

**Trinitas Mixed-Use Project  
Draft Environmental Impact Report**

**CEQA Findings of Fact**

**SCH No: 2017072005**

**City of Napa**

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## **I. Introduction**

The California Environmental Quality Act (CEQA) requires that written findings be made by the lead agency in connection with certification of an Environmental Impact Report (EIR) prior to approval of the project (§15091 and §15093 of the CEQA Guidelines and §21081 of the California Public Resources Code). CEQA Guidelines §15091 states:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR;
  - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
  - 3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

- f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

CEQA Guidelines §15093 provides that:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits, including region-wide or statewide environmental benefits of a proposed project, against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits, including region-wide or statewide environmental benefits, or a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The City of Napa, as lead agency, having received, reviewed and considered the Draft Environmental Impact Report (DEIR) and the Final Environmental Impact Report (FEIR) for the Trinitas Mixed Use Project, SCH No. 2017072005, as well as all other information in the record of proceedings on this matter, hereby adopts the following Findings and Facts in Support of Findings (Findings) and Statement of Overriding Considerations (SOC).

**A. These Findings set forth the environmental bases for the discretionary actions to be undertaken by the City of Napa for the development of the Project, as set forth in Section II.C below. Document Format**

These Findings have been organized into the following sections:

- Section 1 - Introduction to these Findings.
- Section 2 – Summary of the project, including an overview of the discretionary actions required for project approval and a statement of the project objectives.
- Section 3 – Findings regarding the environmental impacts that were determined as a result of the Initial Study, Notice of Preparation (NOP) and consideration of comments received during the NOP comment period.
- Section 4 – Findings regarding significant or potentially significant environmental impacts identified in the DEIR that the City has determined are either not significant or can feasibly be mitigated to a less than significant level through project design features (PDFs), conditions of approval (COAs), or mitigation measures (MMs). All of these measures will be included in a Mitigation Monitoring and Reporting Program (MMRP) in order to ensure compliance with all conditions adopted by the Lead Agency. Where potentially significant impacts can be reduced to less than significant levels through adherence to PDFs and COAs, these Findings specify how those impacts were reduced

to an acceptable level. This section also includes findings regarding significant or potentially significant environmental impacts identified in the DEIR that will or may result from the project and which the City has determined cannot feasibly be mitigated to a less than significant level.

- Section 5 – Findings regarding Alternatives to the proposed project.

**B. Record of Proceedings**

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project includes the following documents and other evidence:

- The NOP and all other public notices issued by the City in conjunction with the proposed project
- The DEIR
- All written comments submitted by agencies or members of the public during the public review comment period on the DEIR
- The reports and technical memoranda included or referenced in the Responses to Comments
- All written and verbal public testimony presented during all noticed public hearings for the proposed project
- The Mitigation Monitoring and Reporting Program
- All documents, studies, EIRs or other materials incorporated by reference in the DEIR and FEIR
- The Resolutions adopted by the City of Napa in connection with the proposed project and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations
- Any documents expressly cited in these Findings
- Any other relevant materials required to be in the record of proceedings by Public Resources Code §21167.6(e)
- The FEIR

**C. Custodian and Location of Records**

The documents and other material that constitute the record of proceedings on which these findings are based are located at the City of Napa, Planning Division, 1600 First Street, Napa, CA. The custodian for these documents is the City of Napa. Copies of these documents which constitute the record of proceedings are and at all relevant times have been and will be available upon request at the City of Napa. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and 14 California Code of Regulations, Title 14, Chapter 3, §15091(e).

## **II. Project Summary**

### **A. Project Location**

The Project site is located at the southern boundary of the City of Napa, near the junction of State Route 29 (SR 29) and State Route 221 (SR 221). The site is approximately 4 miles south of downtown Napa and is located in a corporate park known as the Napa Valley Commons. The immediate surrounding area is largely built-out with low-rise office and industrial development. The Kaiser Data Center is located northerly of the site across a vacant parcel. Vineyards are located easterly of the site across SR 221.

### **B. Project Description**

The Trinitas Mixed Use Project proposes a hotel, a winery, and an office building within the Napa Valley Commons corporate park. The Project site is made up of three vacant parcels and is bound by Napa Valley Corporate Way and Napa Valley Corporate Drive, and Highway 221 is located immediately easterly of the Project site.

The hotel is proposed as a 4-story, 253-guest-room, dual-branded Marriott hotel featuring an AC Hotel (153 rooms) and a Residence Inn (100 rooms). The dual-branded hotel will be constructed as a single building with several shared features, but will operate to provide distinct experiences. The building architecture will be different for each brand, with separate arrival and lobby areas. The AC Hotel includes a breakfast area, a lounge, a bar area serving small plate appetizers, a library, and two small media areas that serve as meeting rooms. The Residence Inn includes a breakfast-serving area along with a hearth and a study area, and a small meeting room. The hotels will share a pool area, a fitness room, and an event lawn. As a select service operation, the hotels will not include a restaurant or room service, but will provide limited breakfast service, as mentioned above. The hotel building is proposed to be 56 feet 8½ inches in height.

The proposed winery is a single-story 26,214-square-foot building that will include production and storage facilities, a conference room, a small tasting area, and a sales office. The winery also includes administrative offices, a wine lab, a storage area, restrooms, and associated mechanical areas with an exterior lawn for small events and tastings. The winery is anticipated to be either a single-tenant or a custom crush operation. The winery building is proposed to be 28 feet high with architectural features extending to 38 feet in height.

The proposed office building is a 2-story, 29,878-square-foot building with highly modular office space with an outdoor courtyard. The office building is proposed to be 24 feet in height with architectural features extending to 32 feet in height.

Vehicular access to the Project site will be provided from the existing driveway on Napa Valley Corporate Way, and a new right in/right out driveway is proposed on Napa Valley Corporate Drive. Visitors accessing the hotel and the winery are anticipated to utilize the Napa Valley Corporate Way entry point, while the office traffic is anticipated to utilize the Napa Valley Corporate Drive access point.

The Floor Area Ratio (FAR) is proposed to be averaged across the three hotels in the Napa Valley Commons corporate park that are owned and operated by the applicant. The Project component FAR would be computed in conjunction with The Meritage Resort (TMR) and Meritage Commons (MC), resulting in a FAR of 0.38 which is less than the General Plan allowable FAR of 0.4.

**C. Discretionary Actions**

Implementation of the project requires several discretionary actions by the City, including the following:

- Certification by the City of Napa of the FEIR (which includes both the FEIR and the DEIR, as revised by the FEIR), SCH No. 2017072005, in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”) and its implementing regulations (California Code of Regulations, Title 14, Section 15000 et seq.) (the “CEQA Guidelines”).

**D. Approval by the City of Napa of Major Design Review, Planned Development Overlay for over-height features and shared parking, a Use Permit for a hotel in IP-A zoning district and a Use Permit for a winery in IP-B zoning district. Statement of Project Objectives**

The statement of objectives sought by the project and set forth in the Final DEIR is provided as follows:

- Implement the City’s General Plan
- Provide a high quality mixed-use project consistent with the intent of the City of Napa Zoning Code
- Provide safe access at the Project site including adequate wayfinding information for vehicular access to and within the Project site
- Provide safe pedestrian and bicycle access within the Project site
- Design a project consistent with the Napa Valley Commons Design Guidelines

**III. Environmental Review and Public Participation**

In conformance with CEQA and the CEQA Guidelines the City conducted an extensive environmental review of the proposed project.

- The City determined that a DEIR would be required for the proposed project and issued a Notice of Preparation (NOP) and Initial Study on June 30, 2017. The NOP was distributed to all public agencies, trustee agencies and the State Office of Planning Research and posted at the Napa City Clerk-Recorder’s office and on the City’s website on June 30, 2017. The public review period was from June 30, 2017 through July 31, 2017.
- Based on the Initial Study and Environmental Checklist Form (CEQA Appendix G), the City staff determined that a Draft Environmental Impact Report (DEIR) should be prepared for the proposed project. A scoping meeting was held to allow local residents and interested persons an opportunity to review the proposed project and provide input on issues to be addressed in the DEIR. The scoping meeting was held on July 24, 2017 in the City Hall Council Chambers in the City of Napa. Notice of the scoping meeting was sent to state and local agencies, cities, individuals who expressed interest in the project and residents/occupants within a 500’ radius of the project boundaries.

## EXHIBIT C

- The scope of the DEIR was determined based on the City's Initial Study, comments received in response to the NOP and comments received at the scoping meeting conducted by the City. Section 1.3 of the DEIR summarizes the issues identified for analysis.
- The City of Napa prepared the DEIR, which was made available for a 45-day public review period beginning on January 12, 2018 and ending on February 26, 2018. The Notice of Availability was sent to all interested persons, agencies, cities and organizations. The Notice of Availability was also sent to the State Clearinghouse for distribution to additional public agencies. Copies of the DEIR were made available at the City of Napa Planning Department and on the City website.
- The DEIR consists of 2 volumes including 15 technical studies:
  - Volume 1 – DEIR
  - Volume 2 – Appendices A through J (IS/NOP, NOP Comment Letters, Napa Valley Commons Design Guidelines, Air Quality/Greenhouse Gas Assessment, Biological Technical Report, Tree Protection Guidelines and Long-Term Maintenance Plan, Archaeological Inventory Survey, Geotechnical Study Report, Preliminary Earthwork Calculations, Phase I Environmental Site Assessment Report)
  - Volume 3 – Appendices K through O (Preliminary Storm Water Control Plan, Preliminary Drainage and Detention Study, Noise and Vibration Assessment, Review of Housing Impacts, Transportation Impact Study)
- A preliminary review of the Project application was held by the City Planning Commission on June 1, 2017 in the City Council Chambers at 1600 First Street, Napa. The meeting was noticed on the City's website.
- A Planning Commission meeting was held on May 17, 2018 to review the DEIR. The review was re-scheduled to May 31, 2018. The meeting was noticed on the City's website.
- The FEIR was prepared, dated March 2018, and includes responses to all comments on the DEIR from agencies, organizations and the general public.
- A Mitigation Monitoring and Reporting Program was prepared that includes all the mitigation measures, best management practices, conditions of approval and project design features identified in the DEIR.
- In compliance with §15088(b) of Title 14 of the California Code of Regulations (CEQA Guidelines), the City has met its obligation to provide written responses to comments to public agencies at least 10 days prior to certifying the FEIR.
- The FEIR includes all comments on the DEIR, responses to those comments, clarifications/revisions to the DEIR and appended documents. The FEIR was released on April 27, 2018 and posted on the City's website.
- A Planning Commission was held on May 31, 2018. A notice of time, place and purpose of the meeting was provided in accordance with CEQA and all applicable noticing requirements. Notices were mailed to property owners within a 500' radius of the project

as well as to agencies, cities and interested parties. The Planning Commission considered the FEIR, at this hearing.

- A meeting of the Airport Land Use Commission (“ALUC”) was held on [REDACTED], 2018, at which meeting the ALUC determined that the project was consistent with the applicable Airport Land Use Plan.
- A City Council public hearing was held on [REDACTED], 2018 in the Council Chambers at 1600 First Street, Napa, CA. A notice of time, place and purpose of the aforesaid meeting was provided in accordance with CEQA and all applicable noticing requirements. Notices were mailed to property owners within a 500’ radius of the project, as well as to agencies, cities and interested parties. The mailing and notifications occurred at a minimum 10 days in advance of the meeting, consistent with the City Council noticing requirements. The FEIR, staff report and evidence, both written and oral, were presented to and considered by the City Council at this hearing.

#### **IV. Environmental Issues That Were Determined Not To Be Potentially Affected By the Proposed Project**

##### **A. Impacts determined to be Less Than Significant in the Initial Study**

As a result of the project scoping process including the NOP circulated by the City on June 30, 2017, in connection with preparation of the DEIR, the preparation of the Initial Study and the Public Scoping meeting, the City determined, based upon the threshold criteria for significance that the project would have no impact or a less than significant impact on the following potential environmental resources.

- **Agricultural/Forestry Resources** – No farmland exists on the site and no farmland will be converted to non-agriculture use.
- **Mineral Resources** – The project would not result in the loss of availability of a known mineral resource or locally important mineral resource recovery site. The site has not been identified in the City’s General Plan as an area where mineral resources of local significance will occur.
- **Recreation** – The nature of the proposed uses will not likely attract a significant number of visitors seeking recreational amenities other than those provided with the Project. The City provides numerous golf courses, regional parks, local parks and trails but no impact will occur due to Project development.

##### **B. Impacts Determined To Be Less Than Significant in the FEIR**

This section identifies impacts of the proposed project determined to be less than significant without implementation of project-specific mitigation measures. This determination, however, does assume compliance with existing regulations, conditions of approval and relevant General Plan policies as detailed in each respective topical section of Chapter 5 in the DEIR (as revised by the FEIR).

- **Hazards and Hazardous Materials** – The Phase I Environmental Site Assessment prepared for the Project site did not identify any potential hazards or hazardous materials. The Project site is not within a high fire hazard severity zone and is consistent with density requirements specified by the Airport Land Use Commission. Therefore, any potential impacts will be less than significant.

- **Tribal Cultural Resources** – The project would not conflict with City Policy Resolution No. 27 which provides standard mitigation measures for potential impacts to cultural resources. The standard mitigation measures have been incorporated under Section 5.4 – Cultural Resources – and no additional impacts will occur related to Tribal Cultural Resources. Therefore, any potential impacts will be less than significant.

## **V. Findings Regarding Potentially Significant Environmental Impacts**

The following potentially significant environmental impacts were analyzed in the FEIR and the effects of the project were considered. Where the City has determined that relevant General Plan policies, compliance with existing laws, codes and statutes and the identification of feasible mitigation measures, best management practices, project design features and conditions of approval have reduced potential impacts to a level of less than significant, or that, in accordance with CEQA §21081(a)(1) and CEQA Guidelines §15091(a)(1), “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment,” the City’s finding is referred to as Finding 1 herein.

Where the City has determined, pursuant to CEQA §21081(a)(2) and CEQA Guidelines §15091(a)(2) that “Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,” the City’s finding is referred to as Finding 2.

Where the City has determined that (1) even with compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, project design features or conditions of approval, potentially significant impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City finds that “Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final environmental impact report.” Per CEQA Guidelines §21081(1)(3) and CEQA Guidelines §15091(a)(3), this is herein referred to as Finding 3.

### **A. Impacts Mitigated to Less Than Significant**

The following summary describes impacts of the proposed project that, without mitigation would result in significant adverse impacts. Upon implementation of the mitigation measures, project design features or conditions of approval provided in the FEIR, the impacts would be considered less than significant.

#### **1. Aesthetics**

##### **Environmental Impact**

The proposed project will permanently alter portions of the site through development where no development currently exists. However, the Project is within the substantially built-out Napa Valley Commons corporate park and land uses will be similar to those already present. The project is designed using the rustic modern architectural theme and building materials consistent with and based on typical architecture within Napa Valley Commons. No scenic views will be impacted. Potential impacts from light and glare have been addressed through mitigation and compliance with the City Zoning Code lighting regulations. Landscaping has been designed to



preserve many existing trees and enhance aesthetics with the addition of 400+ trees in addition to shrubs, bushes and drought resistant plants.

### **Finding 1**

Mitigation Measure AE-1 would minimize visibility of light sources by use of low level lighting and by directing lighting toward the on-site structures and not illuminating areas outside property boundaries. The Project buildings are substantially set back from Highway 221 consistent with the zoning code setback requirements. Therefore, the City makes Finding 1 that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

Mitigation Measures AE-2 and AE-3 require provision of and adherence to landscape plans that will ensure an aesthetically improved condition on the vacant site.

### **Facts in Support of Finding**

The proposed project will not have a substantial adverse effect on a scenic vista, damage scenic resources or degrade the existing character or quality of the site. Development standards have been included in the DEIR that provide a framework for project implementation including design guidelines pertaining to visual appearance, landscaping and lighting. See DEIR § 5.1 - Aesthetics, pgs. 5.1-1-5.1-39. Mitigation Measure AE-1 will reduce light impacts by controlling light spill and confining lighting to within Project boundaries. See DEIR § 5.1, pgs. 5.1-36-5.1-37. Therefore, aesthetic impacts have been reduced to less than significant.

### **Mitigation Measures**

The following Standard Mitigation Measures per Policy Resolution No. 27 have been included in the Draft EIR:

MM AE-1	Low-level lighting shall be utilized in any parking area(s) as opposed to elevated high-level intensity light standards.
MM AE-2	All new utilities shall be placed underground.
MM AE-3	<p>The developer shall comply with the following:</p> <ol style="list-style-type: none"> <li>The plans submitted for the Project improvements or building permit, whichever comes first, shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. The final landscape plans shall specify that 1) all plant materials be certified by the Napa City Agricultural Commissioner inspection program for freedom from the glassy winged sharpshooter or other pests identified by the Agricultural Commissioner and 2) the Agricultural Commissioner's Office shall be notified of all impending deliveries of live plants with points of origin outside of Napa City so that inspection can be arranged. No improvement plans shall be approved nor building permit issued until the Planning Department approves the landscape and irrigation plan. Prior to occupancy, the licensed professional who signed the final landscape and irrigation plan shall certify in writing to the Planning Director that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans including, but not limited to, the certifications and inspections by the Agricultural Commissioner as well as that the systems are in working order. A substitution of an alternate licensed professional may be allowed by the Planning Director upon a showing of good cause.</li> <li>Prior to occupancy, Developer shall execute and record the City's Landscape Maintenance Agreement. (Forms are available from the Planning Department.)</li> </ol>
MM AE-4	The Developer shall secure separate architectural review approval for any signage for the Project.

## 2. Air Quality

### Environmental Impact

Emissions modeling for construction and operation of the project show that the emissions would remain below levels of significance for each of the air quality constituent BAAQMD thresholds. The Bay Area is considered a non-attainment area for ground-level ozone and PM<sub>2.5</sub> under the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM<sub>10</sub> under the California Clean Air Act. The air quality analysis shows that the project, in conjunction with growth and development within the BAAQMD would have a less than significant impact related to CO levels due to traffic. No long term operational emissions will exceed BAAQMD thresholds for ROG, NO<sub>x</sub>, PM<sub>10</sub> or PM<sub>2.5</sub>.

The Project will have a less than significant impact due to exposure of sensitive receptors to substantial pollutant concentrations. No sensitive receptors have been identified within the 1,000-foot radius threshold.

### Finding 1

Mitigation Measure AQ-1 would reduce air quality impacts to a less than significant level due to Project construction. No mitigation is required for long-term, operational impacts which are less than significant. The City therefore makes Finding 1 that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

### Facts in Support of Finding

Analysis in the DEIR shows that project construction or operational emissions will not exceed the BAAQMD recommended threshold levels and will not violate any air quality standard or contribute substantially to an existing or project air quality violation. See DEIR §5.2 – Air Quality – pages 5.2-1 – 5.2-16. The Project area is in attainment for CO emissions based on state and national standards. Cumulatively, the project emissions would not add significantly to criteria pollutants in the BAAMD. Mitigation has been incorporated into the project to reduce impacts from Project construction to a less than significant level. No sensitive receptors are within the threshold radius related to health impacts. Therefore, impacts related to construction and operational air quality have been reduced to a less than significant level with the implementation of Mitigation Measure AQ-1. See DEIR §5.2, page 5.2-12.

### Mitigation Measures

The following Special Mitigation Measure has been included in the Draft EIR:

MM AQ-1	<p>During Project construction, the applicant shall ensure that best management practices for dust control as set forth in the BAAQMD CEQA Air Quality Guidelines are implemented. These include:</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</li> </ol>
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5. All roadways, driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

### **3. Biological Resources**

#### **Environmental Impact**

The project has the potential to result in impacts to biological resources which were analyzed in a Biological Technical Report and an Arborist Report. Some of the existing trees on the site will be removed per recommendation of the Arborist due to multiple trunks that are poorly attached and have the potential for failure. The four trees requiring preservation under the City's municipal code will remain. Suggested preservation methods, such as installing Silva Cells beneath the new hardscape areas to provide an area for root growth, have been included as mitigation. An additional 400+ trees will be planted as part of the landscaping plan for the Project.

The biological report stated that no special-status animals were detected at the site and no special-status plants are expected to occur within the site. No fairy shrimp were detected during the site surveys; however, the site has the potential to support fairy shrimp as seasonal wetland features have been identified. Mitigation has been provided for any impacts to occupied habitat. If fairy shrimp are detected during wet-season surveys, a permit will be required from the USFWS.

No ACOE jurisdictional drainages occur on the site.

#### **Finding 1**

Mitigation Measures Bio-1 through Bio-8 would reduce impacts to biological resources to a less than significant level. The City, therefore, makes Finding 1 that "Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment."

#### **Facts in Support of Finding**

Vegetation (trees, shrubs and grasses) that will be directly impacted by removal will be replaced in accordance with a landscaping plan included in the DEIR. See DEIR §5.3 – Biological Resources, pages 5.3-1 – 5.3-53. Avoidance of impacts to nesting birds will be implemented via monitoring and best management practices regarding nesting seasons, noise and coordination with resources agencies. Best management practices and project design features, in addition to mitigation measures, have been incorporated into the project to minimize impacts related to trash and debris, light pollution, and minimization of edge effects along open space areas. See DEIR §5.3 – pages 5.3-49 – 5.3-51. Therefore, the City finds that impacts related to biological resources will be reduced to a less than significant level.

## Mitigation Measures

The following Special Mitigation Measures have been included in the Draft EIR:

MM Bio-1	Prior to issuance of grading permits, the Project Applicant shall provide a tree risk assessment for the three valley oaks proposed to be preserved in place to determine their health and stability. Recommendations in the tree risk assessment shall be enforced to protect trees determined healthy enough for preservation.
MM Bio-2	Prior to issuance of grading permits the Applicant shall submit to the City grading/site preparation plans that reflect that the roots of the oak trees to be protected are severed around the entire perimeter of the tree protection zones to ensure subsequent construction can proceed outside the tree protection zone without further impacting the trees.
MM Bio-3	Prior to issuance of building permits, the Applicant shall ensure that the construction documents depict that Silva Cells are to be installed in three locations beneath the new hardscape areas to provide a dedicated zone for oak tree root growth, consistent with the locations identified on the Silva Cell Location Diagram on page 5.3-45 herein.
MM Bio-4	Prior to issuance of a grading permit, the Applicant shall ensure that the grading plans and relevant construction documents incorporate the Tree Protection and Maintenance Guidelines set forth in the Arborist's report, included on pages 15 through 30 of Appendix F.
MM Bio-5	Prior to issuance of a grading permit, the Applicant shall ensure that vegetation clearing outside of the nesting season (February 1 through August 31) for all vegetation alliances or land-cover types on the site is conducted. If vegetation clearing is not feasible outside of the nesting season, the Project Applicant shall submit a nesting bird survey, prepared by a qualified biologist, within three days prior to any disturbance of the site, including diking, demolition activities and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests consisting of as much as 500 feet for raptors and 300 feet for non-raptors, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Surveys shall incorporate the Swainson's Hawk Technical Advisory Committee's "Recommended Timing and Methodology for Swanson's Hawk Nesting Surveys in California's Central Valley", include a one-half mile radius of the Project site and begin early in the nesting season (late March to early April).
MM Bio-6	Prior to issuance of a grading permit, the Applicant shall ensure that dry-season and wet-season protocol surveys are completed to determine whether the potential seasonal wetland features observed on the site support listed fairy shrimp, including the vernal pool fairy shrimp.
MM Bio-7	Prior to the issuance of grading permit, the Applicant shall provide to the City or its biologist for review, the fairy shrimp protocol surveys to determine presence or absence of fairy shrimp. If listed fairy shrimp are detected within any of the potential seasonal wetland features, impacts to occupied habitat shall be mitigated at a 2:1 ratio. Fee payment shall be made through an approved mitigation bank that covers the vernal pool fairy shrimp. The mitigation bank shall be located within the service area that covers the Project site. Alternate mitigation may be approved by USFWS, to the satisfaction of the City of Napa.
MM Bio-8	Prior to issuance of a grading permit, the Applicant shall ensure the completion of a formal wetland determination for Features A and C demonstrating whether or not the potential seasonal wetlands features meet the minimum threshold for wetlands. If the wetland determination does not meet the minimum threshold for wetlands no additional mitigation would be required. If the wetland determination meets the minimum threshold for wetlands, the Applicant shall be required to mitigate at a 2:1 ratio for any freshwater wetlands dominated by pale spikerush. The mitigation may be satisfied through purchase of credits in an approved mitigation bank with a service area that covers the Project site, or in an acceptable manner to the City, so long as the 2:1 ratio is met.
MM Bio-9	Preconstruction focused surveys for pallid bat will be conducted by a biologist qualified to conduct focused bat surveys for trees onsite and immediately adjacent to the site. Surveys will be conducted in spring prior to birth which typically occurs in May or June. If a maternity roost is detected, appropriate buffers will be established during the maternity season to ensure that maternity roosts are not disturbed by construction.

The following Best Management Practices have also been incorporated into the Project:

- BMP-1** The Tree Protection Guidelines provide Best Management Practices (BMPs) to be implemented prior to, during and subsequent to construction of the proposed Project to ensure the safety and continuing health and stability of the protected trees. Mitigation Measure MM Bio-4 requires adherence to the general Tree Protection and Preservation Plan recommendations as summarized below. The BMPs are found in their entirety in the Tree Protection Guidelines (pages 15-30) included herein as Appendix F.
1. Preconstruction Requirements - include meetings with City staff and construction personnel, review of site plans, establishment of tree protection zones on plans, fencing locations, warning signs
  2. Identification of activities permitted within the tree protection zones
  3. Restricted and/or controlled activities during demolition and construction activities
  4. Trenching excavation and equipment use
  5. Tree pruning recommendations
  6. Tree root management
  7. Tree maintenance during construction
  8. Damage to trees
  9. Long-term maintenance
- BMP-2** During construction, no grade changes within the perimeter of the tree protection zones and driplines for trees 001, 002, 003 and 040 will occur from grading activities. Grade changes outside the dripline shall not exceed 6 inches and all grading shall be done in conjunction with the Project arborist to minimize and/or mitigate root damage.
- BMP-3** A protection fence shall be in place at all times during construction activities to prevent encroachment into the tree protection zones.

#### **4. Cultural Resources**

##### **Environmental Impact**

The cultural resources impact analysis for the project determined that there is no evidence of historical resources, archaeological resources or human burials within the project boundaries. The Project area is considered to have low sensitivity for prehistoric and historical archaeological deposits because a records search and a pedestrian survey failed to identify any significant historical resources or unique archaeological resources with the area surveyed. However, in the event such resources are encountered during the grading and excavation phase of the project, mitigation measures have been incorporated in the DEIR.

##### **Finding 1**

Mitigation Measures CR-1, CR-2 and CR-3 would minimize any impacts by stopping grading and evaluating the find if resources or human remains are discovered. Therefore, the City makes Finding 1 that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

##### **Facts in Support of Finding**

The project will not cause a substantial adverse change in the significance of a historical or archaeological resource or directly or indirectly destroy a unique paleontological resource or site. No evidence of historical, archaeological or paleontological resources exists in the records or based on site reconnaissance. See DEIR §5.4 – Cultural Resources, pages 5.4-1 – 5.4-15. Mitigation Measure CR-1 will address the unanticipated discovery of cultural resources during

grading operations. Mitigation Measure CR-2 will address the discovery of paleontological resources during project construction. Mitigation Measure CR-3 requires consultation with archaeological experts if unidentified cultural materials are encountered. See DEIR §5.4 pages 5.4-13 – 5.4-14. The City has determined that impacts to cultural resources would be less than significant.

### **Mitigation Measures**

The following Standard Mitigation Measure per Policy Resolution No. 27 (CR-1) and Special Mitigation Measures (CR-2 and CR-3) have been included in the Draft EIR:

MM CR-1	During site preparation and grading activities, the Project applicant shall ensure that, if any archaeological materials or objects are unearthed during Project construction, all work in the vicinity shall be immediately halted until a qualified archaeologist is retained by the City to evaluate the finds. The Project applicant shall comply with all mitigation recommendations of the archaeologist prior to commencing work in the vicinity of the archaeological finds.
MM CR-2	During the construction phase, the Project applicant shall ensure that if any human remains are uncovered, work shall be halted within the immediate vicinity of the discovery and state law shall be followed, which includes immediately contacting the County Coroner's office and a representative of the Yocha Dehe Wintun Nation.
MM CR-3	During the construction phase, the Project applicant ensure that if any unidentified cultural materials are encountered on or below the surface, archaeological consultation should be sought immediately.

## **5. Geology and Soils**

### **Environmental Impact**

The DEIR identified potential geotechnical constraints stating that nearly the entire site is blanketed with a few inches to about 5 feet of heterogeneous fill with has varying density, strength, compressibility and shrink-swell characteristics. No groundwater was observed and no subsurface conditions suggested the presence of materials that may be susceptible to seismically induced densification, liquefaction or lurching. No faults are located on the site. The report included recommendations that have been included as Mitigation Measures Geo-1 through Geo- to reduce potential impacts to less than significant.

### **Finding 1**

Mitigation Measures Geo-1 through Geo-6 would minimize potential impacts due to geotechnical and soils constraints on the project site. Adherence to recommendations in the Geotechnical Review would further reduce impacts to the extent feasible. Therefore, the City makes Finding 1 that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

### **Facts in Support of Finding**

The Geotechnical Review has identified impacts that may be encountered during grading or construction including slope stability, ground rupture, retaining wall stability, ground shaking, fill settlement, compressible soils, liquefaction, groundwater and expansive soils. See DEIR §5.5, pages 5.5-1 – 5.5-17. All feasible mitigation measures in the Draft EIR, along with adherence to state and local building and construction standards, will reduce potential impacts to a less than significant level. See DEIR pages 5.5-15 – 5.5-16.

## Mitigation Measures

The following Standard Mitigation Measures per the City's Policy Resolution No. 27 (Geo-1 through Geo-4) and Special Mitigation Measures applicable to the proposed Project (Geo-5 and Geo-6) have been included in the Draft EIR.

MM Geo-1	All Project-related grading, trenching, backfilling and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications.
MM Geo-2	All construction activities shall meet the Uniform Building Code regulations for seismic safety (e.g., reinforcing perimeter and/or load bearing walls, bracing parapets).
MM Geo-3	Developer shall provide an erosion and sediment control plan and a schedule for implementation of approved measures to the Public Works Director for approval prior to the issuance of any grading permits. No grading and excavation shall be performed except in accordance with the approved plan and schedule.
MM Geo-4	Hydroseeding of all disturbed slopes shall be completed by October 1. Developer shall provide sufficient maintenance and irrigation of the slopes such that growth is established by November 1.
MM Geo-5	Prior to the issuance of building permits and grading permits, the City of Napa shall ensure the grading and building plans demonstrate compliance with the recommendations included in the Geotechnical Study Report by RGH consultants dated July 13, 2015 related to seismic design criteria for structures, grading, foundation support, retaining walls, slab-on-grade, utility trenches, pavements, drainage and maintenance.
MM Geo-6	Prior to issuance of grading permits, the Applicant shall have prepared a haul route plan showing the construction materials haul routes, the number of trips per day, and the location where grading export materials will be taken.

## 6. Hydrology/Water Quality

### Environmental Impact

The project has several constraints that limit the installation and sizes of storm water treatment measures. Current City design standards require the proposed on-site piping system to convey the 25-year storm event while not impacting the existing infrastructure. To meet the criteria, the proposed on-site storm system will include an underground storage vault. The winery is proposed to treat on-site industrial wastewater via a subterranean tank and an underground piping system to an on-site wastewater treatment area.

### Finding 1

Mitigation Measures H/WQ-1 through H/WQ-10 include Standard Mitigation Measures per the City's Policy Resolution No. 27 (H/WQ-1 through H/WQ-8) and special mitigation measures (H/WQ-9 and H/WQ-10) which will reduce potential impacts due to storm water run-off, erosion, drainage and water quality to a less than significant level. Therefore, the City makes the finding that "Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment."

### Facts in Support of Finding

The proposed Project will have a less than significant impact because the Storm Water Control Plan included in the Project identifies maintenance required for each storm water facility to ensure flows are unobstructed, thus preventing erosion. See DEIR §5.8- Hydrology and Water Quality, pages 5.8-1 – 5.8-18. Such maintenance measures will ensure that all storm water facilities provide adequate protection from storm water runoff pollutants. The underground storage vault for detention of the differential volume between the 25-year and 10-year storm

event will constrict discharge to match the 10-year storm, thereby matching the infrastructure piping in Napa Valley Corporate Drive. The industrial wastewater treatment for the winery will filter and treat wastewater, resulting in pure water which will be stored in tanks and dispersed through the Project's landscape irrigation system. All domestic wastewater flows will be discharged into the Napa Sanitation District pipeline for treatment. See DEIR §5.8, pages 5.8-15 – 5.8-16.

### **Mitigation Measures**

The following Standard Mitigation Measures (H/WQ-1 through H/WQ-8) per Policy Resolution No. 27 and Special Mitigation Measures (H/WQ-9 and H/WQ-10) have been included in the Draft EIR:

MM H/WQ-1	To ensure adequate drainage control, the Developer of any project that introduces new impervious surfaces (roof, driveways, patios) that will change the rate of absorption of drainage or surface run-off shall submit a drainage and grading plan designed in accordance with Policy Resolution No. 17 and the City of Napa Public Works Department Standard Specifications to the Public Works Department for its approval.
MM H/WQ-2	For any construction activity that results in the disturbance of 5 acres or greater total land area, or that is part of a larger common plan of development that disturbs 5 acres or greater total land area, Developer shall file a Notice of Intent with the California Regional Water Quality Control Board (SWRCB) prior to any grading or construction activity. In the event construction activity for the Project occurs after the SWRCB has changed its General Permit for construction activity to cover disturbance(s) of 1 acre or more, this measure shall apply to any construction activity for this Project which results in the disturbance of 1 acre or greater total/and area, or is part of a larger common plan of development that disturbs 1 acre or greater total land area.
MM H/WQ-3	The Developer shall ensure that no construction materials (e.g., cleaning fresh concrete from equipment) are conveyed into the storm drain system. The Developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system.
MM H/WQ-4	All materials that could cause water pollution (e.g., motor oil, fuels, paints) shall be stored and used in a manner that will not cause any pollution. All discarded material and any accidental spills shall be removed and disposed of at an approved disposal site.
MM H/WQ-5	All construction activities shall be performed in a manner that minimizes, to the maximum extent practicable, any pollutants entering directly or indirectly the storm water system or ground water. The Developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system.
MM H/WQ-6	Developer shall meet the requirements of discharging to a public storm drainage system as required to ensure compliance by the City with all state and federal laws and regulations related to storm water as stipulated in the Clean Water Act. Developer shall meet the requirements of the National Pollutant Discharge Elimination System (NPDES) permit in effect prior to completion of Project construction for storm water discharges from the municipal storm water system operated by the City of Napa. Developer shall comply with the Storm Water Pollution Mitigation Plan (SWPMP) submitted by Developer as part of its application as (modified and) approved by the Director of Public Works.
MM H/WQ-7	Developer shall mark all new storm drain inlets with permanent markings, which state "No Dumping-Flows to River." This work shall be shown on improvement plans.



MM H/WQ-8	Developer shall record a plan for long-term private maintenance acceptable to the Director of Public Works and the City Attorney for any structural storm water pollution removal devices or treatment control BMP incorporated as part of the Project. The plan shall comply with City and SWRCB requirements including, but not limited to, a detailed description of responsible parties, inspections, maintenance procedures for the detention system, including monitoring and documentation of annual report to the Public Works Department and procedures for enforcement. Appropriate easements or other arrangements satisfactory to the Public Works Director and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to approval of the final/parcel map or issuance of a building permit, whichever comes first.
MM H/WQ-9	Prior to the issuance of grading permits, the Project Applicant shall demonstrate compliance under California's General Permit for Storm Water Discharges Associated with Construction Activity. The Project Applicant shall prepare and submit to the City a Storm Water Pollution Prevention Plan that describes erosion and sediment control BMPs and BMPs that will be used during the construction of the Project.
MM H/WQ-10	Prior to issuance of building permits, the City of Napa shall ensure the building plans demonstrate that properly designed and sized LID features have been incorporated into the Project.

## 7. Land Use

### Environmental Impact

The Project requires a Planned Development Overlay due to the increase in height for the winery and office buildings. The mixed-use nature of the Project results in a higher demand for parking during evenings and weekends. Therefore, a joint use parking plan has been proposed to accommodate the shortfall between the Zoning Code requirement and the available parking. Standing alone, the FAR for the proposed Project would exceed the 0.4 floor area ratio for the Corporate Park land use designation. However, the City has determined that Zoning Code §17.52.120.C.1 and 2 allow the property owner to use the average FAR for all three of its hotel properties within the Corporate Park to meet the FAR requirement. Those properties are The Meritage Resort, Meritage Commons and the proposed Trinitas Mixed-Use Project. Taken together, the average FAR for the properties is 0.38, which is within the 0.4 FAR requirement. The Project site is zoned Industrial Park (IP-A and IP-B). The IP zoning district allows hotel and winery uses by condition and office uses by right. The Project requires a Conditional Use Permit for hotel in the IP-A district and a winery in the IP-B district.

### Finding 1

Mitigation Measures LU1 through LU-5 would reduce potential impacts to land use and planning with the approval of a Planned Development Overlay for the over-height features and shared parking, a Use Permit for a hotel in IP-A zoning district and a Use Permit for a winery in IP-B zoning district. Therefore, the City makes Finding 1 that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

### Facts in Support of Finding

With the application of a Planned Development Overlay to the Project over-height features, approval of a joint use parking plan, and a Use Permit for a hotel in the IP-A district and a winery in the IP-B district, the Project impacts related to Land Use and Planning will be less than significant. See DEIR §5.9 – Land Use and Planning, pages 5.9-1 – 5.9-19. Mitigation Measures have been included to ensure compliance with the City’s goals and policies. See DEIR §5.9, pages 5.9-16 – 5.9-17.

## Mitigation Measures

The following standard Mitigation Measures per the City's Policy Resolution No. 27 (LU-1 through LU-3) and Special Mitigation Measures (LU-4 and LU-5) are included in the DEIR:

MM LU-1	Developer shall comply with all requirements of federal, state and local laws and regulations applicable to Project construction and issuance of building permits.
MM LU-2	Developer shall comply with the monitoring/reporting checklists for development pursuant to the City of Napa Resolution 96-153 regarding CEQA implementation procedures for both standard and Project specific mitigation measures.
MM LU-3	Developer shall notify all employees and agents of the mitigation measures and conditions applicable to the Project and shall ensure compliance with such measures and conditions. Developer shall also notify all assigns and transferees of the same.
MM LU-4	Prior to issuance of building permits, the Project Applicant shall provide evidence to the City of a deed restriction, or other mechanism approved by the Community Development Director and approved as to form by the City Attorney, identifying the combined square footage for The Meritage Resort, Meritage Commons, and the Trinitas Mixed Use Project and the resultant averaging of FAR as permitted to maintain consistency with the General Plan FAR allowance. The mechanism shall restrict the "donor" parcels (The Meritage Resort and Meritage Commons) to a maximum of 689,316 square feet consistent with the combined average in order to prevent overbuilding of square footage on those parcels.
MM LU-5	Prior to issuance of building permits, the Project Applicant shall memorialize a shared parking agreement per a Planned Development Overlay to allow a total of 441 shared parking spaces for use between the hotel and winery. The shared parking agreement shall provide three parking spaces for evening use of the hotel. The shared parking agreement shall be in full force and effect throughout the life of the project and will be binding upon any future owners of the property.

## 8. Noise

### Environmental Impact

The project will result in incremental increases in the ambient noise levels at the site which the Noise Assessment has shown are generally at the "normally acceptable" threshold levels. Analysis shows short-term construction activities could generate noise levels above the City's thresholds. Traffic noise levels are anticipated to increase less than 1 dBA CNEL, which is below a significance impact. Per CEQA a 1 dBA CNEL increase in noise levels is not considered a significant impact. Potential impacts related to noise have been addressed with Mitigation Measures N-1 through N-4, best management practices and conditions of approval incorporated in the DEIR.

### Finding 1

Mitigation Measures N-1 through N-4, best management practices and conditions of approval would provide sufficient noise reduction to reduce levels to less than significant. Therefore, potential impacts are mitigated to a less than significant level and the City makes Finding 1 that "Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment."

### Facts in Support of Finding

Mitigation has been included requiring compliance with the City's construction noise thresholds. Project traffic volumes would not exceed any thresholds and impacts will be less than significant. However, noise levels at the hotel outdoor use area exceed the normally acceptable limits of 65

dBA CNEL by 3 dBA. Therefore, a noise barrier is required to be constructed to reduce noise to acceptable levels. The Project site is outside the Napa County Airport Master Plan 55 dBA CNEL noise contour and hotel guests and office/winery guests or employees will not be exposed to excessive noise levels. See §5.10 – Noise – pages 5.10-1 – 5.10-21. Therefore, with mitigation, best management practices and conditions of approval, potential impacts have been reduced to a less than significant level. See DEIR §5.10, pages 5.10-25 – 5.10-27.

### **Mitigation Measures**

The following Special Mitigation Measures, best management practices and conditions of approval have been included in the Draft EIR:

MM N-1	During the construction phase, the Project Applicant shall ensure that all construction activities shall comply with all requirements in Section 8.08.025 of the Napa Municipal Code, including limiting hours of construction to 7:00 a.m. to 7:00 p.m. Monday through Friday on weekdays and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays unless a permit shall first have been secured from the City Manager.
MM N-2	Prior to issuance of building permits, Project Applicant shall ensure that mechanical equipment associated with the winery component of the Project shall be selected and designed to reduce impacts on surrounding uses to meet the City's General Plan noise level thresholds for industrial land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the noise performance standard. Noise reduction measures could include but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers such as enclosures to block the line of sight between the noise source and the nearest receptors.
MM N-3	Prior to commencement of construction activities, Project Applicant shall notify adjacent building occupants of scheduled construction activities and schedule such activities during hours with the least potential to affect nearby occupants to the extent feasible.
MM N-4	During special events, the Project Applicant shall ensure all public address or sound amplification systems are operated consistent with the provisions of Sections 17.52.310 and Section 8.08.010 of the Municipal Code including the conditions of the Project use permit.

### **Best Management Practices**

- BMP-4 Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- BMP-5 Unnecessary idling of internal combustion engines should be prohibited.
- BMP-6 Utilize “quiet” air compressors and other “quiet” equipment where technology exists.
- BMP-7 Notify all adjacent businesses, residences and other noise-sensitive land uses of the construction schedule and provide a written schedule of “noisy” construction activities.
- BMP-8 Temporary plywood noise barriers or noise control blanket barriers should be erected if scheduling conflicts occur related to timing of construction activities to minimize impacts from noisy construction.
- BMP-9 Identify a contact name/number for a coordinator who would be responsible for responding to any complaints about construction noise. The coordinator will investigate the complaint and require that reasonable measures be implemented to correct the problem. The name/number should be posted at the construction site.

**Conditions of Approval**

- COA-1 A minimum 6-foot noise barrier shall be constructed to shield the hotel's outdoor use area. A 6-foot noise barrier would provide at least 5 dBA of noise reduction and would maintain exterior noise levels below the City of Napa's "normally acceptable" exterior noise level limit of 65 dBA CNEL.
- COA-2 A qualified acoustical engineer shall prepare a detailed analysis of interior noise levels resulting from all exterior sources during the design phase of the Project. The study will review the final site plan, building elevations and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dBA CNEL or lower. Treatments could include, but are not limited to, sound-rated windows and doors, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the Project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.
- COA-3 Provide sound rated windows to maintain interior noise levels at acceptable levels. Preliminary calculations show that sound-rated windows with minimum STC ratings of 26 to 30 would be satisfactory for rooms adjoining Napa Valley Corporate Way and SR 221 to achieve acceptable interior noise levels.
- COA-4 Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all hotel rooms so that windows can be kept closed to control noise.

**9. Population and Housing****Environmental Impact**

The proposed Project has the potential to generate 347 to 480 jobs as stated in the Review of Housing Impacts Report. However, the Project applicant has identified a proposed 190 total worker estimate based on actual anticipated employees required. Because the Project does not propose the construction of new housing to accommodate the potential need for employee housing, a significant impact could occur without mitigation.

**Finding 1**

The City's required affordable housing fee for new development has been applied to the proposed Project and mitigation requiring the payment of fees has been included in the DEIR. Therefore, potential impacts are mitigated to a less than significant level and the City makes Finding 1 that "Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment."

**Facts in Support of Findings**

The required affordable housing linkage fee, per the City's Affordable Housing Ordinance, may be used for, but not limited to, new construction of affordable units, acquisition of real property for the present or future development of affordable housing, conversion of existing market rate units to affordable units, preservation of existing affordable units, rehabilitation of affordable units at risk of loss subsidies for developers that will promote and encourage the development of affordable housing units or rental units affordable to extremely low, very low and low income households. See DEIR §5.11 – Population and Housing – pages 5.11-1 – 5.11-9. Therefore, with

the payment of the required fee, impacts due to population and housing will be less than significant. See DEIR §5.1 – page 5.11-8.

**Mitigation Measures**

To fulfill the City’s required affordable housing fee for new development, the following Special Mitigation Measure is included in the DEIR:

MM P/H-1	Prior to the issuance of a building permit, Applicant shall pay the City the affordable housing impact fee as calculated by the Chief Building Official and based on the methodology identified by the City Council for non-residential development.
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**10. Public Services****Environmental Impact**

The Napa Valley Commons corporate park is currently served by the Napa Police Department and the Napa Fire/Paramedic services. The Project lies within the corporate park boundaries. It is not anticipated that the Project will have a significant impact to these services; however, mitigation is provided to ensure payment of the City’s required fees for fire/paramedic services. Schools, parks and libraries may be impacted with the addition of workers who do not currently reside in the City and move to be nearer to their employment. School attendance records show a currently declining student population. Similarly, libraries are not anticipated to show an increase in use and attendance due to the potential additional worker population. Amenities on the Project site and within The Meritage Resort and Meritage Commons will provide hotel guests with recreational and outdoor activity opportunities thereby minimizing need for the use of City parks. Worker families moving into the area will reside in various areas of the City and there are no impacts likely to a particular park due to the additional population.

**Finding 1**

The payment of fire/paramedic fees as mitigation and compliance with the Uniform Fire Code, Standard Specifications and Standard Requirements will mitigate potential impacts. Therefore, potential impacts are mitigated to a less than significant level and the City makes Finding 1 that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.”

**Facts in Support of Findings**

The City’s Policy Resolution No. 27 includes mitigation related to fire and paramedic services and required for new construction related to safety measures to prevent fire dangers to residential and commercial buildings. See DEIR § 5.12 – Public Services, pages 5.12-1 – 5.12-10. Adherence to these regulations from Policy No. 27 will reduce potential impacts to less than significant. See DEIR §5.12, pages 5.12-7 – 5.12-8.

**Mitigation Measures**

The following Policy Resolution No. 27 standard mitigation measures have been incorporated into the DEIR:

MM PS-1	Developer shall pay the required fire and paramedic fees for new development in accordance with Napa Municipal Code Chapter 15.78. The fee for each unit of development within a development project shall be paid in full prior to the issuance of the building permit required for that unit of development. Such fees shall be payable at the rate in effect at the time of payment for the unit involved. The findings set forth in the ordinance and Resolution 94-106 are incorporated herein. The City further finds that calculation of the fee pursuant to the formula set forth therein demonstrates that there is a reasonable relationship between the fees imposed and the cost of improvements attributable to this Project.
MM PS-2	Developer shall comply with all applicable requirements of the Uniform Fire Code, the Fire Department and PWD Standard Specifications and the Fire Department "Standard Requirements for Commercial/Residential Projects," including, without limitation, the requirements for access, new construction, smoke detectors, fire extinguishers, and fire hydrants. Existing fire hydrants may be used to meet hydrant location requirements only if they meet or are changed to meet current hydrant specifications.
MM PS-3	All newly constructed buildings must have automatic sprinkler systems conforming to NFPA and City Standard Specifications, for which installation permit must be obtained from Fire Prevention. In multi-building complexes, or in buildings with three or more stories, special monitoring conditions will be required. Existing habitable buildings, which are retained, shall be retrofitted.
MM PS-4	The Developer of any project which proposes commercial occupancies shall secure approval from Fire Prevention and Building Departments prior to signing lease agreements and allowing occupancy of prospective occupants that pose possible fire and life safety hazards, or are classified by the Uniform Building Code as an H (hazardous) occupancy.

## **11. Transportation and Traffic**

### **Environmental Impact**

Project boundaries are adjacent to State Route 221 (Napa Vallejo Highway) to the east, Napa Valley Corporate Drive to the west and Napa Valley Corporate Way to the south. The Project will take access from two roadways – the office employees and visitors will utilize the unsignalized driveway on Napa Valley Corporate Drive (right-in and right-out movements only) and the hotel and winery will utilize the driveway on Napa Valley Corporate Way, an existing driveway on the north leg of Napa Valley Corporate Way and Bordeaux Way. Based on the Traffic Impact Analysis prepared for the Project, 2 of the 16 existing study area intersections operate at unacceptable levels of service. The same intersections operate at unacceptable levels of service under Existing Plus Project conditions. The Project will generate approximately 1,946 daily trips with 184 trips in the AM peak hour and 182 trips in the PM peak hour. The DEIR incorporates Policy Resolution No. 27 Standard Mitigation Measures (T-1 through T-4) and special mitigation measures (T-5 through T-12) to reduce impacts.

### **Finding 1**

The Project impact on the surrounding circulation system under existing and cumulative with Project conditions will be less than significant with implementation of Project mitigation measures requiring the "fair share" contribution for improvements at each of the impacted intersections. Therefore, potential impacts are mitigated to a less than significant level and the City makes Finding 1 that "Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment."

### **Facts in Support of Findings**

The City's General Plan Program EIR considered the anticipated growth and build-out of the Project vicinity based on the industrial park designation of Napa Valley Commons. Analysis has

shown that the proposed Project will result in traffic impacts. See DEIR §5.13 – Transportation and Traffic, pages 5.13-1 – 5.13-46. Implementation of planned and fully funded roadway improvements, plus additional mitigation identified for planned projects in the immediate vicinity, along with Project-required fees, will result in less than significant impacts due to traffic. See DEIR pages 5.13-43 – 5.13-44.

## Mitigation Measures

The following Standard Mitigation Measures per Policy Resolution No. 27 (T-1 through T-4) and Special Mitigation Measures (T-5 through T-12) have been incorporated in the Draft EIR.

MM T-1	All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the PWD Standard Specifications. Unless waived by the Public Works Director, street improvements shall include curbs, gutter, sidewalk, planting, streetlights, and street trees. Any additional right-of-way necessary to accommodate these improvements shall be dedicated to the City.
MM T-2	During non-working hours, open trenches shall be provided with appropriate signage, flashers and barricades approved by the Street Superintendent to warn oncoming motorists, bicyclists and pedestrians of potential safety hazards.
MM T-3	All road surfaces shall be restored to pre-Project conditions after completion of any Project-related pipeline installation activities.
MM T-4	To mitigate the cumulative impact of the traffic generated by the subject Project on the City's arterial and collective street system, the Developer shall pay a Street Improvement Fee in accordance with Napa Municipal Code Chapter 15.84 and implementing resolutions to pay for the traffic improvements identified therein. Such fee shall be payable at the rate in effect at the time of payment. The findings set forth in the ordinance and implementing resolutions are incorporated herein. The City further finds that the calculation of the fees in accordance with the trip generation capacity of development demonstrates there is a reasonable relationship between the amount of the fees imposed and the cost of the street improvements attributable to this Project.
MM T-5	Prior to issuance of Certificates of Occupancy, the Project Applicant shall pay a 1.84% fair share contribution to the following improvement: provide additional northbound and southbound through lanes and optimization of signal timing at the intersection of SR 221/Kaiser Road.
MM T-6	Prior to issuance of Certificates of Occupancy, the Project Applicant shall pay a 3.43% fair share contribution to the following improvement: provide additional northbound and southbound through lanes and optimization of signal timing at the intersection of SR 221/Napa Valley Corporate Way.
MM T-7	Prior to issuance of Certificates of Occupancy, the Project Applicant shall pay a 2.12% fair share contribution to the following improvement: replace the existing signal by constructing a fully grade-separated interchange or roundabout at the intersection of SR 12-SR 29/SR 221.
MM T-8	Prior to issuance of Certificates of Occupancy, the Project Applicant shall pay an 11.20% fair share contribution to the following improvement: restripe westbound approach to one left-turn lane, one shared through/left-turn lane, and one right-turn lane at the intersection of Napa Valley Corporate Drive/Napa Valley Corporate Way.
MM T-9	Prior to issuance of Certificates of Occupancy, the Project Applicant shall pay 100% of the cost of the following cumulative impact improvement: installation of a traffic signal or a roundabout at the intersection of Napa Valley Corporate Way/Bordeaux Way.
MM T-10	Prior to issuance of Certificates of Occupancy, the Project Applicant shall pay a 2.09% fair share contribution to the following improvement: provide an additional through lane in the northbound and southbound direction and optimization of signal timing at the intersection of SR 221/Streblow Drive.
MM T-11	Prior to issuance of Certificates of Occupancy, the Project Applicant shall pay a 1.73% fair share contribution to the following improvement: provide an additional through lane in the northbound and southbound and optimization of signal timing at the intersection of SR 221/Magnolia Drive.

MM T-12	Prior to issuance of Certificates of Occupancy, at the intersection of Soscol Avenue (SR 221)/Imola Avenue (SR 121) under Existing plus Project conditions, the Project Applicant shall pay a 1.39% fair share contribution to the following improvement: optimization of signal timing. Under Cumulative Plus Project conditions, the Project Applicant shall pay a 1.68% fair share contribution for an additional through lane in the northbound and southbound direction and signal timing optimization.
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## 12. Utilities and Service Systems

### Environmental Impact

The Project site is within the substantially built-out Napa Valley Commons corporate park and is served by existing utilities and service systems. The Project will connect to existing transmission lines, sewers, electrical and gas service provider facilities. Wastewater treatment for industrial waste from the winery will be provided on site and filtered water will be stored in tanks and used for irrigation. The Project will cause an incremental increase in the amount of water, gas and electricity to serve the hotels, winery and office facilities. The Project includes Mitigation Measures U-1 through U-11 to reduce impacts due to Project implementation.

### Finding 1

The City's Standard Mitigation Measures per Policy Resolution No. 27 has been incorporated in the DEIR to ensure compliance with measures designed to reduce impacts to utilities and service systems from new development. Therefore, potential impacts are mitigated to a less than significant level and the City makes Finding 1 that "Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment."

### Facts in Support of Findings

Standard Mitigation Measures provide for design and construction methods to ensure existing and new utility systems are protected and construction is in accordance with applicable codes and ordinances. See DEIR §5.15 – Utilities and Service Systems – pages 5.15-1 – 5.15-9. The Project will comply with the City's Public Works Department for the design and construction of storm water conveyance facilities to ensure protection of water quality. Implementation of the City's standard mitigation measures will result in the Project's impacts being reduced to less than significant in the area of utilities and service systems. See DEIR §5.15, pages 5.15-6 – 5.15-7. No special mitigation measures are required.

### Mitigation Measures

The following Standard Mitigation Measures per Policy Resolution No. 27 have been incorporated into the Draft EIR.

MM U-1	Prior to trenching within existing roadway areas, the Developer's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such systems.
MM U-2	Water and energy conservation measures shall be incorporated into Project design and construction in accordance with applicable codes and ordinances.



MM U-3	The Project shall be connected to the Napa Sanitation District for sanitary sewer service. If the subject property is currently served by individual sewage disposal systems, the septic systems, setbacks and reserve areas must be protected and maintained during cleaning, grading, construction and after connection to the District, the existing septic tank(s) shall be properly destroyed.
MM U-4	The Project shall be connected to the City of Napa water system. Any existing well must be properly protected from potential contamination. If an existing well is to be destroyed, a well-destruction permit must be obtained from the Napa County Department of Environmental Management by a licensed well driller. If an existing well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water District's specifications.
MM U-5	The Project shall be designed and built in accordance with the PWD Standard Specification regarding the adequate conveyance of storm waters.
MM U-6	All faucets in sinks and lavatories shall be equipped with faucet aerators designed to limit the maximum flow to 2.2 gallons per minute.
MM U-7	All showerheads shall be of a design to limit the maximum flow to 2.5 gallons per minute.
MM U-8	The Developer shall completely offset the water requirements of this Project by complying with the retrofit requirements of Napa Municipal Code Chapter 13.09.
MM U-9	During the construction/demolition/renovation period of the Project, Developer shall use the franchised garbage hauler for the service area in which the Project is located to remove all wastes generated during Project development, unless Developer transports Project waste. If the Developer transports the Project's waste, Developer must use the appropriate landfill for the service area in which the Project is located.
MM U-10	Developer shall provide for the source separation of wood waste for recycling. Developer shall use the franchised garbage hauler for the service area in which located for collection of such wood waste, unless the Developer transports such wood waste to a location where wood waste is recycled.
MM U-11	A recycling/solid waste enclosure shall be provided in accordance with Chapter 17.102, et seq. of the Napa Municipal Code for all commercial, industrial, and multi-family projects with common solid waste facilities.

## B. Significant Unavoidable Adverse Impact

The following summary describes the significant, unavoidable adverse impact of the proposed project:

### Greenhouse Gas Emissions

#### Environmental Impact

The project will add direct construction emissions and long-term operational emissions above the BAAQMD's significance threshold of 1,100 metric tons per year or 4.6 metric tons per capita. In addition, the proposed project combined with "related projects" in the project vicinity will further contribute to an exceedance of GHG emissions resulting in a cumulative impact. The primary sources of GHG emissions generated by the Project will be from vehicular traffic within the Project vicinity, energy and water usage and solid waste disposal. The winery component would result in CO<sub>2</sub> emissions from the fermentation of grapes.

Mitigated *short-term construction* emissions are anticipated to be 950 MTCO<sub>2e</sub> per year, which is below the BAAQMD standard of 1,100 MTCO<sub>2e</sub> per year or 4.6 MTCO<sub>2e</sub> per capita. However, mitigated GHG emissions for *long-term operational* emissions are estimated at 2,058 MTCO<sub>2e</sub> per year or 10.8 MTCO<sub>2e</sub> per capita, which would exceed the threshold of 4.6 MTCO<sub>2e</sub> per capita and the impact would remain significant and unavoidable, even with mitigation, which is anticipated to reduce emissions by 219 MTCO<sub>2e</sub>.

**Finding 3**

The City hereby makes Finding 3 that “specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” There are no feasible mitigation measures to reduce this impact to a less than significant level. Therefore, this impact is significant and unavoidable and would require the City to adopt a Statement of Overriding Considerations if the City approves the project.

**Facts in Support of Finding**

The size of the project is such that operational GHG emissions will exceed the BAAQMD significance level threshold (1,100 MT CO<sub>2</sub>(e)) by a large margin (1,058 MT per year). This exceedance is due, in large measure, to mobile emissions (vehicular traffic) and, to a lesser extent, the energy consumption for hotel workers and guests. See DEIR §5.6 – Greenhouse Gas Emissions – pages 5.6-1 – 5.6-15. Implementation of Mitigation Measure GHG-1 and Project Design Features will result in a reduction of 219 MTCO<sub>2e</sub> annual emissions but operational emissions cannot be reduced below the BAAQMD threshold and the impact remains significant and unavoidable. See DEIR §5.6, pages 5.6-12 – 5.6-13.

**Feasibility**

Analysis has shown that, even with the incorporation of Mitigation Measures and project design features, the emissions will still be above BAAQMD threshold levels and the impact remains significant and unavoidable. See DEIR §5.6, pages 5.6-13 – 5.6-14. There are no feasible project-specific mitigation measures that will further reduce impacts due to GHG emissions.

**Mitigation Measures**

Mitigation Measure MM AQ-1 (Air Quality) requires implementation of best management practices that minimize idling times and maintaining all equipment to run in proper condition. Special Mitigation Measure GHG-1 and GHG-2, along with Project Design Features, have been incorporated into the DEIR to reduce GHG emissions. The Mitigation Measures and Project Design Features follow:

**MM GHG-1** Prior to the issuance of building permits, the City shall ensure that building plans reflect the following measures are to be implemented in the areas of Transportation, Energy-Efficiency, Water and Waste Consumption Measures to Reduce Project GHG Emissions.

1. Ensure that all winery-related industrial wastewater is treated on-site and institute a program to reduce indoor and outdoor water use by at least 20%;
2. Institute a program to ensure that 2013 Title 24 energy standards (used by the CalEEMod model) for energy use and lighting are exceeded by at least 20%. Adherence to CalGreen 2016 Title 24 energy standards and other measures would be necessary including, but not limited to:
  - a. Sensors shall be installed in all rooms that detect if a guest is in the room and activate the HVAC.
  - b. A separate system requires the guest room key to be inserted for the lights to work in the hotel rooms.
  - c. LED lights installed throughout
  - d. All new appliances would be energy efficiency rated for the hotel;

3. Instate a recycling and compost program that would divert at least 20% of waste created on-site.

**MM GHG-2** Prior to issuance of certificates of occupancy, Applicant shall ensure that the following Project Design Features are incorporated into the Project:

- Designate at least 53 clean air vehicle (i.e. electric vehicle) parking spaces
- Plant at least 430 new trees on the Project site
- Expand a shuttle program that would reduce project trip generation by at least 180 trips per day

## **VI. Findings Regarding Alternatives**

The DEIR identifies project specific objectives (page 4-68) which include:

- Implement the City's General Plan
- Provide a high quality mixed-use project consistent with the intent of the City of Napa Zoning Code
- Provide a safe access at the Project site including adequate wayfinding information for vehicular access to and within the Project site
- Provide safe pedestrian and bicycle access within the Project site
- Design a project consistent with the Napa Valley Commons Design Guidelines

The goal of the Alternatives analysis is to reduce or eliminate the environmental effects of the proposed Project that have been identified in the analytical portions of the DEIR.

### **A. Alternatives Considered and Rejected During the Scoping/Project Planning Process**

#### **1. Alternative Project Location**

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the DEIR (CEQA Guidelines §15126.6(f)(2)(A)).

The surrounding area is nearly built-out, and few larger tracts of vacant land remain for development within this area. The project site was designated in the City's General Plan as Corporate Park (CP). This designation provides for uses such as manufacturing, warehousing, office and public and quasi-public uses. Hotel, winery and office uses are also permitted in the CP designation. The Project site is part of three hotel developments within the Napa Valley Commons corporate park along with The Meritage Resort and Meritage Commons. Because another site that meets the project objectives was not available or owned by project applicant, this Alternative was not considered.

### **B. Alternatives Selected for Further Analysis**

In accordance with CEQA Guidelines §15126.6, "An EIR shall describe a range of reasonable alternatives to the project . . ." including the "No Project" alternative. The following alternatives

have been determined to represent a reasonable range of alternatives to supplement the alternatives presented in the DEIR. The Alternatives presented could potentially attain most of the basic objectives of the project and have the potential to avoid or substantially lessen one or more of the significant effects of the project.

## **1. Alternative 1 - No Project Alternative**

### **Description**

This Alternative allows decision makers to compare the impacts of approving the Project with the impacts of not approving the Project and leaving the site in its current condition. The No Project Alternative assumes that the Project would not be built as described in this EIR. A review of the No Project Alternative must be included in every EIR pursuant to state law. With this Alternative, there would be no impacts as stated in the DEIR with the proposed Project. The site for the proposed Project is designated Corporate Park in the General Plan Land Use Element. This category permits manufacturing, warehousing and office, public and quasi-public uses, and similar compatible uses in a campus-like setting. Development in this designation is required to have integrated design requirements, including extensive landscaping and unifying design features.

### **Environmental Effects**

Because the Project site is largely undeveloped, with the exception of the presence of shrubs, grasses, and trees that are regularly groomed, the No Project Alternative would not involve any new or additional environmental impacts.

### **Ability to Achieve Project Objectives**

This Alternative would not meet the following goals and objectives:

- Comply with the City's General Plan – The proposed Project is part of a larger development called Napa Valley Commons corporate park. This area was envisioned in the General Plan for the type of development that currently exists. The No Project Alternative does not support the completion of the corporate park as intended and allows the currently vacant Project site to be underutilized in terms of consistency with the General Plan land use designation and intention.
- Provide a high quality mixed use project consistent with the intent of the City of Napa Zoning Code – The vacant Project site is designated and zoned for uses compatible with the corporate park, and the proposed Project meets the definitions for the proposed uses. The proposed Project supports the vision of the City for the build-out of the corporate park with uses that complement the vision and type of use intended. The No Project Alternative does not advance the intention of allowing the designated and permitted uses to be developed.
- Design a project consistent with the Napa Valley Commons Design Guidelines – The corporate park design envisions a fully utilized and developed industrial area with additional complimentary and consistent uses. The No Project Alternative would allow the 11.55-acre site to remain undeveloped and underutilized.

**Feasibility**

The No Project Alternative, while feasible, would not provide the benefits outlined with the Project as proposed. The site was intended for development as part of the larger corporate park and impacts were generally identified in the City's General Plan EIR. The No Project Alternative would not reflect the City's intent for the corporate park and deprive the City of the fees related to the Project which would provide improvements for plans and programs to reduce impacts from development.

**Finding**

The No Project Alternative would avoid the proposed Project's one significant and unavoidable impact relating to greenhouse gas emissions, because it would not result in any new greenhouse gas emissions.

With respect to the proposed Project's less than significant environmental effects, the No Project Alternative would also avoid the proposed Project's less-than-significant transportation and traffic impacts because no vehicle trips would occur. Impacts would be marginally fewer with the No Project Alternative in the areas of aesthetics, air quality, biological resources, geology and soils, noise, and utilities and service systems. Similar or the same impacts would occur with cultural resources, hazards and hazardous materials, and tribal cultural resources, because there would be no impacts in these areas with either this Alternative or the proposed Project.

The proposed Project is superior in the areas of hydrology and water quality and population and housing because the Project would provide additional and/or updated drainage systems and enhanced water quality control and also provide funding for the City to expand its affordable housing programs to meet the needs of lower income families.

The No Project Alternative does not meet the Project's stated goals for providing a high quality mixed use project that implements the City's General Plan and is consistent with the Napa Valley Commons Design Guidelines. The Project site, which is designated as part of the Napa Valley Commons corporate park, would remain under-utilized if no development were to occur. Therefore, the No Project Alternative has been rejected by the City.

**2. Alternative 2 – Reduced Intensity/Reduced Hotel Size****Description**

This Alternative reduces the hotel component from a dual brand hotel consisting of a total of 253 units to a single brand consisting of 100 units. The other Project components, including the winery and the office building, would remain as identified in the proposed Project.

**Environmental Effects**

Under this Alternative, impacts would be the same or similar in the areas of aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, tribal cultural resources, and utilities and service systems.

The Reduced Density Alternative is environmentally superior to the proposed Project because it would result in fewer impacts in the areas of biological resources, greenhouse gas emissions, land use and planning, transportation and traffic.

**Ability to Achieve Project Objectives**

This Alternative would not meet the Project objectives:

- Implement the City's General Plan – The proposed Project is part of a larger development called Napa Valley Commons corporate park. This area was envisioned in the General Plan for the type of development that currently exists and was analyzed by the City. The Reduced Density Alternative does not support the completion of the corporate park as intended and allows the currently vacant Project site to be underutilized in terms of consistency with the General Plan land use designation and intention. The General Plan permits a development intensity of 0.40 FAR (floor area ratio). As proposed, the Project would use a combined average in conjunction with the Meritage Resort and Meritage Commons, which are all under the same ownership. That would result in a 0.38 FAR, consistent with the maximum permitted by the General Plan. With this Alternative, the Project site would be under-utilized and the allowable development limits would not be reached.
- Provide a high quality mixed-use project consistent with the intent of the City of Napa Zoning Code and designed consistent with the Napa Valley Commons Design Guidelines – The Reduced Density Alternative proposes construction of a studio style hotel in the Industrial Park (IP-A) zoning district. The corporate park also includes The Meritage Resort and Meritage Commons, which provide full-service resort-style accommodations. However, the proposed Project would provide two hotels styled and priced for families and business class guests, including a suites hotel and a single-room style hotel. The Reduced Density Alternative eliminates the single-room hotel, thereby reducing a hotel style choice that is more accessible to budget-conscious travelers. In addition, the Napa Valley Commons Design Guidelines were updated in 2016 to reflect the evolution of the area from a strictly industrial area to a mixed use corporate park including uses ranging from the resort and hospitality sector to wine and food industry. The Project site size allows for the development that encompasses a greater mix of uses with the provision of two select service hotels. This Alternative offers only one choice.

**Feasibility**

This Alternative would not be consistent with the City's General Plan intent for the build-out of Napa Valley Commons corporate park to the function, design and density envisioned in the General Plan. Although not a specified goal, this Alternative would fail to provide hotel pricing that is more available to budget-conscious families and individual travelers. While the mixed-use component would remain with this Alternative and not exceed the General Plan Floor Area Ratio (FAR), the site would be under-utilized in terms of providing hotel space for a greater number of visitors. With one hotel, the FAR would be less than permitted by the General Plan. The Project, by contrast, utilizes the site to the fullest extent by building two select service hotels, each with unique characteristics and amenities.

**Finding**

This area was envisioned in the General Plan for the type of development that currently exists and was analyzed by the City. The Napa Valley Commons Design Guidelines allow the evolution

of the corporate park to mixed uses with an emphasis on resort and hospitality developments to wine and food provision. The proposed Project maximizes those goals while this Alternative limits the permitted development intensity to a single hotel. The Reduced Density Alternative does not support the completion of the corporate park as intended and allows the currently vacant Project site to be underutilized in terms of consistency with the General Plan land use designation and intention because the site will not be built to its greatest potential. Therefore, the City has rejected Alternative 2.

## **Statement of Overriding Considerations Trinitas Mixed-Use Project**

### **Introduction**

The City of Napa is the Lead Agency under CEQA responsible for preparation, review and certification of the Final EIR for the Trinitas Mixed-Use Project. As the Lead Agency, the City is responsible for determining the potential environmental impacts of the proposed action and, if it determines that approval of the project would result in one or more significant impacts, to balance the benefits of the project against its significant impacts in determining whether or not to approve the project. See Public Resources Code §21081. In making this determination, the City is guided by CEQA Guidelines §15093 which provides as follows:

15093. Statement of Overriding Considerations.

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits including region-wide or statewide environmental benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Pursuant to Public Resources Code §21081(b) and the CEQA Guidelines §15093, the City has balanced the benefits of the Project against the following unavoidable adverse impact associated with the Project and adopts this Statement of Overriding Considerations to support its approval of the Project.

### **Significant Unavoidable Adverse Environmental Impacts**

The City has determined that its approval of the proposed Project would result in one significant environmental impact relating to the Project’s anticipated emissions of greenhouse gases, which cannot be feasibly mitigated to a less-than-significant level. Mitigation measures were identified to reduce the severity of this environmental impact and included within the Mitigation Monitoring and Reporting Program, and adopted by the City as Lead Agency. However, even with implementation of the measures, the City finds that the impact cannot be reduced to a level of less than significant. The impacts and alternatives are described below and were also addressed in the Findings.

The DEIR identified the following unavoidable adverse impacts of the proposed Project.



**Greenhouse Gas Emissions**

The proposed Project includes feasible Mitigation Measures and project design features to reduce GHG emissions. (DEIR §5.6-1, pages 5.6-12 and 5.6-13) However, the size of the project is such that operational GHG emissions will exceed the BAAQMD significance level threshold (1,100 MT CO<sub>2</sub>(e)) by a large margin (1,058 MT per year). This exceedance is due, in large measure, to mobile emissions from vehicular traffic and, to a lesser extent, to energy consumption for hotel workers and guests. Implementation of Mitigation Measure GHG-1 and Project Design Features have been designed to reduce energy consumption and Project Design Features designed to reduce mobile source emissions will result in a reduction of annual emissions but operational emissions cannot be reduced below the BAAQMD threshold and the impact remains significant and unavoidable. All feasible Mitigation Measures to further reduce impacts were analyzed; however, there are no feasible Mitigation Measures that would reduce emissions below the significance threshold.

The construction of the immediate vicinity projects (Napa Pipe and Meritage Commons) will further contribute to an exceedance of GHG emissions and, therefore, cumulative impacts remain significant and unavoidable.

**Alternatives**

The DEIR evaluated two Project Alternatives including the No Project Alternative and the Reduced Intensity/Reduced Size Hotel. While the No Project Alternative would lessen and avoid some of the unavoidable impacts of the proposed Project, it would not achieve most of the project objectives.

The No Project Alternative does not meet most of the project objectives because it would not comply with the City's General Plan which envisioned the Napa Valley Commons corporate park as a fully built out development. The Project site, designated for industrial park uses, would be underutilized. The No Project Alternative would also fail to provide a high quality of mixed uses consistent with the intent of the City's Zoning Code. The site is zoned for uses compatible with the corporate park and this alternative would not advance the intent of allowing designated uses to be developed. In addition, the Napa Valley Commons Design Guidelines envision a fully utilized industrial area which would not result if no project were developed.

The remaining project alternative presented in the DEIR, the Reduced Intensity/Reduced Size Hotel Alternative, would reduce Project impacts in the areas of biological resources, greenhouse gas emissions, land use and planning and transportation and traffic. Impacts would be similar in the areas of aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, tribal cultural resources and utilities and service systems.

The No Project Alternative would be the most successful in reducing the level of significant impacts associated with the proposed Project, including the unavoidable adverse impacts associated with greenhouse gas emissions. As required by CEQA Guidelines §15126.6(e)(2), if the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the others analyzed. Chapter 6.7 – Environmentally Superior Alternative – in the DEIR indicates that the Reduced Intensity/Reduced Size Hotel Alternative is the superior alternative. For purposes of this analysis, Alternative 2 – Reduced Intensity/Reduced Size Hotel would meet several of the Project objectives and substantially reduce the significant impact in the area of greenhouse gas emissions and traffic. However, the resultant GHG emissions reductions would not reduce impacts to a significance level below established

thresholds. Therefore, the Reduced Intensity/Reduced Size Hotel Alternative would lessen but not avoid the proposed Project's significant impact of GHG emissions and GHG emissions would remain above BAAQMD thresholds. All remaining impacts under this Alternative would be less than significant with mitigation. Therefore, Alternative 2 is considered the environmentally superior alternative.

### **Overriding Considerations**

In accordance with Public Resources Code §21081(b) and CEQA Guidelines §15093, the City has balanced the specific economic, legal, social, technological and other benefits of the proposed Project and determined that the unavoidable adverse environmental impacts identified above may be considered acceptable due to the following specific considerations, which the City has determined outweigh the Project's unavoidable adverse environmental impacts. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the Project. The benefits of the Project include:

- Provide an additional level of hotel service that will meet a broader range of economic price points for guests in addition to fill a need within the economic market (DEIR page 4-12 – Project Description)
- Maintain consistency with the type of development already established in the Napa Valley Commons corporate park (DEIR page 5.9-18 – paragraph 4)
- Include shared amenities with The Meritage Resort and Meritage Commons to provide a more diverse experience where guests can enjoy food and wine experiences within the Village of the Meritage Commons. The select service hotels at Trinitas do not provide full-service restaurant facilities. However, the existing shuttle service for the Meritage Resort will be increased to accommodate stops at the Trinitas hotels for access to downtown Napa. (DEIR page 4-61 – Sub-Section 4.3.8)
- Provide additional taxes and special fees to the City to implement and support a variety of services to its residents (DEIR page 5.12-8 – Sub-Section 5.12.5 2 – Fire/Paramedic Services; DEIR page 5.13-36, Table 5.13-9 – Impact Summary)