



# CITY of NAPA

March 12, 2010

Mr. John McDowell, Deputy Executive Officer  
Napa County Airport Land Use Commission  
1195 Third Street  
Napa, CA 94559

COMMUNITY DEVELOPMENT DEPT.  
PLANNING DIVISION  
1600 First Street  
Mailing Address:  
P.O. Box 660  
Napa, California 94559-0660  
Phone: (707) 257-9530  
Fax: (707) 257-9522

**RECEIVED**

MAR 12 2010

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Re: St. Regis Napa Valley Resort – Airport Land Use Consistency  
Determination; ALUC File No. P10-0003-ALUC

Dear Mr. McDowell:

We understand that the Applicant for the St. Regis Napa Valley Resort, SR Napa LLC, has requested a new application and hearing with the Napa County Airport Land Use Commission (ALUC), rather than pursue an over-rule with the Napa City Council at this time. We are pleased to work with the ALUC and the Applicant in efforts to obtain an Airport Land Use Consistency Determination from the ALUC. We further understand that the hearing is scheduled to occur on April 7, 2010, and we will be available to participate at that hearing. Additionally, if you have any questions about the items contained in this letter or provided by the Applicant, please call me at any time. We are always happy to meet and discuss this matter.

With this letter we are forwarding:

- Application for Hearing Request from the Applicant (copy);
- A letter from the Applicant outlining their understanding of the items recommended by the ALUC staff to obtain consistency based on your Memorandum dated March 3, 2010 and the Applicant's subsequent conversations with you;
- Summary of the revised conditions of approval and design guidelines imposed by the City to demonstrate Airport Land Use Consistency;
- A copy of the full conditions of approval that have incorporated Airport Land Use Consistency conditions.

In summary, in reviewing the application with the Applicant and based on the Airport Land Use Commission hearing and your staff memorandum, the City has added additional conditions, which include conditions (1) that require these conditions to apply to subsequent land owners, (2) that require an overflight analysis consistent with footnote 7 at Table 3-2 of the ALUCP during the Design Review process, (3) that require removal of the fractionally owned vineyard units from Zone D, (4) that require a hazardous wildlife management plan and design plan to insure conflicts between birds and planes are minimized (such plan will also apply to the grounds of the property), (5) that require requiring notice to guests having outdoor events of overflight, notice to the airport of events for more than 500 persons and design changes requiring outdoor protected space from overflight noise, and, finally, (6) incorporation of Airport compatibility design measures within the Stanly Ranch Resort Master Plan Design Guidelines.

If you have any questions on these matters, please contact me at (707) 257-9630 or e-mail me at [mallen@cityofnapa.org](mailto:mallen@cityofnapa.org)

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Michael Allen  
Associate Planner

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MAR 11 2010

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.



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

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

March 11, 2010

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

SUBJECT: ST. REGIS NAPA VALLEY, ALUC APPLICATION

Dear John:

I am submitting the enclosed materials on behalf of SR Napa, LLC for re-application to the Airport Land Use Commission (ALUC) to request a second hearing regarding the St. Regis Napa Valley project.

Based upon the testimony at the March 3 hearing and your staff memorandum, the applicant for this project has worked with City staff to add additional conditions to the project. The attached letter submitted to the City documents the commitment that the applicant has made to clarify all airport compatibility concerns. It is our understanding that you will also receive revised conditions of approval directly from the City of Napa.

As described in the application materials, the ALUC's failure to act on this referral within sixty (60) days of the date of receipt of the referral shall result in the proposed action being deemed consistent by operation of law.

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

Sincerely,

Beth Painter  
Balanced Planning

Cc: Jeff Selby  
Kevin Teague  
Michael Allen  
Jim Hare

Enclosures

S. R. NAPA, LLC  
 Vendor: County of Napa

Check Date: March 10, 2010

INVOICE DATE	INVOICE NO	DESCRIPTION	INV. AMOUNT	DISCNT TAKEN	BALANCE
3/10/10	031010	County of Napa	3137.45		3137.45

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 MAR 11 2010  
 NAPA CO. CONSERVATION  
 DEVELOPMENT & PLANNING DEPT.

Chk. Date	3/10/10	Chk. No.	186	Totals	3137.45	3137.45
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**S. R. NAPA, LLC**  
 1060 14th Street  
 Denver, CO 80202

Northern Trust N.A.  
 Denver, CO  
 91-521/1221

**186**

PAY \*\*\*\*\*Three thousand one hundred thirty-seven dollars and 45 cents

**PAY 3,137.45**  
ONLY USE FOR DEPOSIT ONLY

Date	Amount
March 10, 2010	\$3,137.45

TO THE  
 ORDER  
 OF  
 County of Napa

CHECK IS PRINTED ON SECURITY PAPER WHICH INCLUDES A MICROPRINT BORDER & FLUORESCENT FIBERS

*Tom Fricker*

⑈000186⑈ ⑆122105210⑆3811005052⑈

P10-00100



DICKENSON, PEATMAN & FOGARTY  
A Professional Law Corporation

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KTeague@dpf-law.com

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(1939 - 2007)

March 9, 2010

Mr. Michael Allen  
City of Napa Community Development Department  
1600 First Street  
Napa, CA 94559

Re: St. Regis Napa Valley

Dear Mr. Allen:

The Napa County Airport Land Use Commission (ALUC) considered the St. Regis Napa Valley project at the March 3, 2010 ALUC Hearing. After lengthy discussion and public testimony, the Commission voted 5-2 that the project was not consistent with the Airport Land Use Compatibility Plan. Based on a memo from ALUC staff John McDowell to the Commission, there were five items that required additional information for ALUC consideration before the ALUC could find the project compatible with the Airport Plan. The ALUC may also send you a letter with information regarding these items.

We believe that most of the items that require clarification for ALUC compatibility can be addressed by adding more detail to the Master Use Permit conditions. Below we outline the applicant's understanding of the ALUC concerns and how you can adopt conditions to address those concerns.

The topic of overflight was discussed at length. The technical consultant associated with preparation of the airport related issues in the DEIR attended the hearing and provided lengthy oral and written testimony regarding overflight. We have always assumed that during final design review, the City of Napa would continue to require that the project take into consideration the proximity of flight patterns, frequency of overflight, terrain conditions and types of aircraft that utilize the Napa County airport (per requirement of NMC 17.34.030). This includes noise in both interior and exterior spaces and would apply to the entire resort area. However, we understand that the ALUC would like additional assurances that the design has and will continue to consider overflight. It is our understanding that the Aviation Consultant hired by the City of Napa through the contract with Michael Brandman and Associates is qualified to review overflight characteristics and in consultation with the Napa County Airport Manager, can provide further confirmation that the placement and design of the proposed uses within Zone E meet the criteria of the ALUC Plan. In addition to the letter already provided, Mr. Wiswell will meet with the Napa Airport Manager to discuss this issue in more detail

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COMMUNITY DEVELOPMENT  
DEPARTMENT

March 9, 2010

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and will be preparing an additional summary of the overflight that occurs on or near the site and how that can be considered in the ultimate design of this project.

As we discussed in our memorandum to the ALUC dated March 2, 2010, we believe that the proposed regulations address most of the points raised by the ALUC in its deliberations and ruling. However, the conditions and regulations can be bolstered to assure ALUCP compatibility in the following ways, consistent with the ALUC's staff's March 3, 2010 memo:

1. An additional study will be completed by the aviation consultant involved with preparation of the project DEIR to discuss overflight in consultation with the Napa County Airport Manager and interested parties. Such study is conducted to satisfy the language of the ALUCP Table 3-2, footnote 7.
2. Design review of the project shall require that all Vineyard units with an ownership component (whether whole or fractional) be located within Zone E of the Napa County Airport Compatibility Plan and not placed in Zone D.
3. Design Guidelines will require that final design of the pond include measures required for pond construction and a new condition of approval shall be added to require a wildlife management plan.
4. Design Guidelines will include measures to create outdoor areas (such as pavilions) that include measures to reduce impacts from overflight. In addition, a condition of approval shall be added to require that the applicant record an "Airport Hazard Disclosure" to require that the resort provide disclosure of the proximity of the Napa Airport to guests who request use of outdoor areas for special events. Finally, the St. Regis will notify the Airport when events with more than 500 people are planned to occur.
5. Design Guidelines shall be amended to specifically include airport compatibility as an objective and shall include specific design criteria to address ALUCP compatibility.

We understand that the ALUC is available for a special meeting on April 7 to review the Project with revisions. We request the City provide the ALUC with new conditions to address the ALUC concerns as soon as possible so that we can meet the ALUC staff's requirements to hold that April 7 hearing.

In closing, the applicant believed that the Napa County Airport is an asset to the entire community and will be a significant asset to this project. St. Regis Napa Valley

March 9, 2010  
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looks forward to developing a strong and viable relationship with the Napa County Airport.

Sincerely,

DICKENSON, PEATMAN & FOGARTY



Kevin W. Teague

KWT:rml

St. Regis Napa Valley Resort  
P10-0003-ALUC

City of Napa Application 08-0111

SPECIAL CONDITIONS FOR ALUCP COMPATIBILITY

The following are additions to the conditions of approval for the St. Regis Napa Valley Resort Master Use Permit, Design Guidelines and Master Plan, which have been incorporated by the City of Napa into the Project to ensure airport land use compatibility.

1. The provisions, conditions, and mitigations of the Stanly Ranch Resort Master Plan and Master Use Permit run with the land on the Stanly Ranch Resort parcels (APN: 047-230-049, -050, -051, and -052). The current and any future property owner, hotel or business operator shall be subject to compliance with all provisions, conditions, and mitigations of the Stanly Ranch Resort Master Plan and Master Use Permit.
2. As part of final site plan and design review, the applicant shall provide analysis of "...the proximity of flight patterns, frequency of over-flight, terrain conditions, and type of aircraft in determining acceptable location of residential uses." The analysis should compile flight track data and over-flight characteristics from sources including, but not limited to, site visit observation, consultations with the Napa County Airport Manager, and Airport Tower. The analysis shall include a professional aviation recommendation addressing whether the placement and design of the proposed whole-ownership and fractional-ownership vineyard units have located the units in consideration of the Napa County Airport Land Use Compatibility Plan (ALUCP), Table 3-2, Footnote 7.
3. The final site plan shall not allow any Vineyard Units with an ownership component (whether whole or fractional) to be located within Airport Influence Area Zone D of the Napa County ALUCP.
4. Design Review application shall require the permittee to submit to the City of Napa Planning Department a comprehensive hazardous wildlife management plan for implementation on the project site prepared by a wildlife biologist with airport experience (or in consultation with an aviation consultant) to minimize the potential hazard of wildlife/aircraft conflicts associated with the recycled water storage pond and landscape features, such as the lawns. The Plan shall include monitoring provisions to:
  - a. Professionally evaluate wildlife control measures annually;
  - b. Immediately establish a seasonal baseline for each season, prior to project construction;
  - c. Monitor wildlife populations and wildlife/aircraft conflicts following project opening, and professionally ascertain the need for any wildlife mitigation plan revisions and implementation.
5. Final Design Review shall require analysis of event spaces related to the proximity of flight patterns, frequency of over-flight, terrain conditions, and type of aircraft for the appropriate location of such event spaces. Outdoor event areas shall include indoor or protected spaces to reduce impacts from over-flight noise.

6. The Resort Operator shall notify the Airport Manager for pilot notification when events with more than 500 people are planned to occur.
7. Prior to first occupancy permit for the project, the applicant shall provide and use an "Airport Hazard Disclosure" (in a form acceptable to the City of Napa) to require that the resort provide disclosure of the proximity of the Napa Airport to guests who request use of outdoor areas for special events. The CC & R's shall require that guest complaints regarding airport operations shall only be submitted through the Hotel Manager.
8. The Final Design Guidelines for the Project shall include the following:
  - a. Design objectives shall state that the project shall be designed to be compatible with the operations at the Napa County Airport and ALUCP policies;
  - b. Design criteria for construction of the pond will be included that reduce the potential for the creation of breeding and foraging areas for migratory birds;
  - c. Location of Vineyard Units B shall be limited to areas within Zone E of the Napa County Airport Compatibility Plan; and
  - d. Design measures shall be recommended for outdoor areas to reduce exposure to over-flight noise.