SWPPP. The SWPPP must identify potential sources of pollution that are reasonably expected to affect the quality of stormwater discharges and identify and implement BMPs to ensure reduction of these pollutants during storm events.

By limiting pad grading and maintaining the existing onsite topography to the extent feasible and implementing BMPs, the potential for short-term sediment introduction should be minimized.

Mitigation for the project requires the project applicant to prepare and implement separate SWPPPs for the proposed onsite development and offsite pipelines for review and approval by the City of Napa prior to the issuance of grading or building permits. The SWPPPs shall include specific measures to protect the onsite and offsite wetland and drainages during construction of the proposed development. The implementation of the mitigation measure will ensure that potential, short-term, water quality impacts from construction are reduced to a level of less than significant. (DEIR, p. 3.8-13 to 3.8-14)

Mitigation Measures:

Mitigation Measure HYD-1

Prior to the issuance of grading or building permits for either the onsite development project or the pipeline installation project, the project applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Napa that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation and maintenance, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include, but not be limited to, the following elements:

- Temporary erosion control measures shall be employed for disturbed areas.
- Specific measures shall be identified to protect the onsite wetland during construction of the proposed resort.
- Specific measures shall be identified to protect the Napa River and floodplain during pipeline construction.
- No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.
- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.
- BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure.

In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.8-13 to 3.8-14)

Potential Impact HYD-2: Operational activities associated with the proposed project have the potential to degrade water quality in downstream water bodies. (Less than Significant after Mitigation) (DEIR, p. 3.8-15)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation:
Development of the proposed project would convert 50 acres or more of existing vineyards to urban use, which will include impervious coverage associated with buildings, roadways, parking, and pathways. This large increase in impervious coverage would create the potential for

discharge of urban stormwater pollutants into surface water bodies, including the on- and offsite wetland on either side of Stanly Lane and the Napa River for the life of the project. The proposed project would generate increased stormwater runoff from roadways, landscaped areas, building roofs, and parking areas that would contain high levels of urban pollutants such as heavy metals, oil and grease, and sediment. Runoff from the vineyards and landscaped areas may contain pesticides and nutrients. This would be a significant impact.

The proposed project aims to have stormwater quality protection measures such as bioswales, filter strips, or other accepted BMPs, in accordance with the City's Post Construction Stormwater Pollution Prevention Standards incorporated into the onsite drainage system to treat urban runoff. These types of features would be in line with the City of Napa's goal to develop attractive and environmentally sensitive drainage systems for handling runoff.

Mitigation requires the project applicant to prepare and submit a stormwater quality management plan to the City of Napa for review and approval prior to issuance of building or grading permits for the proposed project. This plan will require the project applicant to document location, type, and size of the stormwater quality control measures that would be in effect during project operations to ensure that water quality in downstream water bodies is not degraded.

The implementation of these mitigation measures will ensure that potential, long-term operational water quality impacts are reduced to a level of less than significant.

Pipelines

Installation of the proposed wastewater and recycled water pipelines will require 4,820 to 6,440 lineal feet of pipe to be contained within the public utilities easement that will run along Stanly Lane and to the south towards the Napa River, where it will cross the river and run along its east bank. The wastewater pipeline will enter a submersible pump station and force main that will cross the river between 10 and 50 feet below the streambed. The pipelines will be constructed to Napa Sanitation District standards and, therefore, should not have the potential to leak. As such, no long-term water quality impacts from pipeline operations will occur. (DEIR, p. 3.8-15 to 3.8-16)

Mitigation Measures:

Mitigation Measure HYD-2

Prior to the issuance of building or grading permits for the proposed project, the project applicant shall submit a stormwater quality management plan to the City of Napa for review and approval. The plan shall include a detailed drainage plan and identify location, size, and type of pollution prevention measures to prevent polluted stormwater runoff from leaving the developed areas and vineyards within the project site. The approved measures shall be incorporated into the proposed project. Examples of stormwater pollution prevention measures and practices to be incorporated into the plan include, but are not limited to:

- Strategically placed bioswales and landscaped areas that promote percolation of runoff
- Pervious pavement
- Roof drains that discharge to landscaped areas

- Trash enclosures with screen walls and roofs
- Stenciling on storm drains
- Curb cuts in parking areas to allow runoff to enter landscaped areas
- Rock-lined areas along landscaped areas in parking lots
- Catch basins
- Oil/water separators
- Regular sweeping of parking areas and cleaning of storm drainage facilities
- Employee training to inform maintenance personnel of stormwater pollution prevention measures (DEIR, p. 3.8-16)

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.8-17)

Potential Impact HYD-4: The proposed project would increase impervious surface coverage, which may result in increased stormwater runoff volumes and peak flows. (Less than Significant after Mitigation) (DEIR, p. 3.8-18)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The proposed project will increase stormwater runoff generated onsite as a result of increased impervious surfaces associated with the building footprints and paved roadways, pathways, and parking areas. This increase in stormwater runoff could result in flooding and erosion problems. To counteract the increase in stormwater runoff, the project will provide stormwater features such as bioswales to attenuate peak flows.

Unless a drainage plan is designed and implemented properly, runoff volumes and peak flows generated on the developed project site could increase significantly and potentially cause erosion, sedimentation, ponding, and/or flooding along natural and constructed drainages both on- and offsite. The project applicant shall implement a plan that would keep the volume of runoff equal to or less than existing conditions in order to avoid these potential impacts.

This potential impact will be mitigated by requiring the project applicant to provide a drainage plan and report to the City of Napa for review and approval that identifies a drainage system that releases runoff at rate no greater than the peak pre-development condition of the project site. With the implementation of this mitigation measure, drainage impacts will be reduced to a level of less than significant.

The pond will be filled with recycled water and incidental precipitation falling on the surface of the pond. As such, the pond will not create any significant drainage impacts.

Once in place, the new wastewater and recycled water pipelines will be under the ground surface and, therefore, should not result in any change to existing runoff volumes and peak flows. This will be a less than significant impact. (DEIR, p. 3.8-18)

Mitigation Measures:

Mitigation Measure HYD-4

Prior to the issuance of grading or building permits for the proposed project, the project applicant shall submit a detailed drainage plan and report to the City of Napa for review and approval. The drainage plan shall identify all expected flows from the project area and the location, size, and type of facilities used to retain and treat the runoff volumes and peak flows to meet pre-project conditions. The Napa County Mosquito Abatement District shall be consulted about appropriate vector control measures associated with project drainage facilities. The approved drainage plan shall be incorporated into the proposed project.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.8-19)

Potential Impact HYD-5: The proposed project may place structures within a 100-year flood hazard area that may have the potential to divert flood flows. (Less than Significant after Mitigation) (DEIR, p. 3.8-19)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation:
As shown in Exhibit 3.8-2 of the DEIR, there is a small portion of the project site within the existing wetland and just upstream of Stanly Lane crossing that occurs within the designated 100-year floodplain. Since this portion of the wetland is to be retained and the proposed buildings are expected to be well outside of this area, there appears to be no exposure to flood hazard. Depending upon final design of proposed structures and grades, there is still the possibility that a small portion could end up within a designated 100-year floodplain. This would be a significant impact.

There is a larger portion of the site within the proposed new pond and preserved wetland alignment that is susceptible to flooding in a 500-year event or in the event that levees along the Napa River fail in a greater than 100-year storm event. This same portion designated as within the 100- and 500-year floodplain also appears to be susceptible to flooding in the event of dam failure. In either case, the areas where buildings are proposed appear to be at high enough elevations to remain outside of these flood hazard areas. Unless mitigated, some buildings could be susceptible to these greater events, and this could be a potentially significant impact.

As shown in Exhibit 3.8-2, a majority of the proposed pipeline installations near the Napa River fall within the FEMA 100-year floodplain. There is the potential for pump stations or other related structures to be located within the floodplain, which could result in a potentially significant impact. Mitigation requires the applicant to prepare and submit a grading plan and pipeline layout plan to the City of Napa and Napa Sanitation District that demonstrates that the proposed pump stations and any other aboveground infrastructure (including all weather access roads) are outside of the 100-year floodplain. With the implementation of this mitigation measure, impacts will be reduced to a level of less than significant. (DEIR, p. 3.8-19)

Mitigation Measures:

Mitigation Measure HYD-5a

Prior to the issuance of grading or building permits, the project applicant must submit a grading plan to the City of Napa for review and approval that demonstrates the siting and grading of the lots that are close to the wetland and pond area remain outside of the designated FEMA flood hazard and dam inundation areas.

Mitigation Measure HYD-5b

Prior to the issuance of grading permits, the project applicant shall prepare and submit a grading and pipeline layout plan to the City of Napa and the Napa Sanitation District for review and approval that demonstrates that the pump stations and any other aboveground infrastructure associated with the new pipelines would be located outside of the 100-year floodplain. The plans shall also identify how all-weather vehicle access outside of the 100-year floodplain can be provided to the pump stations.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.8-19 to 3.8-20)

I. NOISE

Potential Impact NOI-1: Construction activities associated with the proposed project may expose nearby land uses to excessive noise levels. (Less than Significant after Mitigation) (DEIR, p. 3.10-31)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Construction noise represents a short-term increase in ambient noise. Noise impacts from construction activities associated with the proposed project will be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities.

The construction activities for the proposed resort and winery is anticipated to include ground clearing/excavation and grading of approximately 43 acres of land, and construction of a maximum of 499,999 square feet of building space on a 93-acre project site. The rest of the project site will retain its existing use as either vineyards or open space.

Short-term noise impacts could occur during construction activities of the proposed resort and winery from either the noise impacts created by the transport of workers and movement of construction materials to and from the project site, or from the noise generated onsite during ground clearing/excavation, grading, road construction, and building construction activities.

The closest noise-sensitive land uses are rural, single-family residences as close as 700 feet north, 1,600 feet southeast, 1,900 feet southwest, and 2,300 feet west of the areas on the project site that will be disturbed.

Construction noise impacts onto the nearby sensitive receptors have been calculated according to the equipment noise levels listed in Table 3.10-1 of the DEIR and through the use of the RCNM. The greatest noise impacts to the nearby residential homes would be anticipated to occur during the grading of the project site, since grading equipment produces the highest noise levels and would operate closer than the other phases of construction to the nearby homes.

Construction noise has been modeled on the equipment assumption used in Section 3.3, Air Quality, of the DEIR which assumed that the simultaneous operation of one dozer, one grader, one loader, one tractor, and one water truck would occur during the grading phase for the resort. The equipment was placed 200 feet apart starting at the edge of the area to be graded, in order to create the worst-case noise levels at the nearby sensitive receptors. A summary of the results of the noise impacts associated with the construction of the proposed project is shown in Table 3.10-13 of the DEIR, and the RCNM printouts are provided in Appendix H of the DEIR.

Table 3.10-13 in the DEIR showed that the residence to the north of the project site will experience the greatest construction noise impact from the proposed project, with an average construction-related noise level of 59.6 dBA L_{eq} and a maximum noise level of 59.9 dBA L_{max}. The project will comply with the limitation in construction hours detailed in Section 8.08.025 of the Napa Municipal Code so that the construction-related noise impacts at the nearby sensitive receptors would not exceed the City residential noise standard of 60 dBA CNEL. Therefore, resort construction noise impacts will be less than significant.

Offsite Improvements

The proposed project will involve offsite wastewater and recycled water improvements. As part of the construction of a sewer line, a recycled water line will be co-located in the sewer line alignment. The proposed sewer line and recycled water line will run between the project site and the Napa Sanitation District Soscol Water Recycling Facility on the east bank of the Napa River. The line will begin at a pump station on the project site and extend down Stanly Lane, before veering south towards the Napa River. Near the river, the line will enter a submersible pump station and force main under the Napa River. The line is expected to be located between 10 and 50 feet below the river bottom. The line will be laid underneath the river via horizontal directional drilling. The line will terminate at a manhole near the Soscol Water Recycling Facility.

Short-term noise impacts could occur during construction activities of the proposed sewer and recycled water lines either from the noise impacts created by the transport of workers and movement of construction materials to and from the project site, or from the noise generated during ground clearing/excavation, trenching, installation of drainage and utilities systems, and horizontal drilling activities.

The closest noise-sensitive land use is a rural, single-family residence located on the southwest side of Stanly Lane, adjacent to Starmont Winery and as close as 175 feet from the area that will be disturbed. No other sensitive receptors are located in the vicinity of the proposed sewer and recycled water lines.

Construction noise impacts onto the nearby single-family residence have been calculated according to the equipment noise levels listed in Table 3.10-1 of the DEIR and through the use of the RCNM. The greatest noise impacts to the nearby residential home would be anticipated to occur during the trenching and excavation for the proposed pipes, since the trenching and excavation equipment produces the highest noise levels and the equipment will operate closer than the other phases of construction to the nearby home. Construction noise has been modeled on the equipment assumption used in Section 3.3, Air Quality of the DEIR, which assumed that the simultaneous operation of one excavator, one grader, one loader, and one scraper would occur during the trenching and excavation phase for the pipelines. The

equipment was placed 100 feet apart starting at the nearest edge of the area to be disturbed in order to create the worst-case noise levels at the nearby residence.

The RCNM found that construction of the pipeline would create noise levels of 71.0 dBA L_{eq} and 72.7 dBA L_{max} at the nearest residence located on the southwest side of Stanly Lane. The RCNM printout is provided in Appendix H of the DEIR. The construction-related noise impacts of the pipeline at the nearby residence would exceed the City residential noise standard of 60 dBA CNEL. Therefore, construction of the sewer and recycled lines will create a significant noise impact.

Accordingly, the mitigation requires the implementation of construction noise attenuation measures. Mitigation Measure NOI-1 will minimize construction noise levels at the nearby receptor to the maximum extent practicable. Construction noise is temporary and will be limited to daytime hours. No construction will occur during nighttime hours when noise impacts are considered most intrusive and disruptive. Furthermore, only a single residence will be affected by construction noise, and that dwelling unit is occupied by a Starmont Winery employee, who will likely be at work during times when construction activities occur. For these reasons, construction noise impacts will be reduced to a level of less than significant.

Combined Effects

The DEIR analysis found that the greatest construction noise impacts are anticipated to occur at the nearby existing home located southeast of the project site and approximately 175 feet southwest of Stanly Lane and adjacent to Starmont Winery. The resort and winery construction noise level at this residence was calculated at 53.7 dBA L_{eq} and 53.9 dBA L_{max}, and the sewer and recycled lines construction noise level at this residence was calculated at 71.0 dBA L_{eq} and 72.7 dBA L_{max}. If resort, winery, and pipeline construction were to occur simultaneously, the noise level at this residence would be 71.1 dBA L_{eq} and 72.8 dBA L_{max}. The noise increase of 0.1 dBA created by both the simultaneous construction of the pipeline and resort would be a negligible increase over just the pipeline construction noise impacts. As such, it would not alter the conclusion that construction noise impacts will be less than significant after the implementation of mitigation. (DEIR, p. 3.10-31 to 3.10-34)

Mitigation Measures:

Mitigation Measure NOI-1

The project applicant shall require construction contractors to adhere to the following noise attenuation requirements:

- Construction activities shall be limited to the hours of 7 a.m. to 10 p.m., Monday through Saturday. Construction activities shall be prohibited on Sunday.
- All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
- Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the Starmont Winery residence, unless safety or technical factors take precedence.

- Stationary combustion equipment such as pumps or generators operating within 300 feet of the Starmont Winery residence shall be shielded with a noise protection barrier.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.10-34)

L. PUBLIC SERVICES AND UTILITIES

Potential Impact PSU-1: The proposed project may have an adverse impact on fire protection and emergency medical services. (Less than Significant after Mitigation) (DEIR, p. 3.12-20)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Citygate Associates, in consultation with the Fire Department, evaluated the proposed project's potential direct and cumulative impacts on fire protection and emergency medical services in a report titled Fire/Emergency Services Review and Mitigation Recommendations. The complete report is provided in Appendix I of the DEIR.

Under existing conditions, the Proposed Project does not trigger the need for an additional fire station. The trigger point for a sixth fire station would be the cumulative impact of several factors, including:

- The rest of the City units cannot maintain response to 90 percent of the goal because of simultaneous calls for service.

- Fire service to the southern development areas significantly occurs past 4 or 8 minutes' travel time for a significant number of calls.

In recent years, the City has utilized several different standards to measure the impacts of new development on fire protection services in and around the City. Among other things, these different standards reflect the differences in the City's and the Fire Department's objectives for urban, suburban and rural response times. The geographic mapping analysis in the Fire Master Plan measures the travel time distance over the existing street network. The Master Plan recommended a goal of having the first-due travel time be 4 minutes and the multiple-unit (first alarm) travel time goal be 8 minutes. By contrast, the General Plan EIR determined that impacts of new development on fire protection services would be significant if first unit response time was within 5 minutes of emergency calls. In addition, the Fire Department has established an objective of having first apparatus on the scene of emergencies within 7 minutes for 90 percent of all calls.

From the current stations plus the pending additional station in Browns Valley, the 4-minute first-due unit response time ends southbound on SR-29 approximately where Atrium Parkway runs east-west. Thus, the first-due fire unit may not reach the project site in 4 minutes driving time. However, it appears that the first-due unit would reach the project within 5 minutes. For the first alarm multiple-unit's 8-minute travel time goal, the first fire unit (but not all units) can reach the entrance to the project at the 8-minute travel point. However, at a more rural travel time of 10

minutes, then a third or fourth unit can arrive to the project entrance and 1 to 2 units will be able to enter the project and travel to the western side of the resort within 10 minutes' travel time.

Based on these characteristics, Citygate determined that the proposed project is outside of the desirable suburban response times but is within acceptable rural response times. Given the project's rural location, and because the proposed project would be expected to generate only a modest number of calls for service, Citygate concluded that the rural response time standard was acceptable provided the following best-practice recommendations were incorporated:

- **First Aid Training:** Resort and winery staff should be trained in basic first aid. An onsite trained Advanced First Aid or Emergency Medical Technician staff member should be on duty at all times.

- **Emergency Access:** At least two access points (spaced well apart) should be provided to public roadways. The resort entrance roadway should be a minimum of 20 feet wide. All bridges should be capable of supporting emergency apparatus. Roads should provide suitable grades in accordance with California Fire Code Section 503.2.7.

- **Fire Flows:** The project site is located in an area with acceptable water supply and pressure for providing adequate fire flows. Minimum fire flow pressures should be provided as follows: main resort buildings—2,000 gallons per minute (gpm); winery—1,500 gpm; and vineyard units—1,000 gpm. All fire systems should comply with California Fire Code Section 508.

- **Automatic Fire Sprinkler System:** Any spaces with a minimum of 3,000 gross square feet should have a built-in automatic fire sprinkler system. Fire alarms should comply with the requirements of the California Fire Code.

- **Fire Alarm Annunciators:** Fire alarm annunciators should be provided in appropriate locations to assist in determining the exact location of the fire/life safety emergency. The fire alarm system should also have Underwriters Laboratories Certification. The entire fire alarm system should be supervised to an National Fire Protection Association 72 compliant Central Station Service facility to ensure the timeliest notification of fire unit resources given the distance of the project from the fire stations. The resort main central building complex main fire alarm annunciator should be located at a location to which staff/management have ready access.

- **Fire Evacuation Plan:** A detailed fire evacuation plan should be provided at time of building permit submittal. This would detail the various fire and life safety alarm system components proposed for Fire Department consideration.

- **Elevators:** All elevators should be gurney-accessible in accordance with California Building Code minimum design requirements. If the Fire Department has gurney sizes that would be greater than those specified in the codes, consideration should be given to the project design team. Where core multi-story buildings have elevator banks, the Fire Department may consider specific elevators in the bank to be gurney-accessible to aid in building design.

- **Automatic External Defibrillators:** Defibrillators should be required at strategic locations within the resort main central building complex.

- **Vegetation Management Plan:** A vegetation fire management plan for areas around the project site should be prepared, implemented, and regularly updated.

- **Hazardous Materials:** Information about hazardous materials used onsite (if any) should be provided to the Fire Department, particularly as it relates to materials associated with the winery and resort pool facilities.

These recommendations have been incorporated as Mitigation Measure PSU-1a. Citygate concluded, and the Napa City Fire Department Fire Marshall concurred, that if these measures were implemented, the proposed project will not have an adverse impact on fire protection or emergency medical response.

Citygate evaluated the cumulative effect of new development proposed in the Golden Gate Area and Napa Pipe site, as well as the proposed project, on fire and emergency medical service response times. At this time, neither of these development proposals has been approved. The evaluation first focused on impacts from the Golden Gate Area and Napa Pipe, and then factored in the proposed project. Citygate relied on the Fire Master Plan to determine impacts on response times.

The Fire Master Plan indicates that the 4-minute, first-due, fire unit travel time stops just short of Golden Gate Area and Napa Pipe site, given the current street network. It may in fact continue into some of these areas, based on the final development of street designs. The 8-minute travel time for a first-alarm structure fire assignment does not cover these areas either, but the maps in this study do not show the effect of the County fire station at the airport along with a Browns Valley fire station.

The Fire Department already experiences a high rate of simultaneous calls for service, particularly in Stations No. 1 and 2 service areas. The increased population from planned development of the Golden Gate area or Napa Pipe, if developed in the City, will increase the calls for service. By the time these projects are fully built, their workload, along with increased workload downtown due to redevelopment, may well mean that even if Stations No. 1, 4, and 5 could serve these areas with suburban level of service travel times, these companies may not be available at peak times of the day.

Given these issues, and given the current uncertainty of the development proposals for the Golden Gate Area and the Napa Pipe site, the Fire Master Plan recommended that the City staff, during project level environmental review for these proposals, should carefully analyze the ability of the City's and County's fire departments to cover the proposed Golden Gate annexation area and the Napa Pipe site. To mitigate the Proposed Project's contribution to any potential cumulative impacts relating to the provision of fire protection services, the City will require the applicant to pay all City-wide fire and paramedic impact fees, and to pay a one-time fee of $75,000 to fund additional study regarding the improvement of City-wide fire and paramedic services, including the potential need for a new fire station in the southern end of the City, or a relocation of or modification to existing facilities, in order to meet the City's response time goals. These requirements have been incorporated as Mitigation Measure PSU-1b.

The two mitigation measures described above will mitigate the Project's direct impact and its contribution to potential cumulative impacts on fire protection and emergency medical response services to a level of less than significant. (DEIR, p. 3.12-20 to 3.12-23)

Mitigation Measures:

Mitigation Measure PSU-1a

Prior to the issuance of the first final occupancy permit for the resort or winery, the project applicant shall provide documentation to the City of Napa for review and approval demonstrating that the following fire prevention and emergency medical response procedures or measures are in place:

- All resort and winery staff shall be trained in basic first aid. An onsite trained Advanced First Aid or Emergency Medical Technician staff member shall be on duty at all times.
- At least two access points (spaced well apart) shall be provided to public roadways. The resort entrance roadway shall be a minimum of 20 feet wide. All bridges shall be capable of supporting emergency apparatus. Roads shall provide suitable grades in accordance with California Fire Code Section 503.2.7.
- The following minimum fire flow pressures shall be provided: main resort buildings—2,000 gallons per minute (gpm); winery—1,500 gpm; and vineyard units—1,000 gpm. All fire systems shall comply with California Fire Code Section 508.
- Any spaces with a minimum of 3,000 gross square feet shall have a built-in automatic fire sprinkler system. Fire alarms shall comply with the requirements of the California Fire Code.
- Fire alarm annunciators shall be provided in appropriate locations to assist in determining the exact location of the fire/life safety emergency. The fire alarm system shall also have Underwriters Laboratories Certification. The entire fire alarm system shall be supervised to a National Fire Protection Association 72 compliant Central Station Service facility to ensure the timeliest notification of fire unit resources, given the distance of the project from the fire stations. The resort main central building complex main fire alarm annunciator shall be sited at a location to which staff/management have ready access.
- A detailed fire evacuation plan shall be provided at time of building permit submittal.
- All elevators shall be gurney-accessible in accordance with California Building Code minimum design requirements. If the Fire Department has gurney sizes that would be greater than those specified in the codes, consideration shall be given to the project design team. Where core multi-story buildings have elevator banks, the Fire Department may consider specific elevators in the bank to be gurney-accessible to aid in building design.
- Defibrillators shall be provided at strategic locations within the resort main central building complex.
- A vegetation fire management plan for areas around the project site shall be prepared, implemented, and regularly updated.
- Information about hazardous materials used onsite (if any) shall be provided to the Fire Department, particularly as it relates to materials associated with the winery and resort pool facilities.

Mitigation Measure PSU-1b

Prior to the issuance of the first building permit for the resort and winery, the project applicant shall:

- Pay all Citywide Fire and Paramedic Impact Fees; and
- Pay a one-time fee of $75,000 which shall be used by the City for the purpose of studying and improving City-wide fire and paramedic services, including the potential need for a new fire station in the southern end of the City

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.12-20 to 3.12-25)

Potential Impact PSU-2: The proposed project may have an adverse impact on police protection. (Less than Significant after Mitigation) (DEIR, p. 3.12-25)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The Police Department provided a letter, dated April 27, 2009 that addressed the proposed project's potential impacts on police protection. The letter is available in Appendix J of the DEIR.

The Police Department estimated that the proposed project would generate less than 50 calls for service annually. This estimate is based on project characteristics, including location, size, and likely clientele.

The Police Department stated that its primary concern is ensuring adequate response times to priority calls at the proposed project. The response noted that the project site is located within the southwestern portion of the City limits and is within a beat that is sometimes patrolled by only one police officer. To reduce the demand for calls for service, the Police Department recommended several measures, such as the provision of well-trained, onsite security personnel (including a liaison with the Police Department), video surveillance, the use of gates, providing way-finding signage and maps, enforcing rules associated with alcohol consumption, and minimizing events open to the public. These recommendations have been incorporated as a mitigation measure. The Police Department did not indicate that new or expanded facilities are necessary to serve the proposed project.

Mitigation Measure PSU-2, which incorporates the Police Department's recommendations, will reduce the impacts to a level of less than significant. (DEIR, p. 3.12-25)

Mitigation Measures:

Mitigation Measure PSU-2

Prior to the issuance of the first certificate of occupancy for the proposed project, the applicant shall prepare and submit a description of security measures that would be implemented by the resort and winery. The Police Department shall review and comment on the proposed measures. The measures shall include, but are not limited to:

- Well-trained, professional onsite security team (including a member that would act as a liaison with the Police Department)
- Video surveillance
- Gated vehicular entrance (staffed or monitored as appropriate)
- Way-finding signage and maps
- Rules and regulations concerning alcohol consumption
- Public event security procedures

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.12-26)

Potential Impact PSU-3: The proposed project may have a significant impact on long-term water supply. (Less than Significant after Mitigation) (DEIR, p. 3.12-26)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The project site has an existing potable water connection to the City of Napa water system and uses an average 60,560 gallons per day for irrigation. The proposed project will develop a maximum of 499,999 square feet of resort uses on the project site, while retaining approximately 40 acres of vineyards and 10 acres of open space, a portion of which will be landscaped. As part of the project, recycled water service will be extended to the project site from the Soscol Water Recycling Facility and will replace potable water as the water source for irrigation. Table 3.12-15 of the DEIR summarized the change in water demand that would occur as a result of the proposed project.

Table 3.12-10 through Table 3.12-12 of the DEIR showed the Urban Water Management Plan projects adequate water supplies during normal year and multiple dry year scenarios, but inadequate supplies for the single dry year scenario beginning in 2020. Furthermore, although the project site's existing potable water demand of 60,560 gallons per day is accounted for in the projections, the projected net increase of 43,548 gallons may not be accounted for in the projections. Therefore, the proposed project has the potential to exacerbate the projected deficit under the single dry year scenario or reduce the surpluses envisioned under the normal year and multiple dry year scenarios.

This impact can be fully mitigated in two ways:

- Offset the existing and projected net increase in potable water demand by allowing other property owners within the Stanly Ranch to connect to the recycled water pipeline, thereby replacing potable water used for irrigation with recycled water. This would be consistent with City policy requiring new commercial development to fully mitigate its potable water demands.

- Implement water efficiency and conservation measures into the project to reduce demand for potable water, particularly in accordance with the demand reductions forecast under the single dry year and multiple dry year scenarios (refer to Tables 3.12-10 and Table 3.12-11 of the DEIR).

Both approaches have been implemented as mitigation measures. With the implementation of these mitigation measures, adequate potable water supplies will be available to provide reliable service to the proposed project. Therefore, impacts on potable water supply will be reduced to a level of less than significant.

In addition, the proposed project's projected potable water use (104,108 gallons per day) will be less than that off a 500 dwelling unit project (232,920 gallons per day) (DEIR, p. 3.12-26 to 3.12-28).

Mitigation Measures:

Mitigation Measure PSU-3a

Prior to the approval of the final parcel map for the resort and winery, the project applicant shall enter into an agreement with one or more property owners within the portion of the Stanly Ranch served by the City of Napa potable water system to provide access to the recycled water pipeline. The agreement shall stipulate that the existing potable water use of the project site and net increase in potable water use attributable to the proposed project, as well as any future projects on properties encompassed by the agreement, shall be fully offset by the replacement of potable water used for irrigation with recycled water. The City of Napa and Napa Sanitation District shall review and approve the proposed agreement before processing of the final map. The recycled water pipeline shall be sized appropriately and include the necessary stubs to facilitate the recycle water connections envisioned by the agreement. All recycled water connections covered by the agreement shall be operational by the issuance of the first certificate of occupancy for the resort and winery.

Mitigation Measure PSU-3a

Prior to the issuance of the first final certificate of occupancy for the resort or winery, the City of Napa shall verify that the following water efficiency and conservation measures have been installed:

- Separate metering of domestic water and irrigation water
- Drought-resistant landscaping
- Minimally or gently sloped landscaped areas to minimize runoff and maximize infiltration
- Organic topdressing mulch in non-turf areas to decrease evaporation and increase water retention
- Low-flow or ultra-low-flow toilets and urinals in public restrooms
- Faucet aerators or low-flow faucets in public restrooms
- High efficiency washing machines in the main laundry area
- High efficiency dishwashers in the main kitchen area

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.12-29)

Potential Impact PSU-4: The proposed project may not be served by a wastewater treatment provider with adequate capacity. (Less than Significant after Mitigation) (DEIR, p. 3.12-29)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR. In addition, the City hereby makes finding (a)(2), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Such changes or alterations are within the responsibility and jurisdiction of the Napa Sanitation District ("NSD") and not the City. Such changes should be adopted by NSD.

Explanation: The project site does not contain any habitable structures and is not served by sewer service. In addition, no properties within the Stanly Ranch are served by sewer service.

The proposed project will develop resort and winery uses on the project site. As part of the project, sewer service will be extended to the project site from the Soscol Water Recycling Facility. Table 3.2-16 of the DEIR summarized the proposed project's estimated peak daily wastewater generation, using figures provide by Winzler & Kelly in the Wastewater Feasibility Study provided in Appendix K of the DEIR.

The Napa Sanitation District has been consulted throughout the design process about the pipeline capacity, alignment, pump stations, and other features necessary to ensure that adequate conveyance of effluent occurs to the Soscol Water Recycling Facility. The agency indicated that the wastewater generated by the proposed project will utilize as much as 85 percent of the hydraulic capacity allocated to the Stanly Ranch area in the Collection System Master Plan. Accordingly, Napa Sanitation District indicated that treatment capacity may not be available for the winery waste unless adequate pre-treatment is installed to reduce biochemical oxygen demand and suspended solids. As such, the mitigation requires the project applicant to install a winery pre-treatment system. The mitigation measure also requires the applicant to consult with Napa Sanitation District about the design of the system. This mitigation measure will reduce impacts to a level of less than significant.

Mitigation Measures:

Mitigation Measure PSU-4

Prior to the issuance of building permits for the winery, the project applicant shall submit plans to the City of Napa and Napa Sanitation District for review and approval that identify a pre-treatment system for high strength wastewater associated with the winery. In addition, the County of Napa Environmental Management Department shall be consulted about the proposed pre-treatment system. The approved pre-treatment system shall be incorporated into the proposed project.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.12-29 to 3.12-30)

Potential Impact PSU-5: The proposed project would increase impervious surface coverage, which may result in increased stormwater runoff volumes and peak flows, possibly creating a need for offsite storm drainage facilities. (Less than Significant after Mitigation) (DEIR, p. 3.12-31)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The proposed project will increase stormwater runoff generated onsite as a result of increased impervious surfaces associated with the building footprints and paved roadways, pathways, and parking areas. This increase in stormwater runoff could result in flooding problems downstream and, therefore, create a need for new offsite drainage facilities. To counteract the increase in stormwater runoff, the proposed project will provide stormwater features such as bioswales to attenuate peak flows and direct the runoff to the proposed pond feature in the center of the site for storage and retention

Unless a drainage plan is designed and implemented properly, runoff volumes and peak flows generated on the developed project site could increase significantly and create downstream drainage problems. The project applicant will implement a plan that will keep the volume of runoff equal to or less than existing conditions in order to avoid these potential impacts.

To ensure that such a system is implemented, Mitigation Measure HYD-4 requires the project applicant to install a drainage system that meets this performance standard and, prior to issuance of grading permits, the applicant must provide a drainage plan and report to the City of Napa for review and approval. This mitigation measure will reduce drainage impacts to a level of less than significant.

Once in place, the new wastewater and recycled water pipelines will be under the ground surface and, therefore, should not result in any change to existing runoff volumes and peak flows. This will be a less than significant impact. (DEIR, p. 3.12-31)

Mitigation Measures:

Mitigation Measure HYD-4

Prior to the issuance of grading or building permits for the proposed project, the project applicant shall submit a detailed drainage plan and report to the City of Napa for review and approval. The drainage plan shall identify all expected flows from the project area and the location, size, and type of facilities used to retain and treat the runoff volumes and peak flows to meet pre-project conditions. The Napa County Mosquito Abatement District shall be consulted about appropriate vector control measures associated with project drainage facilities. The approved drainage plan shall be incorporated into the proposed project.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.12-31)

Potential Impact PSU-6: The proposed project may generate substantial amounts of solid waste during both construction and operations. (Less than Significant after Mitigation) (DEIR, p. 3.12-32)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Solid waste would be generated by construction and operational activities. Each is discussed below.

Short-term construction waste generation is summarized in Table 3.12-17 of the DEIR. The estimate of 972 tons was calculated using an average of 3.89 pounds of debris per square foot of non-residential construction, provided by the U.S. Environmental Protection Agency.

While the estimated 972 tons of construction waste is an extremely small amount relative to the remaining capacities at the four landfills shown in Table 3.12-17, the mitigation requires the project applicant to retain a contractor to recycle construction and demolition debris. The implementation of this mitigation measure will reduce potential impacts to a level of less than significant.

The operational solid waste generation estimate was calculated by using a standard commercial waste generation rate provided by the California Integrated Waste Management Board. As illustrated in the DEIR in Table 3.12-18, the proposed project is estimated to generate 1,200 tons of solid waste annually.

The addition of 1,200 additional tons of solid waste to the City of Napa's solid waste stream would represent a significant impact, since the City's waste diversion rate has been below or slightly above the State's objective of 50 percent. The mitigation requires the project applicant to provide recycling and green waste collection and storage facilities prior to issuance of occupancy permits. Additionally, a separate mitigation measure requires the winery to provide facilities necessary to recycle or compost byproducts of the winemaking process. These mitigation measures will reduce solid waste generation and reduce demand for landfill capacity. Therefore, solid waste impacts will be reduced to a level of less than significant. (DEIR, p. 3.12-32 to 3.12-33)

Mitigation Measures:

Mitigation Measure PSU-6a

Prior to the issuance of building permits, the project applicant shall retain a qualified contractor to perform construction and demolition debris recycling. The project applicant shall provide documentation to the satisfaction of the City of Napa demonstrating that construction and demolition debris was recycled.

Mitigation Measure PSU-6b

Prior to the issuance of occupancy permits, the project applicant shall provide onsite facilities necessary to collect and store recyclable materials and green waste. The facilities shall include receptacles in public spaces that are of high-quality design and that identify accepted materials. Accepted materials shall include but are not limited to aluminum, cardboard, glass, mixed paper, and plastic.

Mitigation Measure PSU-6c

Prior to the issuance of occupancy permits, to the extent economically and technically feasible, the project applicant shall equip the winery with facilities necessary to recycle

or compost byproducts of the winemaking process, including but not limited to organic matter and packaging, and bottling materials.

Significance After Mitigation: Less than significant impact. (DEIR, p. 3.12-33)

M. TRANSPORTATION

Potential Impact TRANS-1: The proposed project would contribute to unacceptable intersection operations under Existing Plus Project conditions. (Less than Significant after Mitigation) (DEIR, p. 3.12-19)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: The Existing Plus Project scenario presented an evaluation of the potential traffic impacts that are expected to occur during the weekday afternoon and weekend midday peak hours with the addition of the trips associated with the proposed project to the existing traffic levels. A summary of the level of service calculations was presented in Table 3.13-5 of the DEIR. The Existing Plus Project traffic volumes were shown in Exhibit 3.13-3 of the DEIR.

Table 3.13-5 of the DEIR showed the proposed project's trips would increase delay at the SR-29/SR-221-Soscol Ferry Road intersection (existing geometry), which currently operates at unacceptable LOS F. Under Caltrans methodology, this is considered a significant impact.

The planned flyover ramp from southbound SR-221 to southbound SR-29 will fully mitigate unacceptable operations at this intersection. Because this intersection currently operates at unacceptable levels (i.e., the "without project" condition), the project applicant is only responsible for providing its fair share of the cost of this improvement. Accordingly, mitigation requires the applicant to provide Caltrans with fair-share impact fees. Based on fair-share methodology, the project applicant's pro rata share for this improvement is 0.74 percent. Refer to Appendix L of the DEIR for discussion of this calculation.

CEQA Guidelines Section 15130(a)(3) states that "A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact." Furthermore, case law (*Save Our Peninsula Committee v. Monterey County Board of Supervisors* [2001]; *Anderson First Coalition v. City of Anderson* [2005]) has held that fair-share contributions for transportation improvements can be found to fully mitigate impacts to a level of less than significant, provided that an "actual" or "reasonable" plan for mitigation exists.

Caltrans is presently undertaking preliminary design and environmental analysis of the flyover. Although full funding for the improvement has not been secured at the time of this certification of the EIR, this improvement is identified in the Metropolitan Transportation Commission's proposed Transportation 2035 Plan for the San Francisco Bay Area. This plan will guide the funding of transportation improvements in the nine-county San Francisco Bay Area region during the next 25 years. The identification of the improvement in the plan is a first step towards securing funding. Future funding sources may include monies from impact fees assessed to future development projects in the City of Napa and unincorporated Napa County.

For these reasons, it is reasonable to conclude that the proposed flyover ramp represents an "actual" or "reasonable" plan for mitigation; therefore, the payment of fair-share fees will fully mitigate the proposed project's contribution to unacceptable operations at this intersection. As such, impacts in this regard will be less than significant. (DEIR, p. 3.13-19 to 3.13-23)

Mitigation Measures:

Mitigation Measure TRANS-1

Prior to issuance of building permits, the project applicant shall provide impact fees to the City of Napa equivalent to its pro rata share for improvements to the SR-29/SR-221-Soscol Ferry Road intersection, if an agreement is in place with the California Department of Transportation (Caltrans) to collect fees for improvements to this intersection. The improvements would consist of the construction of a flyover ramp from southbound SR-221 to southbound SR-29. The project applicant's proportional share of this improvement is 0.74 percent, based on standard fair-share calculation. Caltrans shall be responsible for constructing the flyover ramp.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.13-23)

Potential Impact TRANS-2: The proposed project would contribute to unacceptable intersection operations under Future Plus Project conditions. (Less than Significant after Mitigation) (DEIR, p. 3.13-23)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Projected future traffic volumes provided by Fehr and Peers with a horizon year of 2030 include traffic associated with future projects at Stanly Ranch. Under projected future volumes, all of the study intersections are expected to continue operating acceptably at LOS D or better during both of the peak periods evaluated under their current configurations and controls, except for the intersections of SR-29/SR-221-Soscol Ferry Road, which is projected to operate unacceptably at LOS F during both peak periods. With the implementation of the planned flyover ramp, the overall operational delay at this intersection would result in LOS D or better conditions. Future volumes are shown in Exhibit 3.13-4 of the DEIR. A summary of the Level of Service calculations is provided in Table 3.13-6 of the DEIR.

The Future Plus Project scenario presents an evaluation of the potential traffic impacts that are expected to occur during the weekday afternoon and weekend midday peak hours with the addition of the trips associated with the proposed project to the future traffic levels. Under these conditions, all of the study intersections are expected to operate acceptably during both peak hours evaluated, except for the intersection of SR-29/SR-221-Soscol Ferry Road, which is projected to operate at LOS F during both peak periods. With the implementation of the planned flyover ramp, the overall operational delay at this intersection would result in LOS D or better conditions. A summary of the level of service calculations was presented in Table 3.13-6 of the DEIR. The Future Plus Project traffic volumes were shown in Exhibit 3.13-5 of the DEIR.

Table 3.13-6 of the DEIR showed the proposed project's trips would increase delay at the SR-29/SR-221-Soscol Ferry Road intersection (existing geometry), which currently operates at unacceptable LOS F. Under Caltrans methodology, this is considered a significant impact.

The planned flyover ramp from southbound SR-221 to southbound SR-29 will fully mitigate unacceptable operations at this intersection. Therefore, the implementation of Mitigation Measure TRANS-1 will fully mitigate the proposed project's impacts to a level of less than significant. (DEIR, p. 3.13-23 to 3.13-29)

Mitigation Measures:

Mitigation Measure TRANS-1

Prior to issuance of building permits, the project applicant shall provide impact fees to the City of Napa equivalent to its pro rata share for improvements to the SR-29/SR-221-Soscol Ferry Road intersection, if an agreement is in place with the California Department of Transportation (Caltrans) to collect fees for improvements to this intersection. The improvements would consist of the construction of a flyover ramp from southbound SR-221 to southbound SR-29. The project applicant's proportional share of this improvement is 0.74 percent, based on standard fair-share calculation. Caltrans shall be responsible for constructing the flyover ramp.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.13-29)

Potential Impact TRANS-3: The proposed project may not provide adequate off-street parking. (Less than Significant after Mitigation) (DEIR, p. 3.13-29)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: To determine the appropriate number of off-street parking spaces, two approaches were used in the DEIR: compliance with Municipal Code parking requirements and a shared parking analysis.

Napa Municipal Code Title 15, Chapter 54.040 sets forth the following parking standards for hotel/motel and food and beverage uses, which are the two categories most applicable to the proposed project:

- **Hotels and Motels:** 1 space per sleeping room plus 1 space for manager plus 1 space for every 2 employees (full or part time) plus additional spaces for convention, banquet, restaurant or meeting facilities, as determined by a parking study provided by applicant and acceptable to the city.

- **Food and Beverage:** 1 space per 100 square feet for the first 3,000 square feet plus 1 space per 150 square feet for anything greater than 3,000 square feet.

Table 3.13-7 of the DEIR summarized the Municipal Code parking analysis. That analysis showed the resort and winery will need to provide a minimum of 415 spaces.

Municipal Code Title 15, Chapter 54.040 requires a parking study for hotel/motel uses that provide convention, banquet, restaurant, or meeting facilities. W-Trans prepared a shared parking analysis to identify the minimum number of parking spaces that will be necessary for the proposed project. The analysis relied upon the methodology set forth in the Urban Land Institute's ("ULI") Shared Parking, 2nd Edition.

The ULI-based parking analysis indicated that the peak-demand month for the proposed project would be during late December for both weekdays and weekends. Peak demand would occur at approximately 8 a.m. on both weekdays and weekends. Urban Land Institute evaluated the parking demand throughout the entire day for both weekdays and weekends. Because of the high lodging and residential component of the proposed project, the peak parking demand would occur during the morning for both weekdays and weekends. The results of the analysis were presented in Table 3.13-8 of the DEIR. That analysis showed the peak parking demand of 387 spaces would occur at 8 a.m. on the weekend.

The project proposed three different types of special events of various sizes. The smallest event will accommodate a maximum of 200 people and can take place at the resort and/or winery. Based on a conservative internal capture rate of 25 percent of resort hotel guest also attending the special event, and a vehicle occupancy rate of 2.5 people per car, an event of this size will need to provide 60 onsite parking spaces for the special event. Since special events will not take place during peak parking conditions, it is reasonable to assume that the parking supply for an event of this size will be able to take place entirely in paved parking areas, and no overflow lots will need to be made available. None of the special events at the winery will take place when the winery is open to the public. The medium-sized event will accommodate a maximum of 500 people at either the winery or the resort hotel. Based on the assumptions described above, this type of event will need to provide 150 onsite parking spaces. Similar to the parking for smaller events, 60 special event-related vehicles can be accommodated in paved parking areas; however, for this type of an event, an additional 90 overflow spaces will need to be made available.

The largest event, which would accommodate more than 500 people, requires a special event permit in accordance with City of Napa guidelines. Onsite parking for these types of events shall be determined on a case-by-case basis. The parking supply for the proposed special events does not need to be permanent; therefore, overflow parking areas in and around the vineyards can be provided during such events.

Under the Municipal Code analysis approach, the proposed resort and winery will need to provide a minimum of 415 spaces, while the shared parking analysis indicates that 387 spaces will be sufficient to accommodate peak parking demand. The special event parking analysis found that as many as 90 overflow spaces will need to be available onsite.

As such, the mitigation measure requires the applicant to provide a minimum of 415 permanent parking spaces and to identify 67 spaces for onsite special event parking. The permanent spaces will meet the peak parking demand (387 spaces) and provide 23 additional spaces for overflow to satisfy the Municipal Code requirements. The remaining 67 overflow spaces may consist of on-street parking along internal roadways, off-street parking on grass or dirt areas, parking on paved areas behind buildings, or other suitable areas. Given the size of the project site (93 acres) it is anticipated that providing the amount of parking onsite required by the mitigation measure could be readily achieved. This mitigation measure will reduce the impacts to a level of less than significant. (DEIR, p. 3.13-29 to 3.13-32)

Mitigation Measures:

Mitigation Measure TRANS-3

Prior to issuance of buildings permits for either the resort or the winery, the project applicant shall submit plans to the City of Napa for review and approval that identify 415 permanent parking spaces and 67 temporary overflow spaces for special events. The permanent spaces shall be marked, while the temporary spaces can be unmarked and located along internal roadways or off-roadways (paved or unpaved). The approved plans shall be incorporated into the proposed project.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.13-32)

Potential Impact TRANS-5: The proposed project's internal circulation system may not have adequate sight distances. (Less than Significant after Mitigation) (DEIR, p. 3.13-33)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation:

Access to the project site is proposed via driveways located along project frontages of Stanly Lane and Stanly Crossroad. Sight distance from the proposed project access points was evaluated from sight distance criteria contained in the Caltrans Highway Design Manual, 5th Edition. Since access to the project site will be via private driveways, the minimum sight distance requirement is based on the private road standard of stopping sight distance. Since the speed limits on Stanly Lane and Stanly Cross Road along the project frontages are not posted, the speed limit was assumed to be 30 miles per hour. A private road intersection on these segments of Stanly Lane and Stanly Cross Road should have a stopping sight distance of at least 200 feet.

Available sight distances in both directions from the proposed access driveways meet and exceed minimum sight distance requirements for prevailing conditions through speeds of 30 miles per hour. However, W-Trans recommended that any landscaping or fencing installed at the project site along Stanly Lane or Stanly Crossroad should be set back or low-lying to maintain clear lines of sight. This recommendation has been incorporated as a mitigation measure. With the implementation of this mitigation measure, impacts would be reduced to a level of less than significant.

Impacts will be less than significant with the mitigation for sight distance. (DEIR, p. 3.13-33 to 3.13-35)

Mitigation Measures:

Mitigation Measure TRANS-5

Prior to issuance of the first final certificate of occupancy, the City of Napa shall verify that only low-lying landscaping is planted along project frontage to maintain adequate sight distances.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.13-35)

Potential Impact TRANS-6: The proposed project's internal circulation system may not provide adequate emergency access. (Less than Significant after Mitigation) (DEIR, p. 3.13-35)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Citygate Associates, in consultation with the Fire Department, evaluated the proposed project's potential impacts on fire protection and emergency medical services in a report titled Fire/Emergency Services Review and Mitigation Recommendations (the complete report is contained in Appendix I of the DEIR). Included in the evaluation was the adequacy of the proposed project's internal circulation system to allow for efficient emergency response. The study made the following emergency response recommendations:

- At least two access points (spaced well apart) should be provided to public roadways.
- The resort entrance roadway should be a minimum of 20 feet wide.
- All bridges should be capable of supporting emergency apparatus.
- Roads should provide suitable grades in accordance with California Fire Code Section 503.2.7.

All of these recommendations are incorporated into Mitigation Measure PSU-1a. The implementation of this mitigation measure will provide adequate emergency access and impacts will be reduced to a level of less than significant. (DEIR, p. 3.13-35)

Mitigation Measures:

Mitigation Measure PSU-1a

Prior to the issuance of the first final occupancy permit for the resort or winery, the project applicant shall provide documentation to the City of Napa for review and approval demonstrating that the following fire prevention and emergency medical response procedures or measures are in place:

- All resort and winery staff shall be trained in basic first aid. An onsite trained Advanced First Aid or Emergency Medical Technician staff member shall be on duty at all times.
- At least two access points (spaced well apart) shall be provided to public roadways. The resort entrance roadway shall be a minimum of 20 feet wide. All bridges shall be capable of supporting emergency apparatus. Roads shall provide suitable grades in accordance with California Fire Code Section 503.2.7.

- The following minimum fire flow pressures shall be provided: main resort buildings—2,000 gallons per minute (gpm); winery—1,500 gpm; and vineyard units—1,000 gpm. All fire systems shall comply with California Fire Code Section 508.
- Any spaces with a minimum of 3,000 gross square feet shall have a built-in automatic fire sprinkler system. Fire alarms shall comply with the requirements of the California Fire Code.
- Fire alarm annunciators shall be provided in appropriate locations to assist in determining the exact location of the fire/life safety emergency. The fire alarm system shall also have Underwriters Laboratories Certification. The entire fire alarm system shall be supervised to a National Fire Protection Association 72 compliant Central Station Service facility to ensure the timeliest notification of fire unit resources, given the distance of the project from the fire stations. The resort main central building complex main fire alarm annunciator shall be sited at a location to which staff/management have ready access.
- A detailed fire evacuation plan shall be provided at time of building permit submittal.
- All elevators shall be gurney-accessible in accordance with California Building Code minimum design requirements. If the Fire Department has gurney sizes that would be greater than those specified in the codes, consideration shall be given to the project design team. Where core multi-story buildings have elevator banks, the Fire Department may consider specific elevators in the bank to be gurney-accessible to aid in building design.
- Defibrillators shall be provided at strategic locations within the resort main central building complex.
- A vegetation fire management plan for areas around the project site shall be prepared, implemented, and regularly updated.
- Information about hazardous materials used onsite (if any) shall be provided to the Fire Department, particularly as it relates to materials associated with the winery and resort pool facilities.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.13-36)

Potential Impact TRANS-7: The proposed project may not provide adequate access to public transit or for bicycles and pedestrians. (Less than Significant after Mitigation) (DEIR, p. 3.13-36)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation:
The Stanly Ranch is not served by public transit (i.e., VINE bus service). Given the rural agricultural characteristics of Stanly Ranch as well as the characteristics of the proposed project, most patrons and residents of the Stanly Ranch would be expected to use passenger vehicles to travel to and from the project site. As such, extending VINE bus service to the project site would not be considered feasible because such service would likely attract very low ridership and would not be cost-effective.

The project applicant proposed providing employee shuttle service between the project site and other locations in Napa (e.g., downtown), which will provide connections to the VINE bus service. The applicant (per Mitigation Measure TRANS-7a) must develop this shuttle service plan and submit it to the City of Napa for review and approval. The mitigation measure contains a provision allowing the applicant to modify the service (i.e., locations, frequency, etc.) on an as-needed basis in order to provide more effective and efficient service. With the implementation of this mitigation measure, impacts will be reduced to a level of less than significant.

An existing paved asphalt Class I bicycle/pedestrian trail is adjacent to the project site boundary with Stanly Lane. The project applicant would provide a public bike and pedestrian path through the resort, which would provide access between the existing Class I facility along Stanly Lane and Stanly Cross Road and enhance connectivity to the Bay Trail Network. In addition, the Countywide Bike Plan contemplates a future bicycle/pedestrian bridge over the Napa River linking Stanly Lane and Soscol Ferry Road. The installation of the public bike and pedestrian path through the resort will enhance the Bay Trail Network in the project vicinity and is consistent with local and regional planning initiatives. Aside from temporary construction activities (see discussion under **Potential Impact TRANS-8** which is incorporated here by reference), the proposed project will not impair access to the existing Stanly Lane bicycle facility.

The proposed project will be designed to encourage bicycling within the resort grounds and will provide facilities such as bicycle/pedestrian paths. This design will complement the existing and planned Bay Trail facilities in the project vicinity. Also, Mitigation Measure TRANS-7b requires the applicant to install bicycle storage facilities in appropriate places within the resort and winery grounds in accordance with General Plan requirements. With the implementation of this mitigation measure, impacts will be reduced to a level of less than significant.

As mentioned above, the applicant will provide a public bike and pedestrian path through the resort, which would provide access between the existing Class I facility along Stanly Lane and Stanly Cross Road.] Aside from temporary construction activities (see discussion under **Potential Impact TRANS-8** which is incorporated here by reference), the proposed project will not impair access to the existing Stanly Lane pedestrian facility.

The proposed project will be designed to encourage walking within the resort grounds and will provide facilities such as bicycle/pedestrian paths. This design will complement the existing and planned Bay Trail facilities in the project vicinity. Also, Mitigation Measure TRANS 7c requires the applicant to install direct pedestrian connections between Stanly Cross Road and the winery and resort entrances.

With the implementation of this and the other mitigation measures, impacts will be reduced to a level of less than significant. (DEIR, p. 3.13-36 to 3.13-37)

Mitigation Measures:

Mitigation Measure TRANS-7a

Prior to issuance of the first final occupancy permit for the proposed resort, the project applicant shall prepare and submit an employee shuttle service operational plan to the City of Napa for review and approval. The plan shall identify proposed service characteristics such as stops, equipment, hours of operation, headways, and connections to other transit service (e.g., VINE). The applicant shall implement the

proposed shuttle service at the time the resort becomes operational. The applicant shall have the ability to modify the service on an as-needed basis with the consent of the City of Napa.

Mitigation Measure TRANS-7b

Prior to issuance of the first final occupancy permit for the proposed resort, the project applicant shall install bicycle parking and storage facilities in appropriate places throughout the resort and winery grounds. Appropriate places shall include but are not limited to building entrances, common outdoor areas, and employee/backroom facilities. Bicycle parking facilities shall include racks (public areas) and lockers (employee/backroom areas). Bicycle storage facilities shall be provided at a rate of 1 bicycle space for each 10 vehicular spaces pursuant to Napa Municipal Code Title 17, Chapter 54.060. Alternately, the applicant shall have the option of providing bicycle parking at a different rate acceptable to the City of Napa pursuant to Napa Municipal Code Title 17, Chapter 54.060.

Mitigation Measure TRANS-7c

Prior to issuance of the first final occupancy permit for the proposed resort and winery, the project applicant shall install direct pedestrian connections between Stanly Cross Road and the winery and resort entrances. The pedestrian connections may parallel the access roads to each facility. The connections shall be compliant with the applicable provisions of the Americans with Disabilities Act.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.13-37)

Potential Impact TRANS-8: Construction traffic and parking associated with the proposed project may adversely impact circulation. (Less than Significant after Mitigation) (DEIR, p. 3.13-38)

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the EIR.

Explanation: Project construction will require regular deliveries of equipment and materials to the project site, as well as daily trips by construction workers. These activities have the potential to create congestion and parking problems on surrounding roadways and neighboring properties within Stanly Ranch.

Much of the winery and resort construction traffic, especially trucks and equipment delivery vehicles, will be expected to travel via SR-29 or SR-12-SR-121 to Stanly Lane. Pipeline construction traffic will also use this routing, as well as Soscol Ferry Road on the east bank of the Napa River. This routing will avoid residential areas and potential congestion on the local street system.

Project construction activities may result in some temporary lane closures along Stanly Lane and Stanly Cross Road. In addition, the bicycle/pedestrian path along Stanly Lane may be closed at certain times as a safety precaution. Accordingly, Mitigation Measure TRANS-8 requires the project applicant to implement a Construction Traffic Control Plan during

construction activities to minimize impacts on surrounding roadways and nearby parking areas. The implementation of this mitigation measure will reduce potential impacts to a level of less than significant. (DEIR, p. 3.13-38)

Mitigation Measures:

Mitigation Measure TRANS-8

Prior to commencement of construction activities, the project applicant shall submit a Construction Traffic Control Plan to the City of Napa for review and approval. The plan shall identify the timing and routing of all major construction equipment and trucking to avoid potential traffic congestion and delays on the local street network and to encourage the use of state highways (e.g., SR-12, SR-29, and SR-121). Anticipated temporary road and bicycle/pedestrian path closures shall be identified, along with safety measures and detours. If necessary, construction equipment and materials deliveries shall be limited to off-peak hours to avoid conflicts with local traffic circulation. The plan shall also identify suitable locations for construction worker parking.

Significance After Mitigation: Less than significant after mitigation. (DEIR, p. 3.13-39)

I. CUMULATIVE IMPACTS

Aesthetics, Light, and Glare

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the cumulative effect on Aesthetics, Light, and Glare. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid this significant environmental effect as identified in the EIR.

Explanation: The geographic scope of the cumulative aesthetics, light, and glare analysis is the area surrounding the project site. The proposed project consists of developing a resort and winery on the 93-acre project site. The resort and winery are designed to retain as much of the natural topography of the project site as possible, and approximately 40 acres of vineyards would be maintained as part of the project. Buildings will employ contemporary architecture and be sited to minimize visual prominence from surrounding land uses. Landscaping will be provided throughout the project site. The proposed winery will involve the removal of the mature pine trees on Cistern Hill, which are the most visual prominent features on the project site and are considered a significant scenic vista. With the implementation of mitigation, visual impacts will be less than significant. Other development projects that affect scenic vistas would also be required to implement design features mitigation to ensure that the visual quality of those features is not degraded. Therefore, the proposed project, in conjunction with other planned or approved projects, would not have cumulatively considerable aesthetic impacts.

Lighting fixtures associated with the proposed project have the potential to create unwanted spillover effects on surrounding properties. It is reasonable to assume that other projects would be required to reduce spillover light pursuant to City standards; therefore, cumulative impacts are anticipated to be less than significant. As such, the proposed project's light and glare impacts will not be cumulatively considerable.

Mitigation: Mitigation requires the applicant to replace all removed trees at a ratio of no less than 2:1 and provide landscaping around the winery to minimize its prominence from surrounding land uses. Also, mitigation will require the project applicant to ensure that all exterior light fixtures are shielded, recessed, or directed downward to prevent light spillage onto adjoining properties.

Significance after Mitigation: Less than significant after mitigation.

Agricultural Resources

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the cumulative effect on Agricultural Resources. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid this significant environmental effect as identified in the EIR.

Explanation: The geographic scope of the cumulative agricultural resources analysis is Napa County. The project site contains more than 90 acres of land designated as Important Farmland. The proposed project will convert 51 acres of the 93-acre project site to non-agricultural use. Under the California Department of Conservation's Land Evaluation and Site Assessment (LESA) model scoring methodology, this is considered a significant impact. With mitigation, the proposed project will not have a cumulatively considerable contribution to the conversion of Important Farmland. Other development projects that result in the conversion of Important Farmland would be expected to implement similar mitigation. Therefore, the proposed project, in conjunction with other projects, will not have a cumulatively considerable impact.

Mitigation: Mitigation will require the applicant to preserve existing Important Farmland in Napa County at no less than a 1:1 ratio through the use of an irrevocable instrument to offset the loss of farmland.

Significance After Mitigation: Less than significant after mitigation.

Air Quality

Finding: The City hereby makes finding (a)(3), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the significant unavoidable environmental effect to Air Quality. Specific economic, legal, social, technological, or other considerations, including but not limited to increasing tourism and associated revenue streams for the City, increasing employment opportunities in the City, and promoting water conservation, make infeasible the mitigation measures or project alternatives identified in the final EIR. See the associated Statement of Overriding Considerations attached as Exhibit [___] hereto for additional information regarding considerations that override the Proposed Project's significant and unavoidable impacts relating to air quality.

Explanation: The analysis is detailed above in Potential Impact AIR-7, hereby incorporated by reference.

Mitigation: Mitigation requires the applicant to implement greenhouse gas reduction measures that are consistent with applicable emissions reduction strategies issued by the Climate Action

Team, the California Air Resources Board (Early Action Measures), and the Attorney General's Office.

Significance after Mitigation: Significant unavoidable impact.

Biological Resources

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the cumulative effect on Biological Resources. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid this significant environmental effect as identified in the EIR. In addition, the City hereby makes finding (a)(2), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the above-identified effect. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the City. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Explanation: The geographic scope of the cumulative biological resources analysis is the Napa area. The proposed project would have the potential to adversely affect special-status species, specifically, birds that forage on and nest near the project site. Mitigation will reduce potential impacts on species to a level of less than significant. It is reasonable to assume that other future development projects would be required to mitigate for impacts on special-status species in a manner similar to the proposed project. Therefore, the proposed project, in conjunction with other projects, would not have cumulatively considerable special-status species impacts.

The proposed project will convert the seasonal wetland located within the project site to a pond and install sewer and recycled water pipelines under and near the Napa River. These activities would result in impacts to habitat and wetlands under jurisdiction of the federal and state government and trigger associated permitting and mitigation requirements. Mitigation is proposed to reduce potential impacts by requiring the applicant to obtain the necessary requirements and fulfill all necessary mitigation obligations as required by regulatory agency permits. Because mitigation will entail on- or offsite restoration or payment of fees to an agency-approved mitigation bank for restoration, no cumulative loss of habitat or wetlands will occur. Other future development projects would be required to mitigate for impacts on habitat and wetlands in a manner similar to the proposed project. Therefore, the proposed project, in conjunction with other projects, will not have cumulatively considerable impacts.

The proposed project will not have any significant impacts on fish or wildlife movement or conflicts with locally adopted biological policies. Other future development projects would be required to evaluate impacts on these issues and mitigate where necessary. Therefore, the proposed project, in conjunction with other projects, will not have cumulatively considerable conflicts with wildlife movement or local biological ordinances and policies.

Mitigation: The applicant must obtain the necessary requirements and fulfill all necessary mitigation obligations as required by regulatory agency permits. The mitigation also requires on- or offsite restoration or payment of fees to an agency-approved mitigation bank for restoration,

Significant after Mitigation: Less than significant after mitigation.

Cultural Resources

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the cumulative effect on Cultural Resources. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid this significant environmental effect as identified in the EIR.

Explanation: The geographic scope of the cumulative cultural resources analysis was the Napa area. The development of the winery will result in modification or removal of the cistern. However, the cistern was found not to be a historic resource; therefore, no significant impacts will occur, which precludes the possibility of cumulative impacts. Construction activities associated with the proposed project have the potential to encounter undiscovered subsurface artifacts, fossils, and burial sites. The proposed project will implement standard mitigation measures to address the inadvertent discovery of those resources, which will reduce impacts to a level of less than significant. It is reasonable to assume that other development projects would implement similar mitigation measures for inadvertent discovery of cultural resources that would reduce project-level impacts to a less than significant level. Therefore, the proposed project, in conjunction with other projects, will not have cumulatively considerable cultural resources impacts.

Mitigation: The project will implement standard mitigation measures to address the inadvertent discovery of cultural resources (subsurface artifacts, fossils, and burial sites).

Significance after Mitigation: Less than significant after mitigation.

Geology, Soils, and Seismicity

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the cumulative effect on Geology, Soils, and Seismicity. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid this significant environmental effect as identified in the EIR.

Explanation: The geographic scope of the cumulative geology, soils, and seismicity analysis was the Napa area. The project site may be exposed to strong ground shaking during an earthquake. Mitigation will require the proposed project to comply with the California Building Standards Code seismic design criteria. Seismic design criteria account for peak ground acceleration, soil profile, and other site conditions, and they establish corresponding design standards intended primarily to protect public safety and secondly to minimize property damage. Project construction activities will implement standard stormwater pollution prevention mitigation measures to ensure that earthwork activities do not result in substantial erosion offsite and, therefore, will not contribute to areawide erosion problems. The project site contains soils that have shrink-swelling properties that may expose buildings to hazards associated with expansive soils. Mitigation will require the abatement of these conditions through soil engineering practices. It is reasonable to assume that other development projects would implement mitigation measures for seismic hazards, erosion, and expansive soil conditions, if applicable, that would reduce project-level impacts to a less than significant level. Therefore, the proposed project, in conjunction with other projects, will not have cumulatively considerable geologic, seismic, or soil impacts.

Mitigation: The project must comply with the California Building Standards Code seismic design criteria. Standard stormwater pollution prevention mitigation measures will be implemented for construction. Expansive soils hazards will be mitigated with soil engineering practices.

Significance after Mitigation: Less than significant after mitigation.

Hydrology and Water Quality

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the cumulative effect on Hydrology and Water Quality. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid this significant environmental effect as identified in the EIR.

Explanation: The geographic scope of the cumulative hydrology and water quality analysis was the Napa area. The proposed project will involve short-term construction and long-term operational activities that would have the potential to degrade water quality in downstream water bodies. Mitigation will require implementation of various construction and operational water quality control measures that would prevent the release of pollutants into downstream waterways. These mitigation measures will reduce project impacts to a level of less than significant. The proposed project will introduce impervious surface coverage to the project site. Accordingly, mitigation requires onsite drainage facilities to be provided that regulate the release of runoff so that downstream waterways are not inundated by stormwater. The implementation of this mitigation measure will reduce project impacts to a level of less than significant. Because of state and local regulatory requirements, it is reasonable to assume that other related projects would implement similar stormwater quality and drainage mitigation that would reduce potential impacts to downstream waterways to a less than significant level. Therefore, the proposed project, in conjunction with other planned and approved projects, will not have a cumulatively considerable impact on hydrology and water quality.

Mitigation: The applicant must implement various construction and operational water quality control measures that will prevent the release of pollutants into downstream waterways. The project must have onsite drainage facilities that regulate the release of runoff so that downstream waterways are not inundated by stormwater.

Significance after Mitigation: Less than significant after mitigation.

Noise:

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the cumulative effect on Noise. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid this significant environmental effect as identified in the EIR.
Because construction noise will generally be limited to daytime hours and will be short-term in duration, construction noise will not be cumulatively considerable.

Mitigation: The project must include noise abatement measures to reduce impacts.

Significance after Mitigation: Less than significant after mitigation.

Public Services and Utilities

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the cumulative effect on Public Services and Utilities. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid this significant environmental effect as identified in the EIR.

Explanation: The geographic scope of the cumulative public services analysis was the service area of each of the providers serving the proposed project. Because of differences in the nature of the public service and utility topical areas, they are discussed separately.

Fire Protection and Emergency Medical Services

The geographic scope of the cumulative fire protection and emergency medical services analysis was the Napa City Fire Department service area, which encompasses the City of Napa. The proposed project may increase calls for service from the Fire Department such that it would be required to implement fire prevention and onsite emergency medical response measures to reduce demand for responses to the site. The implementation of these measures will mitigate the project's direct impact on the Fire Department's resources. Future development at the Napa Pipe and Golden Gate sites may create a need for a new fire station in the southern portion of the City of Napa, if these development proposals are approved. Although the proposed project will not trigger a need for this new fire station itself, it could make a considerable contribution to a potential cumulative impact, depending upon the levels of development approved in these other areas. Accordingly, mitigation requires the project applicant to pay all City-wide fire and paramedic impact fees, and to pay a one-time fee of $75,000 which shall be used by the City for the purpose of studying and improving City-wide fire and paramedic services, including the potential need for a new fire station in the southern end of the City. These fee payments would mitigate the proposed project's contribution to this potential cumulative impact. Therefore, the proposed project, in conjunction with other future projects, will not have a cumulatively considerable impact on fire protection and emergency medical services.

Police Protection

The geographic scope of the cumulative police protection analysis was the Napa Police Department jurisdictional area, which encompasses the City of Napa. The proposed project will increase calls for service from the Police Department such that it would be required to implement crime prevention measures to reduce demand for responses to the site. The implementation of these measures will mitigate the project's impacts on the Police Department's resources. Other projects would be reviewed for impacts on police protection and would be required to address any potential impacts with mitigation. Because demand for police protection is highly dependent on a number of factors that vary substantially by project (e.g., clientele, hours of operation, crime prevention measures), it would be unlikely that there would be substantial overlap in demand that would result in a cumulatively considerable impact. Therefore, the proposed project, in conjunction with other future projects, will not have a cumulatively considerable impact on police protection.

Potable Water

The geographic scope of the cumulative potable water analysis was the City of Napa water service area, which encompasses the City of Napa and nearby unincorporated areas. The project site currently uses an estimated 60,560 gallons of potable water for irrigation purposes on a daily basis. The proposed project involves the extension of recycled water service to the project site, which will be used for irrigation purposes. The proposed project is expected to demand 104,108 gallons of potable water for domestic use on a daily basis and, therefore, would result in a 43,538-gallon net increase in potable water on a daily basis. The City of Napa's Urban Water Management Plan indicates that adequate supplies are available under normal year and multiple dry year scenarios through 2030; however, shortfalls in supply may occur under single dry year scenarios after 2020. To mitigate the impact of increased demand in light of uncertainty about future water supply in drought year scenarios, the project applicant is required to enter into an agreement with other property owners within the Stanly Ranch to fully offset the net increase in potable water demand by replacing potable water used for irrigation with recycled water. To further mitigate the impact of increased potable water consumption, the project applicant is required to implement various water conservation measures into the proposed project. These mitigation measures will mitigate the proposed project's incremental demand for additional potable water supply to a level of less than significant. Other projects will be required to demonstrate that adequate long-term water supply is available and may be required to mitigate through recycled water offsets or water conservation measures. Because the proposed project does not result in a net increase in potable water demand, it will not have a cumulatively considerable impact on water supply, in conjunction with other planned and approved projects.

Wastewater

The geographic scope of the cumulative wastewater analysis was the Napa Sanitation District service area, which collects wastewater from City of Napa and surrounding unincorporated areas. The proposed project involves the extension of sewer service to the project site, which will provide adequate conveyance capacity to the Napa Sanitation District Soscol Water Recycling Facility. To mitigate the impact of high-strength winery process water, the applicant shall install a pre-treatment system to treat winery waste before discharge to the Soscol Water Recycling Facility. This mitigation measure will mitigate the proposed project's impacts on treatment capacity and capabilities. It is reasonable that other projects would be required to provide sewer improvements and pre-treatment facilities, if applicable, to ensure that adequate capacity and treatment capabilities exist. Therefore, the proposed project, in conjunction with other planned and approved projects, will not have a cumulatively considerable impact on wastewater.

Storm Drainage

The geographic scope of the cumulative storm drainage analysis was the downstream waterways that receive runoff from the project site. The proposed project will introduce impervious surface coverage to the project site. Accordingly, mitigation requires onsite drainage facilities to be provided that regulate the release of runoff so that downstream waterways are not inundated by stormwater. The implementation of this mitigation measure would reduce project impacts to a level of less than significant. Because of state and local regulatory requirements, it is reasonable to assume that other related projects would implement similar drainage mitigation that would reduce potential impacts to downstream waterways to a less than significant level. Therefore, the proposed project, in conjunction with other planned and approved projects, will not have a cumulatively considerable impact on storm drainage.

Solid Waste

The geographic scope of the cumulative solid waste analysis was the Napa area. The proposed project is anticipated to generate 972 tons of solid waste during construction and 1,200 tons annually during operations. Mitigation will require the project applicant to retain a qualified contractor to perform construction and demolition debris recycling, provide the installation of onsite facilities necessary to collect and store recyclable materials and green waste, and promote recycling of by-products of the wine making process. These practices will divert substantial quantities of materials from the solid waste stream and contribute to conserving landfill capacity, thereby extending the operational life of such facilities. It is reasonable to assume that other projects would be required to implement recycling and waste reduction practices that will aid local agencies in meeting the waste diversion target set by the State. The proposed project, in conjunction with other future projects, will not have a cumulatively considerable impact on solid waste.

Energy

The geographic scope of the cumulative electricity analysis was the Pacific Gas and Electric (PG&E) service area, which encompasses all or part of 47 counties in California, constituting most of the northern and central portions of the State. The proposed project would demand an estimated 7.85 million kilowatt hours of electricity and 29.15 million cubic feet of natural gas on an annual basis. The proposed project's structures will be designed in accordance with United States Green Building Council's Leadership in Environmental and Energy Design (LEED) Silver standards. Additionally, the proposed project will implement various mitigation measures that would be expected to achieve reductions in electricity or natural gas consumption through conservation and efficiency. Finally, in addition to these features and mitigation measures, the proposed project will be required to comply with the 2005 Title 24 energy efficiency requirements, which are among the most stringent in the nation. It is reasonable to assume that other planned and approved projects would be required to comply with Title 24 energy efficiency standards and would not result in excessive energy consumption. Therefore, the proposed project, in conjunction with other future projects, will not have a cumulatively considerable impact on electricity.

Mitigation: The project will implement fire prevention measures, onsite emergency medical response measures, agreement to pay fair share fees, and crime prevention measures to reduce demand for these services. The applicant must enter into an agreement with other property owners within the Stanly Ranch to fully offset the net increase in potable water demand by replacing potable water used for irrigation with recycled water. The applicant also must implement various water conservation measures. The applicant shall install a pre-treatment system to treat winery waste before discharge to the Soscol Water Recycling Facility. The project must have onsite drainage facilities that regulate the release of runoff. The applicant shall retain a qualified contractor to perform construction and demolition debris recycling, provide the installation of onsite facilities necessary to collect and store recyclable materials and green waste, and promote recycling of by-products of the wine making process. The project must reduce electricity and natural gas consumption through conservation and efficiency measures.

Significance after Mitigation: Less than significant after mitigation.

Transportation

Finding: The City hereby makes finding (a)(1), as stated in State CEQA Guidelines Section 15091 and as required by Public Resources Code Section 21081, with respect to the cumulative effect on Transportation. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid this significant environmental effect as identified in the EIR.

Explanation: The geographic scope of the cumulative transportation analysis was the Napa area. The proposed project would generate 229 weekday afternoon peak-hour trips and 245 weekend peak-hour trips. Other planned and approved projects would also add significant numbers of new trips to local roadways. The proposed project would contribute trips to the intersection of SR-29/SR-221-Soscol Ferry Road that currently operates at unacceptable levels. Mitigation requires the applicant to provide fair-share impact fees to fund the construction of a flyover at this intersection. This fee payment will be sufficient to mitigate the project's cumulative contribution to unacceptable operations at this intersection. Other projects that would contribute trips to this intersection would be required to provide mitigation proportional to their impact. Therefore, the proposed project, in conjunction with other projects, will have not a cumulatively considerable contribution to unacceptable intersection operations.

The proposed project will be required to implement a mitigation measure requiring the provision of 415 permanent parking spaces and 67 temporary parking spaces. The implementation of this mitigation measure will fully mitigate this impact. Other projects would be required to provide adequate off-street parking facilities in accordance with Municipal Code requirements or at rates supported by parking demand studies. Therefore, the proposed project, in conjunction with other planned and approved projects, will not have a cumulatively considerable impact on parking.

The proposed project must stipulate that low vegetation will be along roadways to ensure adequate site distances for roadway safety purposes. The implementation of this mitigation measure will reduce impacts to a level of less than significant. It is reasonable to assume that other projects would also be required to maintain adequate site distances for roadway safety purposes. Therefore, the proposed project, in conjunction with other projects, will not have any cumulatively considerable impacts on roadway safety.

The project will have to develop an employee shuttle service, onsite bicycle access, and the provision of direct pedestrian connections. It is reasonable to assume that other projects would also be required to provide public transit, bicycle, and pedestrian access. Therefore, the proposed project, in conjunction with other projects, will not have any cumulatively considerable impacts on these transportation-related areas.

Mitigation: The applicant will provide fair-share impact fees to fund the construction of a flyover. The project must have 415 permanent parking spaces and 67 temporary parking spaces. The project must maintain low vegetation along roadways. The project must develop an employee shuttle service, onsite bicycle access, and the provision of direct pedestrian connections

Significance After Mitigation: Less than significant after mitigation.

EXHIBIT A-2

POTENTIAL IMPACTS THAT ARE LESS THAN SIGNIFICANT

A number of these impacts are less than significant even without mitigation. For less than significant impacts, no findings are required by CEQA Guidelines Section 15091. These less than significant findings are listed below.

Potential Impact

Hazards and Hazardous Materials (DEIR, p. 3.7-1 to 3.7-14)

Land Use (DEIR, p. 3.9-1 to 3.7-68)

Population, Housing and Employment (DEIR, p. 3.11-1 to 3.11-8)

POTENTIAL CUMULATIVE IMPACTS THAT ARE LESS THAN SIGNIFICANT

Population, Housing, and Employment

The geographic scope of the cumulative population, housing, and employment analysis was the Napa area. The proposed project will involve the extension of sewer and recycled water service to the project site. However, the extension of sewer service to the Stanly Ranch would not be considered a significant growth-inducement impact and, therefore, will not have a cumulatively considerable contribution. Other planned and approved projects would be required to evaluate the potential for growth inducement and, if necessary, to mitigate such impacts. As such, the proposed project, in conjunction with other projects, would not have a cumulatively considerable contribution to impacts on population, housing, and employment.

Land Use

The geographic scope of the cumulative land use analysis was the Napa area. The proposed project requires a General Plan Amendment and a Master Plan adoption to facilitate the development of the resort and winery. Both land use approvals are self-mitigating in the sense that they are designed to make changes to bring the project into conformance with the requirements of the General Plan and Municipal Code. The proposed project will also be consistent with the Napa County Airport Land Use Compatibility Plan recommendations and with Local Agency Formation Commission requirements for annexation. Other projects would be required to demonstrate consistency with the General Plan, Zoning Ordinance, and if applicable, the Airport Land Use Compatibility Plan and Local Agency Formation Commission requirements. Therefore, significant land use impacts would not occur. As such, the proposed project, in conjunction with other projects, will not have any cumulatively considerable impacts on land use.

Hazards and Hazardous Materials

The proposed project will not result in any significant hazards and hazardous materials impacts associated with past and present site usage, risk of upset, aviation, or wildland fires. Other projects that do result in significant hazards or hazardous materials impacts would be required to comply with all applicable laws and regulations to ensure that human health and the environment are not at undue risk. However, the proposed project will not contribute to any potential hazards or hazardous materials impacts; therefore, it will not have a cumulative contribution to these impacts.

EXHIBIT "B": STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the City of Napa has balanced the benefits of the proposed St. Regis Napa Valley Project Final EIR against the significant unavoidable adverse impacts associated with the proposed project and has adopted all feasible mitigation measures. The City of Napa also has examined alternatives to the proposed project, and has determined that adoption and implementation of the proposed project is the most desirable, feasible, and appropriate action. The other alternatives are rejected as infeasible based on consideration of the relevant factors and benefits discussed below.

I. SIGNIFICANT UNAVOIDABLE IMPACTS

Based on the information and analysis set forth in the Final EIR and the record of proceedings, construction of the proposed project would result in significant impacts related to air quality, both in direct impact and cumulative impacts. The significant and unavoidable impacts are:

- **Air Quality Management Plan Inconsistency:** The proposed project requires a General Plan Amendment that would re-designate the project site from Resource Area to Tourist Commercial. This re-designation would facilitate the development of more intense uses that substantially increase vehicle miles traveled (VMT) above existing levels and, therefore, would conflict with the assumptions contained in the Clean Air Plan, and is considered significant impact.

- **Cumulative Air Quality:** Because of the significant unavoidable impact associated with air quality management plan inconsistency, a significant cumulative air quality impact would also occur.

The BAAQMD Clean Air Plan is the regional air quality management plan for the San Francisco Bay Area. The Clean Air Plan accounts for projections of population growth provided by Association of Bay Area Governments and vehicle miles traveled (VMT) provided by the Metropolitan Transportation Commission, and it identifies strategies to bring regional emissions into compliance with federal and state air quality standards. Because population growth and VMT projections constitute the bases of the Clean Air Plan's strategies, a project would conflict with the plan if it results in more growth or VMT relative to the plan's projections. The primary way of determining if a project would result in more growth or VMT than in the Clean Air Plan is to determine consistency with the applicable General Plan to ensure that the project's population density and land use are consistent with the growth assumptions used in the Clean Air Plan.

The applicable general plan for the project is the City of Napa General Plan, adopted in 1998 and subsequently amended. The resort site is presently designated Resource Area by the General Plan and zoned Agricultural Resource by the Napa Zoning Ordinance. As such, the resort project requires a General Plan Amendment (and zone change). Because the Clean Air Plan used the assumptions from the 1998 General Plan, the project would result in increases in VMT that exceed the assumptions contained in the Clean Air Plan. This is considered a conflict with the regional air quality management plan, and is therefore considered a significant impact.

The project will implement design features as described in the EIR to reduce the air quality impact, but not to a less than significant level. The project also will implement a number of

mitigation measures that would promote VMT reductions. However, even with the implementation of these design features and mitigation measures, the proposed project would result in an increase in VMT relative to the existing conditions of the project site. Since VMT assumptions serve as a central component in the Clean Air Plan's strategies to reduce air emissions, such on increase constitutes a significant impact. No further feasible mitigation is available to reduce this impact to a level of less than significant. Therefore, this would be a significant unavoidable impact of the proposed project.

Regarding the cumulative impacts, CEQA Guidelines Section 15355, as amended, provides the following definition of cumulative impacts:

> "Cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

The BAAQMD set the threshold for cumulative significance as any proposed project that would individually have a significant air quality impact and would also be considered to have a significant cumulative air quality impact.

As shown in Impact AIR-1 of the DEIR, the project is not consistent with the applicable Clean Air Plan. Therefore, the project would have a potentially significant cumulative impact on air quality.

Although the project includes design features and mitigation measures that will reduce VMT, it will not be to a less than significant level. No additional feasible mitigation measures are available to address VMT. Therefore, this is a significant unavoidable impact.

II. PROJECT BENEFITS

The City of Napa has (i) independently reviewed the information in the Final EIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the Project to the extent feasible by adopting the mitigation measures identified in the EIR; and (iii) balanced the project's benefits against the project's significant unavoidable impacts. The City finds that the project's benefits outweigh the project's significant unavoidable impacts, and chooses to approve the Project, despite its significant and unavoidable effects, because, in its view, those impacts are considered acceptable in light of the project's benefits. The City finds that each of the following benefits is an overriding consideration, independent of the other benefits, which warrants approval of the project notwithstanding the project's significant unavoidable impacts. In the event that any of the individual benefits did not occur, for any reason, the other project benefits described herein remain sufficient to justify the approval of the project. Substantial evidence in the record for the project supports each and all of these various benefits. Such evidence can be found in the preceding findings, which are incorporated by reference into this section, the Final EIR, and the documents which make up the Record of Proceedings. Construction of the St. Regis Napa Valley Project would provide public benefits described below.

Significant City Revenue and Economic Benefits

Economic & Fiscal Impact of the St. Regis Resort, was evaluated in a report prepared by ERA, dated May, 2009. This information was summarized again in a report entitled Economic Benefits, Revenue Analysis and Employment Summary, dated December, 2009. The ERA

report evaluated the Economic Impact that the project would bring over a ten year period. The key economic benefit to the City of Napa is derived from the collection of Transient Occupancy Tax, however it is not the only important economic benefit. Other critical benefits of the project include construction phase impacts, indirect benefits to other existing businesses in both the City of Napa and the County, increased visitor spending in businesses both within the City of Napa and the County and employee wages. The following summarizes the key economic benefits:

- **Transient Occupancy Tax** is the major revenue source for the City. It is estimated that annual TOT will be approximately $3.9 million initially, increasing to approximately $9.8 million after ten years.

- **Sales tax** revenue will be significant. Over the first ten years of operations the City of Napa would receive approximately $300,000 in Sales Tax initially, growing to $490,000 after 10 years. The County should receive Sales Tax revenues that will approximate $125,000 initially, growing to over $220,000 after ten years.

- **Property tax** revenues to the City will come from the construction value of the hotel and winery, and from the sales value of the associated real estate. Property tax revenue should be in the range of $180,000 to $200,000 per year with the opening of the hotel and winery, growing to in excess of $350,000 by the tenth year with reasonable assumptions regarding real estate values and rate of build out. The County receives 17.1% of the property tax payment.

- **Construction phase**, will generate an annual total of approximately of approximately 740 local construction jobs, $40.4 million in annual employee compensation and $158.8 million in annual output.

- **Resort Operations** (visitor spending) will contribute $24.8 million in direct spending at stabilized occupancy, excluding the accommodation costs. The winery will contribute an additional $13 million in retail sales on an annual basis.

- **Employee Wages** will generate 482 local employees; $15.4 million in annual compensation and $122.3 million in annual output.

As reported in the City of Napa's 2009 Long Term Financial Plan, the operating revenue for fiscal year 2007-2008 was $64,040,333. Of that, 13% or $8,700,000 was from Transient Occupancy Tax. Therefore, this project has the ability to more than double the current revenue source from TOT by year 10 (based on current TOT revenue). Projecting out 10 years, TOT alone from this project would represent 10% or more of the current total revenue stream. This represents a significant source of revenue that can be used by the City of Napa for the critical services provided by the City Police and Fire Departments as well as for a variety of necessary projects, including road repair, park maintenance. Therefore, the benefit from this single project represents a significant public benefit to the entire community.

Construction of Napa River Crossing for Recycled Water

The Stanly Ranch is located within the Sphere of Influence of the Napa Sanitation District. The project proposes to obtain sewer service from the Napa Sanitation District. As part of the construction of a sewer line, a recycled water line would be co-located in the sewer line

alignment. The recycled water line will be located in a casing with the wastewater line underneath the Napa River. Recycled water will be provided by the Napa Sanitation District and would be used for non-potable use, such as irrigation, on the resort site. The recycled water line will be sized to allow for the provision of recycled water to the Carneros grape-growing region. The Napa Sanitation District's Strategic Plan for Recycled Water Use contemplates the distribution of recycled water to the Carneros region, but no funding or specific plans for the construction of such a distribution network exist. Therefore, this project provides a significant first step toward the implementation of this long range plan to provide recycled water to the Carneros region. The recycled water provided by the project will replace substantial supplies of potable water currently used in the Carneros region, thereby conserving the City's and County's potable water supply.

Recreational Enhancements of Local Trails, San Francisco Bay Trail and Napa River Access

The City of Napa General Plan contains policies specific to the enhancement and development of local trails as well as connection to regional trail networks. With the approval of the Stanly Ranch subdivision in 2003, public easements were established for trails that connect from Cuttings Wharf on the west side of the Stanly Ranch to the intersection of Stanly Lane and Highway 12 on the north side of the Stanly Ranch. Some of the trail areas have been constructed, but others remain as undeveloped easements. With construction of this project, this trail section will be further developed without the need for public funding. Of particular importance is the improvement of "Old Stanly Lane" which will be resurfaced to provide a multi-use trail between the double row of Eucalyptus trees that remain on the property. Maintenance of this section of trail and Eucalyptus trees has been recognized as a local community asset for many years. This project will further that local community goal.

The San Francisco Bay Trail proposes development of a regional hiking and bicycling trail around the perimeter of San Francisco and San Pablo Bays. The Plan was prepared by the Association of Bay Area Governments pursuant to Senate Bill 100, which mandated that the Bay Trail provide connections to existing park and recreation facilities, create links to existing and proposed transportation facilities, and be planned in such a way as to avoid adverse effects on environmentally sensitive areas.
This plan proposes an alignment for what will become a 400-mile recreational "ring around the Bay." Approximately one-third of the trail already exists, either as hiking-only paths, hiking and bicycling paths or as on-street bicycle lanes. This section of trail from Cuttings Wharf to the intersection of Stanly Lane and Highway 12 will be a part of this larger plan.

When completed, the Bay Trail will create connections between more than 130 parks and publicly accessible open space areas around San Francisco and San Pablo Bays. By providing access to a wide array of commercial ferries and public boat launches, the trail will establish connections to "water trails" which will enable outdoor enthusiasts to appreciate the Bay not only from the shoreline, but from the water as well.

Trail access across all seven of the Bay Area's toll bridges is proposed, defining a series of trail "loops" which will provide a variety of excursions for hikers and bicyclists of varying abilities. To increase options for trail access from homes and worksites, the proposed alignment provides connections to local and regional transit—BART, Santa Clara County's light rail trolley system, and Caltrain—which can themselves become extensions of the Bay Area's recreational network. Trail connections to existing and planned local bikeway systems will encourage

recreational as well as commute bicycling, as safer bicycle networks are established and expanded.

While the Trail will provide access to wetlands and other sensitive natural features along the Bay's shoreline, Bay Trail policies were designed specifically to protect these areas. Existing bay fill (primarily in the form of levees) provides shoreline trail access in many locations, and trail design policies require that trail design, construction and use be appropriate to the surroundings.

Bay Trail policies and design guidelines are intended to complement, rather than supplant the adopted regulations and guidelines of local managing agencies. Implementation of the Bay Trail will rely on the continued cooperation among shoreline property owners, the hundreds of local, regional, state and federal agencies with jurisdiction over the trail alignment, the numerous trusts and foundations which operate in the region, and the countless environmental and recreational interests whose members care deeply about the future of the Bay Area.

In addition to the Bay Trail, linkage to the Napa River is provided on a public access trail easement that runs along a small levee to the Napa River. This trail serves to further the City's goal (General Plan PR-6) of providing public multi-use trails and amenities along the Napa River. In the future, although not essential to this finding of benefit, a small dock at this location could provide an access point for small boats that could ferry visitors to the downtown river dock, providing a unique connection between the Stanly Ranch and the downtown area.

III. ALTERNATIVE SITES

There are no alternative sites within the City of Napa where the project could be feasibly located while meeting the objectives of the project and avoiding the significant air quality impacts.

IV. CONCLUSION

After balancing the specific economic, environmental, social, and other benefits of the proposed project, the City of Napa has determined that the unavoidable adverse environmental impacts identified may be considered "acceptable" due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project. The City of Napa has considered information contained in the Final EIR as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable air impacts will result from construction of the project, the City adopts the foregoing Statement of Overriding Considerations. Having adopted all feasible mitigation measures and recognized all unavoidable significant impacts, the City of Napa hereby finds that each of the separate benefits of the proposed project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the project and outweighs and overrides its unavoidable significant effects, and thereby justifies the approval of the St. Regis Napa Valley Project. Based on the foregoing findings and the information contained in the record, the City Council hereby determines that:

a. All significant effects on the environment due to approval of the project have been eliminated or substantially lessened where feasible;

b. There are no feasible project alternatives which would mitigate or substantially lessen the impacts; and

c. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

EXHIBIT "C": St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
1. Aesthetics, Light, and Glare					
MM AES-1: Prior to issuance of grading permits for the winery, the project applicant shall prepare and submit a landscaping plan that provides for landscaping on top of Cistern Hill and around the perimeter of the winery. Landscaping on the top of the knoll shall consist of either the retention of the existing pine trees or the planting of replacement trees if the existing trees are to be removed. Any removed trees shall be replaced at a minimum 2:1 ratio with an appropriate species. Landscaping shall be planted around the perimeter of the winery and shall consist of trees, shrubs, vines, or other plants that are compatible in appearance with the trees on top of the knoll and also serve to screen views of the structure from SR-29 in accordance with various General Plan goals and policies that seek to preserve aesthetic character. Landscaping shall be in place prior to issuance of the final certificate of occupancy for the winery.	Approval of plans (landscaping plans); Site inspection (winery landscaping)	Prior to issuance of grading permits (landscaping plans); Prior to issuance of the final certificate of occupancy (winery landscaping)	City of Napa Community Development Department		
MM AES-3: Prior to issuance of building permits, the project applicant shall submit a photometric plan to the City of Napa for review and approval. The photometric plan shall identify types of exterior lighting fixtures and their locations on the project site. All light fixtures shall be limited to no more than 1.8 foot-candles of light (as measured at the nearest property line) and shielded, recessed, or directed downward to prevent unwanted illumination of neighboring properties and substantial changes to ambient nighttime lighting.	Approval of plans	Prior to issuance of building permits	City of Napa Community Development Department		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
2 - Agricultural Resources					
MM AG-1: Prior to issuance of the first grading permits for either the resort or winery, the project applicant shall preserve Important Farmland acreage, as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program, within Napa County at no less than a 1:1 ratio for each acre of Important Farmland converted to non-agricultural use by the proposed project. Preserved acreage of Important Farmland shall be of equal or higher quality to farmland converted to non-agricultural use. The preservation shall be accomplished through an irrevocable instrument, such as a deed restriction(s) or preservation easement(s), which shall be recorded against the preserve acreage property. Such instruments shall prohibit conversion of the preserved portion of the property to non-agricultural use. Provided that the California Department of Conservation confirms that it would continue to classify this acreage as Important Farmland, the preferred location for the preserved acreage would be the undeveloped area of the project site. If onsite acreage does not continue to be so classified, or if the acreage on site is insufficient, all or part of the preserved acreage may be offsite, but in no case may it be located outside of Napa County.	Submittal of documentation	Prior to issuance of the first grading permits	City of Napa Community Development Department		
3 Air Quality					
MM AIR-3: During construction of the proposed project, the applicant shall implement a Fugitive Dust Best Management Practices Plan that involves the application of standard best management practices for the control of fugitive PM_{10} emissions. Best management practices shall include, but not are not limited to, the following: Apply water on disturbed soils a minimum of two times per day. Ensure that all trucks hauling dirt, sand,	Site inspection	During construction	City of Napa Community Development Department		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
soil, or other loose materials are covered or maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. Sweep (with water sweepers) all paved access roads, parking areas and staging areas at construction sites daily. Sweep (with water sweepers) streets daily if visible soil material is carried onto adjacent public streets. Apply non-toxic soil stabilizers to inactive areas. Replace ground cover quickly (where applicable). Restrict vehicle speeds on unpaved roads to 15 miles per hour (mph). Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site each trip. Suspend grading operations when instantaneous wind gust speeds exceed 25 mph.					
MM AIR-6: Prior to issuance of building permits for the resort or winery, the project applicant shall submit plans to the City of Napa and Napa Sanitation District identifying pump station locations and control measures to limit releases of objectionable odors. To the extent feasible, the onsite pump stations shall be located as far as possible from resort units. Additionally, the project applicant shall prepare an odor management plan for the onsite pump stations that includes action limits for	Approval of plans	Prior to issuance of building permits	City of Napa Community Development Department; Napa Sanitation District		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
hydrogen sulfide exposure and measures to mitigate odor impacts when such limits are exceeded. The Napa Sanitation District shall review and approve the odor management plan and the applicant shall implement the provisions of the approved plan.					
MM AIR-9a: Prior to issuance of building permits for the proposed resort and winery, the project applicant shall prepare and submit plans to the City of Napa that identify wiring conduits and at least 500 square feet of available rooftop space for future photovoltaic solar installation on all buildings 10,000 square feet in area or larger. The approved plans shall be incorporated into the proposed project.	Approval of plans	Prior to issuance of building permits	City of Napa Community Development Department		
MM AIR-9b: Prior to issuance of the first final occupancy permit, the project applicant shall retain a qualified contractor to inspect and verify that all refrigeration systems are leakproof to prevent fugitive refrigerant emissions. Any leaks shall be fixed prior to commencement of operations. The resort and winery operators shall conduct annual inspections of refrigeration systems, and make repairs as necessary, to ensure that fugitive refrigerant emissions do not occur.	Site inspection	Prior to issuance of the first final occupancy permit	City of Napa Community Development Department		
MM AIR-9c: Prior to issuance of building permits for the proposed resort and winery, the project applicant shall prepare and submit plans to the City of Napa that identify high albedo and low-emissive roofs, EPA "Energy Star" approved roofing materials, or "Green Roof" technology for all structures 1,000 square feet in size or larger. The approved plans shall be incorporated into the proposed project.	Approval of plans	Prior to issuance of building permits	City of Napa Community Development Department		
MM AIR-9d: Prior to issuance of building permits for the proposed resort	Approval of plans	Prior to issuance of	City of Napa Community		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
and winery, the project applicant shall prepare and submit plans to the City of Napa that identify the use of "cool paving" materials in parking areas, roadways, or other hardscaped surfaces. Examples of cool paving materials include asphalt or concrete with high solar reflectivity (i.e., through the use of light-colored aggregate), porous or permeable asphalt or concrete, roller compacted concrete, or asphalt chip seals that employ light-colored aggregate. Exceptions to this requirement may be allowed in areas where heavy-duty paving materials are necessary (e.g., heavily trafficked areas and loading docks). The approved plans shall be incorporated into the proposed project.		building permits	Development Department		
MM AIR-9e: Prior to issuance of the first final occupancy permit for the proposed resort or winery, the project applicant shall install the following measures in dock and delivery areas to educe idling emissions: Signage advising truck drivers to turn off engines when not in use. Signage advising truck drivers of State law prohibiting diesel idling of more than 5 minutes. Auxiliary 110-volt and 220-volt power units so trucks can power refrigeration units or other equipment without idling.	Site inspection	Prior to issuance of the first final occupancy permit	City of Napa Community Development Department		
4. Biological Resources					
MM BIO-1a: The following measures to mitigate impacts to the salt marsh harvest mouse shall be implemented: Prior to the commencement of horizontal directional drilling activities, the footprint of the work area shall be flagged. The work area shall be the minimum necessary to complete the drilling work. Pickleweed within the flagged footprint area shall be removed using hand tools at least 7 days prior to start of any	Site inspection	Prior to the commencement of and during horizontal directional drilling activities	City of Napa Community Development Department; California Department of Fish and Game; United States Fish and Wildlife Service		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
work. A biologist shall first survey the flagged work area for the salt marsh harvest mouse prior to vegetation removal and shall be present during the removal. If a salt marsh harvest mouse is observed, the biologist shall have authority to stop work until the species has left the flagged work area, at which time vegetation removal can continue. The vegetation removal will allow any salt marsh harvest mouse potentially present to disperse away from the work area into more dense cover away from the work area. Once the vegetation has been removed, a temporary barrier fence shall be constructed along the flagged boundaries of the cleared work area that will prevent salt marsh harvest mice from re-entering the work area. No equipment, storage of materials, or work shall be allowed within the adjacent salt marsh harvest mouse habitat outside of the cleared work area. A biologist shall conduct weekly inspections of the barrier fence to identify maintenance needs. Following completion of all work and removal of equipment, the barrier fence will be removed and the disturbed area will be re-seeded. If this potential impact from the project falls within the jurisdiction of the CDFG or the USFWS through a federal action, such measures shall be applied as required by the agencies to avoid or minimize impacts prior to any construction that would significantly impact the species.					
MM BIO-1b: Preconstruction surveys for bats should take place during the maternity roosting season (defined as April 1 through August 31). Surveys should be conducted by a qualified biologist no less than 14 days prior to	Submittal of documentation	No less than 14 days prior to removal of trees, snags, or buildings	City of Napa Community Development Department; California Department of		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
removal of trees, snags, or buildings within the project area. Ultrasonic acoustic surveys and/or other site-appropriate survey method should be performed to determine the presence or absence of bats utilizing the project site as roosting or foraging habitat. If special-status bat species are detected during surveys, then appropriate species- and roost-specific mitigation measures will be developed. Such measures may include postponing the removal of trees, snags, or structures until the end of the maternity roosting season or construction of species-appropriate roosting habitat within or adjacent to the project site. Trees, snags, and buildings may be removed outside of the maternity roosting season without performing preconstruction bat surveys. However, if buildings are to be demolished, internal entrance surveys should be performed by a qualified bat biologist no less than 14 days prior to demolition to determine if buildings currently or previously support roosting bats. If bats are determined to be present, appropriate methods should be used to exclude bats from the building. Such methods may include installation of one-way "valves" to allow bats to exit but to prevent them from reentering the building. Species- and roost-appropriate mitigation measures will be developed based on the results of the survey in consultation with CDFG			Fish and Game; United States Fish and Wildlife Service		
MM BIO-1c: For wastewater and recycled water pipelines horizontal directional drilling activities that occur between February 1 and August 31, pre-construction surveys for black rail should be conducted following the Point Reyes Bird Observatory Black Rail Survey Protocol. Surveys shall be conducted by a qualified biologist prior to and within 10 days of any initial ground-disturbance activities. Surveys shall be conducted within all suitable nesting habitat within	Submittal of documentation	No less than 10 days prior to horizontal directional drilling activities that occur between February 1 and August 31	City of Napa Community Development Department; California Department of Fish and Game		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
250 feet of the activity. Active rail nests shall be protected by a buffer with a minimum radius of 250 feet until the nest is abandoned or all young have fledged. Protocol-level surveys should be conducted during every breeding season for which construction is proposed. Note that surveys are not required during the non-breeding season, which falls between September 1 and January 31.					

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM BIO-1d: For construction activities that occur between February 1 and August 31, pre-construction breeding bird surveys shall be conducted by a qualified biologist prior to and within 10 days of any initial ground-disturbance activities. Surveys shall be conducted within all suitable nesting habitat within 250 feet of the activity. All active, non-status passerine nests identified at that time should be protected by a 50 foot radius minimum exclusion zone. Active raptor or special-status species nests should be protected by a buffer with a minimum radius of 200 feet. CDFG recommends that a minimum 500-foot exclusion buffer be established around active white-tailed kite and golden eagle nests. The following considerations apply to this mitigation measure: Survey results are valid for 14 days from the survey date. Should ground disturbance commence later than 14 days from the survey date, surveys should be repeated. If no breeding birds are encountered, then work may proceed as planned. Exclusion zone sizes may vary, depending on habitat characteristics and species, and are generally larger for raptors and colonial nesting birds. Each exclusion zone would remain in place until the nest is abandoned or all young have fledged. The non-breeding season is defined as September 1 to January 31. During this period, breeding is not occurring and surveys are not required. However, if nesting birds are encountered during work activities in the non-breeding season, disturbance activities within a minimum of 50 feet of the nest should be postponed until the nest is abandoned or young birds have fledged.	Submittal of documentation	Prior to and within 10 days of any initial ground-disturbance activities that occur between February 1 and August 31	City of Napa Community Development Department; California Department of Fish and Game		
MM BIO-1e: For any construction activities initiated between March 15 and September 1, surveys for nesting	Submittal of documentation	Prior to any construction activities	City of Napa Community Development		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Swainson's hawk are required with 0.25 mile of areas of disturbance. If an active nest is found, a qualified biologist shall monitor the nest during construction activities within 0.25 mile of the nest to determine whether project construction may result in abandonment. The monitor shall continue monitoring the nest until construction within 0.25 mile of the nest is completed, or until all chicks have completely fledged. If the monitor determines that construction may result in abandonment of the nest, all construction activities within 0.25 mile should be halted until the nest is abandoned or all young have fledged.		initiated between March 15 and September 1,	Department; California Department of Fish and Game		
MM BIO-1f: Prior to construction activities associated with the wastewater and recycled water pipelines horizontal directional drilling under the Napa River, the project applicant shall install exclusion fencing around upland areas slated for ground disturbance to prevent pond turtles from excavating nests. This measure shall apply between March 1 and April 30. The exclusion fencing should be maintained until ground disturbance in the upland habitat is complete.	Site inspection	Prior to horizontal directional drilling activities that occur between March 1 and April 30	City of Napa Community Development Department; California Department of Fish and Game		
MM BIO-1g: Prior to commencement of ground-disturbing activities, the project applicant shall implement Best Management Practices in accordance with the Storm Water Pollution Prevention Plan (SWPPP) to prevent construction-related runoff or sedimentation from entering the Napa River. This mitigation measure shall be coordinated with Mitigation Measure HYD-1.	Site inspection	Prior to commencement of ground-disturbing activities,	City of Napa Community Development Department		
MM BIO-1h: No pipeline horizontal drilling activities shall occur between December 1 and May 31, which is the period when adult and juvenile salmonids are likely to occur in the Napa River.	Site inspection	Between December 1 and May 31	City of Napa Community Development Department		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM BIO-2a: Prior to issuance of grading permits within any impacted resource area, the project applicant shall obtain all required authorization from agencies with jurisdiction over the conversions of the seasonal wetland to a pond. Such agencies may include, but are not limited to, the United States Army Corps of Engineers, the California Department of Fish and Game, and the San Francisco Bay Regional Water Quality Control Board. Impacted resources shall be offset through onsite restoration, offsite restoration, or purchase of credits at an agency-approved mitigation bank in the region at no less than a 1:1 ratio.	Approval of mitigation scheme	Prior to issuance of grading permits within any impacted resource area	City of Napa Community Development Department; United States Army Corps of Engineers, the California Department of Fish and Game, and the San Francisco Bay Regional Water Quality Control Board		
MM BIO-2b: Prior to issuance of encroachment permits for the sewer and recycled water pipelines, the project applicant shall obtain all required authorization from agencies with jurisdiction over the conversions of the seasonal wetland to a pond. Such agencies may include, but are not limited to, the United States Army Corps of Engineers, the California Department of Fish and Game, and the San Francisco Bay Regional Water Quality Control Board. Impacted habitat shall be offset through onsite restoration, offsite restoration, or purchase of credits at a CDFG-approved mitigation bank in the region at no less than a 1:1 ratio. The requirements of this mitigation measure do not apply if pipeline installation activities completely avoid work within the bed, bank, or channel of the Napa River.	Approval of mitigation scheme	Prior to issuance of encroachment permits for the sewer and recycled water pipelines	City of Napa Community Development Department; United States Army Corps of Engineers, the California Department of Fish and Game, and the San Francisco Bay Regional Water Quality Control Board		
MM BIO-3a: Prior to issuance of grading permits within any impacted resource area, the project applicant shall obtain all required authorization from agencies with jurisdiction over the conversion of the seasonal wetland to a pond. This authorization may involve	Approval of mitigation scheme	Prior to issuance of grading permits within any impacted resource area	City of Napa Community Development Department; United States Army Corps of Engineers,		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
approvals from the United States Army Corps of Engineers and the San Francisco Bay Regional Water Quality Control Board. Impacted features shall be offset through onsite restoration, offsite restoration, or purchase of credits at an agency-approved mitigation bank in the region at no less than a 1:1 ratio.			the California Department of Fish and Game, and the San Francisco Bay Regional Water Quality Control Board		
MM BIO-3b: Prior to issuance of encroachment permits for the sewer and recycled water pipelines, the project applicant shall obtain all required authorization for the installation of the pipelines with jurisdictional features. This authorization may involve approvals from the United States Army Corps of Engineers and the San Francisco Bay Regional Water Quality Control Board. Impacted features shall be offset through onsite restoration, offsite restoration, or purchase of credits at an agency-approved mitigation bank in the region at no less than a 1:1 ratio.	Approval of mitigation scheme	Prior to issuance of encroachment permits for the sewer and recycled water pipelines	City of Napa Community Development Department; United States Army Corps of Engineers, the California Department of Fish and Game, and the San Francisco Bay Regional Water Quality Control Board		
5. Cultural Resources					
MM CUL-2: If areas of prehistoric or historic archaeological resources are encountered during subsurface excavation, all work within 100 feet of the discovery shall cease until a qualified archaeologist can determine the significance of the find. The discoveries shall be evaluated for their CR and NRHP eligibility and recommendations made. The identified resources or resource area shall be avoided by project activities during evaluation. The City of Napa shall require the project applicant to include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results, and offering recommendations. The report shall be submitted to the City of Napa, the Northwest Information Center, and the	Submittal of documentation	If areas of prehistoric or historic archaeological resources are encountered during subsurface excavation	City of Napa Community Development Department		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
State Historic Preservation Officer (SHPO), if required.					
MM CUL-3: If plant or animal fossils are encountered during subsurface excavation activities, all work within 100 feet of the discovery shall cease until a qualified paleontologist has determined the significance of the find and provides recommendations. Project personnel shall not collect or remove any paleontological material. If the paleontological finds are found to be significant, the area shall be avoided by project activities. The recommendations of the paleontologist shall be incorporated into construction plans.	Submittal of documentation	If plant or animal fossils are encountered during subsurface excavation activities	City of Napa Community Development Department		
MM CUL-4: If human remains are encountered during excavation activities conducted for the project, all work in the adjacent area shall stop immediately and the Napa County Coroner's office shall be notified. If the Coroner determines that the remains are Native American in origin, the Native American Heritage Commission shall be notified and will identify the Most Likely Descendent, who will be consulted for recommendations for treatment of the discovered human remains and any associated burial goods.	Submittal of documentation	If human remains are encountered during excavation activities	City of Napa Community Development Department; Napa County Coroner's Office		
6. Geology, Soils, and Seismicity					
MM GEO-1a: Prior to the issuance of permits for the resort, winery, or pipelines, the project applicant shall submit an updated fault hazard investigation of the West Napa Fault to the City of Napa for review and approval. The investigation shall be prepared by a licensed Geotechnical Engineer or Certified Engineering Geologist and evaluate the potential for the resort, winery, and pipelines to be exposed to fault rupture associated with the West Napa Fault. The recommendations of the investigation shall be incorporated into project plans.	Approval of plans	Prior to the issuance of permits for the resort, winery, or pipelines	City of Napa Community Development Department		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM GEO-1b: Prior to the issuance of permits for the resort, winery, or pipelines, the project applicant shall submit a project-level Geotechnical Investigation for the resort and winery to the City of Napa for review and approval. The investigation shall be prepared by a qualified engineer and identify necessary grading and building practices necessary to achieve compliance with the 2007 California Building Standards Code seismic requirements. The measures identified in the approved report shall be incorporated into the project plans.	Approval of plans	Prior to the issuance of permits for the resort, winery, or pipelines	City of Napa Community Development Department		
MM GEO-1c: Prior to the issuance of permits for the resort, winery, or pipelines, the project applicant shall submit plans to the City of Napa for review and approval demonstrating compliance with the 2007 California Building Standards Code seismic requirements and the recommendations of the project-level Geotechnical Investigation. A licensed professional engineer shall prepare the plans, including those that pertain to soil engineering, structural foundations, pipeline excavation, and installation. The approved plans shall be incorporated into the proposed project. All onsite soil engineering activities shall be conducted under the supervision of a licensed Geotechnical Engineer or Certified Engineering Geologist.	Approval of plans	Prior to the issuance of permits for the resort, winery, or pipelines	City of Napa Community Development Department		
MM GEO-4: Prior to the issuance of permits for the resort or winery, the project applicant shall submit a project-level Geotechnical Investigation to the City of Napa for review and approval. The investigation shall be prepared by a qualified engineer and identify grading and building practices necessary to abate expansive soil conditions on the project site. The project applicant shall implement the recommendations of the approved project-level Geotechnical	Approval of plans	Prior to the issuance of permits for the resort or winery	City of Napa Community Development Department		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Investigation into project plans.					
8. Hydrology and Water Quality					
MM HYD-1: Prior to the issuance of grading or building permits for either the onsite development project or the pipeline installation project, the project applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Napa that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation and maintenance, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include, but not be limited to, the following elements: Temporary erosion control measures shall be employed for disturbed areas. Specific measures shall be identified to protect the onsite wetland during construction of the proposed resort. Specific measures shall be identified to protect the Napa River and floodplain during pipeline construction. No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months. Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures. The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains. BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the	Approval of plan	Prior to the issuance of grading or building permits	City of Napa Community Development Department		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
RWQCB to determine adequacy of the measure. In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.					
MM HYD-2: Prior to the issuance of building or grading permits for the proposed project, the project applicant shall submit a stormwater quality management plan to the City of Napa for review and approval. The plan shall include a detailed drainage plan and identify location, size, and type of pollution prevention measures to prevent polluted stormwater runoff from leaving the developed areas and vineyards within the project site. The approved measures shall be incorporated into the proposed project. Examples of stormwater pollution prevention measures and practices to be incorporated into the plan include, but are not limited to: Strategically placed bioswales and landscaped areas that promote percolation of runoff Pervious pavement Roof drains that discharge to landscaped areas Trash enclosures with screen walls and roofs Stenciling on storm drains Curb cuts in parking areas to allow runoff to enter landscaped areas Rock-lined areas along landscaped areas in parking lots Catch basins Oil/water separators Regular sweeping of parking areas and cleaning of storm drainage facilities Employee training to inform maintenance	Approval of plan	Prior to the issuance of building or grading permits	City of Napa Community Development Department		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
personnel of stormwater pollution prevention measures					
MM HYD-4: Prior to the issuance of grading or building permits for the proposed project, the project applicant shall submit a detailed drainage plan and report to the City of Napa for review and approval. The drainage plan shall identify all expected flows from the project area and the location, size, and type of facilities used to retain and treat the runoff volumes and peak flows to meet pre-project conditions. The Napa County Mosquito Abatement District shall be consulted about appropriate vector control measures associated with project drainage facilities. The approved drainage plan shall be incorporated into the proposed project.	Approval of plan	Prior to the issuance of grading or building permits	City of Napa Community Development Department; Napa Sanitation District		
MM HYD-5a: Prior to the issuance of grading or building permits, the project applicant must submit a grading plan to the City of Napa for review and approval that demonstrates the siting and grading of the lots that are close to the wetland and pond area remain outside of the designated FEMA flood hazard and dam inundation areas.	Approval of plan	Prior to the issuance of grading permits	City of Napa Community Development Department; Napa Sanitation District		
MM HYD-5b: Prior to the issuance of grading permits, the project applicant shall prepare and submit a grading and pipeline layout plan to the City of Napa and the Napa Sanitation District for review and approval that demonstrates that the pump stations and any other aboveground infrastructure associated with the new pipelines would be located outside of the 100-year floodplain. The plans shall also identify how all-weather vehicle access outside of the 100-year floodplain can be provided to the pump stations.	Approval of plans	Prior to the issuance of grading permits	City of Napa Community Development Department; Napa Sanitation District		
10. Noise					
MM NOI-1: The project applicant shall	Site inspection	During	City of Napa		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
require construction contractors to adhere to the following noise attenuation requirements: Construction activities shall be limited to the hours of 7 a.m. to 10 p.m., Monday through Saturday. Construction activities shall be prohibited on Sunday. All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the Starmont Winery residence, unless safety or technical factors take precedence. Stationary combustion equipment such as pumps or generators operating within 300 feet of the Starmont Winery residence shall be shielded with a noise protection barrier.		construction	Community Development Department		
12. Public Services and Utilities					
MM PSU-1a: Prior to the issuance of the first final occupancy permit for the resort or winery, the project applicant shall provide documentation to the City of Napa for review and approval demonstrating that the following fire prevention and emergency medical response procedures or measures are in place: All resort and winery staff shall be trained in basic first aid. An onsite trained Advanced First Aid or Emergency Medical Technician staff member shall be on duty at all times. At least two access points (spaced well apart) shall be provided to public roadways. The resort entrance roadway shall be a minimum of 20 feet wide. All bridges shall be capable of supporting emergency apparatus. Roads shall provide suitable grades in	Submittal of documentation and site inspection	Prior to the issuance of the first final occupancy permit	City of Napa Community Development Department; Napa City Fire Department		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
accordance with California Fire Code Section 503.2.7. The following minimum fire flow pressures shall be provided: main resort buildings—2,000 gallons per minute (gpm); winery—1,500 gpm; and vineyard units—1,000 gpm. All fire systems shall comply with California Fire Code Section 508. Any spaces with a minimum of 3,000 gross square feet shall have a built-in automatic fire sprinkler system. Fire alarms shall comply with the requirements of the California Fire Code. Fire alarm annunciators shall be provided in appropriate locations to assist in determining the exact location of the fire/life safety emergency. The fire alarm system shall also have Underwriters Laboratories Certification. The entire fire alarm system shall be supervised to a National Fire Protection Association 72 compliant Central Station Service facility to ensure the timeliest notification of fire unit resources, given the distance of the project from the fire stations. The resort main central building complex main fire alarm annunciator shall be sited at a location to which staff/management have ready access. A detailed fire evacuation plan shall be provided at time of building permit submittal. All elevators shall be gurney-accessible in accordance with California Building Code minimum design requirements. If the Fire Department has gurney sizes that would be greater than those specified in the codes, consideration shall be given to the project design team. Where core multi-story buildings have elevator banks, the Fire Department may consider specific elevators in the bank to be gurney-					

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
accessible to aid in building design. Defibrillators shall be provided at strategic locations within the resort main central building complex. A vegetation fire management plan for areas around the project site shall be prepared, implemented, and regularly updated. Information about hazardous materials used onsite (if any) shall be provided to the Fire Department, particularly as it relates to materials associated with the winery and resort pool facilities.					
MM PSU-1b: Prior to the issuance of the first building permit for the resort and winery, the project applicant shall: Pay all Citywide Fire and Paramedic Impact Fees Pay a one-time fee of $75,000 to fund additional study for improving City-wide fire and paramedic services, including the potential need for a new fire station in the southern end of the City, or a relocation of or modification to existing facilities, in order to meet the City's response time goals.	Receipt of fees	Prior to the issuance of the first building permit	City of Napa Community Development Department; Napa City Fire Department		
MM PSU-2: Prior to the issuance of the first certificate of occupancy for the proposed project, the applicant shall prepare and submit a description of security measures that would be implemented by the resort and winery. The Police Department shall review and comment on the proposed measures. The measures shall include, but are not limited to: Well-trained, professional onsite security team (including a member that would act as a liaison with the Police Department) Video surveillance Gated vehicular entrance (staffed or monitored as appropriate) Way-finding signage and maps	Submittal of documentation and site inspection	Prior to the issuance of the first certificate of occupancy	City of Napa Community Development Department; Napa Police Department		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Rules and regulations concerning alcohol consumption Public event security procedures					
MM PSU-3a: Prior to the approval of the final parcel map for the resort and winery, the project applicant shall enter into an agreement with one or more property owners within the portion of the Stanly Ranch served by the City of Napa potable water system to provide access to the recycled water pipeline. The agreement shall stipulate that the existing potable water use of the project site and net increase in potable water use attributable to the proposed project, as well as any future projects on properties encompassed by the agreement, shall be fully offset by the replacement of potable water used for irrigation with recycled water. The City of Napa and Napa Sanitation District shall review and approve the proposed agreement before processing of the final map. The recycled water pipeline shall be sized appropriately and include the necessary stubs to facilitate the recycle water connections envisioned by the agreement. All recycled water connections covered by the agreement shall be operational by the issuance of the first certificate of occupancy for the resort and winery.	Approval of map (agreement); Site inspection (recycled water service)	Prior to the approval of the final parcel map (agreement); Prior to issuance of the first certificate of occupancy (recycled water service)	City of Napa Community Development Department; City of Napa Public Works Department		
MM PSU-3b: Prior to the issuance of the first final certificate of occupancy for the resort or winery, the City of Napa shall verify that the following water efficiency and conservation measures have been installed: Separate metering of domestic water and irrigation water Drought-resistant landscaping Minimally or gently sloped landscaped areas to minimize runoff and maximize infiltration Organic topdressing mulch in non-turf areas to decrease evaporation and	Site inspection	Prior to the issuance of the first final certificate of occupancy	City of Napa Community Development Department; City of Napa Public Works Department		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
increase water retention Low-flow or ultra-low-flow toilets and urinals in public restrooms Faucet aerators or low-flow faucets in public restrooms High efficiency washing machines in the main laundry area High efficiency dishwashers in the main kitchen area					
MM PSU-4: Prior to the issuance of building permits for the winery, the project applicant shall submit plans to the City of Napa and Napa Sanitation District for review and approval that identify a pre-treatment system for high strength wastewater associated with the winery. In addition, the County of Napa Environmental Management Department shall be consulted about the proposed pre-treatment system. The approved pre-treatment system shall be incorporated into the proposed project.	Approval of plans	Prior to the issuance of building permits for the winery	City of Napa Community Development Department; Napa Sanitation District		
MM PSU-6a: Prior to the issuance of building permits, the project applicant shall retain a qualified contractor to perform construction and demolition debris recycling. The project applicant shall provide documentation to the satisfaction of the City of Napa demonstrating that construction and demolition debris was recycled.	Submittal of documentation	Prior to the issuance of building permits	City of Napa Community Development Department		
MM PSU-6b: Prior to the issuance of occupancy permits, the project applicant shall provide onsite facilities necessary to collect and store recyclable materials and green waste. The facilities shall include receptacles in public spaces that are of high-quality design and that identify accepted materials. Accepted materials shall include but are not limited to aluminum, cardboard, glass, mixed paper, and plastic.	Site inspection	Prior to the issuance of occupancy permits	City of Napa Community Development Department		
MM PSU-6c: Prior to the issuance of occupancy permits, to the extent	Site inspection	Prior to the issuance of	City of Napa Community		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
economically and technically feasible, the project applicant shall equip the winery with facilities necessary to recycle or compost byproducts of the winemaking process, including but not limited to organic matter and packaging, and bottling materials.		occupancy permits	Development Department		
13. Transportation					
MM TRANS-1: Prior to issuance of building permits, the project applicant shall provide impact fees to the City of Napa equivalent to its pro rata share for improvements to the SR-29/SR-221-Soscol Ferry Road intersection, if an agreement is in place with the California Department of Transportation (Caltrans) to collect fees for improvements to this intersection. The improvements would consist of the construction of a flyover ramp from southbound SR-221 to southbound SR-29. The project applicant's proportional share of this improvement is 0.74 percent, based on standard fair-share calculation. Caltrans shall be responsible for constructing the flyover ramp.	Receipt of fees	Prior to issuance of building permits	City of Napa Community Development Department; California Department of Transportation		
MM TRANS-3: Prior to issuance of buildings permits for either the resort or the winery, the project applicant shall submit plans to the City of Napa for review and approval that identify 415 permanent parking spaces and 67 temporary overflow spaces for special events. The permanent spaces shall be marked, while the temporary spaces can be unmarked and located along internal roadways or off-roadways (paved or unpaved). The approved plans shall be incorporated into the proposed project.	Approval of plans	Prior to issuance of buildings permits	City of Napa Community Development Department		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRANS-5: Prior to issuance of the first final certificate of occupancy, the City of Napa shall verify that only low-lying landscaping is planted along project frontage to maintain adequate site distances.	Site inspection	Prior to issuance of the first final certificate of occupancy	City of Napa Community Development Department		
MM TRANS-7a: Prior to issuance of the first final occupancy permit for the proposed resort, the project applicant shall prepare and submit an employee shuttle service operational plan to the City of Napa for review and approval. The plan shall identify proposed service characteristics such as stops, equipment, hours of operation, headways, and connections to other transit service (e.g., VINE). The applicant shall implement the proposed shuttle service at the time the resort becomes operational. The applicant shall have the ability to modify the service on an as-needed basis with the consent of the City of Napa.	Site inspection	Prior to issuance of the first final occupancy permit for the proposed resort	City of Napa Community Development Department		
MM TRANS-7b: Prior to issuance of the first final occupancy permit for the proposed resort, the project applicant shall install bicycle parking and storage facilities in appropriate places throughout the resort and winery grounds. Appropriate places shall include but are not limited to building entrances, common outdoor areas, and employee/backroom facilities. Bicycle parking facilities shall include racks (public areas) and lockers (employee/backroom areas). Bicycle storage facilities shall be provided at a rate of 1 bicycle space for each 10 vehicular spaces pursuant to Napa Municipal Code Title 17, Chapter 54.060. Alternately, the applicant shall have the option of providing bicycle parking at a different rate acceptable to the City of Napa pursuant to Napa Municipal Code Title 17, Chapter 54.060.	Site inspection	Prior to issuance of the first final occupancy permit	City of Napa Community Development Department		

Table 1 (Cont.): St. Regis Napa Valley Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRANS-7c: Prior to issuance of the first final occupancy permit for the proposed resort and winery, the project applicant shall install direct pedestrian connections between Stanly Cross Road and the winery and resort entrances. The pedestrian connections may parallel the access roads to each facility. The connections shall be compliant with the applicable provisions of the Americans with Disabilities Act.	Site inspection	Prior to issuance of the first final occupancy permit	City of Napa Community Development Department		
MM TRANS-8: Prior to commencement of construction activities, the project applicant shall submit a Construction Traffic Control Plan to the City of Napa for review and approval. The plan shall identify the timing and routing of all major construction equipment and trucking to avoid potential traffic congestion and delays on the local street network and to encourage the use of state highways (e.g., SR-12, SR-29, and SR-121). Anticipated temporary road and bicycle/pedestrian path closures shall be identified, along with safety measures and detours. If necessary, construction equipment and materials deliveries shall be limited to off-peak hours to avoid conflicts with local traffic circulation. The plan shall also identify suitable locations for construction worker parking.	Approval of plan	Prior to commencement of construction activities	City of Napa Community Development Department		