

1. Introduction

Pursuant to *California Public Resources Code* §21082.1, the City of Napa (City) has independently reviewed and analyzed information contained in this Draft Environmental Impact Report (DEIR) prior to its distribution. Conclusions and discussions contained herein reflect the independent judgment of the City as to those issues known at the time of publication.

1.1 Purpose of the DEIR

This DEIR has been prepared as a Project EIR on behalf of the City of Napa to evaluate the environmental consequences, the mitigation measures, and the Project alternatives associated with the proposed Trinitas Mixed-Use development. The proposed Project requires the following discretionary actions:

City of Napa

- Planned Development Overlay
- Conditional Use Permit for a hotel in IP-A
- Conditional Use Permit for a winery in IP-B
- Major Design Review

Airport Land Use Commission

- Consistency Determination

It is intended that this DEIR be considered in the decision-making process for this Project, along with other information presented on the Project such as at public proceedings on the Project. Pursuant to California Environmental Quality Act (CEQA) Guidelines §15200, this DEIR will serve the following purposes of review.

1. Sharing expertise,
2. Disclosing agency analyses,
3. Checking for accuracy,
4. Detecting omissions,
5. Discovering public concerns, and
6. Soliciting counter proposals.

1.2 Statutory Authority

This DEIR has been prepared in accordance with the CEQA statutes, as amended (*Public Resources Code* §21000, et seq.). In accordance with CEQA Guidelines §15146, the degree of specificity required in an EIR must correspond to the actions sought to be covered by the EIR. In accordance with CEQA Guidelines §15050, the City of Napa is the Lead Agency for this DEIR.

The DEIR identifies and discusses every significant impact, mitigation measure, and Project alternative with relationship to this Project, using best efforts to forecast, while incorporating requests by the public and responsible agencies for consideration of specific mitigation measures and/or alternatives.

The mitigation measures included in this DEIR are designed to avoid or reduce the environmental impacts described herein. Mitigation measures are structured in accordance with §15370 of the CEQA Guidelines. This section refers to effects on the physical environment, as opposed to other types of effects (e.g., economic and social effects) that may arise as a result of this Project or that may be of interest to the public and decision makers generally. Accordingly, the mitigation measures have been structured to meet the following criteria:

- Avoiding the impact altogether by not taking a certain action or parts of an action
- Minimizing the impact by limiting the degree or magnitude of the action and its implementation
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action
- Compensating for the impact by replacing or providing substitute resources or environments

1.3 CEQA Process

CEQA requires agencies to prepare EIRs and other environmental documentation “as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (CEQA Guidelines §15004(b)). The first step in the CEQA process is the preparation of an Initial Study (IS). However, if the lead agency can determine that an EIR will clearly be required for the project, an initial study is not required (CEQA Guidelines §15063(a)). An Initial Study Checklist was prepared specifically for the purpose of identifying which environmental topics would be analyzed in the EIR. A Notice of Preparation (NOP) was prepared and distributed for review on June 30, 2017 and is provided as Appendix A herein. Time limits mandated by state law required a 30-day review period; therefore, the review period ended on July 31, 2017. The purpose of the NOP was to provide public information and to elicit responses on matters to be studied in the DEIR. The comment letters are

included in this DEIR in Appendix B. The NOP was filed with the Napa County Clerk-Recorder, posted on the Project site, posted on the City’s website, and sent via U.S. mail to approximately 100 public agencies, adjacent residences, and interested parties. Four public agencies and no residents or interested parties responded with comments during the NOP review period. A summary of the main comments provided during the NOP review period is included in Table 1-1 below, along with a notation of where the issue is addressed in the DEIR.

Table 1-1 NOP Comment Summary

Comment	Where Comment is Addressed in DEIR
General compatibility of proposed land uses with airport operations Potential for hazards to flight; Exposure to risk for persons occupying the Project; and overflight compatibility.	Section 5.7 - Hazards and Hazardous Materials
Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.	Section 5.3 - Biological Resources
Encroachments into riparian habitats, wetlands or other sensitive areas.	Section 5.3 - Biological Resources
Area and plans for any proposed buildings/structures, ground-disturbing activities, fencing, paving, stationary machinery, landscaping, and storm water systems.	Section 5.3 - Biological Resources
Conduct surveys for potentially occurring special status species.	Section 5.3 - Biological Resources
Conduct botanical surveys during the blooming period for special-status plant species, including those listed by the California Native Plant Society.	Section 5.3 - Biological Resources
Identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts on Biological Resources associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, §15355).	Section 5.3 - Biological Resources
If suitable Swainson's hawk nesting habitat is present within or surrounding the proposed Project area, the draft EIR should specify that protocol-level surveys will be conducted during the hawk nesting season. Take measures to preserve or mitigation in the event that habitat is present.	Section 5.3 - Biological Resources
Obtain a Lake and Streambed Alteration Agreement (LSAA) for Project-related activities within any 1600-jurisdictional waters within the proposed Project area.	Section 5.3 – Biological Resources
Compliance with AB52 for tribal consultation and implementation of requirements.	Section 5.14 – Tribal Cultural Resources
Compliance with SB18 for Best Practices.	Section 5.4 – Cultural Resources Section 5.14 – Tribal Cultural Resources

Comment	Where Comment is Addressed in DEIR
Compliance with NAHC Recommendations for Cultural Resources Assessments.	Section 5.4 – Cultural Resources Section 5.14 – Tribal Cultural Resources
Prepare a Mitigation Monitoring Program including provisions for inadvertently discovered archeological resources, cultural resources, and human remains.	Section 5.4 – Cultural Resources Section 5.14 – Tribal Cultural Resources
Provide a Traffic Impact Study and travel demand analysis of vehicle miles traveled.	Section 5.13 – Transportation/ Traffic
Provide queue analysis to determine if existing Northbound left-turn lanes and Southbound right turn lanes at the intersection of SR 221 and Napa Valley Corporate Way have sufficient storage for new vehicle trips generated by the Project.	Section 5.13 – Transportation/ Traffic
Incorporate Caltrans recommended measures to help promote smart mobility and reduce regional vehicle miles traveled.	Section 5.13 – Transportation/ Traffic
Identify potential safety issues for all road users should be identified and fully mitigated.	Section 5.13 – Transportation/ Traffic
Evaluate the Project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance. Include countermeasures and trade-offs resulting from mitigating vehicle miles traveled increases.	Section 5.13 – Transportation/ Traffic
Identify Project-generated traffic and estimate the costs of public transportation improvements necessitated by the proposed Project; viable funding sources such as development and/or transportation impact fees should also be identified.	Section 5.13 – Transportation/ Traffic

In addition, a Scoping Meeting was held July 24, 2017, in the City of Napa Council Chambers 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. At that meeting, the process for commenting on the DEIR was described and attendees were notified that a public meeting would be held by the City Council to consider the DEIR.

The Scoping Meeting was only attended by City staff, along with the applicant. Comments were solicited from the meeting attendees. There were no responses provided during the Scoping Meeting.

This DEIR will be distributed to affected agencies, surrounding cities, and interested parties for a 45-day review and comment period in accordance with CEQA Guidelines §15087. Upon completion of the 45-day public review period, written responses will be prepared to all comments received on the DEIR during the public review period. These comments and responses, along with the Mitigation Monitoring and Reporting Program for the Project, will constitute the Final EIR for the Project. In accordance with CEQA Guidelines, written responses to comments from public agencies will be made available to those agencies at least

10 days prior to the public hearing with the City Council, at which time certification of the Final EIR would be considered.

It should be noted that the environmental impacts of a project may not always be mitigated to a less than significant level. When this occurs, impacts are considered significant unavoidable impacts. If a public agency approves a project that has significant unavoidable impacts, the Lead Agency shall state in writing the specific reasons for approving the project based on the Final EIR and any other information in the public record for the project. This is termed a “Statement of Overriding Considerations” in accordance with CEQA Guidelines §15093, and is used to explain the specific reasons the benefits of the proposed Project make its significant unavoidable impacts acceptable. The Statement of Overriding Considerations is prepared after the Final EIR has been completed, but before action to approve the project has been taken.

1.4 Incorporation by Reference

Certain documents are to be incorporated by reference into this DEIR pursuant to CEQA Guidelines §15150. Where a document is incorporated by reference, its pertinent sections will be briefly summarized and referenced in the relevant sections in this DEIR. The following documents are among those incorporated by reference herein:

- City of Napa General Plan
- City of Napa General Plan EIR
- City of Napa Zoning Ordinance
- City of Napa Standard Mitigation Measures
- Napa Valley Commons Design Guidelines

The City’s General Plan Program EIR (PEIR) considered the anticipated growth and build-out of the Project vicinity based on the industrial park designation. Contributions to environmental impacts based on the anticipated development of the entire area were identified, and mitigation was provided in the PEIR. Copies of all documents incorporated by reference are available for public review at the City of Napa, Community Development Department, 1600 First Street, Napa, CA 94559.

1.5 Issues to be Resolved

CEQA Guidelines §§15123(b)(2) and (3) require that the DEIR summary identify areas of controversy known to the lead agency, issues raised by agencies and the public, and issues to be resolved, including the choice among alternatives and whether or how to mitigate significant impacts.

Issues to be resolved that are known or have been called to the attention of the City during the NOP process are noted below. Issues raised during the NOP comment period are:

- Provide Vehicle Miles Traveled (VMT) analysis compared to Level of Service (LOS) (Caltrans)
- Examine Tribal Cultural Resources (NAHC)

It is recognized that other issues may be raised during the review and hearing process that were not and could not have been known at the time of the publication of this DEIR. These will be addressed to the extent required by law in the preparation of the Final EIR and in the deliberation process.

1.6 Disagreement among Experts

This DEIR contains substantial evidence to support all of the conclusions presented herein. That is not to say that there will not be disagreements with these conclusions. The CEQA Guidelines and, more particularly case law, clearly provide the standards for treating disagreement among experts. Where evidence and opinions of experts conflict on an issue concerning the environment, and the agency knows of these controversies in advance, the DEIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision-makers to take intelligent account of the environmental consequences of their action.

It is also possible that evidence will be presented during the DEIR review that might create disagreement. This evidence is considered by the decision-makers during the public hearing process. In rendering a decision on a project where there is disagreement among experts, the decision-makers are not obligated to select the most conservative or environmentally protective option. They may give more weight to one expert than another, and resolve a dispute among experts through the exercise of their collective good faith judgment. In their proceedings, they must consider the comments received and address objections, but need not follow said comments or objections so long as they state the basis for their decision and that decision is supported by substantial evidence.

1.7 Thresholds of Significance

The state does not require that local agencies adopt their own thresholds of significance. In this regard, the City relies on the state's CEQA Environmental Checklist. In addition, in some areas, the City relies on its General Plan, codes, and ordinances as thresholds of significance.

1.8 Project Alternatives

Chapter 6 of this Draft EIR presents alternatives that have been designed to alleviate identified environmental impacts. These alternatives consist of the No Project Alternative and the Reduced Intensity/Reduced Hotel Size Alternative. Both alternatives have been measured against the stated objectives of the proposed Project and in accordance with CEQA Guidelines §15126.6, the alternatives must be able to attain most of the basic objectives of the Project.

The alternatives focus on approaches capable of eliminating significant environmental impacts associated with the proposed Project including, but not limited to, air quality, aesthetics, and traffic, or reducing them to a level of insignificance. Consistent with CEQA Guidelines §15126.6, an EIR need only address those alternatives that are actually capable of reducing or eliminating one or more significant physical environmental effects brought on by the project, as proposed. A comprehensive analysis of project alternatives, including the identification of the environmentally superior alternative, is provided in Chapter 6.

1.9 Availability of Draft EIR, Technical Appendices, and Administrative Record

The DEIR, Technical Appendices, and the Administrative Record for the proposed Project are available at the City of Napa, Community Development Department, 1600 First Street, Napa, CA 94559.

This DEIR may also be viewed on the City's website at:

www.cityofnapa.org

