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Agenda Date: 4/7/2010  
Agenda Placement: 8A

## Airport Land Use Commission Board Agenda Letter

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**TO:** Airport Land Use Commission  
**FROM:** Melissa Gray for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** RONALD GEE, PLANNER III - 707.253.4417  
**SUBJECT:** St. Regis Napa Valley Resort Airport Compatibility Determination # P10-00100-ALUC

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### **RECOMMENDATION**

**S.R. NAPA, LLC / STANLY RANCH VINEYARDS - ST. REGIS NAPA VALLEY RESORT GENERAL PLAN AMENDMENT, REZONING, MASTER PLAN AND TENTATIVE SUBDIVISION/CONDOMINIUM MAP - AIRPORT LAND USE CONSISTENCY DETERMINATION # P10-00100-ALUC**

**Request:** Airport Land Use Determination for a General Plan Amendment, Rezoning, Master Plan and Tentative Subdivision/Condominium Map by S.R. Napa, LLC to allow a 245-unit resort including 150 guest units, 95 vacation home units, recreation and event space, restaurants, a spa, operations and support facilities, and a 25,000 cases/year winery. The project is located on four parcels consisting of approximately 93 acres, on the southwest side of Stanly Lane, approximately 0.82 mile south of SR 12/121, at the intersection of Stanly Road and Stanly Cross Road (Assessor's Parcel Numbers: 047-230-049, -050, -051 and -052) within Napa County Airport Land Use Compatibility Zones D and E.

**Staff Recommendation:** That the Commission find the project consistent with the Airport Land Use Compatibility Plan.

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### **EXECUTIVE SUMMARY**

**Proposed Action:**

1. That the ALUC find the St. Regis Napa Valley Resort project consistent with the Napa County Airport Land Use Compatibility Plan (ALUCP).

**Discussion:**

The proposal before the ALUC is a revised application for a resort hotel that includes 150 hotel units, 70 whole-ownership and 25 fractional-ownership residential units, a winery, restaurant, spa, new lake, event lawns and other amenities on a 93 acre site located off Stanly Lane northwest of Napa County Airport primarily within Land Use Compatibility Zone E with a small portion within Zone D. In October, 2009 the ALUC submitted Draft EIR comments to the City of Napa that raised several serious concerns and requested the ALUC be provided with additional background information. This project was previously considered by the Airport Land Use Commission (ALUC) on March 3, 2010. At the conclusion of that hearing the ALUC determined (5-2) that the proposed resort hotel project was inconsistent with the Napa County Airport Land Use Compatibility Plan (ALUCP). As part of its determination, the ALUC provided direction to the City of Napa on the actions necessary to achieve consistency.

Following the meeting, City representatives and the applicant diligently pursued revisions to the project to address direction provided by the ALUC. This new ALUCP Consistency Determination request (Attachment D) incorporates all five recommendations identified in the attached March 3, 2010 ALUC Staff Memo (Attachment A). These include: a) a new aviation study providing analysis of flight patterns and overflight characteristics; b) relocation of five, fractional-ownership units outside of Zone D; c) requirement to develop and implement a Hazardous Wildlife Mitigation Plan; d) new information and policies about outdoor resort events and activities; and, e) new airport compatibility design measures within the Stanly Ranch Resort Master Plan Design Guidelines.

With the changes that the City and applicant have incorporated into the project, ALUC Staff recommend that the revised project be found consistent with the ALUCP.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

The City of Napa has prepared an Environmental Impact Report for the project, SCH # 2009032009. As the Lead Agency, the City of Napa has principal responsibility for carrying out or approving the project. The ALUC's action on the proposal is not a "project" as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and as set forth in the California Airport Land Use Planning Handbook (Page 4-10, Caltrans Division of Aeronautics, 2002), therefore, CEQA is not applicable to the ALUC action. The ALUC's action is to render a finding whether the proposal is consistent with adopted ALUCP policies and is not responsible for carrying out or approving any other component of the project.

**BACKGROUND AND DISCUSSION****Airport Land Use Compatibility Factors:**

**1. Location** – The 93 acre project site is located northeast of the Napa County Airport on gently rolling terrain primarily planted with vineyards, approximately 9,700 ft. from the threshold of Runway 18 Right/36 Left, or approximately 8,100 ft. from the extended centerline of Runway 18R. The site is in close proximity to the downwind approach leg for Runway 18R. This is the most heavily used flight pattern at the Napa County Airport. The project site is located on the northern end of this downwind leg where aircraft begin turns onto the base leg. The March 3,

2010 Staff Report and the attached March 22, 2010 overflight analysis provide additional details on location and overflight characteristics(Attachment C).

**2. Land Use** – The majority of the project site is located within Compatibility Zone E with the southwestern portion located within Zone D. Zone D allows most non-residential uses and Zone E allows generally all land uses with the exception of amphitheaters, landfills, ponds, and allows residential uses as long as they are sited with consideration of overflight characteristics. Overflight characteristics of the airport as it relates to the site have now been studied by the applicant and have been included in the revised application.

The March 22, 2010 overflight analysis update (Attachment C) by R. Austin Wiswell (Aviation Consultant) and Jason Brandman (Project EIR Consultant) report summary were prepared in consultation with the following: Martin Pehl, Manager, Napa County Airport; Mark Thonen, General Manager, Flight Training Division, IASCO; and Carol Dryden, Manager, Napa Air Traffic Control Tower. As stated in the March 23, 2010 Michael Brandman Associates summary their key conclusions are:

- \* Data provided from the Napa Airport and from the IASCO training school shows that planes using the Napa Airport will fly in proximity to the site, even on a regular basis and over the site on occasion. The majority of flights (over 50%) are IASCO training flights, which are not directly over the St. Regis project area;
- \* The actual noise from these planes as experienced on the ground is relatively low (below Caltrans Aeronautics CNEL level of 65dBA and outside the Napa County Airport CNEL contours). By way of reference a noise level of 65dBA is the level of noise typical for a busy commercial setting. This low level of noise from the overflight is consistent with the noise contour data included in the ALUCP (and is consistent with the actual data included in the project DEIR). Therefore the conclusion that can be drawn is that it is not likely that the single-event level of noise that poses a potential adverse impact, instead it is the potential frequency of occurrence that most likely would give rise to complaints about aircraft; and
- \* Data compiled by the State shows that a very small percentage of the population is bothered by this level and frequency of noise (cite Ca. Aeronautics Handbook). Even though only a small percentage of population is bothered, strict measures have been added to the City's Conditions of Approval to both disclose the potential for this noise and to reduce exposure to noise. (See Conditions of Approval 114-120, and Design Guidelines 1.3, 2.1, and 2.8).

This report satisfies one of the five compatibility issues raised by the ALUC on March 3, 2010, and sets the basis on which project revisions were made to address the four remaining issues. The report resolves the outstanding question over the project's relationship to the traffic pattern and the overflight characteristics of the site that were debate at length during the March 3, 2010 hearing. The airport operators and it's primary user were involved in the study's preparation and assisted in providing flight track data from which the aviation and environmental consultants based their conclusions.

Issue two pertained to the placement of vineyard units within Zone D, the Common Traffic Pattern. The applicant agreed to a design requirement prohibiting vineyard units from being placed within the Zone D boundary. This is now Condition of Approval #115 for the project and implementation of this requirement will occur during subsequent review the City.

Issue three concerning wildlife hazards has been resolved with the inclusion of requirements to prepare, implement and maintain a wildlife hazard mitigation plan which will be intended to reduce the conflicts between migratory and other waterfowl and aircraft operations at the airport. (See Condition of Approval #116, and Design Review Guideline 3.6.4). Staff believe there is now substantial evidence for the ALUC to find that the pond, a "normally not acceptable use," meets the two criteria for allowing such uses: First, the feature includes mitigation measures to ensure the use does not pose a hazard; and second, the applicant and City have previously provided evidence that the project will serve a "major community benefit" with the revenue it will provide to the City.

Issue four has been addressed with the more thorough overflight analysis completed by the aviation consultant on March 22, 2010. The evaluation occurred with consultation from the Airport Manager, FAA Tower Manager, and a representative of the airport's largest tenant, and concludes that overflights do occur commonly, but the frequency of overflights does not rise to level that cannot be addressed through buyer notifications, overflight easements, and employment of guest/visitor awareness measures. These are incorporated into the City's approval through the amended Conditions of Approvals #3,117-120 and Design Review Guidelines 2.8.

Issue five requested augmentation to the proposed project design guidelines to specifically address airport compatibility measures. The City and applicant have revised the design guidelines accordingly and the project now contains sufficient measures to ensure a compatible design. (See revised Conditions of Approval #120, and Design Guidelines 2.1 and 2.8)

Final site plans and project design will be subject to separate application for design review approval at the City consistent with the approved Conditions of Approval and proposed Design Guidelines, without further ALUC review. This practice is consistent with ALUC policy and State Law where responsibility for implementing airport compatibility measures rests with the local jurisdiction once the ALUC has completed their review. The current General Plan Amendment, Rezoning and Master Plan Use Permit will incorporate Airport Compatibility conditions as part of the project "Stanly Ranch Resort Master Plan Design Guidelines" and "Master Plan Use Permit Conditions of Approval" for implementation.

**3. Concentration of People** – ALUCP Airport Vicinity Land Use Compatibility Criteria, Table 3-2, set a maximum concentration of people in Zone D at 100 persons per acre within structures and 150 persons per acre total, in and out of structures. Zone E has no maximum densities but prohibits noise-sensitive outdoor uses and defines amphitheaters as normally not acceptable uses.

Outside Noise-Sensitive Uses - The supplemental materials prepared over the last month by the City and applicant and their representatives indicates that outdoor uses have now been satisfactorily evaluated. Some aspects of potential outdoor uses may, at times be sensitive to noise intrusion, and larger events could be impacted by overflight. As such, the proposed project conditions of approval have been consequently augmented to require guest and user notification measures for the potential for annoyance, and the resort operators will notify the Airport Management when the larger, infrequent events will occur. (See Conditions #117-119). These measures satisfactorily address concerns raised at the previous hearing.

**4. Building Height** – ALUCP Policy 3.3.3 restricts building height to 35-feet or as similarly provided by local ordinance. The proposed resort has a variety of building heights and massing, and with the exception of a few tower features, does not exceed 35 ft. maximum height. As proposed, the project meets ALUCP height requirements and is unlikely to be considered an obstruction by the FAA. In addition, the line of nearby eucalyptus trees already exceed this height.

**5. Lighting and Glare** – The project's Design Guidelines have been updated to ensure that light and glare impacts do not occur. The previous guidelines contained measures to limit off-site light and glare spillage as well as uplighting, but did not specific relate light and glare control as an airport compatibility measure. This previous concern has been remedied with the proposed design guidelines changes. (See Section 2.7.2 of the Design Guidelines)

**6. Communications** – No electronic equipment is proposed as part of this facility that could interfere with airport communication.

**7. Building Materials** – The project's Design Guidelines and conditions of approval have been updated to ensure that building materials and construction methods do not pose a hazard to aircraft operations. The project condition now require standard, best management practice conditions applied to other projects within the airport influence

area.

**8. Noise** – With the preparation of the March 22, 2010 aviation analysis prepared by the project's aviation expert, the ALUC's concern over single-event overflight annoyance has been satisfactorily addressed. See discussion above in #2 concerning issue resolution.

**9. Overflight Easement** – The ALUCP requires recordation of an overflight and aircraft hazard easement on all developing properties. The revised conditions of approval require all appropriate overflight and aircraft hazard easement consistent with ALUCP policies.

**10. Caltrans Aeronautics** – The current submittal materials were received in mid to late March, and it is not expected that Caltrans Aeronautics will have time to review the materials prior to the hearing.

**11. Processing** – ALUCP Policy 2.1.9 requires referral of a project to the ALUC prior to the local governing body's final action to allow the local jurisdiction to consider the ALUC's finding prior to acting on a project. ALUCP Policy 2.1.8 specifies that formal referral to the ALUC should not occur until after at least one substantive hearing has been held by the local jurisdiction. The City has complied with this requirement. It is anticipated that the Napa City Counsel will hear this item in April.

**12. Conditions** – The City's revised conditions of approval are attached to the report (Attachments - F & G). The City has augmented these conditions to address compatibility concerns previously raised by the ALUC. These "Special Conditions for ALUCP Compatibility" provide the basis for ALUC consistency determination (Attachment B).

#### **SUPPORTING DOCUMENTS**

- A . March 3, 2010 ALUC Recommendations
- B . Special Conditions for ALUCP Compatibility
- C . Michael Brandman Associates Comments / Wiswell Aviation Report
- D . Revised Project Application
- E . Revised Project Application Supplement
- F . Revised Design Guidelines
- G . Revised Master Plan Use Permit Conditions

Airport Land Use Commission: Approve

Reviewed By: Melissa Gray