EXHIBIT B

CEQA FINDINGS OF FACT
OF THE CITY COUNCIL OF
THE CITY OF CALISTOGA

for the

ENCHANTED RESORTS PROJECT
City of Calistoga, California

June 20, 2012

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I. INTRODUCTION

A. Overview

The Project consists of the development of (1) resort hotel uses, (2) Residence Club uses, and (3) custom residential uses on the 88-acre Project site, as well as associated onsite and offsite improvements. In total, the Project would develop 110 traditional resort hotel units and associated amenities, 20 Residence Club units, and 13 custom residences on the Project site. Onsite improvements, including roadways, utilities, and drainage facilities, would be installed. Potable water, sewer, and recycled water service would be extended to the Project site. Refer to Section I.B, Project Description for a complete Project description.

The Project would merge and re-subdivide the Project site, amend the previous entitlements associated with the Diamond Hill Estates Subdivision, and require a General Plan Amendment to establish a "Planned Development Overlay" and a Rezone to re-designate the site from "Rural Residential – Hillside" to "Planned Development Ordinance." The Project would also involve an amendment to the existing and partially implemented Timber Harvest Plan.

The City, as the lead agency, prepared the Draft Environmental Impact Report ("DEIR") dated February 10, 2012, and the Final Environmental Impact Report ("FEIR") dated June __, 2012, Project (State Clearinghouse No. 2010082028).

These Findings have been prepared to comply with requirements of the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal.Code Regs., tit. 14, §§ 15000 et seq

B. Project Description

The Project consists of the development of (1) hotel resort uses, (2) Residence Club uses, and (3) custom residential uses on the 88-acre Project site, as well as associated onsite and offsite improvements. The Project would merge and re-subdivide the Project site, amend the previous entitlements associated with the Diamond Hill Estates Subdivision, and require a General Plan Amendment and Rezone. The General Plan Amendment would establish a "Planned Development Overlay," and the Rezone would re-designate the Project site from "Rural Residential – Hillside" to "Planned Development District." The Project would also involve an amendment to the existing and partially implemented Timber Harvest Plan. Specific Project characteristics are discussed below.

Development Characteristics

General Plan Amendment/Zone Change

The Project involves an amendment to the City of Calistoga General Plan and a zone change. The General Plan Amendment would establish a "Planned Development Overlay" for the entire Project site. The Rezone of the Project site to "Planned Development District" will guide future development on the property.

Timber Harvesting

The Project applicant previously obtained approval of a Timber Harvest Plan for the Diamond Hill Estates Subdivision Project from the California Board of Forestry and Fire Protection in 2006, which was partially implemented.

The Project applicant is proposing additional timber harvesting activities beyond those contemplated by the previously approved Timber Harvest Plan. Timber harvesting activities involve (1) converting forest to allow for the development of buildings and infrastructure, (2) thinning areas designated for permanent preservation to improve the health of the forest, and (3) establishing "Fire Safe" zones near structures.

Land Use

The resort hotel would consist of 110 hotel units, associated guest amenities, and support facilities. The Residence Club uses would consist of 20 fractional ownership units. The custom residential uses would consist of 13 estate lots that would be similar in character to those contemplated by the entitled Diamond Hill Estates Subdivision. In total, approximately 245,000 square feet of buildings are proposed (including wine caves). Approximately 27 acres would be preserved in perpetuity as forest reserve. DEIR Table 2-1 summarizes the land use activities of the Project by acreage. The conceptual site plan is shown in DEIR Exhibit 2-5.

Design and Appearance

All buildings, structures, signs, landscape areas or uses are required to comply with the Enchanted Resorts Design Guidelines (provided in DEIR Appendix M). The Design Guidelines establish general site design standards (setbacks, lot coverage, building height, etc.), architectural design principles, authentic architectural styles (e.g., Rural Italian, French Country, Rustic Contemporary, and Craftsman), and landscape design standards for both the resort community and non-resort community. The standards set forth in the Design Guidelines are mandatory and apply for the life of the Project.

The Planned Development District establishes that an Architectural Review Committee shall review Project plans in accordance with the Design Guidelines, and associated ministerial review may be conducted by the City of Calistoga Building and Planning Department. The Project's structures would largely be screened by vegetation and rooflines would be below the existing forest canopy.

Grading

Ground-disturbing activities would require excavation of approximately 27,910 cubic yards of soil and placement of an estimated 34,595 cubic yards of fill.

Project Entry

The Project entrance from Foothill Boulevard would include a two-lane roadway and terraced landscaping.

Operational Characteristics

Hours of Operation

The resort hotel would operate 24 hours a day, 7 days a week. Certain essential functions would be staffed 24 hours a day, such as the front desk, valet parking, security, and emergency maintenance. Other functions would operate during typical business hours for those uses, such as the restaurant, lounges, the spa, the business office, and sales.

Employment

The resort hotel is anticipated to employ as many as 200 persons in full-time, part-time, and seasonal positions.

Vehicular Access and Deliveries

The resort hotel is expected to receive two to four truck deliveries per day during normal business hours. Vehicular access to the Project would be taken from the existing access road that connects to Foothill Boulevard. This roadway would be paved and upgraded to allow all-weather access. An emergency vehicular access would provide secondary access to the Project from Foothill Boulevard near Pine Street.

Parking

The Project would provide off-street parking, but the majority of resort-related vehicles would be parked by valet for maximum efficiency. Off-street parking will be provided in accordance with the applicable provisions of the Enchanted Resorts Planned Development District Ordinance.

Potable Water

The Diamond Hill Estates Subdivision was conditioned to extend an 8-inch water main from the intersection of Foothill Boulevard and Lincoln Avenue, approximately 670 lineal feet southwest to the Project site. This line is required to tie into an existing 8-inch water main in Pine Street to provide a looped supply system. The Diamond Hill Estates Subdivision was limited to no more than 100 gallons of water per minute (gpm). These offsite improvements were installed in 2010.

The Project would involve the installation of two onsite pumps, one pump that will provide 100 gpm for normal daily demands, and a second pump to supply an emergency storage recharge immediately following a fire event. Combined, both pumps will provide a maximum 350-gpm delivery rate. Fire water supply can be met with 300,000 gallons of onsite storage in addition to domestic capacity.

Reclaimed Water

The City of Calistoga Wastewater Treatment Plant produces reclaimed water that is available for landscape irrigation use. A reclaimed water pipeline may serve the Project, which would connect to an existing 8-inch water line near the Palisades lift station on Washington Street. Two alignments are being considered and are shown on DEIR Exhibit 2-2:

- "Alignment A" would begin near the Palisades lift station and follow Washington Street west. Immediately west of the Little League ball field, the alignment would turn north and

then turn west to follow the former Southern Pacific Railroad right-of-way. At Anna Street, the alignment would turn south, then west at Washington Street, and then south again at Pine Street. Further down Pine Street, the alignment would enter a lift station. From the lift station, the alignment would continue south to Foothill Boulevard and then turn east, where it would cross SR-29 and then cross private property to reach the Project site.

- "Alignment B" would begin near the Palisades lift station and the alignment would head due south through the City spray fields and cross private property, connecting to the Project site entrance at Foothill Boulevard. This alignment would involve a subsurface crossing of the Napa River and Foothill Boulevard.

Sewer

The Diamond Hill Estates subdivision was conditioned to extend a sewer service line from its current terminus at Foothill Boulevard/Pine Street to the Project site and replace an existing gravity sewer main within Pine Street (which range from 8 to 10 inches in diameter) with a 12-inch and 15-inch, 965-lineal-foot line. These improvements were installed in 2010.

The Project would direct wastewater down Pine Street, through the Pine Street lift station, northerly through a force main to Washington Street, then east to Anna Street and terminating at the proposed, 24-inch gravity sewer main at the north end of Anna Street. The new 24-inch gravity sewer main will run southeasterly within the old railroad right-of-way to the north end of the Little League field, where the main alignment will return to Washington Street and replace the existing 18-inch pipe with a 27-inch pipe to the Dunaweal Wastewater Treatment Plant. The Pine Street lift station will require minor modifications, including pump upsizing, controller upgrade, generator upgrade, and an additional storage wet well with grinder and emergency pump.

Storm Drainage

The Diamond Hill Estates subdivision was conditioned to provide onsite improvements (i.e., storm drainage facilities in and around SR-29/128) to storm drainage facilities that detain runoff such that no increase occurs in the peak 10-year, 25-year, 50-year, and 100-year event flow rates relative to pre-development conditions and post-development peak stormwater runoff discharge rates, and velocities will be controlled to maintain or reduce pre-development downstream erosion and to ensure that post-development runoff does not contain pollutant loads, which have not been reduced to the maximum extent practicable.

The previously approved drainage improvements for the Diamond Hill Estates subdivision would be modified to raise the berms of the detention ponds and deepen the ponds to serve the proposed Project and meet all local design requirements.

Landscaping

The Project would maintain the existing forest around the perimeter of the developed areas. Within the developed areas, new landscaping would be provided. Native plant and tree species would be primarily used, including black oak, coast live oak, western sycamore, deodar cedar, madrone, California lilac, manzanita, rosemary, sage, lavender, deer grass, and sedge. DEIR Exhibit 2-13a and Exhibit 2-13b depict the conceptual landscape plan.

Solar Technology

The Project, through the evolution of its final plan design, seeks to incorporate alternative energy sources wherever possible. The use of solar technology will be sought on the rooftops of buildings where possible. As building design commences, an analysis of the building location in relation to the tree canopy will determine the availability of sunlight. The electrical energy generated will be used for commercial applications within the resort hotel and Residence Club units where viable.

Electrical Vehicles

Rechargeable electrical vehicles will be used whenever possible to traverse the Project to avoid petroleum-based transportation. The electrical vehicles will be operated by resort hotel personnel for both general operations of the complex and for guest transportation. Charging stations and storage are anticipated to be located within the essential services and office buildings.

C. Discretionary Approvals

Project approval requires the City, as lead agency, as well as certain "responsible agencies" to take discrete planning and regulatory actions to approve the overall Project. Described below are the discretionary actions necessary to fully carry out the Project. In addition to certifying the Final EIR and adopting these Findings and the associated Statement of Overriding Considerations and Mitigation Monitoring Plan (CEQA Requirements), the City itself must take the following actions:

Project approval will require that the City:

- Amend the City General Plan to establish a "Planned Development Overlay";
- Rezone the Project site to "Planned Development District";
- Approve a Vesting Tentative Map;
- Approve a Conditional Use Permit;
- Approve Preliminary and Final Development Plans for the Project site;
- Approve Design Review Permit; and
- Approve a Development Agreement.

Subsequent ministerial actions would be required for the implementation of the Project, including issuance of grading and building permits.

Other Project approvals and associated entitlements that must be granted by responsible or other agencies include or may include the following:

- United States Army Corps of Engineers – Section 404 Permit (Nationwide) for work within the Napa River and Simmons Creek (as applicable);
- California Board of Forestry and Fire Protection – Timber Harvest Plan;

- California Department of Fish and Game – 1602 Lake and Streambed Alteration Agreement for work within the Napa River and Simmons Creek (as applicable);

- California Department of Transportation – Encroachment Permits for work within the SR 29/128 right-of-way;

- San Francisco Bay Regional Water Quality Control Board – Section 401 Water Quality Certification for work within the Napa River and Simmons Creek (as applicable); General Construction Activity Storm Water Permit; and

- State Lands Commission – Approval of work within the Napa River.

D. Project Objectives

CEQA Guidelines Section 15124(b) requires an EIR to provide a statement of Project objectives that describe the underlying purpose of the Project, which will ultimately be used in formulating a reasonable range of alternatives, as well as in preparing the findings and the statement of overriding considerations. In this case, the Project consists of new resort hotel, Residence Club units, custom residential uses, and forest reserve; thus, the basic purposes of the Project reflect the benefits and outcomes associated with these land use activities. For example, the Project would be expected to create new jobs, tax revenues, and tourism opportunities within the City of Calistoga. Accordingly, the 11 objectives of the Project are to:

1) Positively contribute to the local economy through new capital investment, the creation of new jobs, and the expansion of the tax base.

2) Develop a high-quality destination resort that would serve a segment (luxury market) of the tourism market and provides a unique mix of hotel units and residential units, recreational amenities, tourist activities, and open space preservation in a single location in the City of Calistoga.

3) Create preservation and open space areas on the Project site.

4) Develop a visitor-serving use that would enhance the tourism opportunities available in the City of Calistoga and Napa County.

5) Create a range of new job opportunities, ranging from entry-level positions to highly skilled professional careers that are currently not readily available.

6) Provide additional General Fund revenue or infrastructure contributions that will help the City maintain or enhance the quality of life and municipal services provided to Calistoga residents.

7) Conserve the scenic and biological characteristics of the Project site by designing the Project with high-quality architecture and a sustainable design that also minimizes grading and tree removal to the maximum extent feasible.

8) Ensure that new development pays its fair share of infrastructure improvements.

9) Minimize adverse impacts associated with traffic, noise, light, and glare on surrounding land uses through the use of site design techniques and appropriate improvements.

10) Promote alternatives to passenger vehicle use through site design that emphasizes pedestrian mobility and the provision of facilities for golf carts and bicycles.

11) Protect the scenic quality of the site by ensuring that improvements are compatible with existing land forms, particularly ridgelines and tree canopies.

II. ENVIRONMENTAL SETTING

The Project site is located in the City of Calistoga, Napa County, California. The Project site is located at 411 Foothill Boulevard and consists of approximately 88 acres bounded by forested residential land (west), Foothill Boulevard (designated as State Routes 29 and 128 [SR-29/128]) (north), forested residential land (east), and vineyards and forest land (south) (DEIR Exhibit 2 2). The Project site is located on the Calistoga, California, United States Geological Survey 7.5-minute topographic quadrangle map, Township 8 North, Ranges 6 and 7 West, Rancho Carne Humana (Latitude 38°34'23" North; Longitude 122°34'25" West).

The 88-acre Project site contains forested lands on sloping topography. The northern portion of the Project site consists of steeply sloping terrain, while the central and southern portions of the site contain moderately sloping and flat relief. Elevation ranges from 350 feet above mean sea level along Foothill Boulevard to 770 feet above mean sea level in the western portion of the Project site.

The Project site consists of northern mixed evergreen forest, upland redwood forest, and ruderal areas. The majority of the Project site consists of mature, northern mixed evergreen forest with a closed canopy of approximately 80 percent cover. The dominant species observed include Douglas fir, Pacific madrone, coast live oak, and California bay laurel.

Two abandoned and dilapidated structures totaling approximately 3,000 square feet are present near the frontage with Foothill Boulevard. These structures are more than 50 years old and are largely screened from view by existing vegetation along the property line.

Vehicular access to the Project site from Foothill Boulevard (SR-29/128) is taken via an existing unpaved access road. The approximately 1.25-mile-long access road meanders through the Project site. A left-turn pocket exists on westbound SR-29/128 at the Project site entrance.

The property owner has initiated several approved onsite improvements associated with the Diamond Hill Estates Subdivision Map approved in 2005, including tree harvesting pursuant to an approved Timber Harvest Plan dated 2006, and improvements to the access road, potable water transmission facilities, and wastewater transmission facilities.

The Project site has existing entitlements associated with the Diamond Hill Estates Subdivision approved by the City of Calistoga in 2005. The subdivision consists of 35 custom residential lots as well as 21 acres of forested open space (known as "forest reserve"). Vested entitlements associated with the subdivision include a Final Map, Improvement Plans, a Timber Harvest Plan, a certified Environmental Impact Report, and vested rights to a certain amount of municipal water and sewer service. The Final Map was recorded in 2005.

The Project site is designated "Rural Residential – Hillside" and portions of the site along Foothill Boulevard (SR-29/128) are partially within the Entry Corridor 1: Downvalley Foothill Boulevard overlay designation as indicated by the City of Calistoga General Plan, adopted in 2003. The Project site is zoned "Rural Residential – Hillside (RR-H)" by the Calistoga Zoning Ordinance.

West

Rural residential uses and forested lands on sloping terrain are located west of the Project site. These land uses are located in the City of Calistoga and are designated "Rural Residential – Hillside" by the City of Calistoga General Plan.

North

Foothill Boulevard, rural residential uses, and forested lands on sloping terrain are located north of the Project site. On the north side of Foothill Boulevard are agricultural and rural residential uses. These land uses are located in the City of Calistoga and are designated "Rural Residential" and "Light Industrial" by the City of Calistoga General Plan.

East

Rural residential uses and forested lands on sloping terrain are located east of the Project site. These land uses are located in unincorporated Napa County and are designated "Rural Residential" by the Napa County General Plan.

South

Vineyards and forested lands on sloping terrain are located south of the Project site. These land uses are located in unincorporated Napa County and are designated "Agriculture, Watershed & Open Space" by the Napa County General Plan.

III. PROCEDURAL HISTORY

1. In 2010, an application was filed by Enchanted Resorts LLC for:

   - General Plan Amendment
   - Rezone – Map and Text Amendment
   - Vesting Tentative Map
   - Conditional Use Permit
   - Preliminary and Final Development Plans
   - Design Review
   - Development Agreement

2. The City, after reviewing the application, determined that there were potentially significant impacts and that an Environmental Impact Report ("EIR") should be prepared.

3. The City, as lead agency, prepared and filed a Notice of Preparation ("NOP") with the California Office of Planning and Research and sent the NOP to responsible agencies, trustee agencies, involved federal agencies and other interested parties on August 12, 2010. The 30-day public review period for the NOP began on August 12, 2010 and ended on September 10, 2010.

4. The City held a public scoping meeting to solicit input from the community and public agencies to be considered in Project design and alternatives selection, and comments on the scope and content of the DEIR. The meeting to solicit comments was held on September 7, 2010, at the Calistoga Community Center, 1307 Washington Street, Calistoga, California. Individuals from the public and private sectors, as well as local citizens, attended these meetings.

5. The City completed and distributed a DEIR for the Project on February 10, 2012, for a 60-day public review period which closed on April __, 2012. The DEIR was mailed to relevant public agencies, responsible agencies, and all interested parties. All potentially significant impacts of the Project would be reduced to a less-than-significant level with mitigation except the following:

    i. Construction Noise.

    ii. Baseline Plus Project Traffic.

    iii. Future Plus Project Traffic.

6. Copies of the DEIR and documents and reports referenced in the DEIR were available for public review at the City of Calistoga's Planning & Building Department at 1232 Washington Street, Calistoga, California, 94515, at the Calistoga Library at 1108 Myrtle Street, Calistoga, California, 94515 and on the City's website (http://www.ci.calistoga.ca.us/). In addition, copies of the DEIR were provided to interested parties.

7. The City received written comments on the DEIR during the comment periods from the agencies, groups and individuals listed in the FEIR. The FEIR contains responses to these comments, including a summary of each comment and the complete comment letter. Based on the comments received, edits were made to the DEIR as set forth in the FEIR.

8. The FEIR was distributed on June __, 2012. The FEIR contains all of the comments received during the public comment period, together with written responses to those comments that were prepared in accordance with CEQA and the CEQA Guidelines.

9. The Planning Commission of the City of Calistoga heard the Project in a duly noticed public hearing on June 20, 2012.

10. The City Council of the City of Calistoga heard the Project in a duly noticed public hearing on June __, 2012.

IV. RECORD OF PROCEEDINGS

The record of proceedings used by the City in making its decision regarding the Project includes the following documents:

1. The Notice of Preparation ("NOP") and all other public notices issued by the County in conjunction with the Project;

2. All comments received in response to the NOP;

3. The February 10, 2012 DEIR, including all technical appendices;

4. All comments and correspondence received on the DEIR;

5. A FEIR was prepared for the Project, including any appendices;

6. The Mitigation Monitoring and Reporting Program ("MMRP") for the Project;

7. All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;

8. All documents submitted to the City by the Project Applicant, other public agencies, and members of the public in connection with the Project, through the close of the public hearing on the General Plan Amendment, Rezone, Vesting Tentative Map, Conditional Use Permit, Preliminary and Final Development Plans, Design Review, and Development Agreement for the Project;

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

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

11. The City of Calistoga General Plan and all environmental documents prepared in connection with the adoption of the General Plan;

12. The City of Calistoga Municipal Code, including the Zoning Code;

13. All resolutions and ordinances adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions and ordinances; and

14. Any other materials required for the record of proceedings pursuant to Public Resources Code section 21167.6, subdivision (e).

The official custodian of the record is the Clerk of the City of Calistoga, 1232 Washington Street, Calistoga, California 94515.

V. FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that "public agencies should not approve Projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such Projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed Projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such Project alternatives or such mitigation measures, individual Projects may be approved in spite of one or more significant effects thereof."

The mandates and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving Projects for which an EIR is required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a Project, the approving agency must issue a written finding, supported by substantial evidence, reaching one or more of three permissible conclusions.

The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).)

The second permissible finding is that "[s]uch 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 and should be adopted by such other agency." (CEQA Guidelines, § 15091, subd. (a)(2).)

The third potential conclusion is that "[s]pecific 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." (CEQA Guidelines, § 15091, subd. (a)(3).)

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (*See also Citizens of Goleta Valley v. Board of Supervisors* ("*Goleta II*") (1990) 52 Cal.3d 553, 565.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a Project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid.*; *see also Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508 (the failure to meet Project objectives can be sufficient evidence demonstrating infeasibility of an alternative).)

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must

therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve Projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such Projects." (Pub. Resources Code, § 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations are mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521, where the court of appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question to a less-than-significant level.

CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] *or* substantially lessen[ed]." The findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant.

Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the Project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b).)

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a proposed Project with significant impacts. Where a significant impact can be mitigated to an “acceptable” level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact – even if the alternative would render the impact less severe than would the proposed Project as mitigated. (*Laurel Hills Homeowners Ass’n v. City Council* (1978) 83 Cal.App.3d 515, 521; *see also Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Ass’n v. Regents of the University of California* (“*Laurel Heights I*”) (1988) 47 Cal.3d 376, 400-403.)

In these Findings, the City addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. The City finds that all significant environmental effects will be substantially lessened or avoided through the adoption of the mitigation measures, and that none of the proposed mitigation

measures are infeasible. Nonetheless, the City also addresses the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) "feasible" within the meaning of CEQA.

VI. LEGAL EFFECT OF FINDINGS

These Findings constitute the City's Council members' best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these Findings conclude that proposed mitigation measures outlined in the FEIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds the Project Applicant and any other responsible parties to implement those measures. These Findings, in other words, are not merely informational or advisory, but constitute a binding set of obligations that will come into effect when the City adopts the resolution(s) and/or ordinance(s) approving the General Plan Amendment, Rezone, Vesting Tentative Map, Conditional Use Permit, Design Review, Preliminary and Final Development Plans, and Development Agreement for the Project. (Pub. Resources Code, § 21081.6, subd. (b).) In addition, the adopted mitigation measures are conditions of approval.

VII. MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP")

The City prepared a MMRP for the Project, and approved the MMRP by the same resolution that has adopted these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) The City finds that all mitigation measures contained in the MMRP are feasible and will mitigate the significant impacts of the Project to a less than significant impact. The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

VIII. SIGNIFICANT ADVERSE IMPACTS AND MITIGATION MEASURES

This section and those following summarize the environmental impacts of the Project identified in the EIR, and provide findings as to those impacts, as required by CEQA and the CEQA Guidelines. The Findings set forth below are made and adopted by the City Council as its findings under CEQA. The Findings provide written analysis and conclusions of the City Council regarding the environmental impacts of the Project, mitigation measures, Project design features, and Project alternatives, which, in the City Council's view, justify approval of the Project.

These Findings summarize the environmental findings in the EIR concerning Project impacts before and after mitigation and do not repeat the full discussions of environmental impacts contained in the EIR. Instead, they provide a brief description of the impacts, describe the applicable mitigation measures that are adopted by the City Council, and state the recommended findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions is set forth in the EIR. These Findings hereby incorporate by reference the analysis in the EIR and conclusions and in making these findings, the City Council ratifies, adopts, and incorporates the evidence, analysis, explanation, findings, responses to comments and conclusions of the EIR except where they are specifically modified by these Findings.

The City Council hereby adopts and incorporates as conditions of approval, the mitigation measures set forth in the Findings below to reduce or avoid the potentially significant and significant impacts of the Project, as well as certain less-than-significant impacts. In adopting

these mitigation measures and Project design features, the City Council intends to adopt each of the mitigation measures and Project design features recommended in the DEIR and FEIR. In comments on the DEIR, measures were suggested by various commenters as proposed additional mitigation measures. With respect to the measures that were proposed in the comments, and not adopted in the FEIR, the responses to comments in the FEIR explain why the proposed mitigation measures are not recommended for adoption. The City Council hereby adopts and incorporates by reference the reasons stated in the responses to comments contained in the FEIR as its grounds for rejecting adoption of these proposed mitigation measures.

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project and the EIR. The findings and determinations constitute the independent findings and determinations by this City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Any finding made herein by the City Council must be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by the City Council, whether or not any particular sentence or clause includes a statement to that effect. This City Council intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this City Council with respect to any particular subject matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

A. Overview

All but three potentially significant impacts of the Project would be reduced to a less than significant level with mitigation. For those impacts that remain significant and unavoidable, the City adopts a Statement of Overriding Considerations describing the economic, social, and other considerations which outweigh the impacts associated with the Project.

B. Effects Found to Have No Impact

The City Council finds that the following effects will have "no impact" as described in the FEIR. Therefore, CEQA does not require mitigation for these impacts. (Pub. Resources Code, § 21002; CEQA Guidelines § 15126.4, subd. (a)(3), 15091.) These effects are listed as follows:

1. Agricultural and Forest Resources (DEIR Section 7.2.1)

a. Important Farmland
b. Williamson Act Contracts or Agricultural Zoning
c. Pressures to Convert Farmland to Non-Agricultural Use

2. Biological Resources (DEIR Section 7.2.2)

a. Habitat, Natural Community, or Other Conservation Plan

3. Geology, Soils, and Seismicity (DEIR Section 7.2.3)

a. Septic or Alternative Wastewater Disposal Systems

4. Hazards and Hazardous Materials (DEIR Section 7.2.4)

a. Exposure of Schools to Hazardous Materials
b. Airports
c. Private Airstrips

5. Hydrology and Water Quality (DEIR Section 7.2.5)

a. 100-Year Flood Hazards
b. Levee or Dam Failure
c. Seiches, Tsunamis, or Mudflows

6. Land Use (DEIR Section 7.2.6)

a. Division of an Established Community
b. Conservation Plans

7. Mineral Resources (DEIR Section 7.2.7)

a. Mineral Resources of Statewide or Local Importance

8. Noise (DEIR Section 7.2.8)

a. Aviation Noise

9. Population and Housing (DEIR Section 7.2.9)

a. Growth Inducement
b. Displacement of Persons or Housing

10. Public Services and Utilities (DEIR Section 7.2.10)

a. Schools
b. Parks
c. Other Public Facilities

11. Recreation (DEIR Section 7.2.11)

a. New or Expanded Recreational Facilities
b. Physical Deterioration of Recreational Facilities

12. Transportation (DEIR Section 7.2.12)

a. Air Traffic Patterns

C. Impacts Found to be Less-Than-Significant

The City Council finds that the following impacts are "less-than-significant" as described in the FEIR. Therefore, CEQA does not require mitigation for these impacts. (Pub. Resources Code, § 21002; CEQA Guidelines § 15126.4, subd. (a)(3), 15091.) This Finding is more particularly set forth as to each relevant issue or resource below:

1. Aesthetics

a. Impact AES-2: The proposed Project would not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.

The Project site abuts SR-29/128 and is visible from the roadway. SR-29 is an "Eligible" State Scenic Highway within the City of Calistoga. Additionally, the City of Calistoga General Plan designates SR-29/128 as a scenic corridor. However, views from SR-29/128 largely consist of the access road, the hedge along the property line with the state right-of-way, and forested hillside. Two dilapidated structures are located behind the hedge and are partially visible from the roadway. The frontage with SR-29/128 would be improved to remove the two dilapidated structures and hedge, and would install an entry feature. These improvements would be considered aesthetically beneficial in terms of improving the viewshed from SR-29/128.

Furthermore, the Project would preserve 27 acres of the Project site as forest reserve. Most of this preserved acreage occurs on the highly visible forested slopes of the Project site that are visible from SR-29/128. DEIR Exhibit 3.1-2 is a simulated view of the Project site from three vantage points. The residential and resort hotel structures would be located within the interior of the Project site and screened from view by the forest. As such, the structures would be out of view from the roadway.

Finding:

The City Council finds that because the Project would improve the Project frontage (the most visible portion of the Project site from SR-29/128) and the existing forest reserve will shield new construction from the roadway, no substantial damage to scenic resources will occur. Based on the foregoing, **the impact is considered less than significant.**

2. Agricultural and Forest Resources

a. Impact AFR-1: The proposed Project would not conflict with forest land zoning.

The Project site is currently zoned "Rural Residential – Hillside" by the Calistoga Zoning Ordinance, a non-forest land zoning designation. The Project would rezone the Project site to "Planned Development District," which is also a non-forest land zoning designation.

Finding:

The City Council finds that because the Project would change the Project site's existing non-forest land zoning designation to another non-forest land zoning designation, no conflict with forest land zoning will occur. Based on the foregoing, **the impact is considered less than significant.**

3. Air Quality / Greenhouse Gas Emissions

a. Impact AIR-5: The proposed Project would not create objectionable odors affecting a substantial number of people.

The Project is considered a location of sensitive receptors, but is not a typical source of objectionable odors which include agricultural operations (e.g., dairies, feedlots, etc.), landfills, wastewater treatment plants, refineries, and other types of industrial land uses. However, the City of Calistoga's Dunaweal Wastewater Treatment Plant is tertiary treatment plant that uses an aerobic biological process to treat the wastewater and is located approximately 0.5 mile west of the Project boundary. The BAAQMD's guidance provides an odor screening distance of 2 miles for wastewater treatment plants. The Project is located within the screening distance recommended by the BAAQMD. Additional odor analysis was completed by contacting the City of Calistoga Public Works Department and BAAQMD to determine the number of odor complaints, if any, for the Dunaweal Wastewater Treatment Plant for the period between November 2007, and November 2011. Both agencies found no odor complaints for the Dunaweal Wastewater Treatment Plant during this 4-year period.

Finding:

The City Council finds that because the Project would not create objectionable odors and, despite the Project's location within 0.5 miles of the Dunaweal Treatment Plant, no odor complaints have been made within the last four years, the Project will not create objectionable odors affecting a substantial number of people nor place sensitive receptors near a location of substantial objectionable odor. Based on the foregoing, **the impact is considered less than significant.**

4. Biological Resources

a. Impact BIO-4: The proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

The Project site does not function as a significant wildlife corridor to facilitate local or regional wildlife movement. The Project site is surrounded by adjacent wooded open space and agricultural areas to the north, west, south, and northeast. In addition, the Project features development within the context of the forest and seeks to preserve as much forested land on the property as possible, allowing for movement through the undisturbed forested reserve areas of the Project site.

Finding:

The City Council finds that the Project site does not function as a movement corridor for migratory fish or wildlife species. Furthermore, maintenance of the forested reserve on the Project will preserve the ability for wildlife movement should it occur in the future. Therefore, the Project will not substantially interfere with the movement of any native fish or wildlife species, native wildlife corridors, or impede the use of wildlife nursery sites. Based on the foregoing, **the impact is considered less than significant**.

5. Hazards And Hazardous Materials

a. Impact HAZ-1: The proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or create a significant hazard to the public or the environment through

reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

Project construction activities may involve the use, transport, and disposal of hazardous materials, including chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances used during construction. Construction of the Project would also require the use of gasoline and diesel-powered heavy equipment, such as bulldozers, backhoes, water pumps, and air compressors. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations.

The Project would also result in an increase in impervious surface coverage, which would create the potential for additional discharge of urban pollutants into downstream waterways. Leaks of fuel or lubricants, tire wear, and fallout from exhaust contribute petroleum hydrocarbons, heavy metals, and sediment to the pollutant load in runoff, which then can potentially be transported to receiving waters. The Project applicant would be required to comply with applicable federal, state, and local statutes and regulations.

Project operations would utilize small quantities of hazardous materials onsite, including cleaning solvents (e.g., degreasers, paint thinners, and aerosol propellants), paints (both latex- and oil-based), acids and bases (such as many cleaners), disinfectants, and fertilizers. These substances would be stored in secure areas and would comply with all applicable storage, handling, usage, and disposal requirements, limiting potential risks posed by the use and storage of these hazardous materials to the immediate vicinity of the materials. Transport of these materials would be performed by commercial vendors who would be required to comply with various federal and state laws regarding hazardous materials transportation.

Finding:

The City Council finds that the Project would not create a significant risk of public or environmental exposure to hazardous materials. Construction risks are limited in duration and are required to follow all state and federal requirements for their use which would limit the risk that human health and the environment would be exposed to hazardous materials. Furthermore, the Project would not be a large-quantity user of hazardous materials on an ongoing basis during operations and must follow similar state and federal regulations for their use as well. Therefore, the Project will not create a significant hazard to the public or the environment through the routine use, transport, or disposal of hazardous materials. Based on the foregoing**, the impact is considered less than significant**.

6. Land Use

a. Impact LU-1: The proposed Project would be consistent with all applicable provisions of the City of Calistoga General Plan.

The General Plan designates the Project site as “Rural Residential – Hillside” and indicates the Project site is within the “Entry Corridor 1: Downvalley Foothill Boulevard” overlay. The “Rural Residential – Hillside” designation is intended to ensure that new development meets public safety, open space conservation, and visual concerns in rural residential areas where steep slope or hillside conditions exist. The “Entry Corridor 1: Downvalley Foothill Boulevard” overlay establishes that all development in this area should maintain the rural and open space qualities,

with minimal visibility from the highway. The General Plan also establishes goals, objectives, and policies to guide future development and land use activities within the city limits.

The Project incorporates features to protect public safety, including forest thinning to reduce susceptibility to wildfires, the installation of fire prevention and suppression measures, and avoidance of areas susceptible to landslides. The preservation of 27 acres of forest reserve is consistent with the objective of open space conservation and protection of visual resources. The resort hotel, Residence Club, and custom residential lots would be limited to no more than 40 percent lot coverage, which would ensure that a minimum of 60 percent of the remaining space would not support development. Project buildings would employ an architectural design intended to keep structures below the forest canopy in order to maximize screening and minimize visibility from areas outside the Project site. The entry would consist of a two-lane roadway and terraced landscaping, which are visually compatible with the Foothill Boulevard corridor. All other aspects of the Project would be largely screened from view from Foothill Boulevard by the existing forest. Table 3.9-2 provides a consistency analysis of the Project identifying that the Project is consistent with all applicable goals, objectives, and policies of the General Plan.

The Project would also establish a "Planned Development Overlay" that would serve to further guide development and land use activities in addition to the existing "Rural Residential – Hillside" base land use designation. The land use overlay is intended to ensure development on hillside properties along Foothill Boulevard are carefully designed to provide appropriate transition into town while protecting the visual quality and integrity of the forested hillside and contributing to the economic and/or community vitality of Calistoga. Allowed uses include light agricultural, residences, and visitor accommodations, including destination resorts and fractional club units. Future development on the Project site would be required to conform to Design Guidelines that have been prepared as part of the Project. The Design Guidelines would direct the design of new development in a manner that ensures consistency with the objectives of the proposed Planned Development Overlay.

Finding:

The City Council finds that the Project would be consistent with all applicable provisions of the City of Calistoga General Plan. The Project Design Guidelines and proposed uses will ensure that new development is built in a manner which furthers the goals of the Rural Residential – Hillside land use designation and the Downvalley Foothill Boulevard overlay. The Project furthers the economic and community vitality goals of the Planned Development Overlay, while the forest reserve ensures the protection of the visual quality and integrity of the forested hillside. Furthermore, the Project is consistent with all relevant goals, objectives, and policies identified in DEIR Table 3.9-2. Based on the foregoing, **the impact is considered less than significant.**

b. Impact LU-2: The proposed Project would be consistent with all applicable provisions of the Calistoga Municipal Code.

The Project applicant is seeking to rezone the Project site to "Planned Development." The Municipal Code allows the "Planned Development" zoning district to be used as a "base" or "combining" district. The Project would create a Planned Development zone for the site as a base district. Chapter 17.24 of the Calistoga Municipal Code sets forth the purpose and general development principles of the "Planned Development" zoning district:

The purpose of the planned development district is to provide locations for well-planned developments that conform to the General Plan. The planned development provisions are intended to combine General Plan compliance with good zoning practices while allowing certain desirable departures from the strict application of individual zoning district regulations.

The Planned Development zone would allow uses and development standards which are designed to facilitate the development of a high quality destination resort including a mix of hotel units, residential units and tourist amenities not currently available in the City, while positively contributing to the economy through new capital investment, ongoing jobs and a tax base. The zone also requires Projects to be clustered so as to avoid deleterious impacts on adjacent land uses and to include the careful placement of mixed land uses, lighting, landscaping, building location and equipment that generates noise. Furthermore, a Project is required to incorporate an architectural design consistent with the rural traditions of the area and the design criteria for the entry corridor, and adequate landscaping to blend the natural and built elements of the development.

Finding:

The City Council finds that the Project would be consistent with all applicable provisions of the City of Calistoga Municipal Code. The proposed Planned Development District would be consistent with the Municipal Code provisions by limiting development to specific permitted uses and prohibits all other uses, thereby ensuring that strict parameters are placed on land use activities. In addition, the proposed Planned Development District sets forth development standards that permit clustering of buildings at appropriate levels of intensity and scale, while also maintaining the rural character of the Project site and surroundings. Consequently, the proposed Planned Development District would fulfill the Municipal Code's objective of facilitating a well-planned development that conforms to the General Plan, while also allowing certain desirable departures from the strict application of individual zoning district regulations. Based on the foregoing**, the impact is considered less than significant**.

7. Noise

a. Impact NOI-2: Construction and operational activities associated with the proposed Project would not generate substantial groundborne vibration.

Project construction can result in the potential for vibration that may be felt by adjacent uses. The construction activities for Project are anticipated to include timber harvesting, ground clearing/excavation and grading, and construction of resort hotel uses (including wine caves); Residence Club units; and custom residential uses on the 88-acre Project site. The primary sources of vibration during construction of the resort would be from bulldozers and excavators. From DEIR Table 3.10-4, a large bulldozer would be the piece of equipment that would produce the largest amount of vibration on the Project site: 0.089 inch per second PPV at 25 feet. The closest vibration sensitive land use is a single family home located approximately 120 feet south of the proposed area to be graded and near the southwest corner of the Project site. It is anticipated that the vibration levels caused by a large bulldozer operating on the nearest edge of the area to be disturbed during construction of the proposed Project at the nearest structure will be around 0.007 inch per second PPV. This vibration level would not exceed the 0.25-inch-per-second threshold. Additionally, off-site construction of the proposed sewer and reclaimed water lines may be located as close as 25 feet from existing homes along Washington Street.

Homes are also located as close as 25 feet from the possible upgrades to the Pine Street lift station. These locations would experience a vibration level of around 0.089 inch per second PPV, below the 0.2-inch-per-second threshold.

The proposed Project would result in the ongoing operations of 110 hotel units, 20 residence club units, 13 custom residences, recreation and event space, restaurants, spa, outdoor venues, public space, maintenance, and staff support facilities. The only anticipated source of operational vibration would be from the anticipated three daily truck trips to the resort. Proposed truck operations would occur as near as 40 feet from existing offsite homes, when the trucks are operated on the nearby public roadways. From DEIR Table 3.10-4, a loaded truck would typically produce a vibration level of 0.076 inch per second PPV at 25 feet. This would result in a vibration level of 0.045 inch per second PPV at the nearest sensitive receptor to the truck route. This vibration level would not exceed the 0.25-inch-per-second threshold.

Finding:

The City Council finds that the Project would not generate substantial groundborne vibration. The worst case scenarios for construction and operation of the Project identified no instances which may exceed recommended thresholds of significance due to the location of development on the site in relation to nearby receptors. Based on the foregoing, **the impact is considered less than significant**.

b. Impact NOI-3: The proposed Project's vehicular trips would not cause a substantial permanent increase in ambient noise levels.

The proposed Project would generate additional vehicular trips on roadways in the Project vicinity. Noise from motor vehicles is generated by engine vibrations, the interaction between tires and the road, and the exhaust system. The potential offsite noise impacts caused by the increase in vehicular traffic from the ongoing operations from the proposed Project onto the Project study area roadways have been analyzed for the following four traffic scenarios:

- Baseline Without Project Condition
- Baseline With Project Condition
- Future Year 2030 Without Project Condition
- Future Year 2030 With Project Condition

For analysis comparison purposes, the Ldn and CNEL noise levels are calculated at 50 feet from the centerline, which through field observations is representative of the nearest homes along the study area roadways. In addition, the distance from the centerline to the 55-, 60-, 65-, and 70-dBA noise levels are calculated for both Ldn and CNEL standards and are provided in DEIR Appendix J.

In order for offsite roadway noise impacts created by the proposed Project's operations to be considered potentially significant, the proposed Project would need to increase the noise levels above 60 dB Ldn,/CNEL for outdoor activity areas. Where without Project noise exceeds the outdoor activity area threshold, a significant impact would occur where the Project would lead to an increase at a noise-sensitive land use by 3.0 dBA, where the without Project noise level is

between 60 and 65 dBA Ldn, or 1.5 dBA Ldn, where the without-Project noise level is greater than 65 dBA Ldn.

Applying these standards, DEIR Tables 3.10-26, 3.10-27, and 3.10-28 indicate that for the baseline and future year 2030 conditions, noise level contributions from the proposed Project to the study area roadways would range from 0.0 to 0.3 dBA Ldn. Thus, no roadway segments would exceed the 60-dB Ldn residential standard for the with Project condition, when the without Project conditions are within the 60-dB Ldn threshold. For the roadway segments that exceed a 60-dB Ldn threshold for the without Project condition, a 0.3-dB increase is below the worst-case scenario 1.5 dBA Ldn threshold.

Finding:

The City Council finds that the Project would not generate a substantial permanent increase in ambient noise levels. The worst case scenarios for an increase in noise levels attributable to the Project identified no instances which may exceed recommended thresholds of significance. Based on the foregoing**, the impact is considered less than significant.**

c. Impact NOI-4: The proposed Project would not generate combined operational stationary and transportation noise levels that cause significant impacts at nearby receptors.

In order for combined stationary and transportation-related noise impacts created by the Project's operations to be considered potentially significant, the Project would need to increase the noise levels above 60 dB Ldn,/CNEL for outdoor activity areas. Where without Project noise exceeds the outdoor activity area threshold, a significant impact would occur where the Project would lead to an increase at a noise-sensitive land use by 3.0 dBA, where the without Project noise level is between 60 and 65 dBA Ldn, or 1.5 dBA Ldn, where the without-Project noise level is greater than 65 dBA Ldn. The combined transportation and stationary exterior noise levels created by the baseline and future year 2030 weekday scenarios were calculated for the façades of the same nearby receptors that were analyzed for the existing conditions.

Applying these standards, DEIR Table 3.10-29 indicates that for the baseline and future year 2030 conditions, noise level contributions from the Project to the study area roadways would range from 0.0 to 5.2 dBA Ldn for the without Project condition levels below 60 dB Ldn, none of which exceed 49.2 dB Ldn, for the with Project condition. For the roadway segments that exceed a 60-dB Ldn threshold for the without Project condition, a 0.2-dB increase is below the worst-case scenario 1.5 dBA Ldn threshold.

Finding:

The City Council finds that the Project would not generate combined operational stationary and transportation noise levels that cause significant impacts at nearby receptors. The worst case scenarios for an increase in noise levels attributable to the Project identified no instances which may exceed recommended thresholds of significance. Based on the foregoing, **the impact is considered less than significant**.

8. Public Services and Utilities

a. Impact PSU-4: The proposed Project would not result in the exceedance of Regional Water Quality Control Board treatment requirements or result in the construction of new wastewater treatment facilities or expansion of existing facilities.

The Project will have an estimated worst-case scenario wastewater generation of 52,460 gpd (58.75 acre-feet/year) for average dry weather daily flow and 157,379-gpd peak use. As part of the Project, public system improvements have been identified for addressing the wastewater demands of the Project and the impacts to the existing Washington Street sanitary sewer system. The Project will design and construct the improvements to direct Project wastewater down Pine Street, through the Pine Street lift station, northerly through a force main to Washington Street, then east to Anna Street and terminating at the proposed, 24-inch gravity sewer main at the north end of Anna Street. The new 24-inch gravity sewer main will run southeasterly within the old railroad right-of-way to the north end of the Little League field, where the main alignment will return to Washington Street and replace the existing 18-inch pipe with a 27-inch pipe to the Dunaweal Wastewater Treatment Plant. The Pine Street lift station will require minor modifications, including pump upsizing, controller upgrade, generator upgrade, and an additional storage wet well with grinder and emergency pump.

The Project will also install an additional wet well with a grinder and an emergency pump, sized to accommodate the Project peak flows and will be located adjacent to the existing wet well. The existing 12-inch public main into the Pine Street lift station will be replaced and upsized to 15 inches, for approximately 40 feet, to mirror the upstream main size in Pine Street. Downstream of the lift station, the 12-inch force main across the Napa River has capacity to serve the Project. The existing 12-inch gravity lateral from the Napa River to the Washington Street trunk line will be replaced with a 12-inch force main that will be extended to the proposed 24-inch sewer main in the Fair Way extension right-of-way paralleling Washington Street. The proposed main size will increase to a 27-inch main at the intersection of the 24-inch main with the existing 18-inch main in Washington Street, to the Dunaweal Wastewater Treatment Plant.

The 27-inch replacement main in Washington Street, as requested by the City of Calistoga, includes excess capacity for future development. A 24-inch main is planned as a parallel pipe to the existing 18-inch main, which will supplement rather than replace it. The total length of the replacement improvements is approximately 6,700 lineal feet and is estimated to cost between $4 million to $5 million.

Finding:

The City Council finds that the Project would not result in the exceedance of Regional Water Quality Control Board treatment requirements or result in the construction of new wastewater treatment facilities or expansion of existing facilities. The Project includes a significant number of upgrades to the existing wastewater system as described above. These upgrades will ensure that there are adequate collection and treatment facilities to serve the Project. Based on the foregoing**, the impact is considered less than significant.**

b. Impact PSU-7: The proposed Project would not result in the inefficient, wasteful, or unnecessary use of energy.

The Project is required by state law to be built to meet Title 24 energy efficiency standards at the time building permits are sought. The Title 24 standards include a number of requirements associated with energy conservation designed to ensure the Project will meet minimum standards of energy efficiency.

Finding:

The City Council finds that because the Project would implement Title 24 energy efficiency standards required under state law, the Project would not result in the inefficient, wasteful, or unnecessary use of energy. Based on the foregoing, **the impact is considered less than significant.**

D. Impacts Found to be Less-Than-Significant After Mitigation

1. Aesthetics, Light, and Glare

a. Impact AES-1: The proposed Project would not have an adverse effect on a scenic vista (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure AFR-2a:

The applicant shall secure a new Timber Harvest Plan from the Department of Forestry and Fire Protection, prior to the commencement of construction. The Timber Harvest Plan shall conform to the Project's Forest Management Plan and, prior to submission to the State, shall first be submitted to the City of Calistoga's Department of Public Works for ministerial review and approval to (1) insure conformance with the Forest Management Plan and (2) review trees marked for selective harvesting, to insure that tree removal near proposed structures maintains enough trees to screen views of said structures from the valley floor and surrounding land uses to the maximum extent feasible to minimize visual impacts referenced in Impact AES-2 and Impact AES-3 (Section 3.1, Aesthetics, Light and Glare). Prior to the removal of any tree in the Timber Harvest Plan section areas, the City shall be notified in writing and shall be provided a 15-day period to review tree marking for consistency with the Forest Management Plan and visual impact minimization referenced in Impact AES-2 and Impact AES-3.

The Timber Harvest Plan shall be prepared by a Registered Profesional Forester in accordance with the Z'Berg-Nejedly Forest Practice Act (Pub.Res. Code Section 4511, et seq.) and Forest Practice Rules (Title 14 Cal. Code of Reg. Chapter 4). The Timber Harvest Plan shall include an analysis of site conditions, proposed timber operations, and the location and methods of timeber operations. It shall also implement the Forest Management Plan performance goals and standards.

The Project applicant shall provide funding for the City to retain the services of a third-party California Registered Professional Forester or arborist to independently review the implementation of this mitigation measure.

Implementation of Mitigation Measure AFR-2a will (1) insure compliance with the Forest Practice Act's objectives of responsible forest resource management and natural resource protection, (2) insure preparation of the Timber Harvest Plan by a Registered Professional Forester, and (3) will reduce Impact AES-3 to a level of insignificance.

Mitigation Measure AFR-2b:

All tree removal operations conducted pursuant to an approved Timber Harvest Plan shall be under the direction of a California Registered Professional Forester, as required by state law.

Mitigation Measure AFR-2c:

Prior to construction, the Forest Reserves areas shall be thinned in accordance with the Forest Management Plan pursuant to the approved Timber Harvest Plan under the supervision of a California Registered Professional Forester.

Mitigation Measure AFR-2d:

Prior to the removal of any tree that is not conducted pursuant to an approved Timber Harvest Plan, the Project applicant shall obtain a Tree Removal/Disturbance Permit in accordance with the City Tree Removal Ordinance and the guidelines established by the Project Forest Management Plan.

Mitigation Measure AFR-2e:

An independent, third-party forester or arborist, paid for by the Project applicant, shall be in attendance during tree removal, and all grading and disturbance of the Project site prior to Project completion, which is herein defined as construction of 13 custom homes, 20 Residence Club units, and 110 hotel units. The third-party forester's or arborist's services shall not be required after "Project completion" as defined above.

Mitigation Measure AFR-2f:

Tree removal equipment shall utilize existing roads to the maximum extent feasible to minimize disturbance to the Project site.

Mitigation Measure AFR-2g:

For all preserved trees that are within 25 feet of a grading or construction area, the following shall apply:

1. Prior to construction, temporary barriers shall be placed around an area 1.5 times the dripline of each tree or group of trees;

2. There shall be no storage or operation of construction equipment within the barriers;

3. There shall be no construction materials or fill stockpiled within the barriers; and

4. There shall be no trenching or undergrounding of utilities within the barriers.

The City may impose additional or alternative measures as determined necessary by the City's arborist or forester to avoid harm to a preserved tree.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The City of Calistoga General Plan sets forth several objectives and policies that concern the protection and preservation of visual qualities of ridgelines and hillsides from new development. These are intended to ensure that proposed development is not visible from key locations on the valley floor, avoids obtrusive breaks in the natural skyline, is responsive to the surrounding setting, and that the visible appearance of development shall be avoided. The proposed mitigation measures establish a number of requirements for tree removal activities in order to minimize visual impacts. For example, Mitigation Measure AFR-2a requires that a third-party registered arborist or forester independently review tree removal plans to ensure that tree removal near structures maintains enough trees to screen view of said structures from the valley floor and surrounding land uses to the maximum extent feasible. In addition, Mitigation Measure AFR-2f requires that tree removal activities use existing roads to the maximum extent feasible to minimize disturbance to the retained forest. Collectively, these mitigation measures would ensure that tree removal activities are implemented in a manner that minimizes visual impacts to scenic vistas to the maximum extent feasible. With the implementation of mitigation, **impacts would be less than significant**.

Implementation:

The above referenced mitigation measures will be imposed on the Project as conditions of approval.

Significance After Mitigation:

Less than significant.

b. Impact AES-3: The proposed Project would not degrade the visual character of the Project site and its surroundings (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure AFR-2a:

The applicant shall secure a new Timber Harvest Plan from the Department of Forestry and Fire Protection, prior to the commencement of construction. The Timber Harvest Plan shall conform to the Project's Forest Management Plan and, prior to submission to the State, shall first be submitted to the City of Calistoga's Department of Public Works for ministerial review and approval to (1) insure conformance with the Forest Management Plan and (2) review trees marked for selective harvesting, to insure that tree removal near proposed structures maintains enough trees to screen views of said structures from the valley floor and surrounding land uses to the maximum extent feasible to minimize visual impacts referenced in Impact AES-2 and Impact AES-3 (Section 3.1, Aesthetics, Light and Glare). Prior to the removal of any tree in the Timber Harvest Plan section areas, the City shall be notified in writing and shall be provided a

15-day period to review tree marking for consistency with the Forest Management Plan and visual impact minimization referenced in Impact AES-2 and Impact AES-3.

The Timber Harvest Plan shall be prepared by a Registered Profesional Forester in accordance with the Z'Berg-Nejedly Forest Practice Act (Pub.Res. Code Section 4511, et seq.) and Forest Practice Rules (Title 14 Cal. Code of Reg. Chapter 4). The Timber Harvest Plan shall include an analysis of site conditions, proposed timber operations, and the location and methods of timeber operations. It shall also implement the Forest Management Plan performance goals and standards.

The Project applicant shall provide funding for the City to retain the services of a third-party California Registered Professional Forester or arborist to independently review the implementation of this mitigation measure.

Implementation of Mitigation Measure AFR-2a will (1) insure compliance with the Forest Practice Act's objectives of responsible forest resource management and natural resource protection, (2) insure preparation of the Timber Harvest Plan by a Registered Professional Forester, and (3) will reduce Impact AES-3 to a level of insignificance.

Mitigation Measure AFR-2b:

All tree removal operations conducted pursuant to an approved Timber Harvest Plan shall be under the direction of a California Registered Professional Forester, as required by state law.

Mitigation Measure AFR-2c:

Prior to construction, the Forest Reserves areas shall be thinned in accordance with the Forest Management Plan pursuant to the approved Timber Harvest Plan under the supervision of a California Registered Professional Forester.

Mitigation Measure AFR-2d:

Prior to the removal of any tree that is not conducted pursuant to an approved Timber Harvest Plan, the Project applicant shall obtain a Tree Removal/Disturbance Permit in accordance with the City Tree Removal Ordinance and the guidelines established by the Project Forest Management Plan.

Mitigation Measure AFR-2e:

An independent, third-party forester or arborist, paid for by the Project applicant, shall be in attendance during tree removal, and all grading and disturbance of the Project site prior to Project completion, which is herein defined as construction of 13 custom homes, 20 Residence Club units, and 110 hotel units. The third-party forester's or arborist's services shall not be required after "Project completion" as defined above.

Mitigation Measure AFR-2f:

Tree removal equipment shall utilize existing roads to the maximum extent feasible to minimize disturbance to the Project site.

Mitigation Measure AFR-2g:

For all preserved trees that are within 25 feet of a grading or construction area, the following shall apply:

1. Prior to construction, temporary barriers shall be placed around an area 1.5 times the dripline of each tree or group of trees;

2. There shall be no storage or operation of construction equipment within the barriers;

3. There shall be no construction materials or fill stockpiled within the barriers; and

4. There shall be no trenching or undergrounding of utilities within the barriers.

The City may impose additional or alternative measures as determined necessary by the City's arborist or forester to avoid harm to a preserved tree.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The City of Calistoga General Plan sets forth several objectives and policies that concern the protection and preservation of visual and environmental qualities of new development Project sites. New development must complement Calistoga's small-town rural character, while minimizing impacts on the environment, and preserve the scenic beauty of Calistoga's hilltops and ridgelines. DEIR Exhibits 2-8, 2-9a and 2-9b depict a cross-section of a typical terraced building and the massing of the proposed Project from two separate vantage points. As shown in these exhibits, structures would largely be screened by vegetation, and rooflines would be below the existing forest canopy.

Furthermore, the residential and resort structures would be set back towards the rear of the Project site and would not be located near SR-29/128. Additionally, the proposed mitigation measures establish a number of requirements for tree removal activities in order to minimize visual impacts. For example, Mitigation Measure AFR-2a requires that a third-party registered arborist or forester independently review tree removal plans to ensure that tree removal near structures maintains enough trees to screen view of said structures from the valley floor and surrounding land uses to the maximum extent feasible. In addition, Mitigation Measure AFR-2f requires that tree removal activities use existing roads to the maximum extent feasible to minimize disturbance to the retained forest. Collectively, these mitigation measures would ensure that tree removal activities are implemented in a manner that minimizes visual impacts to scenic vistas to the maximum extent feasible. With the implementation of mitigation**, impacts would be less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

c. Impact AES-4: Implementation of the proposed Project would result in the introduction of new sources of light and glare (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure AES-4:

Prior to issuance of building permits, the Project applicant shall submit a photometric plan to the City of Calistoga for review and approval. The photometric plan shall identify types of exterior lighting fixtures and their locations on the Project site. All light fixtures shall be fully shielded or employ full cutoff fixtures to prevent unwanted illumination of neighboring properties and substantial changes to ambient nighttime lighting. The photometric plan shall demonstrate that all exterior lighting fixtures shall not exceed 1.8 foot-candles of light as measured at the nearest property line.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The Project would include the installation of freestanding and building-mounted lighting associated with the resort and residential units. Such lighting would include lighting in parking lots, along pathways, and mounted on buildings for safety and security reasons. As such, the Project may create a substantial source of nighttime light, which may affect nighttime views in the surrounding area. Mitigation Measure AES-4 requires the installation of lighting fixtures that are shielded, recessed, or directed downward, and implementation practices to prevent unwanted spillage of light and glare onto neighboring properties, thereby reducing the potential for unwanted illumination. This mitigation measure would ensure that the Project would not result in the introduction of new sources of light and glare to the maximum extent feasible. With the implementation of mitigation, **impacts would be less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

2. Agricultural And Forest Resources

a. Impact AFR-2: The proposed Project may result in the loss of forest land or conversion of forest land to non-forest use (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure AFR-2a:

The applicant shall secure a new Timber Harvest Plan from the Department of Forestry and Fire Protection, prior to the commencement of construction. The Timber Harvest Plan shall conform to the Project's Forest Management Plan and, prior to submission to the State, shall first be submitted to the City of Calistoga's Department of Public Works for ministerial review and approval to (1) insure conformance with the Forest Management Plan and (2) review trees marked for selective harvesting, to insure that tree removal near proposed structures maintains enough trees to screen views of said structures from the valley floor and surrounding land uses to the maximum extent feasible to minimize visual impacts referenced in Impact AES-2 and Impact AES-3 (Section 3.1, Aesthetics, Light and Glare). Prior to the removal of any tree in the Timber Harvest Plan section areas, the City shall be notified in writing and shall be provided a 15-day period to review tree marking for consistency with the Forest Management Plan and visual impact minimization referenced in Impact AES-2 and Impact AES-3.

The Timber Harvest Plan shall be prepared by a Registered Profesional Forester in accordance with the Z'Berg-Nejedly Forest Practice Act (Pub.Res. Code Section 4511, et seq.) and Forest Practice Rules (Title 14 Cal. Code of Reg. Chapter 4). The Timber Harvest Plan shall include an analysis of site conditions, proposed timber operations, and the location and methods of timeber operations. It shall also implement the Forest Management Plan performance goals and standards.

The Project applicant shall provide funding for the City to retain the services of a third-party California Registered Professional Forester or arborist to independently review the implementation of this mitigation measure.

Implementation of Mitigation Measure AFR-2a will (1) insure compliance with the Forest Practice Act's objectives of responsible forest resource management and natural resource protection, (2) insure preparation of the Timber Harvest Plan by a Registered Professional Forester, and (3) will reduce Impact AES-3 to a level of insignificance.

Mitigation Measure AFR-2b:

All tree removal operations conducted pursuant to an approved Timber Harvest Plan shall be under the direction of a California Registered Professional Forester, as required by state law.

Mitigation Measure AFR-2c:

Prior to construction, the Forest Reserve areas shall be thinned in accordance with the Forest Management Plan pursuant to the approved Timber Harvest Plan under the supervision of a California Registered Professional Forester.

Mitigation Measure AFR-2d:

Prior to the removal of any tree that is not conducted pursuant to an approved Timber Harvest Plan, the Project applicant shall obtain a Tree Removal/Disturbance Permit in accordance with the City Tree Removal Ordinance and the guidelines established by the Project Forest Management Plan.

Mitigation Measure AFR-2e:

An independent, third-party forester or arborist, paid for by the Project applicant, shall be in attendance during tree removal, and all grading and disturbance of the Project site prior to Project completion, which is herein defined as construction of 13 custom homes, 20 Residence Club units, and 110 hotel units. The third-party forester's or arborist's services shall not be required after "Project completion" as defined above.

Mitigation Measure AFR-2f:

Tree removal equipment shall utilize existing roads to the maximum extent feasible to minimize disturbance to the Project site.

Mitigation Measure AFR-2g:

For all preserved trees that are within 25 feet of a grading or construction area, the following shall apply:

1. Prior to construction, temporary barriers shall be placed around an area 1.5 times the dripline of each tree or group of trees;

2. There shall be no storage or operation of construction equipment within the barriers;

3. There shall be no construction materials or fill stockpiled within the barriers; and

4. There shall be no trenching or undergrounding of utilities within the barriers.

The City may impose additional or alternative measures as determined necessary by the City's arborist or forester to avoid harm to a preserved tree.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The CEQA Guidelines do not establish any numeric thresholds of significance for timber harvesting activities. In lieu of an established numeric threshold, this EIR assessed the significance of timber harvesting activities in accordance with the intent of the Z'berg-Nejedly Forest Practice Act of 1973. The Forest Practice Act encourages prudent and responsible forest resource management calculated to serve the public's need for timber and other forest products, while giving consideration to the public's need for watershed protection, fisheries and wildlife, and recreational opportunities. The Timber Harvest Plan must identify the location of timber operations, the methods of timber operations, and measures to protect resources from degradation.

The proposed mitigation measures are designed to ensure the forest land is managed to meet the goals of forest health, viewshed protection, and fire safety through the approval and implementation of a Timber Harvest Plan. For example, Mitigation Measure AFR-2a requires that a third-party registered arborist or forester independently review tree removal plans to ensure that any tree removal is consistent with the Forest Management Plan, and that tree

removal near structures maintains enough trees to screen view of said structures from the valley floor and surrounding land uses to the maximum extent feasible. In addition, Mitigation Measure AFR-2f requires that tree removal activities use existing roads to the maximum extent feasible to minimize disturbance to the retained forest. Collectively, these mitigation measures would ensure that tree removal activities are implemented in a manner that minimizes the conversion of forest land to the maximum extent feasible. With the implementation of mitigation, **impacts would be less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

3. Air Quality/Greenhouse Gas Emissions

a. Impact AIR-1: The proposed Project may conflict with or obstruct implementation of the applicable air quality plan (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure PSU-3a:

Prior to issuance of building permits, the Project applicant shall prepare and submit improvement and landscaping plans to the City of Calistoga that demonstrate the use of outdoor water conservation measures and practices. Examples of such measures and practices include the use of drought-tolerant native plants for landscaping, stormwater storage, rain gardens, graywater reuse and storage, and possible use of recycled wastewater for landscape irrigation. The approved plans shall be incorporated into the proposed Project.

Mitigation Measure PSU-3b:

Prior to approval of the final map, the Project applicant shall prepare and submit documentation to the City of Calistoga that incorporates one or more of the following options to address irrigation water supply and demand:

- The applicant may purchase additional domestic water from the City.
- The applicant may reduce the amount of landscaping proposed by over 40 percent and leave a more natural ambiance for the resort.
- The overall landscaping may be designed and installed in phases over time, such that the irrigation demand would not exceed the available supply.

The approved option(s) shall be incorporated into the proposed Project.

Mitigation Measure TRANS-5a:

During Project operations, on-demand or regularly scheduled van/shuttle service shall be provided between the Project and destinations in Calistoga, including access to transit for Project employees. Such a shuttle service should accommodate bicycles for both Project patrons and employees.

Mitigation Measure TRANS-5b:

Prior to approval of the final map, the applicant shall demonstrate on site improvement plans that appropriate half-width improvements along the SR-29/128 frontage provide sufficient width for the installation of future Class II bicycle lanes. The City of Calistoga shall review and approve the proposed facilities for adequacy.

Mitigation Measure TRANS-5c:

Prior to approval of the final map, the applicant shall depict on site improvement plans appropriate bicycle storage facilities for resort guests and employees. The City of Calistoga shall review and approve the proposed facilities for adequacy.

Mitigation Measure AIR-1:

Prior to issuance of building permits, the Project applicant shall prepare and submit plans to the City of Calistoga for review and approval demonstrating that Project buildings can achieve the energy efficiency standards set forth in the latest adopted edition of the California Green Building Standards or more restrictive local standard. The approved plans shall be incorporated into to the proposed Project.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a]).

Rationale:

The BAAQMD does not provide a threshold of significance for Project-level consistency analysis. Therefore, consistency with the BAAQMD 2010 Clean Air Plan was determined by the following criteria: (1) Does the Project support the primary goals of the air quality plan?; (2) Does the Project include applicable control measures from the air quality plan?; and, (3) Does the Project disrupt or hinder implementation of any air quality plan control measures? After incorporation of the proposed mitigation measures, the Project would be consistent with criteria 1 and 2. The Project supports the primary goals of the air quality plan through providing a mix of uses adjacent to an existing urbanized community, adjacent to alternative transit infrastructure, jobs, housing, and community services. Of the 55 control measures in the Clean Air Plan aimed at reducing air pollution in the Bay Area, only transportation and energy efficiency measures are implicated by the Project and are addressed by Mitigation Measures TRANS-5a, TRANS-5b, and TRANS-5c by improving opportunities for alternative transportation and Mitigation Measures PSU-3a, PSU-3b, and AIR-1 by reducing energy use through enhanced water conservation. The Project is consistent with criteria 3 without mitigation. Collectively, these mitigation measures would ensure that the Project does not conflict with or obstruct implementation of the applicable air quality plan to the maximum extent feasible. With the implementation of the mitigation**, impacts would be less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

b. Impact AIR-2: The Project may violate an air quality standard or contribute substantially to an existing or Projected air quality violation (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure TRANS-2:

Prior to issuance of building permits, the Project applicant shall pay impact fees to the City of Calistoga for improvements to the intersections of SR-128/Petrified Forest Road, SR-29/Silverado Trail, and SR-29/128/SR-29 (Foothill Boulevard/Lincoln Avenue) as defined in the Calistoga Municipal Code, Section 17.10.030. The improvements shall consist of the installation of a traffic signal or modern roundabout.

Mitigation Measure TRANS-5a:

During Project operations, on-demand or regularly scheduled van/shuttle service shall be provided between the Project and destinations in Calistoga, including access to transit for Project employees. Such a shuttle service should accommodate bicycles for both Project patrons and employees.

Mitigation Measure TRANS-5b:

Prior to approval of the final map, the applicant shall demonstrate on site improvement plans that appropriate half-width improvements along the SR-29/128 frontage provide sufficient width for the installation of future Class II bicycle lanes. The City of Calistoga shall review and approve the proposed facilities for adequacy.

Mitigation Measure TRANS-5c:

Prior to approval of the final map, the applicant shall depict on site improvement plans appropriate bicycle storage facilities for resort guests and employees. The City of Calistoga shall review and approve the proposed facilities for adequacy.

Mitigation Measure AIR-2:

During construction activities, the following air pollution control measures shall be implemented:

- Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- 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.
- All vehicle speeds on unpaved roads and surfaces shall be limited to 15 mph.
- All roadways, driveways, and sidewalks shall be paved as soon as possible.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City of Calistoga regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Finding(s) per Public Resources Code, Section 21081:

■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

This impact is related to localized criteria pollutant impacts because criteria pollutants are those pollutants with adopted ambient air quality standards. Potential localized impacts would be exceedances of state or federal standards for ROG, NO_X, $PM_{2.5}$, PM_{10}, or CO. The BAAQMD provides recommended thresholds of significance for construction and operational-generated ROG, NO_X, PM_{10} and $PM_{2.5}$, and operational CO, found in DEIR Table 3.3-7. If exceeded, the impact would have a significant adverse impact on the air quality in the Air Basin by jeopardizing the Air Basin's attainment of the federal standards. Potentially significant impacts were identified only for fugitive dust-related impacts from construction, and localized high levels of operational CO.

The BAAQMD does not have a quantitative threshold for fugitive dust-related air quality impacts. However, the BAAQMD does recommend minimizing fugitive dust during Project construction to avoid localized impacts to nearby receptors through the use of BMPs. Mitigation Measure AIR-2 incorporates these air quality BMPs during construction activities. Localized high levels of CO are associated with traffic congestion and idling or slow moving vehicles. The improvements identified in Mitigation Measures TRANS-2 would improve the identified intersections' LOS to acceptable levels. Implementation of Mitigation Measures TRANS-5a through TRANS-5c would ensure that adequate access to alternative modes of transportation is provided and, therefore, would reduce this impact to a less than significant level. Collectively, these mitigation measures would ensure that the Project would not violate air quality standards to the maximum extent feasible. With the implementation of mitigation, **impacts would be less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

c. Impact AIR-3: The Project may result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors) (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure AIR-2:

During construction activities, the following air pollution control measures shall be implemented:

- Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- 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.
- All vehicle speeds on unpaved roads and surfaces shall be limited to 15 mph.
- All roadways, driveways, and sidewalks shall be paved as soon as possible.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City of Calistoga regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Finding(s) per Public Resources Code, Section 21081:

■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The non-attainment pollutants of concern for this impact are ozone, PM_{10} and $PM_{2.5}$. Ozone is not emitted directly into the air, but is a regional pollutant formed by a photochemical reaction in the atmosphere. Ozone precursors, ROG and NO_X, react in the atmosphere in the presence of sunlight to form ozone. Therefore, the BAAQMD does not have a recommended ozone threshold, but has regional thresholds of significance for Project-emitted NO_X and ROG. As identified in Impact AIR-2, none of the criteria pollutants exceed the BAAQMD's recommended screening criteria for construction and operational ozone precursors, and exhaust PM_{10} and $PM_{2.5}$. The implementation of Mitigation Measure AIR-2 will require BMPs to reduce construction-related fugitive-dust below the BAAQMD's screening criteria for additional analysis. Thus, incorporation of this mitigation measure would ensure that the Project would not result in cumulatively considerable air quality impacts to the maximum extent feasible. With the implementation of mitigation**, impacts would be less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

d. Impact AIR-4: The Project may expose sensitive receptors to substantial pollutant concentrations (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure TRANS-2:

Prior to issuance of building permits, the Project applicant shall pay impact fees to the City of Calistoga for improvements to the intersections of SR-128/Petrified Forest Road, SR-29/Silverado Trail, and SR-29/128/SR-29 (Foothill Boulevard/Lincoln Avenue) as defined in the Calistoga Municipal Code, Section 17.10.030. The improvements shall consist of the installation of a traffic signal or modern roundabout.

Mitigation Measure TRANS-5a:

During Project operations, on-demand or regularly scheduled van/shuttle service shall be provided between the Project and destinations in Calistoga, including access to transit for Project employees. Such a shuttle service should accommodate bicycles for both Project patrons and employees.

Mitigation Measure TRANS-5b:

Prior to approval of the final map, the applicant shall demonstrate on site improvement plans that appropriate half-width improvements along the SR-29/128 frontage provide sufficient width for the installation of future Class II bicycle lanes. The City of Calistoga shall review and approve the proposed facilities for adequacy.

Mitigation Measure TRANS-5c:

Prior to approval of the final map, the applicant shall depict on site improvement plans appropriate bicycle storage facilities for resort guests and employees. The City of Calistoga shall review and approve the proposed facilities for adequacy.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

Impact AIR-4 considers whether the Project would expose sensitive receptors to substantial pollutant concentrations of carbon monoxide, asbestos, diesel particulate matter, or other TACs of concern. A health risk is the probability that exposure to a given TAC under a given set of conditions will result in an adverse health effect. The health risk is affected by several factors, such as the amount, toxicity, and concentration of the contaminant; meteorological conditions; distance from the emission sources to people; the distance between the emission sources; the age, health, and lifestyle of the people living or working at a location; and the length of exposure to the TAC. Only impacts from localized concentrations of CO due to traffic congestion and idling or slow moving vehicles at identified intersections were determined to be potentially significant. The screening and analysis for the Project's potential to contribute to a localized exceedance of state or federal CO standards is contained in Impact AIR-2. By implementing Mitigation Measures TRANS-2 and TRANS-5a through TRANS-5c, the Project would not significantly contribute to a local violation of the CO standards by contributing to improvements at identified intersections and encouraging alternative modes of transportation. Therefore, collectively, these mitigation measures would ensure that the Project would not significantly contribute to exposure of sensitive receptors to unacceptable levels of CO to the maximum extent feasible. With the implementation of mitigation, **impacts would be less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

e. Impact AIR-6: The Project may generate greenhouse gases that would have a significant impact on the environment (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure AIR-1:

Prior to issuance of building permits, the Project applicant shall prepare and submit plans to the City of Calistoga for review and approval demonstrating that Project buildings can achieve the energy efficiency standards set forth in the latest adopted edition of the California Green Building Standards or more restrictive local standard. The approved plans shall be incorporated into to the proposed Project.

Mitigation Measure PSU-3a:

Prior to issuance of building permits, the Project applicant shall prepare and submit improvement and landscaping plans to the City of Calistoga that demonstrate the use of outdoor water conservation measures and practices. Examples of such measures and practices include the use of drought-tolerant native plants for landscaping, stormwater storage, rain gardens, graywater reuse and storage, and possible use of recycled wastewater for landscape irrigation. The approved plans shall be incorporated into the proposed Project.

Mitigation Measure PSU-3b:

Prior to approval of the final map, the Project applicant shall prepare and submit documentation to the City of Calistoga that incorporates one or more of the following options to address irrigation water supply and demand:

- The applicant may purchase additional domestic water from the City.
- The applicant may reduce the amount of landscaping proposed by over 40 percent and leave a more natural ambiance for the resort.
- The overall landscaping may be designed and installed in phases over time, such that the irrigation demand would not exceed the available supply.

The approved option(s) shall be incorporated into the proposed Project.

Mitigation Measure PSU-6b:

Prior to issuance of the certificate of occupancy for the resort hotel, the Project applicant shall prepare and submit plans to the City of Calistoga identifying onsite recycling collection facilities. Such facilities shall be provided in a centralized location within enclosed facilities. Signage shall clearly identify accepted materials, and recycling collection vessels (dumpsters, receptacles, bins, toters, etc.) shall be distinctly different in appearance from solid waste collection vessels.

Mitigation Measure TRANS-5a:

During Project operations, on-demand or regularly scheduled van/shuttle service shall be provided between the Project and destinations in Calistoga, including access to transit for Project employees. Such a shuttle service should accommodate bicycles for both Project patrons and employees.

Mitigation Measure TRANS-5b:

Prior to approval of the final map, the applicant shall demonstrate on site improvement plans that appropriate half-width improvements along the SR-29/128 frontage provide sufficient width for the installation of future Class II bicycle lanes. The City of Calistoga shall review and approve the proposed facilities for adequacy.

Mitigation Measure TRANS-5c:

Prior to approval of the final map, the applicant shall depict on site improvement plans appropriate bicycle storage facilities for resort guests and employees. The City of Calistoga shall review and approve the proposed facilities for adequacy.

Finding(s) per Public Resources Code, Section 21081:

■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The BAAQMD thresholds for greenhouse gas analysis were overturned by the Alameda Superior Court in January 2012. Therefore, this impact was analyzed using the following two criteria to determine potential significance: (1) The ARB's Scoping Plan's statewide year 2020 goal of a 29-percent reduction of greenhouse gas emissions from the business as usual (BAU) scenario; and, (2) Project Consistency with Climate Action Framework Goals and Objectives. As applied to the Project, the 29-percent reduction from BAU means that the Project's operational greenhouse gas emissions in the year 2020 must be reduced by 29 percent from the BAU scenario. This can be achieved through a combination of Project design features and regulations adopted since 2002–2004, including improved Building Code requirements, AB 32 scoping plan measures, and updated Building Code requirements and other regulations. BAAQMD's URBEMIS and BGM emissions models were used to identify BAU greenhouse gas emissions from the Project in DEIR Table 3.3-11. After applying Project design features, adopted regulations, AB 32 scoping plan measures, and improved Building Code requirements, the Project was determined to be consistent with the ARB's Scoping Plan statewide year 2020 goals by reducing greenhouse gas emissions by 30% over BAU shown in DEIR Table 3.3-12.

The City of Calistoga has not adopted a Climate Action Plan, but has completed a draft community emissions inventory in 2009, and established a greenhouse gas reduction target of 15 percent below 2005 emission levels by 2020 by City Council Resolution No. 2009-070. Napa County published the Napa Countywide Climate Action Framework (Framework), an overarching framework to support the development of city-level climate action plans, in September 2010. The Framework contains the emissions inventories of the unincorporated portions of the County as well as incorporated Cities. The Framework also contains six goals and 53 actions to achieve greenhouse gas emission reductions. DEIR Table 3.3-13 contains the analysis of Project consistency with the Framework's goals and objectives. As shown in the table, the Project is consistent with the goals and objectives after the incorporation of Mitigation Measures TRANS-5a, TRANS-5b, and TRANS-5c by decreasing vehicle miles traveled, Mitigation Measure AIR-1 by improving energy efficiency, Mitigation Measure PSU-6b by improving waste reduction and diversion, and Mitigation Measures PSU-3a and PSU-3b by improving water conservation. Therefore, collectively, these mitigation measures would ensure that the Project would not generate greenhouse gas emissions that would have a significant effect on the environment to the maximum extent feasible. With the implementation of mitigation, impacts would be **less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

f. Impact AIR-7: The Project may conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure AIR-1:

Prior to issuance of building permits, the Project applicant shall prepare and submit plans to the City of Calistoga for review and approval demonstrating that Project buildings can achieve the energy efficiency standards set forth in the latest adopted edition of the California Green Building Standards or more restrictive local standard. The approved plans shall be incorporated into to the proposed Project.

Mitigation Measure PSU-3a:

Prior to issuance of building permits, the Project applicant shall prepare and submit improvement and landscaping plans to the City of Calistoga that demonstrate the use of outdoor water conservation measures and practices. Examples of such measures and practices include the use of drought-tolerant native plants for landscaping, stormwater storage, rain gardens, graywater reuse and storage, and possible use of recycled wastewater for landscape irrigation. The approved plans shall be incorporated into the proposed Project.

Mitigation Measure PSU-6a:

Prior to issuance of building permits, the Project applicant shall retain a qualified contractor to perform construction and demolition debris recycling. Upper Valley Disposal shall be consulted regarding construction and demolition debris recycling requirements. Following the completion of construction activities, the Project applicant shall provide documentation to the satisfaction of the City of Calistoga demonstrating that construction and demolition debris was recycled.

Mitigation Measure PSU-6b:

Prior to issuance of the certificate of occupancy for the resort hotel, the Project applicant shall prepare and submit plans to the City of Calistoga identifying onsite recycling collection facilities. Such facilities shall be provided in a centralized location within enclosed facilities. Signage shall clearly identify accepted materials, and recycling collection vessels (dumpsters, receptacles, bins, toters, etc.) shall be distinctly different in appearance from solid waste collection vessels.

Mitigation Measure TRANS-5a:

During Project operations, on-demand or regularly scheduled van/shuttle service shall be provided between the Project and destinations in Calistoga, including access to transit for Project employees. Such a shuttle service should accommodate bicycles for both Project patrons and employees.

Mitigation Measure TRANS-5b:

Prior to approval of the final map, the applicant shall demonstrate on site improvement plans that appropriate half-width improvements along the SR-29/128 frontage provide sufficient width for the installation of future Class II bicycle lanes. The City of Calistoga shall review and approve the proposed facilities for adequacy.

Mitigation Measure TRANS-5c:

Prior to approval of the final map, the applicant shall depict on site improvement plans appropriate bicycle storage facilities for resort guests and employees. The City of Calistoga shall review and approve the proposed facilities for adequacy.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The City of Calistoga has not adopted a Climate Action Plan, but has completed a draft community emissions inventory in 2009, and established a greenhouse gas reduction target of 15 percent below 2005 emission levels by 2020 by City Council Resolution No. 2009-070. The ARB has adopted a Scoping Plan that identifies a statewide year 2020 goal of a 29-percent reduction of greenhouse gas emissions from the business as usual (BAU) scenario. This can be achieved through a combination of Project design features and regulations adopted since 2002–2004, including improved Building Code requirements, AB 32 scoping plan measures, and updated Building Code requirements and other regulations. Napa County published the Napa Countywide Climate Action Framework (Framework), an overarching framework to support the development of city-level climate action plans, in September 2010. The Framework contains the emissions inventories of the unincorporated portions of the County as well as incorporated Cities. The Framework also contains six goals and 53 actions to achieve greenhouse gas emission reductions.

BAAQMD's URBEMIS and BGM emissions models were used to identify BAU greenhouse gas emissions from the Project in DEIR Table 3.3-11. After applying Project design features, adopted regulations, AB 32 scoping plan measures, and improved Building Code requirements, the Project was determined to be consistent with the ARB's Scoping Plan statewide year 2020 goals by reducing greenhouse gas emissions by 30% over BAU shown in DEIR Table 3.3-12. DEIR Table 3.3-13 contains the analysis of Project consistency with the Framework's goals and objectives. As shown in the table, the Project is consistent with the goals and objectives after the incorporation of Mitigation Measures TRANS-5a, TRANS-5b, and TRANS-5c by decreasing vehicle miles traveled, Mitigation Measure AIR-1 by improving energy efficiency, Mitigation Measures PSU-6a and PSU-6b by improving waste reduction and diversion, and Mitigation Measure PSU-3a by improving water conservation. Therefore, collectively, these mitigation measures would ensure that the Project would not conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases to the maximum extent feasible. With the implementation of mitigation, impacts would be **less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

4. Biological Resources

a. Impact BIO-1: The proposed Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure BIO-1a:

The following mitigation measure applies only if an offsite utility alignment involves a sub-surface crossing of the Napa River. During high-pressure directional drilling under the Napa River, the following avoidance and minimization measures shall be implemented:

- Compliance with all applicable regulatory agency requirements.
- Existing trails and roads shall be used where and when feasible. Access to the drill site shall avoid disturbance to riparian vegetation and the streambed. Crossing the Napa River channel with machinery shall be avoided. Access to the drill entry and exit points shall be conducted from opposite banks.
- The drill path shall be designed to an appropriate depth below the streambed to minimize the risk of a frac-out and to a depth to prevent the line from becoming exposed because of natural scouring of the Napa River. The drill entry and exit points shall be designed far enough from the banks of the streambed to avoid impacts to riparian vegetation.
- Machinery shall be operated in upland areas above the banks when feasible, and in a manner that minimizes disturbance to the banks of the Napa River.
- Machinery shall arrive onsite in a clean condition and shall be maintained free of fluid leaks. Equipment maintenance and fueling areas shall be located at least 30 meters (100 feet) away from the Napa River. Fueling shall occur behind a containment barrier that will prevent any spilled or leaked fuel from running into the Napa River. All equipment servicing shall occur within designated areas away from the Napa River. All motorized equipment used during construction or demolition activities shall be checked for oil, fuel, and coolant leaks prior to initiating work. Any equipment found to be leaking fluids shall not be used in or within 30 meters of the Napa River.
- Bore pits shall be located outside the drip line of trees rooted in the banks, and no vegetation shall be removed from the banks without approval from a qualified biologist.
- A dugout/settling basin shall be constructed at the drilling exit site to contain drilling mud and to prevent sediment from entering the Napa River. As appropriate, silt fences or other effective sediment and erosion control measures shall be used to prevent drilling

mud from entering the Napa River. Excess drilling mud and other waste materials shall be disposed at an adequately sized disposal facility located away from the Napa River to prevent these materials from entering the watercourse.

- Construction activities shall be conducted during the dry season (low flow period) to minimize potential transport of material from the Project area downstream during a frac-out.

- Riparian vegetation that extends over or into the water or that has roots extending into the water shall not be removed. Riparian vegetation that does not provide cover or foraging areas for shrimp may be trimmed or removed with approval from a qualified biologist.

- The Napa River shall be monitored by qualified personnel during drilling to observe signs of surface migration (frac-out) of drilling mud.

- An Emergency Frac-out Response and Contingency Plan shall be prepared and approved by the applicable regulatory agencies (United States Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game) prior to drilling. This plan shall be implemented immediately in the event of a frac-out.

Mitigation Measure BIO-1b:

If ground clearing or vegetation removal activities occur during the nesting season (March 1 through August 31), a qualified biologist shall survey the nesting area for the sharp-shinned hawk. If nesting is observed, the biological monitor shall establish an appropriate no-work buffer around the nest site during the breeding season. If work must be conducted within the no-work buffer during the nesting season, the biologist shall conduct a nest survey prior to construction to determine whether the sharp-shinned hawk nest is still active. When the biologist determines that the nest is no longer active, construction may commence within the no-work buffer. This mitigation measure does not apply if ground clearing or vegetation removal activities occur outside of the nesting season (September 1 through February 28 or 29).

Mitigation Measure BIO-1c:

Prior to ground disturbance activities that occur during the breeding season for the pallid bat (October 15 through February 15), all existing structures within Project site and associated utility alignments shall be surveyed for pallid bats and their roosts by a qualified biologist. If pallid bats or their roost sites are found within the Project site or associated utility alignments, the following avoidance measures shall be implemented, at the discretion of a qualified biologist:

- An Avoidance and Habitat Replacement Plan shall be prepared and submitted to the California Department of Fish and Game for review and approval prior to commencement of construction. The plan shall evaluate the type of habitat to be disturbed, length of disturbance, equipment noise, adjacent habitat available, and habitat replacement methods (if appropriate). The plan shall be implement during construction activities.

- Structures providing roost sites for this species must be avoided to the maximum extent practicable.

- If any breeding bats are discovered during construction, a biological monitor shall survey the area where roosting bats were discovered. If bats are observed nesting during the breeding season (between mid-October and the end of June), the biological monitor shall establish an appropriate no-work buffer around the nest or roost site for the duration of the breeding season. If work must be conducted within the no-work buffer during the breeding season, the biological monitor shall conduct a daytime survey prior to construction to determine whether the bats are still present. When the biological monitor determines that the bats are no longer nesting, construction may commence within the no-work buffer.

- All construction activity in the vicinity of an active roost must be limited to daylight hours and lights will not be used around roost sites at night.

- Demolition of any roost sites must be timed for the period when bats are not present on the site.

Mitigation Measure BIO-1d:

If ground clearing or vegetation removal activities occur during the nesting season (February 1 through August 31), then pre-construction surveys for nesting birds shall be conducted in all areas suitable for nesting that are located within 500 feet of the Project area to be impacted. Surveys shall be conducted no more than 14 days prior to the beginning of ground disturbance, with surveys occurring on a minimum of three separate days during this period. If an active nest is located, the Project applicant shall consult with CDFG and obtain approval for nest protection buffers that must be established prior to tree removal or ground-disturbing activities. Nest protection buffers shall remain in place until the young have fledged. All nest protection measures shall apply to onsite and offsite construction activities. If a lapse in projected-related construction of 15 days or longer occurs, either (1) another survey will be required or (2) consultation with CDFG must occur before work may resume. This mitigation measure does not apply if ground clearing or vegetation removal activities occur outside of the nesting season (September 1 through February 28 or 29).

Finding(s) per Public Resources Code, Section 21081:

■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a]).

Rationale:

The Project site and offsite utility alignments contains suitable habitat for the state and federally listed endangered California freshwater shrimp. The Project site and offsite utility alignments also contain suitable habitat for the following Species of Special Concern: sharp-shinned hawk and pallid bat. Finally, potentially significant impacts to nesting migratory birds may occur if ground disturbance activities are conducted during the nesting season. Offsite Utility Alignment B involves a subsurface crossing of the Napa River, which contains suitable habitat for the state and federally listed endangered California freshwater shrimp. The subsurface crossing would involve the use of high-pressure directional drilling, which would occur outside of and beneath the banks and channel of the Napa River, thereby avoiding suitable habitat for the California freshwater shrimp. However, high-pressure directional drilling activities have the potential to result in a “frac-out” incident, which may adversely impact this species. Mitigation Measure

BIO-1a requires that various avoidance and minimization measures be implemented, such as monitoring by qualified personnel, the preparation of an Emergency Response and Contingency Plan, and other construction-related compliance measures.

Mitigation Measures BIO-1b, BIO-1c, and BIO-1d require that pre-construction surveys be conducted for the sharp-shinned hawk, the pallid bat, and sensitive avian species and migratory birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code if construction is to occur during the nesting or breeding seasons to ensure the protection of any special-status species found on site. Collectively, these mitigation measures would ensure that the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species, to the maximum extent feasible. With the implementation of mitigation, **impacts would be less than significant**.

Implementation:

The above referenced mitigation measures will be imposed on the Project as conditions of approval.

Significance After Mitigation:

Less than significant.

b. Impact BIO-2: The proposed Project may have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measures MM BIO-2:

Prior to issuance of grading permits, the Project applicant shall retain a qualified biologist to prepare and submit a Jurisdictional Delineation to the appropriate resource agencies for review and approval. Such agencies may include but are not limited to the United States Army Corps of Engineers, the California Department of Fish and Game, and the San Francisco Bay Regional Water Quality Control Board. Should the approved Jurisdictional Delineation determine that the offsite utility work would impact regulated resources, the applicant shall obtain the necessary regulatory permits and mitigate impacts through either (1) offsite restoration of features of equal or greater value or (2) purchase of credits at an agency-approved mitigation bank in the region at no less than a 1:1 ratio.

Finding(s) per Public Resources Code, Section 21081:

- Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The Project site does not contain any sensitive natural communities or riparian habitat. As such, the onsite development activities associated with the residential and resort uses would not have any impacts. The offsite utility alignments, however, would involve routing through areas that contain riparian habitat. Alignment A involves installing a replacement sewer pipe immediately adjacent to the existing sewer pipe, which crosses over Simmons Creek; refer to DEIR Exhibit 3.4-2b. Alignment B involves installing a recycled water line that would cross under the Napa River; refer to Exhibit 3.4-2b. Construction of the potential reclaimed water line would be through high-pressure directional drilling.

Mitigation Measure BIO-2 requires the Project applicant to retain a qualified biologist to prepare and submit a Jurisdictional Delineation to the appropriate resources agencies for review and approval. A full jurisdictional delineation and subsequent impacts analysis is necessary to determine the exact size of the jurisdictional area that may be impacted by construction of the potential reclaimed water line. If the resource agencies determine that the proposed offsite utility work would impact regulated resources, the applicant is required to obtain the necessary regulatory permits and mitigate impacts through either offsite restoration of features of equal or greater value or purchase of credits at an agency-approved mitigation bank in the region at no less than a 1:1 ratio. This mitigation measure would ensure that the Project would not have a substantial effect on a riparian area or other identified sensitive natural community to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measures will be imposed on the Project as conditions of approval.

Significance After Mitigation:

Less than significant.

c. Impact BIO-3: The proposed Project may have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measures BIO-2:

Prior to issuance of grading permits, the Project applicant shall retain a qualified biologist to prepare and submit a Jurisdictional Delineation to the appropriate resource agencies for review and approval. Such agencies may include but are not limited to the United States Army Corps of Engineers, the California Department of Fish and Game, and the San Francisco Bay Regional Water Quality Control Board. Should the approved Jurisdictional Delineation

determine that the offsite utility work would impact regulated resources, the applicant shall obtain the necessary regulatory permits and mitigate impacts through either (1) offsite restoration of features of equal or greater value or (2) purchase of credits at an agency-approved mitigation bank in the region at no less than a 1:1 ratio.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The Project site does not contain any sensitive natural communities or riparian habitat. As such, the onsite development activities associated with the residential and resort uses would not have any impacts. The offsite utility alignments, however, would involve routing through areas that could be considered federally protected wetlands. Alignment A involves installing a replacement sewer pipe immediately adjacent to the existing sewer pipe, which crosses over Simmons Creek; refer to DEIR Exhibit 3.4-2b. Alignment B involves installing a recycled water line that would cross under the Napa River; refer to Exhibit 3.4-2b. Construction of the potential reclaimed water line would be through high-pressure directional drilling.

Mitigation Measure BIO-2 requires the Project applicant to retain a qualified biologist to prepare and submit a Jurisdictional Delineation to the appropriate resources agencies for review and approval. A full jurisdictional delineation and subsequent impacts analysis is necessary to determine the exact size of the jurisdictional area that may be impacted by construction of the potential reclaimed water line. If the resource agencies determine that the proposed offsite utility work would impact regulated resources, the applicant is required to obtain the necessary regulatory permits and mitigate impacts through either offsite restoration of features of equal or greater value or purchase of credits at an agency-approved mitigation bank in the region at no less than a 1:1 ratio. This mitigation measure would ensure that the Project would not have a substantial effect on federally protected wetlands to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measures will be imposed on the Project as conditions of approval.

d. Impact BIO-5: The proposed Project may conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure AFR-2d:

Prior to the removal of any tree that is not conducted pursuant to an approved Timber Harvest Plan, the Project applicant shall obtain a Tree Removal/Disturbance Permit in accordance with the City Tree Removal Ordinance and the guidelines established by the Project Forest Management Plan.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The City of Calistoga has a tree ordinance that protects any tree with a DBH greater than 12 inches; any native oak with a DBH greater than 6 inches; any valley oak, seedling, sapling, or older; and any tree bearing an active nest of a fully protected bird. Because the proposed Project involves timber harvesting of trees that are subject to the provisions of tree ordinance, the Project applicant will be required to obtain approval of Tree Removal/Disturbance Permit from the City of Calistoga. This requirement is reflected in Mitigation Measure AFR-2d. This mitigation measure would ensure that the Project would not conflict with the City's tree preservation ordinance to the maximum extent feasible. With the implementation of this mitigation measure, **impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measures will be imposed on the Project as conditions of approval.

Significance After Mitigation:

Less than significant.

5. Cultural Resources

a. Impact CUL-1: The proposed Project may cause a substantial adverse change in the significance of a historical resource (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure CUL-1:

If potentially significant historic resources are encountered during subsurface excavation activities for the Project area, all construction activities within a 50-foot radius of the resource shall cease until a qualified archaeologist determines whether the resource requires further study based on the type of resource found and its significance under CEQA. The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths,

structural remains, or historic dumpsites. If the resource is determined to be significant under CEQA, the City and a qualified archaeologist shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. If such preservation is infeasible, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan for the resource that meets the requirements set forth in CEQA. The archaeologist shall also conduct appropriate technical analyses and prepare a comprehensive written report that meets the standards set forth in CEQA and conforms to the Office of Historic Preservation standards for Phase I Cultural Resource studies and the Archaeological Resource Management Report format. The report will be filed with the appropriate information center (California Historical Resources Information System), and provisions made for the permanent curation of the recovered materials at an appropriate repository.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

According to the record search results received from the NWIC, thirteen cultural resources and five historic properties have been previously recorded within the Project area or a 0.25-mile radius. In addition, during the course of the pedestrian survey, four previously recorded historic resources were relocated within the Project area. The four historic resources found within main Project area were considered not eligible for listing on the California Register and therefore no further archaeological work is required for these sites. Although no new historic resources were discovered during the survey, there is always the possibility that ground-disturbing activities during Project development could potentially impact previously unknown historic resources. Mitigation Measure CUL-1 requires standard inadvertent discovery procedures to be implemented in the event that subsurface historical resources are encountered during construction. This mitigation measure would ensure that the Project would not cause a substantial adverse change in the significance of a historical resource to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

b. Impact CUL-2: Subsurface construction activities associated with the proposed Project may damage or destroy previously undiscovered archaeological resources (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure CUL-2a:

If potentially significant archaeological resources are encountered during subsurface excavation activities, all construction activities within a 50-foot radius of the resource shall cease until a qualified archaeologist determines whether the resource requires further study to determine its significance under CEQA. The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. If the resource is determined to be significant under CEQA, the City and a qualified archaeologist shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation.

The archaeologist shall also conduct appropriate technical analyses and prepare a comprehensive written report that meets the standards set forth in CEQA and conforms to the Office of Historic Preservation standards for Phase I Cultural Resource studies and the Archaeological Resource Management Report format. The report will be filed with the appropriate information center (California Historical Resources Information System), and provisions made for the permanent curation of the recovered materials at an appropriate repository.

Mitigation Measure CUL-2b:

During ground disturbance activities associated with either (or both) of the two offsite utility alignments in the area north of SR-29/128, the Project applicant shall retain a qualified archaeologist to conduct construction monitoring. The archaeologist shall consult with a Native American representative/monitor regarding monitoring activities, as appropriate.

In addition, although the main Project area (south of SR-29/128) is considered to have low sensitivity for prehistoric resources, there is the possibility that unknown prehistoric resources are present below the ground surface. Therefore, since it is unknown if prehistoric resources are within the main Project area (south of SR-29/128), periodic monitoring of ground disturbance in areas likely to have been utilized by Native Americans is warranted. The periodic monitoring in the main Project area would be conducted by either the archaeologist or the Native American representative/monitor in conjunction with the monitoring efforts for the area north of SR-29/128.

The periodic monitoring would be conducted in areas considered likely for Native American resources not the entire southern Project area. The periodic monitoring would be conducted by either a qualified archaeologist or a Native American representative/monitor and would be determined as the need for monitoring arose.

Finding(s) per Public Resources Code, Section 21081:

- Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

According to the record search results received from the NWIC, thirteen cultural resources and five historic properties have been previously recorded within the Project area or a 0.25-mile radius. An NAHC record search failed to indicate the presence of Native American cultural resources in the immediate vicinity of the Project area. In addition, during the course of the pedestrian survey, four previously recorded historic resources were relocated within the Project area. The four historic resources found within main Project area were considered not eligible for listing on the California Register and therefore no further archaeological work is required for these sites. Although no new historic resources were discovered during the survey, there is always the possibility that ground-disturbing activities during Project development could potentially impact previously unknown historic resources. Mitigation Measure CUL-2a requires standard inadvertent discovery procedures to be implemented in the event that subsurface historical resources are encountered during construction.

Two Native American representatives were contacted by MBA to request any additional information they may have about the Project. Mr. Vince Salsedo of the Mishelwal Wappo tribe contacted MBA and stated that he had specific concerns about the area north of SR-29/128 and general concerns about the area south of SR-29/128. He requested monitoring for all ground disturbance in the area north of SR-29/128 and agreed to periodic monitoring in the main Project area south of SR-29/128, which is included as Mitigation Measure CUL-2b. Collectively, these mitigation measures would ensure that the Project construction activities would not damage or destroy previously undiscovered archaeological resources to the maximum extent feasible. With the implementation of mitigation**, impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

c. Impact CUL-3: Subsurface construction activities associated with the proposed Project may damage or destroy previously undiscovered paleontological resources (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure CUL-3:

In the event that plant or animal fossils are discovered during subsurface excavation activities for the proposed Project, all excavation within 50 feet of the fossil shall cease until a qualified paleontologist has determined the significance of the find and provides recommendations in accordance with Society of Vertebrate Paleontology standards, as follows:

- The paleontologist shall notify the City of Calistoga to determine procedures to be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the City determines that avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The plan shall be submitted to the City for review and approval. Upon approval, the plan shall be incorporated into the Project.

Finding(s) per Public Resources Code, Section 21081:

■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The proposed Project area is not located in an area that is considered likely to have paleontological resources present. Fossils of plants, animals, or other organisms of paleontological significance have not been discovered at the Project site, nor has the site been identified to be within an area where such discoveries are likely. The type of depositional environment at the Project area typically does not present favorable conditions for the discovery of paleontological resources. In this context, the Project would not result in impacts to paleontological resources or unique geologic features. In addition, no paleontological resources were discovered during the course of the field survey. Nonetheless, the possibility exists that subsurface construction activities may encounter previously undiscovered paleontological resources. Mitigation Measure CUL-3 requires standard inadvertent discovery procedures to be implemented in the event that subsurface paleontological resources are encountered during construction. This mitigation measure would ensure that the Project would not damage or destroy previously undiscovered paleontological resources to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant.**

Implementation:

The above referenced mitigation measures will be imposed on the Project as conditions of approval.

Significance After Mitigation:

Less than significant.

d. Impact CUL-4: Subsurface construction activities associated with the proposed Project may damage or destroy previously undiscovered human remains (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure CUL-4:

If previously unknown human remains are encountered during construction activities, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed:

In the event of an accidental discovery or recognition of any human remains, Public Resource Code Section 5097.98 must be followed. Once Project-related ground disturbance begins and if there is accidental discovery of human remains, the following steps shall be taken:

- There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Napa County Coroner's Office is contacted to determine if the remains are Native American and if an investigation into cause of death is required. If the coroner determines the remains are Native American, the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant of the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

Finding(s) per Public Resources Code, Section 21081:

■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

This impact will evaluate the potential for the proposed Project to adversely damage or destroy human remains. There are no known burial sites within the main Project area west of SR-29/128. In addition, the pedestrian survey did not find any evidence of human remains within the main Project area. However, two of the sites east of SR-29/128 (an area that may be utilized for offsite improvements) have the potential for possible burials, as they are near the Napa River (a typical prehistoric village location) and contained over 100 obsidian flakes, indicating the presence of Native Americans. Therefore, the possibility exists that subsurface construction activities may encounter previously undiscovered human remains. Mitigation Measure CUL-4 requires standard inadvertent discovery procedures to be implemented in the event that human remains are encountered during construction. This mitigation measure would ensure that the Project would not damage or destroy previously undiscovered human remains to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant.**

Implementation:

The above referenced mitigation measures will be imposed on the Project as conditions of approval.

Significance After Mitigation:

Less than significant.

6. Geology, Soils, And Seismicity

a. Impact GEO-1: The proposed Project may expose persons or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic hazards such as fault rupture, strong ground shaking, seismic-related ground failure, or landslides (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure GEO-1:

Prior to issuance of building permits for the proposed Project, the Project applicant shall submit grading and building plans to the City of Calistoga for review and approval that reflect the applicable recommendations from the previously prepared design-level geotechnical report and addenda. The applicant shall have the option of commissioning a new design-level geotechnical report in lieu of relying on the previous reports, provided that it meets City requirements for such reports The proposed Project's plans incorporate all applicable seismic design standards of the latest adopted edition of the California Building Standards Code or local amendments. The Project applicant shall adhere to these approved plans in constructing the Project.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The Project site is located in a seismically active region and, therefore, may be exposed to strong ground shaking during a seismic event. The Project site may be susceptible to seismic slope failure during an earthquake and contains two areas where landslides have occurred or may have potentially occurred. These areas are located along the access road and in the area where the custom residential lots are proposed; refer to DEIR Exhibit 3.6-1. A design-level geotechnical study would provide specific guidance regarding soil engineering and foundation design to ensure the Project's foundations are adequately supported into the underlying bedrock. Mitigation Measure GEO-1 requires the Project to adhere to the previously prepared design-level geotechnical study or prepare a new one, and that the buildings must adhere to building code standards for earthquake resistant construction. This mitigation measure would ensure that the Project would not expose persons or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic hazards such as fault rupture, strong ground shaking, seismic-related ground failure, or landslides to the maximum extent feasible. With the implementation of mitigation**, impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

b. Impact GEO-2: Development of the proposed Project may have the potential to create substantial erosion or loss of topsoil (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure AFR-2a:

The applicant shall secure a new Timber Harvest Plan from the Department of Forestry and Fire Protection, prior to the commencement of construction. The Timber Harvest Plan shall conform to the Project's Forest Management Plan and, prior to submission to the State, shall first be submitted to the City of Calistoga's Department of Public Works for ministerial review and approval to (1) insure conformance with the Forest Management Plan and (2) review trees marked for selective harvesting, to insure that tree removal near proposed structures maintains enough trees to screen views of said structures from the valley floor and surrounding land uses to the maximum extent feasible to minimize visual impacts referenced in Impact AES-2 and Impact AES-3 (Section 3.1, Aesthetics, Light and Glare). Prior to the removal of any tree in the Timber Harvest Plan section areas, the City shall be notified in writing and shall be provided a 15-day period to review tree marking for consistency with the Forest Management Plan and visual impact minimization referenced in Impact AES-2 and Impact AES-3.

The Timber Harvest Plan shall be prepared by a Registered Profesional Forester in accordance with the Z'Berg-Nejedly Forest Practice Act (Pub.Res. Code Section 4511, et seq.) and Forest Practice Rules (Title 14 Cal. Code of Reg. Chapter 4). The Timber Harvest Plan shall include an analysis of site conditions, proposed timber operations, and the location and methods of timeber operations. It shall also implement the Forest Management Plan performance goals and standards.

The Project applicant shall provide funding for the City to retain the services of a third-party California Registered Professional Forester or arborist to independently review the implementation of this mitigation measure.

Implementation of Mitigation Measure AFR-2a will (1) insure compliance with the Forest Practice Act's objectives of responsible forest resource management and natural resource protection, (2) insure preparation of the Timber Harvest Plan by a Registered Professional Forester, and (3) will reduce Impact AES-3 to a level of insignificance.

Mitigation Measure HYD-1:

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

- Temporary erosion control measures shall be employed for disturbed areas.
- Specific measures shall be identified to protect downstream drainage features during construction of the proposed Project.

- Specific measures shall be identified to protect the Napa River and floodplain during pipeline construction.
- No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.
- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.
- BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure.
- In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.

Finding(s) per Public Resources Code, Section 21081:

■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

Construction activities associated with the proposed Project would involve vegetation removal, grading, and excavation activities that could expose barren soils to sources of wind or water, resulting in the potential for erosion and sedimentation on and off the Project site. Mitigation Measure HYD-1 requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction activities for the Project. The SWPPP must identify potential sources of erosion or sedimentation that may be reasonably expected to affect the quality of stormwater discharges as well as identify and implement Best Management Practices (BMPs) that ensure the reduction of these pollutants during stormwater discharges. Typical BMPs intended to control erosion include sand bags, detention basins, silt fencing, storm drain inlet protection, street sweeping, and monitoring of water bodies. Mitigation Measure AFR-2a requires the approval of a Timber Harvest Plan/Timber Harvest Permit from the California Board of Forestry and Fire Protection. As part of the requirements of this approval, is the requirement to identify measures to prevent erosion during timber harvesting activities. Collectively, these mitigation measures would ensure that the Project construction activities would not create substantial erosion or loss of topsoil to the maximum extent feasible. With the implementation of mitigation**, impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

c. Impact GEO-3: The proposed Project may expose persons or structures to hazards associated with unstable geologic units or soils (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure GEO-1:

Prior to issuance of building permits for the proposed Project, the Project applicant shall submit grading and building plans to the City of Calistoga for review and approval that reflect the applicable recommendations from the previously prepared design-level geotechnical report and addenda. The applicant shall have the option of commissioning a new design-level geotechnical report in lieu of relying on the previous reports, provided that it meets City requirements for such reports. The proposed Project's plans incorporate all applicable seismic design standards of the latest adopted edition of the California Building Standards Code or local amendments. The Project applicant shall adhere to these approved plans in constructing the Project.

Finding(s) per Public Resources Code, Section 21081:

- Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The Project site contains unstable geologic units and soils that may potentially expose persons or structures to hazards if left unabated. A design-level geotechnical study would provide specific guidance regarding soil engineering and foundation design to ensure the Project's foundations are adequately supported into the underlying bedrock. Mitigation Measure GEO-1 requires the Project to adhere to the previously prepared design-level geotechnical study or prepare a new one, and that the buildings must adhere to building code standards for earthquake resistant construction. This mitigation measure would ensure that the Project would not expose persons or structures to hazards associated with unstable geologic units or soils to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant.**

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

d. Impact GEO-4: Development of the proposed Project may expose persons or structures to hazards associated with expansive soils (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure GEO-1:

Prior to issuance of building permits for the proposed Project, the Project applicant shall submit grading and building plans to the City of Calistoga for review and approval that reflect the applicable recommendations from the previously prepared design-level geotechnical report and addenda. The applicant shall have the option of commissioning a new design-level geotechnical report in lieu of relying on the previous reports, provided that it meets with City requirements for such reports. The proposed Project's plans incorporate all applicable seismic design standards of the latest adopted edition of the California Building Standards Code or local amendments. The Project applicant shall adhere to these approved plans in constructing the Project.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The proposed Project contains soils belonging to the Forward series and the Boomer-Forward-Felta complex. The Forward series is located in the lower elevations of the Projects site, while the Boomer-Forward-Felta complex is located in the upper elevations. The expansion potential ranges from low for the Forward soils up to moderate for the Boomer soils. The proposed residential and resort structures are proposed in the upper elevations of the Project site, where soils would have a moderate expansion potential. A design-level geotechnical study would provide specific guidance regarding soil engineering and foundation design to ensure the Project's foundations are adequately supported into the underlying bedrock. Mitigation Measure GEO-1 requires the Project to adhere to the previously prepared design-level geotechnical study or prepare a new one, and that the buildings must adhere to building code standards for earthquake resistant construction. This mitigation measure would ensure that the Project would not expose persons or structures to hazards associated with expansive soils to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

7. Hazards And Hazardous Materials

a. Impact HAZ-2: The proposed Project is located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, may create a significant hazard to the public or the environment (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure HAZ-2a:

Prior to issuance of demolition or grading permits (whichever comes first), the Project applicant shall prepare and submit a Soil and Groundwater Management Plan to the City of Calistoga for review and approval. The plan shall identify specific actions and procedures that would be employed in the event that contaminated soil or groundwater is encountered during construction activities in and around the site of the former underground storage tanks. Such actions and measures shall be in accordance with guidance issued by the California Department of Toxic Substances Control and the San Francisco Bay Regional Water Quality Control Board, as applicable. In the event that potentially contaminated soil or groundwater is detected during construction activities, all work shall cease within 50 feet of the affected area and the actions and procedures set forth in the Soil and Groundwater Management Plan shall be implemented. The plan shall be implemented if or when potential hydrocarbon soil or groundwater contamination is detected during construction.

Mitigation Measure HAZ-2b:

Prior to issuance of demolition permits for any structures located on the Project site, the Project applicant shall retain a certified hazardous waste contractor to properly remove and dispose of all materials containing asbestos and lead paint in accordance with federal and state law. The applicant shall submit documentation to the City of Calistoga demonstrating that this contractor has been retained as part of the demolition permit application. Upon completion of removal and disposal, the Project applicant shall provide documentation to the City of Calistoga demonstrating that these activities were successfully completed.

Mitigation Measure HAZ-2c:

Prior to issuance of the first certificate of occupancy for the proposed Project, the Project applicant shall implement one of the following options for each of the onsite water wells:

1. Convert the well to an inactive state and maintain it as follows:

    - The well shall not allow impairment of water quality.

- The top of the well or well casing shall be equipped with a watertight locking cover to prevent unauthorized access.
- The well shall be marked and labeled to allow for easy identification.
- The area surrounding the well shall be kept clear of brush, debris, and other materials.

Should the property owner seek to reactivate any of the inactive wells at a later date, the owner shall obtain authorization from the City of Calistoga pursuant to the criteria provided in Section 19.06.020 of the Calistoga Municipal Code, which may entail additional environmental review.

2. Destroy the well pursuant to review and approval by the City of Calistoga Public Works Department and Napa County Department of Environmental Management.

Mitigation Measure HAZ-2d:

Prior to issuance of grading permits, the Project applicant shall retain a qualified contractor to properly remove and dispose of the two septic systems in accordance with applicant state and local regulations. Documentation shall be provided to the City of Calistoga verifying that this was successfully completed as part of the grading permit application.

Finding(s) per Public Resources Code, Section 21081:

■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

Several regulatory databases compiled pursuant to Government Code Section 65962.5 indicate that the Project site formerly contained five underground storage tanks (USTs). The USTs were located near the SR-29/128 frontage and were removed from the Project site in 1991. Subsequent soil and groundwater testing that occurred in 1995 and 1996 indicated that petroleum hydrocarbons were not detectable, after which the Napa County Department of Environmental Management issued a "No Further Action" letter in 1998. Although it is unlikely that contamination still remains in areas around the USTs, the Phase I Environmental Site Assessment (ESA) prepared for the Project recommended that a Soil and Groundwater Management Plan be prepared that sets forth specific actions and procedures that would be employed in the event that contamination is encountered during construction activities. Mitigation Measure HAZ-2a requires the review and approval of a Soil and Groundwater Management Plan.

The Phase I ESA also indicated that it is likely that the two structures proposed for removal near the SR-29/128 frontage contain asbestos-containing materials and lead-based paint, and that there are three groundwater wells and two septic systems associated with the dilapidated structures which can result in risks to human health and the environment. Mitigation Measure HAZ-2b requires that the Project applicant retain a certified hazardous waste contractor to properly remove and dispose of all materials containing asbestos and lead paint in accordance with federal and state law. Mitigation Measure HAZ-2c requires the Project applicant to either cap or destroy the groundwater wells in order to prevent groundwater contamination. Mitigation Measure HAZ-2d requires the Project applicant to remove the septic systems prior to grading.

Collectively, these mitigation measures would ensure that the Project which is on a list of hazardous materials sites does not create a significant hazard to the public or the environment to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant.**

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

b. Impact HAZ-3: The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure PSU-1a:

Prior to approval of the final map, the Project applicant shall prepare and submit roadway plans to the City of Calistoga that demonstrate that adequate roadway access and turning radii can be provided for fire apparatus. As appropriate, the plans shall use engineering software and fire apparatus turning templates to (1) demonstrate that fire pumper apparatus can safely negotiate turns with adequate bumper and overhang clearances and (2) demonstrate that adequate turning radii are provided at required locations. If necessary, the City shall recommend changes necessary to ensure that adequate access and turning radii shall be provided. Additionally, the plans shall depict "No Parking – Fire Lane" restrictions in locations where on-street parking would impair fire apparatus turning radii. Finally, the main gatehouse/kiosk or powered gate shall comply with Fire Code access standards, including the provision of a Fire Department-approved override control device ("knock box"). The approved plans shall be incorporated into the proposed Project.

Mitigation Measure PSU-1b:

Prior to approval of the final map, the Project applicant shall prepare and submit plans that demonstrate that the Emergency Vehicle Access provides (1) a minimum of 67 feet of turning radii at all turnouts and (2) provides a grooved or scored surface on segments where the grade is 15 percent or greater. In addition, any barriers or bollards restricting access to the Emergency Vehicle Access shall provide a clear width of 20-feet and have an approved locking system. The approved plans shall be incorporated into the proposed Project.

Mitigation Measure PSU-1c:

Prior to approval of the final map, the City of Calistoga shall verify that all roadway cross-sections where fire hydrants would be located adhere to the following requirements:

- Roadway cross-sections provide a minimum of 26 feet of all-weather surface width. The all-weather surface must be capable of supporting a 75,000-pound fire apparatus pursuant to the requirements of the California Fire Code Appendix D of the DEIR.

- "No Parking – Fire Truck Only" signage shall be installed at the hydrants and on the pavement.

- The pad supporting fire hydrants shall be composed of a minimum of 4 inches of concrete over a minimum of 10 inches of base. Breakaway spool or bolts are required over the concrete pad.

Mitigation Measure TRANS-4:

Prior to approval of the final map, the applicant shall depict on site improvement plans clear stopping sight distance of at least 250 feet at the curve locations listed below (referenced to the station numbers provided on the plans). In order to obtain clear sight lines, removal of trees and/or earth grading on the inside of the curve may be required. As an alternative, the road may be widened at these locations so that a fire truck could negotiate the curve without entering the opposing lane.

- Madrone Drive
  - 14+50 to 15+50
  - 24+50 to 25+50
  - 29+75 to 30+25
  - 34+00 to 34+75
  - 38+25 to 38+75
  - 42+50 to 43+50
- Ponderosa Road
  - 19+00 to 20+75
  - 23+50 to 24+50
- Manzanita Road
  - 13+50 to 14+50

Finding(s) per Public Resources Code, Section 21081:

■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The City of Calistoga General Plan identifies SR-29/128 as an emergency evacuation route. The Project would implement improvements to the existing access point that connects with SR-29/128, such as additional turn lanes; however, these improvements would not interfere with traffic movements on this roadway. Furthermore, the Project does not propose any modifications to SR-29/128 that may potentially interfere with or impair emergency evacuation. Mitigation Measures PSU-1a, PSU-1b, PSU-1c, and TRANS-4 require recommendations for emergency access within the Project identified in the Fire Safety Review prepared for the Project. These include proper roadway design for road surfaces, turning radii, fire access, and visibility. Collectively, these mitigation measures would ensure that the Project does not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan to the maximum extent feasible. With the implementation of mitigation**, impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

c. Impact HAZ-4: The proposed Project would expose people or structures to a potentially significant risk of loss, injury, or death involving wildland fires (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure HAZ-4:

Prior to issuance of the first building permit, the Project applicant shall retain a California licensed forester to prepare and submit a plan to the City of Calistoga that addresses the following issues, including but not limited to wildland-urban interface fire safety issues, including fire-resistant construction, vegetation management and maintenance, and other wildland fire safety requirements set forth in the City's Municipal Code. The forester shall coordinate with the Project architect, as necessary, to ensure Project buildings to meet building code requirements for new construction in Urban Wildland "Very High Severity Zones." The Calistoga Fire Chief shall review the plan and, if necessary, recommend changes to achieve compliance with Municipal Code standards prior to issuance of the first building permit. The approved plan shall be incorporated into the proposed Project.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The Project site is mapped as a "Very High Fire Hazard Severity Zone" by Cal Fire, as adopted by the City of Calistoga pursuant to Resolution 2008-104. The City of Calistoga evaluated

potential fire safety impacts associated with the proposed Project, including susceptibility to wildland fires. California Fire Code, Chapter 49 establishes fire safety requirements for new construction in the wildland-urban interface. The City of Calistoga has incorporated Chapter 49 requirements into its Municipal Code. New construction is required to adhere to guidelines for defensible space, vegetation management in a fire safe manner, financial responsibility for maintenance of landscaping and open parcels (forest), and other measures. In addition, a wildfire behavior model is required to specify building setbacks and fire resistive ratings. Mitigation Measure HAZ-4 requires a California licensed forester to prepare a plan that addresses wildland-urban interface fire safety issues, including fire-resistant construction, vegetation management and maintenance, and other requirements set forth in the City's Municipal Code. This mitigation measure would ensure that the Project does not expose people or structures to a potentially significant risk of loss, injury, or death involving wildland fires to the maximum extent feasible. With the implementation of mitigation**, impacts would be reduced to a level of less than significant.**

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

8. Hydrology And Water Quality

a. Impact HYD-1: Construction activities associated with the proposed Project have the potential to degrade water quality in downstream water bodies (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure HYD-1:

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

- Temporary erosion control measures shall be employed for disturbed areas.
- Specific measures shall be identified to protect downstream drainage features during construction of the proposed Project.

- Specific measures shall be identified to protect the Napa River and floodplain during pipeline construction.

- No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.

- Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.

- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.

- BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure.

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

Finding(s) per Public Resources Code, Section 21081:

■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The construction activities for the proposed residential resort uses are anticipated to include timber harvesting, ground clearing/excavation and grading, and construction of Project structures. Offsite utility alignment installation would require offsite excavation and trenching, including in areas near Simmons Creek and the Napa River. Construction activities in and around waterways have the potential to directly introduce sediment and other pollutants into surface water. The use of horizontal directional drilling would eliminate the need for diverting the river around the work area and should minimize the potential for erosion and sediment entering the waterway during pipe installation under the streambed. However, the extensive trenching activities in the floodplain and adjacent to the river would likely require dewatering and several temporary Best Management Practices (BMPs) to protect water quality during construction. BMPs would need to be implemented and maintained to Simmons Creek and the Napa River during all nearby grading and trenching activities. During earthwork activities, temporary stockpiles of sediment or other materials have the potential to erode and be carried into the stormwater system and waterways. Construction activities will likely involve the use of gasoline and diesel-powered vehicles and equipment that pose a potential risk of accidental fuel and related chemical releases that could enter the drainage system and degrade water quality.

Mitigation Measure HYD-1 requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for construction activities for the Project. The SWPPP must identify potential sources of erosion or sedimentation that may be reasonably expected to affect the quality of stormwater discharges as well as identify and implement BMPs that ensure the

reduction of pollutants during stormwater discharges. Typical BMPs intended to control erosion include sand bags, detention basins, silt fencing, storm drain inlet protection, street sweeping, and monitoring of water bodies. This mitigation measure would ensure that the Project's construction activities do not degrade water quality in downstream water bodies to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

b. Impact HYD-2: Operational activities associated with the proposed Project have the potential to degrade water quality in downstream water bodies (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure HYD-2:

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

- Strategically placed bioswales and landscaped areas that promote percolation of runoff
- Pervious pavement
- Roof drains that discharge to landscaped areas
- Trash enclosures with screen walls and roofs
- Stenciling on storm drains
- Curb cuts in parking areas to allow runoff to enter landscaped areas
- Rock-lined areas along landscaped areas in parking lots
- Catch basins
- Oil/water separators
- Regular sweeping of parking areas and cleaning of storm drainage facilities
- Employee training to inform maintenance personnel of stormwater pollution prevention measures

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a]).

Rationale:

Development of the proposed Project would convert as much as 51.5 acres of existing forested land to urban use, which will include impervious coverage associated with buildings, roadways, parking, and pathways. This large increase in impervious coverage would create the potential for discharge of urban stormwater pollutants into surface water bodies over the life of the Project. The proposed Project would generate increased stormwater runoff from roadways, landscaped areas, building roofs, and parking areas that would contain high levels of urban pollutants such as heavy metals, oil and grease, and sediment. Runoff from landscaped areas may contain pesticides and nutrients.

Mitigation Measure HYD-2 requires the preparation and submittal of a stormwater quality management plan to the City of Calistoga for review and approval prior to issuance of building or grading permits for the Project. The plan requires the management plan to document location, type, and size of the stormwater quality control measures, such as bioswales, filter strips, or other accepted BMPs incorporated into the onsite drainage system to treat urban runoff. These measures are required to be in effect during Project operations to ensure that water quality in downstream water bodies is not degraded. This mitigation measure would ensure that the Project's operational activities do not degrade water quality in downstream water bodies to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant.**

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

c. Impact HYD-3: The proposed Project may substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure HAZ-2c:

Prior to issuance of the first certificate of occupancy for the proposed Project, the Project applicant shall implement one of the following options for each of the onsite water wells:

1. Convert the well to an inactive state and maintain it as follows:

- The well shall not allow impairment of water quality.
- The top of the well or well casing shall be equipped with a watertight locking cover to prevent unauthorized access.
- The well shall be marked and labeled to allow for easy identification.
- The area surrounding the well shall be kept clear of brush, debris, and other materials.

Should the property owner seek to reactivate any of the inactive wells at a later date, the owner shall obtain authorization from the City of Calistoga pursuant to the criteria provided in Section 19.06.020 of the Calistoga Municipal Code, which may entail additional environmental review.

2. Destroy the well pursuant to review and approval by the City of Calistoga Public Works Department and Napa County Department of Environmental Management.

Mitigation Measure HAZ-2d:

Prior to issuance of grading permits, the Project applicant shall retain a qualified contractor to properly remove and dispose of the two septic systems in accordance with applicant state and local regulations. Documentation shall be provided to the City of Calistoga verifying that this was successfully completed as part of the grading permit application.

Finding(s) per Public Resources Code, Section 21081:

■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The proposed Project would be served with water provided by the City of Calistoga, which obtains its potable water supplies from surface sources and does not rely on groundwater. Therefore, the proposed Project would not contribute to the depletion of groundwater supplies. The majority of the Project site will not contain impervious surfaces, allowing the Project site to continue to contribute to groundwater recharge. In addition, the proposed Project's storm drainage collection system would use detention ponds spread throughout the Project site to capture runoff. These ponds would allow some of the runoff to percolate into the soil and contribute to groundwater recharge. Most of the runoff would be discharged into downstream waterways, where it also may percolate into the soil and contribute to groundwater recharge.

The Project site contains three groundwater wells and two septic systems. Improperly abandoned wells and septic tanks may result in groundwater contamination. Mitigation Measure HAZ-2c requires the groundwater wells to either be capped or destroyed in order to prevent groundwater contamination. Mitigation Measure HAZ-2d requires the Project applicant to remove existing septic systems prior to grading. Collectively, these mitigation measures would ensure that the Project does not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

d. Impact HYD-4: The proposed Project may substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or offsite (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure HYD-4:

Prior to approval of the final map, the Project applicant shall prepare and submit drainage plans to the City of Calistoga for review and approval that demonstrate that adequate drainage can be provided. The drainage plans shall adhere to the City of Calistoga's latest adopted storm drainage standards and shall demonstrate that the proposed Project can detain onsite runoff to provide no increase in the peak 10-year, 25-year, 50-year, and 100-year event flow rates relative to the pre-development condition. The approved plans shall be incorporated into the proposed Project.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The entitled Diamond Hill Estates Subdivision was conditioned to provide onsite and offsite storm drainage facilities that detain runoff and ultimately discharge it via a pipe under SR-29/128 to the Napa River. The onsite storm drainage facilities are required to be sized such that no increase occurs in the peak 10-year, 25-year, 50-year, and 100-year event flow rates relative to pre-development conditions. Post-development peak stormwater run-off discharge rates and velocities will be controlled to maintain or reduce pre-development downstream erosion and to ensure that post-development runoff does not contain pollutant loads, which have not been reduced to the maximum extent practicable.

The Storm Drainage Technical Memorandum (DEIR Appendix I) evaluated the change in runoff between the Diamond Hill Estates Subdivision and the proposed Project. Under the previous Diamond Hill Estates Subdivision Project, the Project site was divided into six drainage areas. Consistent with the memorandum, Mitigation Measure HYD-4 requires an updated plan that incorporates the recommended small changes in impervious and pervious surface coverage

that would occur within each drainage area and the recommended corresponding adjustments to the capacity of the detention ponds that would serve each area. The adjustments are anticipated to be achieved by raising the berms of the ponds and deepening them to meet all local design requirements. This mitigation measure would ensure that the Project does not substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or offsite to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

9. Noise

a. Impact NOI-5: The proposed Project would not expose onsite sensitive receptors to noise levels that cause significant impacts (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure NOI-5:

During Project operations, the Project applicant shall limit the noise levels produced by live music and/or amplified noise in outdoor activity areas to a maximum average noise level of 60 dB at the exterior of the nearest residential receptor (onsite or offsite). Noise levels shall be monitored using either a fixed system that can be monitored remotely or hand-helf noise meters. Resort hotel staff shall receive periodic training regarding proper use of noise monitoring equipment.

Finding(s) per Public Resources Code, Section 21081:

- Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The Project would result in the on-going operations of 110 hotel units, 20 residence club units, 13 custom residences, recreation and event space, restaurants, spa, outdoor venues, public space, maintenance, and staff support facilities. These types of land uses typically include the use of live music and amplified noise at outdoor locations. An offsite noise impact would occur if the noise levels at the proposed 20 residence club units or 13 custom residences would exceed 60 dB L_{dn} for the outdoor activity areas or 45 dB L_{dn} for the interior areas. Mitigation Measure NOI-5 requires that noise levels at the residence club units near the ballroom and pool

to be reduced to below the City standards, a noise meter shall be kept on the premises at all times in order for the City or resort staff to verify compliance, and resort hotel staff shall receive periodic training regarding proper use of the noise meter. This mitigation measure would ensure that the Project does not expose onsite sensitive receptors to significant noise levels to the maximum extent feasible. With the implementation of mitigation**, impacts would be reduced to a level of less than significant.**

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

10. Public Services And Utilities

a. Impact PSU-1: The proposed Project may result in a need for new or expanded fire protection facilities (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure PSU-1a:

Prior to approval of the final map, the Project applicant shall prepare and submit roadway plans to the City of Calistoga that demonstrate that adequate roadway access and turning radii can be provided for fire apparatus. As appropriate, the plans shall use engineering software and fire apparatus turning templates to (1) demonstrate that fire pumper apparatus can safely negotiate turns with adequate bumper and overhang clearances and (2) demonstrate that adequate turning radii are provided at required locations. If necessary, the City shall recommend changes necessary to ensure that adequate access and turning radii shall be provided. Additionally, the plans shall depict "No Parking – Fire Lane" restrictions in locations where on-street parking would impair fire apparatus turning radii. Finally, the main gatehouse/kiosk or powered gate shall comply with Fire Code access standards, including the provision of a Fire Department-approved override control device ("knock box"). The approved plans shall be incorporated into the proposed Project.

Mitigation Measure PSU-1b:

Prior to approval of the final map, the Project applicant shall prepare and submit plans that demonstrate that the Emergency Vehicle Access provides (1) a minimum of 67 feet of turning radii at all turnouts and (2) provides a grooved or scored surface on segments where the grade is 15 percent or greater. In addition, any barriers or bollards restricting access to the Emergency Vehicle Access shall provide a clear width of 20-feet and have an approved locking system. The approved plans shall be incorporated into the proposed Project

Mitigation Measure PSU-1c:

Prior to approval of the final map, the City of Calistoga shall verify that all roadway cross-sections where fire hydrants would be located adhere to the following requirements:

- Roadway cross-sections provide a minimum of 26 feet of all-weather surface width. The all-weather surface must be capable of supporting a 75,000-pound fire apparatus pursuant to the requirements of the California Fire Code Appendix D of the DEIR.

- "No Parking – Fire Truck Only" signage shall be installed at the hydrants and on the pavement.

- The pad supporting fire hydrants shall be composed of a minimum of 4 inches of concrete over a minimum of 10 inches of base. Breakaway spool or bolts are required over the concrete pad.

Mitigation Measure PSU-1d:

Prior to approval of the final map, the Project applicant shall prepare and submit plans to the City of Calistoga for review and approval that demonstrate that the water system connection size, flow, pressure capacity, and redundancy meet California Fire Code requirements. Minimum fire flow shall be 2,500 gallons per minute over a 2-hour period, and all buildings shall be equipped with an automatic fire sprinkler system.

Mitigation Measure PSU-1e:

Prior to the issuance of a grading permit or building permit for any structure on the Project site, the Project applicant shall prepare and submit information documenting compliance with regulations of the Calistoga Municipal Code and the California Fire Code, including provisions pertaining to the site's location in a Very High Fire Hazard Severity Zone. If necessary, the City shall consult with a certified fire professional to interpret and/or determine compliance.

Finding(s) per Public Resources Code, Section 21081:

■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The Project design proposes an onsite road system with grades ranging from 7 to 19 percent, a 66-foot turning circle on Madrone Drive, a hammerhead or modified "Y" at lots 9, 10, and 11 on Ponderosa Road, a 100-foot cul-de-sac turnaround on Manzanita Road, and a main gatehouse/kiosk or powered gate. The Calistoga Fire Chief has approved an exception allowing the access road to exceed 10 percent grade, indicating that the local fire protection agency has determined the grade to be adequate in terms of emergency access. Mitigation Measure PSU-1a requires modifications to road system features, such as an increased turning circle and a "No Parking – Fire Lane" sign be posted to prevent parking as recommended on Manzanita Road, to ensure fire safety requirements are met.

Emergency Vehicle Access roadways must provide a minimum of 20 feet in width and be capable of accommodating the current structure fire engine, and grades in excess of 15 percent must be constructed with a surface that is grooved or scored to prevent skidding and slipping, unless an exception from the Emergency Vehicle Access width requirements is allowed with permission from the Calistoga Fire Chief. The Fire Chief has allowed an exception to 14 feet for the Project because of the topographical characteristics of the Emergency Vehicle Access alignment. Mitigation Measure PSU-1b requires modifications to implement these features, such as an increased turning circle and grooved or scored surfaces where the Emergency Vehicle Access is 15 percent or greater, to ensure fire safety requirements are met.

Fire Code requirements stipulate that roadways where fire hydrants are proposed must provide a minimum of 26 feet of width and be constructed of an all-weather surface capable of supporting a 75,000-pound fire apparatus pursuant to the requirements of the California Fire Code Appendix D of the DEIR. Mitigation Measure PSU-1c requires the City to verify that these requirements are met prior to issuance of the certificate of occupancy.

The Project is designed to increase the water flow to the Project site to 350 gpm at the water meter. A review of the Project indicated that such an improvement would be adequate to provide the domestic and fire storage refill demand. The Project's water system connection size, flow, pressure capacity, and redundancy must adhere to the California Fire Code requirements. The minimum fire flow should be 2,500 gallons per minute over a 2-hour period, and all buildings should be equipped with an automatic fire sprinkler system. Mitigation Measure PSU-1d requires the City to verify that these requirements are met prior to approval of the final map.

While the Project was reviewed by consistency with the design standards for the Planned Development Ordinance for the Project site, an additional 5 feet of height could be authorized by the Planning and Building Department if warranted due to slope and/or site conditions on the property. Mitigation Measure PSU-1e requires the applicant to submit information documenting compliance with regulations of the Calistoga Municipal Code and the California Fire Code at the time building or grading permits are sought. This would allow City staff to verify whether the recommendations still apply to the Project or if additional fire safety review is necessary to determine compliance, in the event the height deviation is requested.

California Fire Code, Chapter 49 establishes fire safety requirements for new construction in the wildland-urban interface. The City of Calistoga has incorporated the Chapter 49 requirements into its Municipal Code. New construction is required to adhere to guidelines for defensible space, vegetation management in a fire safe manner, financial responsibility for maintenance of landscaping and open parcels (forest), and other measures. In addition, a wildfire behavior model is required to specify building setbacks and fire resistive ratings. Mitigation Measure HAZ-4 a California licensed forester to prepare a plan that addresses wildland-urban interface fire safety issues, including fire-resistant construction, vegetation management and maintenance, and other requirements set forth in the City's Municipal Code.

Collectively, these mitigation measures would ensure that the Project does not result in a need for new or expanded fire protection facilities to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

b. Impact PSU-2: The proposed Project may result in a need for new or expanded police protection facilities (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure PSU-2:

Prior to issuance of building permits for the resort hotel uses, the Project applicant shall prepare and submit plans to the City of Calistoga that incorporate recommended crime prevention measures identified by the Calistoga Police Department. The measures shall include, at a minimum, (1) a telecommunication system that allows for direct 911 access, (2) video surveillance of common areas such as parking facilities, (3) in-room safes, and (4) radio repeaters in wine caves. The approved plans shall be incorporated into the proposed Project.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The City of Calistoga Police Department estimated that the Project would generate 77 calls for service on an annual basis, which would represent 1.15 percent of the total calls the department received in 2010. The Police Department based this estimate on calls for service generated by another resort use in the Calistoga area. The Police Department also indicated that response times within the Calistoga city limits are "very quick" and, therefore, did not identify a need for new or expanded police facilities in order to serve the proposed Project. Mitigation Measure PSU-2 requires that several crime prevention measures recommended by the Police Department be incorporated into the Project, including a telecommunication system that allows for direct 911 access, video surveillance of common areas such as parking facilities, and the provision of in-room safes. This mitigation measure would ensure that the Project does not result in a need for new or expanded police protection facilities to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

c. Impact PSU-3: The proposed Project may not be served with sufficient water supplies available from existing entitlements and resources (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure PSU-3a:

Prior to issuance of building permits, the Project applicant shall prepare and submit improvement and landscaping plans to the City of Calistoga that demonstrate the use of outdoor water conservation measures and practices. Examples of such measures and practices include the use of drought-tolerant native plants for landscaping, stormwater storage, rain gardens, graywater reuse and storage, and possible use of recycled wastewater for landscape irrigation. The approved plans shall be incorporated into the proposed Project.

Mitigation Measure PSU-3b:

Prior to approval of the final map, the Project applicant shall prepare and submit documentation to the City of Calistoga that incorporates one or more of the following options to address irrigation water supply and demand:

- The applicant may purchase additional domestic water from the City.
- The applicant may reduce the amount of landscaping proposed by over 40 percent and leave a more natural ambiance for the resort.
- The overall landscaping may be designed and installed in phases over time, such that the irrigation demand would not exceed the available supply.

The approved option(s) shall be incorporated into the proposed Project.

Finding(s) per Public Resources Code, Section 21081:

■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

Domestic water demands for the Project have been estimated to be 62,942 gallons per day (gpd) for average daily use and 70.5 acre-feet for annual use. Demands include domestic, commercial, and some landscape irrigation. Maximum daily flows are two times the daily use and are estimated at 125,884 gpd. With the addition of public water system improvements, the City of Calistoga will supply water to the Project at 100 gpm with an emergency fire flow of 350 gpm. This will meet the daily domestic demands and in the case of an emergency, and will recharge the onsite fire storage within a time frame acceptable to the City Fire Department. The Adobe Associates Water, Wastewater, and Reclaimed Water Analysis (DEIR Appendix K) indicates estimated annual irrigation demand is 12.2 million gallons, or 37.41 acre-feet per year, and reflects the high, first-year irrigation demand required for early plant establishment. This

irrigation demand is estimated to be reduced approximately 50 percent by the third and subsequent years of growth.

Landscape irrigation estimates will be refined during the design phase of the Project, plant types, sizes, and density may be adjusted to meet the available landscape irrigation water availability.

Sources for meeting the Project irrigation demand include domestic water supply and graywater reuse. Graywater may be used during the dry season only and is estimated to supply 9.66 acre-feet annually. The domestic water supply available is estimated at 11.75 acre-feet, and was determined by subtracting the average annual wastewater demand from the average annual water demand. The estimated irrigation demand would exceed supply by 16.0 acre-feet in the first two years of the Project, and the demand would be less than the supply by 2.7 acre-feet in year three and beyond. Mitigation Measure PSU-3a requires the preparation and submittal of landscape plans to the City of Calistoga demonstrating the use of water conservation measures to minimize irrigation water demand. Mitigation Measure PSU-3b requires that the Project incorporate one or more of three options to ensure there is sufficient irrigation water supply for the Project's demands. Collectively, these mitigation measures would ensure that the Project has sufficient water supplies available to serve the Project to the maximum extent feasible. With the implementation of mitigation, impacts would be reduced to a level of **less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

d. Impact PSU-5: The proposed Project would increase impervious surface coverage, which may result in increased stormwater runoff volumes and peak flows, possibly creating a need for offsite storm drainage facilities (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure HYD-4:

Prior to approval of the final map, the Project applicant shall prepare and submit drainage plans to the City of Calistoga for review and approval that demonstrate that adequate drainage can be provided. The drainage plans shall adhere to the City of Calistoga's latest adopted storm drainage standards and shall demonstrate that the proposed Project can detain onsite runoff to provide no increase in the peak 10-year, 25-year, 50-year, and 100-year event flow rates relative to the pre-development condition. The approved plans shall be incorporated into the proposed Project.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The entitled Diamond Hill Estates Subdivision was conditioned to provide onsite and offsite storm drainage facilities that detain runoff and ultimately discharge it via a pipe under SR-29/128 to the Napa River. The onsite storm drainage facilities are required to be sized such that no increase occurs in the peak 10-year, 25-year, 50-year, and 100-year event flow rates relative to pre-development conditions. Post-development peak stormwater run-off discharge rates and velocities will be controlled to maintain or reduce pre-development downstream erosion and to ensure that post-development runoff does not contain pollutant loads, which have not been reduced to the maximum extent practicable.

The Storm Drainage Technical Memorandum (DEIR Appendix I) evaluated the change in runoff between the Diamond Hill Estates Subdivision and the proposed Project. Under the previous Diamond Hill Estates Subdivision Project, the Project site was divided into six drainage areas. Consistent with the memorandum, Mitigation Measure HYD-4 requires an updated plan that incorporates the recommended small changes in impervious and pervious surface coverage that would occur within each drainage area and the recommended corresponding adjustments to the capacity of the detention ponds that would serve each area. The adjustments are anticipated to be achieved by raising the berms of the ponds and deepening them to meet all local design requirements. This mitigation measure would ensure that the Project does not increase impervious surface coverage, which may result in increased stormwater runoff volumes and peak flows, possibly creating a need for offsite storm drainage facilities to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant.**

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

e. Impact PSU-6: The proposed Project may not be served by a landfill with adequate capacity or comply with federal, state, and local statutes and regulations related to solid waste (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure PSU-6a:

Prior to issuance of building permits, the Project applicant shall retain a qualified contractor to perform construction and demolition debris recycling. Upper Valley Disposal shall be consulted

regarding construction and demolition debris recycling requirements. Following the completion of construction activities, the Project applicant shall provide documentation to the satisfaction of the City of Calistoga demonstrating that construction and demolition debris was recycled.

Mitigation Measure PSU-6b:

Prior to issuance of the certificate of occupancy for the resort hotel, the Project applicant shall prepare and submit plans to the City of Calistoga identifying onsite recycling collection facilities. Such facilities shall be provided in a centralized location within enclosed facilities. Signage shall clearly identify accepted materials, and recycling collection vessels (dumpsters, receptacles, bins, toters, etc.) shall be distinctly different in appearance from solid waste collection vessels.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

Short-term construction waste generation is estimated at 770 tons and was calculated using demolition and residential construction waste generation rates provided by the United States Environmental Protection Agency, summarized in DEIR Table 3.11-4. The amount of construction waste that would be generated has the potential to impair the City's ability to meet its state-mandated solid waste targets. Mitigation Measure PSU-6a requires the implementation of construction and demolition debris recycling in consultation with Upper Valley Disposal and verified by the City of Calistoga.

Operational solid waste generation for the Project is estimated to generate 0.72 ton of solid waste daily and 261 tons annually in a worst-case scenario of every unit being occupied, as shown in DEIR Table 3.11-5. The estimates were calculated using a standard residential waste generation rate provided by Cal Recycle. Given the amount of waste that would be generated, there is the potential that this could impair the City's ability to meet its state-mandated solid waste targets. Mitigation Measure PSU-6b requires the implementation of onsite recycling collection facilities and signage.

Collectively, these mitigation measures would ensure that the Project is served by a landfill with adequate capacity or complies with federal, state, and local statutes and regulations related to solid waste to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant.**

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

11. Transportation

a. Impact TRANS-3: The proposed Project may substantially increase hazards due to a design feature (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure TRANS-3a:

Prior to approval of the final map, the applicant shall depict on site improvement plans the following signs:

- CA MUTCD signs W1-5 and W7-3 (Curvy Road along with a supplemental 18 Percent Grade) at the north end (bottom of the hill) facing traffic entering from SR-29/SR-128.
- CA MUTCD signs SW4-1(CA) and W7-3 (Watch Downhill Speed with the supplemental 19 Percent Grade) at the south end of the road (top of the hill) facing exiting traffic.

Mitigation Measure MM TRANS-3b:

Prior to approval of the final map, the applicant shall depict on site improvement plans a double-yellow centerline stripe at the following locations (referenced to the station numbers provided on the plans):

- Madrone Drive
  - 14+00 to 16+75
  - 18+00 to 20+00
  - 23+00 to 25+00
  - 29+00 to 30+50
  - 34+00 to 35+00
  - 38+25 to 43+50
- Ponderosa Road
  - 19+00 to 20+50
  - 23+25 to 24+50
- Manzanita Road
  - 13+50 to 14+50

Mitigation Measure MM TRANS-3c:

Prior to approval of the final map, the applicant shall verify that site improvement plans show landscaping and signs located in a manner to ensure that adequate sight lines are maintained.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

Vehicle access for all residents, employees, guests and deliveries would be taken via Madrone Drive, a proposed private road that would connect the Project site to SR-29/128 approximately 0.4 mile southeast of Lincoln Avenue. On the Project site, Ponderosa Road and Manzanita Road are planned to split from Madrone Drive to provide access to the various parts of the Project site. The roads will be 20 feet wide with a curb and gutter on the downhill side only. Currently, an unimproved dirt driveway exists at the intersection location that provides access to the vacant site. In anticipation of the Project, a westbound left-turn lane was recently installed to serve the Project site. The intersection of SR-29/128/Madrone Drive will be stop-controlled on the Madrone Drive approach and uncontrolled on the SR-29/128 approaches. Madrone Drive would have a single approach lane with a right-turn flare.

All curves along the proposed Project streets, including Madrone Drive, Ponderosa Road, and Manzanita Road, were examined to simulate turning movements of various vehicles. The ability of drivers to negotiate the road was studied for a large passenger vehicle and a typical single-unit delivery truck. It was determined that a driver should be able to traverse the entire length of Madrone Drive in a passenger vehicle or a single-unit delivery truck without entering the opposing travel lane, with speeds of at least 10 mph maintained through all curves. Guardrails are to be installed at various locations along the onsite roads. Mitigation Measures TRANS-3a and TRANS-3b require warning signs and a centerline stripe, respectively, to further support safe operation of these roadways for visitors.

Sight distance at the intersection of SR-29/128/Madrone Drive was evaluated based upon sight distance criteria contained in the Highway Design Manual, 6th Edition (Caltrans). Based upon field measurements, sight distance exceeds 700 feet in both directions. These sight distances exceed applicable standards for the posted speed limit and in fact are sufficient for speeds of greater than 60 mph, for which the required sight distance is 660 feet. The sight distance is therefore adequate for approach speeds more than 10 mph higher than the posted speed limit. Landscaping and signs can negatively impact intersection sight distance, so sight distance should be considered when designing and installing landscaping and signing. Mitigation Measure TRANS-3c requires the applicant to verify that landscaping and signs are shown on site improvement plans such that their locations ensure that adequate sight lines are maintained.

Collectively, these mitigation measures would ensure that the Project does not substantially increase hazards due to a design feature to the maximum extent feasible. With the implementation of mitigation**, impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

b. Impact TRANS-4: The grades of the onsite roadways exceed applicable standards and inadequate sight lines are available on some of the curves (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure PSU-1a:

Prior to approval of the final map, the Project applicant shall prepare and submit roadway plans to the City of Calistoga that demonstrate that adequate roadway access and turning radii can be provided for fire apparatus. As appropriate, the plans shall use engineering software and fire apparatus turning templates to (1) demonstrate that fire pumper apparatus can safely negotiate turns with adequate bumper and overhang clearances and (2) demonstrate that adequate turning radii are provided at required locations. If necessary, the City shall recommend changes necessary to ensure that adequate access and turning radii shall be provided. Additionally, the plans shall depict "No Parking – Fire Lane" restrictions in locations where on-street parking would impair fire apparatus turning radii. Finally, the main gatehouse/kiosk or powered gate shall comply with Fire Code access standards, including the provision of a Fire Department-approved override control device ("knock box"). The approved plans shall be incorporated into the proposed Project.

Mitigation Measure PSU-1b:

Prior to approval of the final map, the Project applicant shall prepare and submit plans that demonstrate that the Emergency Vehicle Access provides (1) a minimum of 67 feet of turning radii at all turnouts and (2) provides a grooved or scored surface on segments where the grade is 15 percent or greater. In addition, any barriers or bollards restricting access to the Emergency Vehicle Access shall provide a clear width of 20-feet and have an approved locking system. The approved plans shall be incorporated into the proposed Project.

Mitigation Measure TRANS-4:

Prior to approval of the final map, the applicant shall depict on site improvement plans clear stopping sight distance of at least 250 feet at the curve locations listed below (referenced to the station numbers provided on the plans). In order to obtain clear sight lines, removal of trees and/or earth grading on the inside of the curve may be required. As an alternative, the road may be widened at these locations so that a fire truck could negotiate the curve without entering the opposing lane.

- Madrone Drive
  - 14+50 to 15+50
  - 24+50 to 25+50
  - 29+75 to 30+25
  - 34+00 to 34+75

- 38+25 to 38+75
- 42+50 to 43+50

- Ponderosa Road
  - 19+00 to 20+75
  - 23+50 to 24+50
- Manzanita Road
  - 13+50 to 14+50

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

The Project design proposes an onsite road system with grades ranging from 7 to 19 percent, a 66-foot turning circle on Madrone Drive, a hammerhead or modified "Y" at lots 9, 10, and 11 on Ponderosa Road, a 100-foot cul-de-sac turnaround on Manzanita Road, and a main gatehouse/kiosk or powered gate. The Calistoga Fire Chief has approved an exception allowing the access road to exceed 10 percent grade, indicating that the local fire protection agency has determined the grade to be adequate in terms of emergency access. Mitigation Measure PSU-1a requires modifications to road system features, such as an increased turning circle and a "No Parking – Fire Lane" sign be posted to prevent parking as recommended on Manzanita Road, to ensure fire safety requirements are met.

Emergency Vehicle Access roadways must provide a minimum of 20 feet in width and be capable of accommodating the current structure fire engine, and grades in excess of 15 percent must be constructed with a surface that is grooved or scored to prevent skidding and slipping, unless an exception from the Emergency Vehicle Access width requirements is allowed with permission from the Calistoga Fire Chief. The Fire Chief has allowed an exception to 14 feet for the Project because of the topographical characteristics of the Emergency Vehicle Access alignment. Mitigation Measure PSU-1b requires modifications to implement these features, such as an increased turning circle and grooved or scored surfaces where the Emergency Vehicle Access is 15 percent or greater, to ensure fire safety requirements are met.

Madrone Drive and the Emergency Vehicle Access were both tested to ensure that fire apparatus can negotiate the roads using a 55-foot ladder truck and the AutoTurn software package. Based on the analysis performed, this truck should be able to traverse all curves at speeds of at least 5 mph with much of the road at 10 to 15 mph. This does not take the grade of the road into account, but since Citygate found that response speeds would be 15 to 20 mph based on the road grade, it appears that the curvature in the road is the limiting factor for response speeds.

A fire truck would need to cross into the opposing travel lane to negotiate tight curves on some portions of Madrone Drive, creating a conflict with other traffic if clear sight lines are not available. Mitigation Measure TRANS-4 requires the Project to either provide at least 250 feet of clear sight distance to be maintained at all curves, or alternatively, to widen the roads through the curves where improved sight lines are suggested to allow a fire truck to negotiate the curve without encroaching into the opposing lane.

Collectively, these mitigation measures would ensure that the grades of the onsite roadways do not exceed applicable standards and that adequate sight lines are available on some of the curves to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant.**

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

c. Impact TRANS-5: The proposed Project may conflict with adopted policies, plans, or programs supporting alternative transportation (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measure:

Mitigation Measure TRANS-5a:

During Project operations, on-demand or regularly scheduled van/shuttle service shall be provided between the Project and destinations in Calistoga, including access to transit for Project employees. Such a shuttle service should accommodate bicycles for both Project patrons and employees.

Mitigation Measure TRANS-5b:

Prior to approval of the final map, the applicant shall demonstrate on site improvement plans that appropriate half-width improvements along the SR-29/128 frontage provide sufficient width for the installation of future Class II bicycle lanes. The City of Calistoga shall review and approve the proposed facilities for adequacy.

Mitigation Measure TRANS-5c:

Prior to approval of the final map, the applicant shall depict on site improvement plans appropriate bicycle storage facilities for resort guests and employees. The City of Calistoga shall review and approve the proposed facilities for adequacy.

Finding(s) per Public Resources Code, Section 21081:

- ■ Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment (PRC, § 21081, subd. [a])

Rationale:

VINE provides local, intercity, and paratransit service in the Project vicinity, including scheduled bus service to destinations in Napa, Sonoma, and Solano counties along the SR-29/128 corridor. Although residents and guests of the proposed Project would be unlikely to regularly

use public transit, Project employees may be regular patrons. Mitigation Measure TRANS-5a requires the applicant to provide on-demand or scheduled shuttle service to destinations within Calistoga for employees and guests of the Project who prefer an alternative to driving.

The General Plan establishes several goals, objectives, and policies that concern making new development Projects accessible to bicycle traffic. Although there are no designated bicycle facilities along SR-29/128, the roadway provides a shoulder that is suitable for use by bicycles. Additionally, there are other Class I, II, and III bicycle facilities in the Calistoga area that may be used by Project residents, guests, and employees.

The 2007 Calistoga Bicycle Transportation Plan calls for the construction of Class II bike lanes along SR-29/128 through Calistoga and along the Project frontage. Mitigation Measure TRANS-5b requires that the Project applicant provide half-width improvements along the SR-29/128 frontage that provide sufficient width for future installation of a Class II facility, and Mitigation Measure TRANS-5c requires the installation of bicycle storage facilities within the proposed Project for resort guests and employees.

Collectively, these mitigation measures would ensure that the Project does not conflict with adopted policies, plans, or programs supporting alternative transportation to the maximum extent feasible. With the implementation of mitigation, **impacts would be reduced to a level of less than significant**.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Less than significant.

E. Impacts Found to be Significant and Unavoidable

1. Noise

a. Impact NOI-1: Construction activities associated with the proposed Project may expose nearby land uses to excessive noise levels (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure NOI-1:

During construction activities associated with the offsite utility work, the Project applicant shall require construction contractors to adhere to the following noise attenuation requirements:

- Construction activities shall be limited to the hours between 7 a.m. to 7 p.m., Monday through Saturday. Construction activities shall not occur on Sundays or federal holidays. The City of Calistoga shall have the discretion to permit construction activities to occur

outside of allowable hours or on Sundays or federal holidays if compelling circumstances warrant such an exception (e.g., weather conditions necessary to pour concrete).

- All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. If no noise reduction features were installed by the manufacturer, then the contractor shall require that at least a muffler be installed on the equipment.

- Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical factors take precedence (e.g., a heavy equipment breakdown).

- Residents and businesses along streets where pipeline installation will occur shall be notified a minimum of 14 days in advance of the first day of planned construction activities. The notification shall indicate the anticipated duration of construction activities and the typical hours during which construction would occur, and provide contact information for individuals with questions or concerns.

Finding(s) per Public Resources Code, Section 21081:

- 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 environmental impact report (PRC, § 21081, subd. [c]).

Rationale:

Implementation of Mitigation Measure NOI-1 requires the implementation of standard construction noise attenuation measures. With the implementation of these measures, construction noise levels at the nearby sensitive receptors would be minimized to the maximum extent feasible. Pipeline installation activities would involve construction activities along linear alignments within proximity of sensitive receptors. Such activities would involve excavation of open trench segments that must remain accessible for days or weeks at a time. Because of the characteristics of these activities, it is not feasible to require additional mitigation such as temporary sound walls because they would interfere with construction activities. Therefore, construction of the sewer and reclaimed water lines would remain a significant unavoidable noise impact. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

Implementation:

The above referenced mitigation measures will be imposed on the Project as conditions of approval.

Significance After Mitigation:

Significant and Unavoidable.

2. Transportation

b. Impact TRANS-1: The proposed Project would contribute trips to intersections already operating unacceptably, but exempt from the City's LOS standards (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure TRANS-1:

Prior to issuance of building permits, the Project applicant shall pay impact fees to the City of Calistoga for improvements to the intersection of SR-29/128/SR-29 (Foothill Boulevard/Lincoln Avenue) as defined in the Calistoga Municipal Code, Section 17.10.030.

Finding(s) per Public Resources Code, Section 21081:

- 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 environmental impact report (PRC, § 21081, subd. [c]).

Rationale:

Implementation of Mitigation Measure TRANS-1 would minimize impacts to the intersection of SR-29/128/SR-29 (Foothill Boulevard/Lincoln Avenue) to the maximum extent feasible. Although the intersection of SR-29/128/SR-29 is exempt from a minimum LOS criteria, the City has recognized the need for capacity improvements at this location, though the specifics of such a design have yet to be determined because of the constraints imposed by developed parcels surrounding the intersection. The City has established a traffic impact fee program to fund future improvements at this intersection. The Project applicant would need to pay appropriate fees, which is reflected in Mitigation Measure TRANS-1. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

Significance After Mitigation:

Significant and Unavoidable.

c. Impact TRANS-2: The proposed Project would contribute to unacceptable intersection operations under Future Plus Project conditions (*Potentially Significant*).

Mitigation Measures:

The City shall implement the following mitigation measures:

Mitigation Measure TRANS-2:

Prior to issuance of building permits, the Project applicant shall pay impact fees to the City of Calistoga for improvements to the intersections of SR-128/Petrified Forest Road, SR-29/Silverado Trail, and SR-29/128/SR-29 (Foothill Boulevard/Lincoln Avenue) as defined in the Calistoga Municipal Code, Section 17.10.030. The improvements shall consist of the installation of a traffic signal or modern roundabout.

Finding(s) per Public Resources Code, Section 21081:

- 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 environmental impact report (PRC, § 21081, subd. [c]).

Rationale:

Implementation of Mitigation Measure TRANS-2 would reduce future impacts to the intersections of SR-128/Petrified Forest Road, SR-29/Silverado Trail, and SR-29/128/SR-29 (Foothill Boulevard/Lincoln Avenue) to the maximum extent feasible. The City has identified planned future improvements at the intersections of SR-128/Petrified Forest Road and SR-29/Silverado Trail, and when implemented both intersections are expected to operate acceptably during both study periods with and without traffic generated by the proposed Project. The proposed Project would provide funding through payment of traffic impact fees for improvements to achieve acceptable operation. The timeline for determining and implementing improvements, however, is unknown. Furthermore, property acquisition is likely, which would involve the cooperation of third parties. For these reasons, physically constructing the improvements is not considered feasible. The City Council concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

Implementation:

The above referenced mitigation measure will be imposed on the Project as a condition of approval.

IX. PROJECT ALTERNATIVES

Where a significant impact can be avoided or substantially lessened (i.e., mitigated to an "acceptable level") solely by the adoption of mitigation measures, the lead agency has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the Project. (Pub. Resources Code, § 21002; *Laurel Hills Homeowners Association*, *supra*, 83 Cal.App.3d at p. 521; *see also Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 691, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) However, where a significant impact cannot be avoided or substantially lessened solely by the mitigation measures, the lead agency must consider the feasibility of alternatives. (Public Resources Code, § 21002; *Laurel Hills Homeowners Association*, *supra*, 83 Cal.App.3d at p. 521.)

If any alternatives are environmentally superior with respect to the significant unavoidable impacts of the Project, then the City Council is to determine whether the alternatives are feasible and meet most of the Project objectives. The City Council may reject an alternative if it determines that an alternative is either infeasible, not environmentally superior with respect to

the unavoidable significant impacts of the Project, or fails to attain the basic Project objectives. The City Council may then approve the Project as mitigated, after adopting a Statement of Overriding Considerations.

The City Council has used the Project Objectives identified in Section I.C, *supra*, as the basis for comparing Project alternatives and determining the extent that the objectives would be achieved relative to the Project.

The EIR examined five alternatives to the proposed Project to determine whether any of these alternatives could meet the Project's objectives, while avoiding or substantially lessening its significant impacts. The following five alternatives were examined:

- Alternative 1: No Project/Diamond Hill Estates Subdivision Alternative;
- Alternative 2: Reduced Density Alternative;
- Alternative 3: Resort Hotel Alternative;
- Alternative 4: Whole/Fractional Ownerships Units Alternative; and
- Alternative 5: High-Rise Hotel Alternative.

These findings examine the alternatives to the extent they lessen or avoid the Project's significant environmental effects. Although presented here and in the DEIR, the City is not required to consider those alternatives in terms of environmental impacts which are insignificant or avoided through mitigation. However, it is important to note that the DEIR considered the following potential alternatives but then eliminated them from further discussion because they were determined infeasible, would not attain fundamental Project objectives, and/or were unable to reduce any of the significant impacts of the Project *(see*, *also*, discussion in DEIR at pp. 5-36 – 5-40):

- No Project/No Development Alternative; and
- Alternative Location.

In addressing the No Project/Diamond Hill Estates Subdivision Alternative, the City followed the direction of the State CEQA Guidelines that: the "No Project" analysis shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services. (CEQA Guidelines, § 15126(d)(4).)

The City Council finds that a good faith effort was made to evaluate in the DEIR all reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the Project objectives or might be more costly. The City Council also finds that all reasonable alternatives were reviewed, analyzed, and discussed in the review process of the DEIR and the ultimate decision on the Project.

ALTERNATIVE 1: NO PROJECT/DIAMOND HILL ESTATES SUBDIVISION ALTERNATIVE

Under the No Project/Diamond Hill Estates Alternative, the Project would not be developed; instead, the existing entitled Diamond Hill Estates Subdivision would be developed on the Project site.

The Diamond Hill Estates Subdivision consists of 35 custom residential lots on 49 acres and 21 acres of forested open space. DEIR Exhibit 5-1 depicts the Diamond Hill Estates Subdivision Final Map. The subdivision was approved by the City of Calistoga in 2005. Vested entitlements associated with the subdivision include a Final Map, Improvement Plans, the Timber Harvest Plan, the certified Environmental Impact Report, and vested rights to a certain amount of municipal water and sewer service.

Because the entitlements associated with the Diamond Hill Estates Subdivision are vested, no further land use designation changes are necessary. Thus, the existing General Plan land use designation of "Rural Residential – Hillside" and Zoning Ordinance designation of "Rural Residential – Hillside (RR-H)" would remain unchanged.

Impacts of the No Project/Diamond Hill Estates Subdivision Alternative were identified as follows:

As shown in Tables 5-11 and 5-12 of the DEIR, section 5.8 (Environmentally Superior Alternative), there would be ten environmental impacts from the No Project/Diamond Hill Estates Subdivision Alternative that would be less than the Project (agricultural and forest resources, air quality/greenhouse gas emissions, biological resources, cultural resources, geology, soils, and seismicity, hydrology and water quality, land use, noise, public services and utilities, and transportation), and the remaining two impacts would be similar to the Project (aesthetics, light and glare, and hazards and hazardous materials).

<u>Aesthetics, Light, and Glare</u>

The No Project/Diamond Hill Estates Subdivision Alternative would result in the development of the Diamond Hill Estates Subdivision, which consists of 35 custom residential lots, on the Project site. This alternative would result in a net reduction of 108 units and a net increase of 12 acres of forested open space. Similar to the Project, this alternative would generally not be visible from other areas within Calistoga and, therefore, would have a less than significant impact on scenic vistas, state scenic highways, and visual character. Additionally, this alternative would implement mitigation for light and glare similar to the Project. Therefore, this alternative would have aesthetics, light, and glare impacts similar to the Project.

<u>Agricultural and Forest Resources</u>

The No Project/Diamond Hill Estates Subdivision Alternative would result in the development of the Diamond Hill Estates Subdivision, which consists of 35 custom residential lots, on the Project site. The development footprint of this alternative is approximately 12 acres less than the Project and, therefore, would result in the removal of fewer trees. Although the Diamond Hill Estates Subdivision has an existing approved Timber Harvest Plan/Tree Removal Permit, this alternative would result in less tree removal than the Project and, therefore, would be considered less severe than the Project. Thus, this alternative would have less impact on agricultural and forest resources than the Project.

<u>Air Quality/Greenhouse Gas Emissions</u>

The No Project/Diamond Hill Estates Subdivision Alternative would result in the development of the Diamond Hill Estates Subdivision, which consists of 35 custom residential lots, on the Project site. The development footprint of this alternative is approximately 12 acres less than the Project and, therefore, would result in fewer construction activities. In addition, no offsite utilities would be extended to the Project site, eliminating emissions associated with this work. Although the Project's construction emissions were found to be less than significant after mitigation, this alternative would result in fewer emissions and, therefore, would lessen the severity of this impact.

This alternative would generate 1,165 fewer daily trips than the Project. The reduction in daily trips would lessen the amount of operational criteria pollutant emissions and greenhouse gas emissions. Although the Project's operational and greenhouse gas emissions were found to be less than significant after mitigation, this alternative would result in fewer emissions and, therefore, would lessen the severity of this impact.

For all other areas, this alternative would yield conclusions similar to those of the Project. In summary, this alternative reduces construction and operational emissions and, therefore, would have less impact on air quality and greenhouse gas emissions than the Project.

Biological Resources

The No Project/Diamond Hill Estates Subdivision Alternative would result in the development of the Diamond Hill Estates Subdivision, which consists of 35 custom residential lots, on the Project site. The development footprint of this alternative would be approximately 12 acres less than the Project and, therefore, would result in fewer potential impacts to biological resources. Although similar mitigation measures would be implemented for special-status species and tree removal activities, the reduction in disturbed acreage would lessen the severity of impacts. In addition, this alternative would not require any offsite utility work and, therefore, would avoid the potential impacts associated with the pipeline crossings of Simmons Creek or the Napa River. Thus, this alternative would have less impact on biological resources than the Project.

Cultural Resources

The No Project/Diamond Hill Estates Subdivision Alternative would result in the development of the Diamond Hill Estates Subdivision, which consists of 35 custom residential lots, on the Project site. The development footprint of this alternative would be approximately 12 acres less than the Project and, therefore, would result in fewer potential impacts to cultural resources. Although similar mitigation measures would be implemented for inadvertent discovery of undiscovered cultural resources, the reduction in disturbed acreage would lessen the severity of impacts. In addition, this alternative would not require any offsite utility work and, therefore, would avoid the potential impacts associated with the pipeline excavations. Thus, this alternative would have less impact on cultural resources than the Project.

Geology, Soils and Seismicity

The No Project/Diamond Hill Estates Subdivision Alternative would result in the development of the Diamond Hill Estates Subdivision, which consists of 35 custom residential lots, on the

Project site. The development footprint of this alternative would be approximately 12 acres less than the Project and, therefore, would result in less potential exposure to geologic, soil, and seismic hazards. Although a similar mitigation measure would be implemented requiring the preparation of a design-level geotechnical study and compliance with seismic safety standards, the reduction in dwelling units and disturbed acreage would lessen the severity of impacts. Therefore, this alternative would have less impact on geology, soil, and seismicity than the Project.

Hazards and Hazardous Materials

The No Project/Diamond Hill Estates Subdivision Alternative would result in the development of the Diamond Hill Estates Subdivision, which consists of 35 custom residential lots, on the Project site. Similar to the Project, this alternative would result in the removal of the structures located near the SR-29/128 frontage and, therefore, would implement mitigation measures for soil and groundwater contamination, hazardous building materials, and septic system removal. Additionally, similar to the Project, this alternative would implement fire safety measures to protect occupants from wildland fire hazards. Therefore, this alternative would have hazards and hazardous materials impacts similar to the Project.

Hydrology and Water Quality

The No Project/Diamond Hill Estates Subdivision Alternative would result in the development of the Diamond Hill Estates Subdivision, which consists of 35 custom residential lots, on the Project site. The development footprint of this alternative would be approximately 12 acres less than the Project and, therefore, would result in less potential for water pollution and increased runoff. Although similar mitigation measures would be implemented for stormwater quality and drainage, the reduction in dwelling units and disturbed acreage would lessen the severity of impacts by reducing the potential for water pollution and increased runoff. Therefore, this alternative would have less impact on hydrology and water quality than the Project.

Land Use

The No Project/Diamond Hill Estates Subdivision Alternative would result in the development of the Diamond Hill Estates Subdivision, which consists of 35 custom residential lots, on the Project site. The Diamond Hill Estates Subdivision has secured all necessary entitlements and can be developed under the existing General Plan and Zoning designations for the Project site. In contrast, the Project requires a General Plan Amendment and Rezone. Although the Project's General Plan Amendment and Rezone was found to be consistent with all applicable provisions of the City of Calistoga General Plan and Municipal Code, maintaining the existing entitlements and land use designations would be less severe than altering them. Therefore, this alternative would have less impact on land use than the Project.

Noise

The No Project/Diamond Hill Estates Subdivision Alternative would result in the development of the Diamond Hill Estates Subdivision, which consists of 35 custom residential lots, on the Project site. The development footprint of this alternative is approximately 12 acres less than the Project and, therefore, would result in fewer construction activities. In addition, no offsite utilities would be extended to the Project site, eliminating noise associated with this work. The Project's construction noise impacts were found to be significant and unavoidable as a result of

the infeasibility of measures to mitigate noise from offsite utility work. Because this alternative would not require offsite utility work, it would avoid this significant unavoidable impact.

The No Project/Diamond Hill Estates Subdivision Alternative would generate 1,165 fewer daily trips than the Project. The reduction in daily trips would lessen the Project's contribution to roadway noise levels in the Project vicinity. Although the Project's roadway noise impacts were found to be less than significant, this alternative would result in less noise and, therefore, would lessen the severity of this impact.

In summary, this alternative avoids the significant unavoidable impact associated with construction noise and lessens the severity of roadway noise impacts. Therefore, this alternative would have less impact on noise than the Project.

Public Services and Utilities

The No Project/Diamond Hill Estates Subdivision Alternative would result in the development of the Diamond Hill Estates Subdivision, which consists of 35 custom residential lots, on the Project site. This alternative would result in a net decrease of 108 units relative to the Project and, therefore, would result in a corresponding decrease in demand for fire protection, police protection, potable water, sewer, storm drainage, solid waste, and energy. In addition, this alternative could be served by existing utilities and would avoid the need for offsite extension of sewer and recycled water to the Project site. Therefore, this alternative would have less impact on public service and utilities than the Project.

Transportation

The No Project/Diamond Hill Estates Subdivision Alternative would result in the development of the Diamond Hill Estates Subdivision, which consists of 35 custom residential lots, on the Project site. DEIR Table 5-2 summarizes the trip generation of the No Project/Diamond Hill Estates Subdivision Alternative compared with the Project. As shown in the table, the No Project/Diamond Hill Estates Subdivision Alternative generates 36 fewer AM peak-hour trips, 70 fewer PM peak-hour trips, and 87 fewer weekend peak-hour trips. While this alternative would result in fewer peak-hour trips, it would still contribute additional vehicle trips to the intersections that are Projected to operate at unacceptable levels. Similar improvements would be implemented to mitigate this alternative's impacts on intersections; however, as with the Project, the residual significance would be significant and unavoidable, because there is uncertainty about whether the necessary improvements would be implemented. However, the severity of impacts resulting from this alternative would be less than that of the Project.

Similar to the Project, this alternative would mitigate for impacts on roadway safety and emergency access, which would reduce impacts to a level of less than significant. No mitigation would be necessary for alternative transportation given the single-family residential characteristics of the Project. Additionally, as with the Project, this alternative would not result in significant impacts on other transportation-related areas.

In summary, the No Project/Diamond Hill Estates Subdivision Alternative would substantially reduce trip generation relative to the Project, thereby lessening its contribution to significant unavoidable traffic impacts. Therefore, this alternative would have less impact on transportation than the Project.

Finding:

Pursuant to the Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), the City Council finds that the No Project/Diamond Hill Estates Subdivision Alternative is the environmentally superior alternative because implementation of this alternative would avoid the significant unavoidable construction noise impact and generate the fewest peak-hour trips. However, CEQA Guidelines section 15126.6(e)(2) states that if the environmentally superior alternative is the "No Project" alternative, the EIR must also identify an environmentally superior alternative among the other alternatives; here, that would be the High-Rise Hotel Alternative. Nevertheless, the City Council finds that the No Project/Diamond Hill Estates Subdivision Alternative is rejected because although it would fully or partially advance several of the Project objectives, it would not advance others. For example, this alternative would advance the Project objectives concerning the creation of open space areas and conserving scenic and biological areas (Objective Nos. 3, 7, and 11). However, because this alternative would develop only 35 custom residences (and no resort uses), it would not fully advance the objective concerning positive contribution to the economy through new capital investment, the creation of new jobs, and the expansion of the tax base (Objective Nos. 1 and 5). Likewise, this alternative would not develop a destination resort or a visitor serving use that would enhance local tourism opportunities (Objective Nos. 2 and 4). *See California Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (upholding city's determination that alternative was infeasible because it would not accomplish its policy goals of promoting transportation alternatives and access to persons with disabilities.) In addition, the City Council finds that the No Project/Diamond Hill Estates Subdivision Alternative is rejected because it will not achieve the benefits of the Project as described in the Statement of Overriding Considerations. The No Project/Diamond Hill Estates Subdivision Alternative is therefore rejected in favor of the Project.

ALTERNATIVE 2: REDUCED DENSITY ALTERNATIVE

Under the Reduced Density Alternative, the residential and resort unit count would be reduced proportionately by 25 percent.

In total, 107 units would be developed onsite, including 10 custom residences, 82 resort hotel units, and 15 Residence Club units. Infrastructure would occupy 9 acres. As a result of the reduction of the development footprint, 40 acres of forest reserve would be provided, a net increase of 13 acres relative to the Project.

As with the Project, the Reduced Density Alternative would require the extension of sewer and recycled water service to the Project site. The alignments and characteristics of those utilities would be identical to the Project.

Similar to the Project, this alternative would merge and re-subdivide the Project site, amend the previous entitlements associated with the Diamond Hill Estates Subdivision, and require a General Plan Amendment and Rezone. Additionally, the uses contemplated by this alternative would be subject to Architectural Design Guidelines.

Impacts of the Reduced Density Alternative were identified as follows:

As shown in Tables 5-11 and 5-12 of the DEIR, section 5.8 (Environmentally Superior Alternative), there would be nine environmental impacts from the Reduced Density Alternative that would be less than the Project (agricultural and forest resources, air quality/greenhouse gas

emissions, biological resources, cultural resources, geology, soils, and seismicity, hydrology and water quality, noise, public services and utilities, and transportation), and the remaining three impacts would be similar to the Project (aesthetics, light and glare, hazards and hazardous materials, and land use).

Aesthetics, Light, and Glare

The Reduced Density Alternative would result in the development of 82 resort hotel units, 15 Residence Club units, 10 custom residential lots, and associated infrastructure on 38 acres of the Project site and the preservation of the remaining 40 acres as forest reserve. This alternative would result in a net reduction of 36 units and 13 acres of development. Similar to the Project, this alternative would not be visible from other areas within Calistoga and, therefore, would have a less than significant impact on scenic vistas, state scenic highways, and visual character. Additionally, this alternative would implement mitigation for light and glare similar to the Project. Therefore, this alternative would have aesthetics, light, and glare impacts similar to the Project.

Agricultural and Forest Resources

The Reduced Density Alternative would result in the development of 82 resort hotel units, 15 Residence Club units, 10 custom residential lots, and associated infrastructure on 38 acres of the Project site and the preservation of the remaining 40 acres as forest reserve. The development footprint of this alternative would be 13 acres less than the Project and, therefore, would result in a corresponding reduction in tree removal. Although fewer trees are anticipated to be removed under this alternative, an amended Timber Harvest Plan/Tree Removal Permit would need to be obtained to reflect the changes in layout. However, the retention of more trees would be expected to lessen the severity of this impact. Thus, this alternative would have less impact on agricultural and forest resources than the Project.

Air Quality/Greenhouse Gas Emissions

The Reduced Density Alternative would result in the development of 82 resort hotel units, 15 Residence Club units, 10 custom residential lots, and associated infrastructure on 38 acres of the Project site and the preservation of the remaining 40 acres as forest reserve. The development footprint of this alternative would be 13 acres less than the Project and, therefore, would result in fewer onsite construction activities. Offsite utility work would be similar to the Project. Although the Project's construction emission were found to be less than significant after mitigation, this alternative would result in fewer emissions owing to the fewer number of units and smaller development footprint and, therefore, would lessen the severity of this impact.

This alternative would generate 303 fewer daily trips than the Project. The reduction in daily trips would lessen the amount of operational criteria pollutant emissions and greenhouse gas emissions. Although the Project's operational and greenhouse gas emissions were found to be less than significant after mitigation, this alternative would result in fewer emissions and, therefore, would lessen the severity of this impact.

For all other areas, this alternative would yield conclusions similar to those of the Project. In summary, this alternative reduces construction and operational emissions and would have less impact on air quality and greenhouse gas emissions than the Project.

Biological Resources

The Reduced Density Alternative would result in the development of 82 resort hotel units, 15 Residence Club units, 10 custom residential lots, and associated infrastructure on 38 acres of the Project site and the preservation of the remaining 40 acres as forest reserve. The development footprint of this alternative would be 13 acres less than the Project and, therefore, would result in fewer potential impacts to biological resources. Offsite utility work would be similar to the Project. Although the Project's biological impacts were found to be less than significant after mitigation, this alternative would have a smaller development footprint and, therefore, would lessen the severity of impacts. Thus, this alternative would have less impact on biological resources than the Project.

Cultural Resources

The Reduced Density Alternative would result in the development of 82 resort hotel units, 15 Residence Club units, 10 custom residential lots, and associated infrastructure on 38 acres of the Project site and the preservation of the remaining 40 acres as forest reserve. The development footprint of this alternative would be 13 acres less than the Project and, therefore, would result in fewer potential impacts to cultural resources. Offsite utility work would be similar to the Project. Although the Project's cultural impacts were found to be less than significant after mitigation, this alternative would have a smaller development footprint and would lessen the severity of impacts. Thus, this alternative would have less impact on cultural resources than the Project.

Geology, Soils and Seismicity

The Reduced Density Alternative would result in the development of 82 resort hotel units, 15 Residence Club units, 10 custom residential lots, and associated infrastructure on 38 acres of the Project site and the preservation of the remaining 40 acres as forest reserve. The development footprint of this alternative would be 13 acres less than the Project and, therefore, would result in less potential exposure to geologic, soil, and seismic hazards. Although a similar mitigation measure would be implemented requiring the preparation of a design-level geotechnical study and compliance with seismic safety standards, the reduction in dwelling units and disturbed acreage would lessen the severity of impacts. Therefore, this alternative would have less impact on geology, soil, and seismicity than the Project.

Hazards and Hazardous Materials

The Reduced Density Alternative would result in the development of 82 resort hotel units, 15 Residence Club units, 10 custom residential lots, and associated infrastructure on 38 acres of the Project site and the preservation of the remaining 40 acres as forest reserve. Similar to the Project, this alternative would result in the removal of the structures located near the SR-29/128 frontage and, therefore, would implement mitigation measures for soil and groundwater contamination, hazardous building materials, and septic system removal. Additionally, similar to the Project, this alternative would implement fire safety measures to protect occupants from wildland fire hazards. Therefore, this alternative would have hazards and hazardous materials impacts similar to the Project.

Hydrology and Water Quality

The Reduced Density Alternative would result in the development of 82 resort hotel units, 15 Residence Club units, 10 custom residential lots, and associated infrastructure on 38 acres of the Project site and the preservation of the remaining 40 acres as forest reserve. The

development footprint of this alternative would be 13 acres less than the Project and, therefore, would result in less potential for water pollution and increased runoff. Although similar mitigation measures would be implemented for stormwater quality and drainage, the reduction in dwelling units and disturbed acreage would lessen the severity of impacts by reducing the potential for water pollution and increased runoff. Therefore, this alternative would have less impact on hydrology and water quality than the Project.

Land Use

The Reduced Density Alternative would result in the development of 82 resort hotel units, 15 Residence Club units, 10 custom residential lots, and associated infrastructure on 38 acres of the Project site and the preservation of the remaining 40 acres as forest reserve. Similar to the Project, this alternative would merge and re-subdivide the Project site, amend the previous entitlements associated with the Diamond Hill Estates Subdivision, and require a General Plan Amendment and Rezone. The Project's General Plan Amendment and Rezone was found to be consistent with all applicable provisions of the City of Calistoga General Plan and Municipal Code and, therefore, would cause this alternative's proposed land use changes to yield a similar conclusion. As such, this alternative would have land use impacts similar to the Project.

Noise

The Reduced Density Alternative would result in the development of 82 resort hotel units, 15 Residence Club units, 10 custom residential lots, and associated infrastructure on 38 acres of the Project site and the preservation of the remaining 40 acres as forest reserve. The development footprint of this alternative is approximately 13 acres less than the Project and, therefore, would result in fewer construction activities. However, offsite utility work would be identical to the Project and would result in a similar significant and unavoidable conclusion regarding construction noise.

This alternative would generate 303 fewer daily trips than the Project. The reduction in daily trips would lessen the Project's contribution to roadway noise levels in the Project vicinity. Although the Project's roadway noise impacts were found to be less than significant, this alternative would result in less noise and, therefore, would lessen the severity of this impact.

In summary, this alternative would result in the same significant unavoidable impact associated with construction noise, but would lessen the severity of roadway noise impacts. Therefore, this alternative would have less impact on noise than the Project.

Public Services and Utilities

The Reduced Density Alternative would result in the development of 82 resort hotel units, 15 Residence Club units, 10 custom residential lots, and associated infrastructure on 38 acres of the Project site. This alternative would result in a net decrease of 36 units relative to the Project and, therefore, would result in a corresponding decrease in demand for fire protection, police protection, portable water, sewer, storm drainage, solid waste, and energy. Similar to the Project, this alternative would extend sewer and recycled water service to the Project site. Because of the reduction in demand for public services and utilities, this alternative's impacts would be less severe. Therefore, this alternative would have less impact on public service and utilities than the Project.

Transportation

Under the Reduced Density Alternative, a total of 82 resort hotel units, 15 Residence Club units, 10 custom residential lots, and associated infrastructure would be developed on 38 acres of the Project site and the remaining 40 acres would be preserved as forest reserve. DEIR Table 5-4 summarizes the trip generation of the Reduced Density Alternative compared with the Project. As shown in the table, the Reduced Density Alternative generates 36 fewer AM peak-hour trips, 70 fewer PM peak-hour trips, and 87 fewer weekend peak-hour trips. While this alternative would result in fewer peak-hour trips, it would still contribute additional vehicle trips to the intersections that are Projected to operate at unacceptable levels. Similar improvements would be implemented to mitigate this alternative's impacts on intersections; however, as with the Project, the residual significance would be significant and unavoidable, because there is uncertainty about whether the necessary improvements would be implemented. However, the severity of impacts resulting from this alternative would be less than that of the Project.

Similar to the proposed Project, this alternative would mitigate for impacts on roadway safety, emergency access, and alternative transportation, which would reduce impacts to a level of less than significant.

In summary, the Reduced Density Alternative would substantially reduce trip generation relative to the Project, thereby lessening its contribution to significant unavoidable traffic impacts. Therefore, this alternative would have less impact on transportation than the Project.

Finding:

Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), the City Council finds that implementing the Reduced Density Alternative would not avoid the proposed Project's significant unavoidable noise and traffic impacts. However, it would lessen the severity of the traffic impacts because it would generate fewer peak-hour trips. This alternative would also lessen the severity of impacts associated with agricultural and forest resources, air quality and greenhouse gas emissions, biological resources, cultural resources, geology, hydrology, noise, and public services, which were found to be less than significant after mitigation.

The Reduced Density Alternative would advance all of the Project objectives, as described in more detail in Section I.C, above, however, in some cases to a lesser degree than the Project. For example, it would reduce the positive contribution to the economy as compared to the Project by not creating as many new jobs (Objective Nos. 1 and 5). See *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1401 (evidence that reduced-size Project would not fully meet Project objectives to enhance profits, and might not be economically viable, was sufficient to support infeasibility findings.) Reducing the number of jobs from the Project would reduce tax dollars that would come to the City. Moreover, this alternative is also not the environmentally superior alternative. For these reasons, the City Council rejects the Reduced Density Alternative.

ALTERNATIVE 3: RESORT HOTEL ALTERNATIVE

Under the Resort Hotel Alternative, the resort hotel component of the Project would be developed as contemplated, and the Residence Club units and custom residential lots would be eliminated.

This alternative would develop the hotel uses as contemplated by the Project, including the restaurant. All hotel facilities would be identical in terms of size and location as envisioned by the Project.

The area that would have been occupied by the Residence Club units and custom residential lots would remain as forested open space. In total, 51 acres of the Project site would be preserved as forest reserve.

As with the Project, the Resort Hotel Alternative would require the extension of sewer and recycled water service to the Project site. The alignments and characteristics of those utilities would be identical to the Project.

Similar to the Project, this alternative would merge and re-subdivide the Project site, amend the previous entitlements associated with the Diamond Hill Estates Subdivision and require a General Plan Amendment and Rezone. Additionally, the uses contemplated by this alternative would be subject to Architectural Design Guidelines.

Impacts of the Resort Hotel Alternative were identified as follows:

As shown in Tables 5-11 and 5-12 of the DEIR, section 5.8 (Environmentally Superior Alternative), there would be nine environmental impacts from the Resort Hotel Alternative that would be less than the Project (agricultural and forest resources, air quality/greenhouse gas emissions, biological resources, cultural resources, geology, soils, and seismicity, hydrology and water quality, noise, public services and utilities, and transportation), and the remaining three impacts would be similar to the Project (aesthetics, light and glare, hazards and hazardous materials, and land use).

<u>Aesthetics, Light, and Glare</u>

The Resort Hotel Alternative would result in the development of the resort hotel and infrastructure on 37 acres of the Project site and the preservation of the remaining 51 acres. This alternative would result in a net reduction of 33 units and 24 acres of development. Similar to the Project, this alternative would not be visible from other areas within Calistoga and, therefore, would have a less than significant impact on scenic vistas, state scenic highways, and visual character. Additionally, this alternative would implement mitigation for light and glare similar to the Project. Therefore, this alternative would have aesthetics, light, and glare impacts similar to the Project.

<u>Agricultural and Forest Resources</u>

The Resort Hotel Alternative would result in the development of the resort hotel and infrastructure on 37 acres of the Project site and the preservation of the remaining 51 acres. The development footprint of this alternative would be 24 acres less the Project and, therefore, would result in a corresponding reduction in tree removal. Although fewer trees are anticipated to be removed under this alternative, an amended Timber Harvest Plan/Tree Removal Permit would need to be obtained to reflect the changes in layout. However, the retention of more trees would be expected to lessen the severity of this impact. Therefore, this alternative would have less impact on agricultural and forest resources than the Project.

<u>Air Quality/Greenhouse Gas Emissions</u>

The Resort Hotel Alternative would result in the development of the resort hotel and infrastructure on 37 acres of the Project site and the preservation of the remaining 51 acres. The development footprint of this alternative is approximately 24 acres less than the Project and, therefore, would result in fewer onsite construction activities. Offsite utility work would be similar to the Project. Although the Project's construction emission were found to be less than significant after mitigation, this alternative would result in fewer emissions and would lessen the severity of this impact, owing to the fewer number of units and smaller development footprint.

This alternative would generate 315 fewer daily trips than the Project. The reduction in daily trips would lessen the amount of operational criteria pollutant emissions and greenhouse gas emissions. Although the Project's operational and greenhouse gas emissions were found to be less than significant after mitigation, this alternative would result in fewer emissions and, therefore, would lessen the severity of this impact.

For all other areas, this alternative would yield conclusions similar to those of the Project. In summary, this alternative reduces construction and operational emissions and, therefore, would have less impact on air quality and greenhouse gas emissions than the Project.

Biological Resources

The Resort Hotel Alternative would result in the development of the resort hotel and infrastructure on 37 acres of the Project site and the preservation of the remaining 51 acres. The development footprint of this alternative would be 24 acres less than the Project and, therefore, would result in fewer potential impacts to biological resources. Offsite utility work would be similar to the Project. Although the Project's biological impacts were found to be less than significant after mitigation, this alternative would have a smaller development footprint and, therefore, would lessen the severity of impacts. Thus, this alternative would have less impact on biological resources than the Project.

Cultural Resources

The Resort Hotel Alternative would result in the development of the resort hotel and infrastructure on 37 acres of the Project site and the preservation of the remaining 51 acres. The development footprint of this alternative would be 24 acres less than the Project and, therefore, would result in fewer potential impacts to cultural resources. Offsite utility work would be similar to the Project. Although the Project's cultural impacts were found to be less than significant after mitigation, this alternative would have a smaller development footprint and, therefore, would lessen the severity of impacts. Thus, this alternative would have less impact on cultural resources than the Project.

Geology, Soils and Seismicity

The Resort Hotel Alternative would result in the development of the resort hotel and infrastructure on 37 acres of the Project site and the preservation of the remaining 51 acres. The development footprint of this alternative would be 24 acres less than the Project and, therefore, would result in less potential exposure to geologic, soil, and seismic hazards. Although a similar mitigation measure would be implemented requiring the preparation of a design-level geotechnical study and compliance with seismic safety standards, the reduction in dwelling units and disturbed acreage would lessen the severity of the impacts. Therefore, this alternative would have less impact on geology, soil, and seismicity than the Project.

Hazards and Hazardous Materials

The Resort Hotel Alternative would result in the development of the resort hotel and infrastructure on 37 acres of the Project site and the preservation of the remaining 51 acres. Similar to the Project, this alternative would result in the removal of the structures located near the SR-29/128 frontage and, therefore, would implement mitigation measures for soil and groundwater contamination, hazardous building materials, and septic system removal. Additionally, similar to the Project, this alternative would implement fire safety measures to protect occupants from wildland fire hazards. Therefore, this alternative would have hazards and hazardous materials impacts similar to the Project.

Hydrology and Water Quality

The Resort Hotel Alternative would result in the development of the resort hotel and infrastructure on 37 acres of the Project site and the preservation of the remaining 51 acres. The development footprint of this alternative would be 24 acres less than the Project and, therefore, would result in less potential for water pollution and increased runoff. Although similar mitigation measures would be implemented for stormwater quality and drainage, the reduction in dwelling units and disturbed acreage would lessen the severity of impacts by reducing the potential for water pollution and increased runoff. Therefore, this alternative would have less impact on hydrology and water quality than the Project.

Land Use

The Resort Hotel Alternative would result in the development of the resort hotel and infrastructure on 37 acres of the Project site and the preservation of the remaining 51 acres. Similar to the Project, this alternative would merge and re-subdivide the Project site, amend the previous entitlements associated with the Diamond Hill Estates Subdivision, and require a General Plan Amendment and Rezone. The Project's General Plan Amendment and Rezone was found to be consistent with all applicable provisions of the City of Calistoga General Plan and Municipal Code; therefore, this alternative's proposed land use changes would yield a similar conclusion. As such, this alternative would have land use impacts similar to the Project.

Noise

The Resort Hotel Alternative would result in the development of the resort hotel and infrastructure on 37 acres of the Project site and the preservation of the remaining 51 acres. The development footprint of this alternative is approximately 24 acres less than the Project and would result in fewer construction activities. However, offsite utility work would be identical to the Project and, therefore, would result in a similar significant and unavoidable conclusion regarding construction noise.

This alternative would generate 315 fewer daily trips than the Project. The reduction in daily trips would lessen the Project's contribution to roadway noise levels in the Project vicinity. Although the Project's roadway noise impacts were found to be less than significant, this alternative would result in less noise and, therefore, would lessen the severity of this impact.

In summary, this alternative would result in the same significant unavoidable impact associated with construction noise, but would lessen the severity of roadway noise impacts. Therefore, this alternative would have less impact on noise than the Project.

Public Services and Utilities

The Resort Hotel Alternative would result in the development of the resort hotel on the Project site. This alternative would result in a net decrease of 33 units relative to the Project and, therefore, would result in a corresponding decrease in demand for fire protection, police protection, potable water, sewer, storm drainage, solid waste, and energy. Similar to the Project, this alternative would extend sewer and recycled water service to the Project site. Because of the reduction in demand for public services and utilities, this alternative's impacts would be less severe. Therefore, this alternative would have less impact on public service and utilities than the Project.

Transportation

The Resort Hotel Alternative would result in the development of a 110-unit resort hotel and infrastructure on 37 acres of the Project site and the preservation of the remaining 51 acres. DEIR Table 5-6 summarizes the trip generation of the Hotel Alternative compared with the Project. As shown in the table, the Resort Hotel Alternative generates 25 fewer AM peak-hour trips, 33 fewer PM peak-hour trips, and 31 fewer weekend peak-hour trips. While this alternative would result in fewer peak-hour trips, it would still contribute additional vehicle trips to the intersections that are Projected to operate at unacceptable levels. Similar improvements would be implemented to mitigate this alternative's impacts on intersections; however, as with the Project, the residual significance would be significant and unavoidable, because there is uncertainty about whether the necessary improvements would be implemented. However, the severity of impacts resulting from this alternative would be less than that of the Project.

Similar to the Project, this alternative would mitigate for impacts on roadway safety, emergency access, and alternative transportation, which would reduce impacts to a level of less than significant.

In summary, the Resort Hotel Alternative would substantially reduce trip generation relative to the Project, thereby lessening its contribution to significant unavoidable traffic impacts. Therefore, this alternative would have less impact on transportation than the Project.

Finding:

Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), the City Council finds that the Resort Hotel Alternative would not avoid the proposed Project's significant unavoidable noise and traffic impacts. However, it would lessen the severity of the traffic impacts because it would generate fewer peak-hour trips. This alternative would also lessen the severity of impacts associated with agricultural and forest resources, air quality and greenhouse gas emissions, biological resources, cultural resources, geology, hydrology, noise, and public services, which were found to be less than significant after mitigation.

The Resort Hotel Alternative would advance most, but not all, of the Project objectives, as described in more detail in Section I.C, above, and in some cases to a lesser degree than the Project because of the elimination of the residential and Residence Club uses. For example, this alternative would only partially meet Objective No. 2, which concerns developing a high-quality destination resort that provides a mix of hotel units, residential units, and recreational amenities. Likewise, because this alternative would develop 33 fewer units than the proposed Project, it would not have as much positive contribution to the economy as the proposed Project

or create as many new jobs (Objective Nos. 1 and 5). See *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1401 (evidence that reduced-size Project would not fully meet Project objectives to enhance profits, and might not be economically viable, was sufficient to support infeasibility findings.) Reducing the number of jobs from the Project would reduce tax dollars that would come to the City. Moreover, this alternative is also not the environmentally superior alternative. For these reasons, the City Council rejects the Resort Hotel Alternative.

ALTERNATIVE 4: WHOLE/FRACTIONAL OWNERSHIP UNITS ALTERNATIVE

Under the Whole/Fractional Ownership Units Alternative, 100 dwelling units would be developed on the Project site. No resort hotel uses or custom residential lots would be developed.

The 100 dwelling units, which would be marketed for whole or fractional ownership, would be located on 40 acres of the Project site. Infrastructure would occupy 6 acres. The dwelling units envisioned by this alternative would consist of one-bedroom to five-bedroom residences that would be expected to be used primarily as vacation homes by the owners. The property would be professionally managed and dwelling units would be available for rental by guests when the property owners are away.

The smaller one- and two-bedroom units would be clustered in groups of attached units on the footprint of the resort hotel. The larger three-, four-, and five-bedroom units would be located on single lots, with the largest units located on the 13 minimum custom lots. In total, there would be 20 one-bedroom units, 35 two-bedroom units, 18 three-bedroom units, 15 four-bedroom units, and 13 five-bedroom units.

An 8,000-square-foot building would be provided in the center of the site, which would include space for guest check-in facilities, property management, and multi-purpose indoor uses (meetings, banquets, etc.).

Individual residences may provide private recreational amenities such as pools, spas, and tennis courts; however, common recreational facilities would not be provided.

This alternative would largely maintain the proposed circulation plan envisioned by the Project, although the roadways serving the one- and two-bedroom units would be reconfigured to provide a single-surface parking to serve these units. A network of pedestrian facilities would link the parking area with the units.

This alternative would establish a 42-acre forest reserve area.

As with the Project, this alternative would require the extension of sewer and recycled water service to the Project site. The alignments and characteristics of those utilities would be identical to the Project.

Similar to the Project, this alternative would merge and re-subdivide the Project site, amend the previous entitlements associated with the Diamond Hill Estates Subdivision, and require a General Plan Amendment and Rezone. Additionally, the uses contemplated by this alternative would subject to Architectural Design Guidelines.

Impacts of the Whole/Fractional Ownership Units Alternative were identified as follows:

As shown in Tables 5-11 and 5-12 of the DEIR, section 5.8 (Environmentally Superior Alternative), there would be nine environmental impacts from the Whole/Fractional Ownership Units Alternative that would be less than the Project (agricultural and forest resources, air quality/greenhouse gas emissions, biological resources, cultural resources, geology, soils, and seismicity, hydrology and water quality, noise, public services and utilities, and transportation), and the remaining three impacts would be similar to the Project (aesthetics, light and glare, hazards and hazardous materials, and land use).

Aesthetics, Light, and Glare

The Whole/Fractional Ownership Units Alternative would result in the development of 100 whole/fractional ownership units and infrastructure on 46 acres of the Project site and the preservation of the remaining 42 acres. This alternative would result in a net reduction of 43 units and 15 acres of development. Similar to the Project, this alternative would not be visible from other areas within Calistoga and would have a less than significant impact on scenic vistas, state scenic highways, and visual character. Additionally, this alternative would implement mitigation for light and glare impacts similar to the Project. Therefore, this alternative would have aesthetics, light, and glare impacts similar to the Project.

Agricultural and Forest Resources

The Whole/Fractional Ownership Units Alternative would result in the development of 100 whole/fractional ownership units and infrastructure on 46 acres of the Project site and the preservation of the remaining 42 acres. This alternative would result in a net reduction of 15 acres of development. Thus, this alternative would result in less timber harvesting than the Project. Although fewer trees are anticipated to be removed under this alternative, an amended Timber Harvest Plan/Tree Removal Permit would need to be obtained to reflect the changes in layout. However, the retention of more trees this would be expected to lessen the severity of this impact. Thus, this alternative would have less impact on agricultural and forest resources than the Project.

Air Quality/Greenhouse Gas Emissions

The Whole/Fractional Ownership Units Alternative would result in the development of 100 whole/fractional ownership units and infrastructure on 46 acres of the Project site and the preservation of the remaining 42 acres. This alternative would result in a net reduction of 15 acres of development. Offsite utility work would be similar to the Project. Although the Project's construction emission were found to be less than significant after mitigation, this alternative would result in fewer emissions and, therefore, would lessen the severity of this impact, owing to the fewer number of units.

This alternative would generate 542 fewer daily trips than the Project. The reduction in daily trips would lessen the amount of operational criteria pollutant emissions and greenhouse gas emissions. Although the Project's operational and greenhouse gas emissions were found to be less than significant after mitigation, this alternative would result in fewer emissions and, therefore, would lessen the severity of this impact.

For all other areas, this alternative would yield conclusions similar to those of the Project. In summary, this alternative reduces construction and operational emissions and, therefore, would have less impact on air quality and greenhouse gas emissions than the Project.

Biological Resources

The Whole/Fractional Ownership Units Alternative would result in the development of 100 whole/fractional ownership units and infrastructure on 46 acres of the Project site and the preservation of the remaining 42 acres. This alternative would result in a net reduction of 15 acres of development. Offsite utility work would be similar to the Project. Although the Project's biological impacts were found to be less than significant after mitigation, this alternative would have a smaller development footprint and, therefore, would lessen the severity of impacts. Thus, this alternative would have less impact on biological resources than the Project.

Cultural Resources

The Whole/Fractional Ownership Units Alternative would result in the development of 100 whole/fractional ownership units and infrastructure on 46 acres of the Project site and the preservation of the remaining 42 acres. This alternative would result in a net reduction of 15 acres of development. Offsite utility work would be similar to the Project. Although the Project's cultural impacts were found to be less than significant after mitigation, this alternative would have a smaller development footprint and, therefore, would lessen the severity of impacts. Therefore, this alternative would have less impact on cultural resources than the Project.

Geology, Soils and Seismicity

The Whole/Fractional Ownership Units Alternative would result in the development of 100 whole/fractional ownership units and infrastructure on 46 acres of the Project site and the preservation of the remaining 42 acres. This alternative would result in a net reduction of 15 acres of development. Although a similar mitigation measure would be implemented requiring the preparation of a design-level geotechnical study and compliance with seismic safety standards, the reduction in dwelling units and disturbed acreage would lessen the severity of the impacts. Therefore, this alternative would have less impact on geology, soil, and seismicity than the Project.

Hazards and Hazardous Materials

The Whole/Fractional Ownership Units Alternative would result in the development of 100 whole/fractional ownership units and infrastructure on 46 acres of the Project site and the preservation of the remaining 42 acres. Similar to the Project, this alternative would result in the removal of the structures located near the SR-29/128 frontage and, therefore, would implement mitigation measures for soil and groundwater contamination, hazardous building materials, and septic system removal. Additionally, similar to the Project, this alternative would implement fire safety measures to protect occupants from wildland fire hazards. Therefore, this alternative would have hazards and hazardous materials impacts similar to the Project.

Hydrology and Water Quality

The Whole/Fractional Ownership Units Alternative would result in the development of 100 whole/fractional ownership units and infrastructure on 46 acres of the Project site and the preservation of the remaining 42 acres. This alternative would result in a net reduction of 15 acres of development and, therefore, would result in less potential for water pollution and increased runoff relative to the Project. Although similar mitigation measures would be

implemented for stormwater quality and drainage, the reduction in dwelling units and disturbed acreage would lessen the severity of impacts by reducing the potential for water pollution and increased runoff. Therefore, this alternative would have less impact on hydrology and water quality than the Project.

Land Use

The Whole/Fractional Ownership Units Alternative would result in the development of 100 whole/fractional ownership units and infrastructure on 46 acres of the Project site and the preservation of the remaining 42 acres. Similar to the Project, this alternative would merge and re-subdivide the Project site, amend the previous entitlements associated with the Diamond Hill Estates Subdivision, and require a General Plan Amendment and Rezone. The Project's General Plan Amendment and Rezone was found to be consistent with all applicable provisions of the City of Calistoga General Plan and Municipal Code; therefore, this alternative's proposed land use changes would yield a similar conclusion. As such, this alternative would have land use impacts similar to the Project.

Noise

The Whole/Fractional Ownership Units Alternative would result in the development of 100 whole/fractional ownership units and infrastructure on 46 acres of the Project site and the preservation of the remaining 42 acres. This alternative would result in a net reduction of 43 units and 15 acres of development. Offsite utility work would be identical to the Project and, therefore, would result in a similar significant and unavoidable conclusion regarding construction noise.

This alternative would generate 542 fewer daily trips than the Project. The reduction in daily trips would lessen the Project's contribution to roadway noise levels in the Project vicinity. Although the Project's roadway noise impacts were found to be less than significant, this alternative would result in less noise and, therefore, would lessen the severity of this impact.

In summary, this alternative would result in the same significant unavoidable impact associated with construction noise, but would lessen the severity of roadway noise impacts. Therefore, this alternative would have less impact on noise than the Project.

Public Services and Utilities

The Whole/Fractional Ownership Units Alternative would result in the development of 100 whole/fractional ownership units and infrastructure on 46 acres of the Project site and the preservation of the remaining 42 acres. This alternative would result in a net decrease of 43 units relative to the Project and, therefore, would result in a corresponding decrease in demand for fire protection, police protection, potable water, sewer, storm drainage, solid waste, and energy. Similar to the Project, this alternative would extend sewer and recycled water service to the Project site. Because of the reduction in demand for public services and utilities, this alternative's impacts would be less severe. Therefore, this alternative would have less impact on public service and utilities than the Project.

Transportation

The Whole/Fractional Ownership Units Alternative would result in the development of 100 whole/fractional ownership units and infrastructure on 46 acres of the Project site and the

preservation of the remaining 42 acres. DEIR Table 5-8 summarizes the trip generation of the Whole/Fractional Ownership Units Alternative compared with the Project. As shown in the table, the Whole/Fractional Ownership Units Alternative generates 13 more AM peak-hour trips, four fewer PM peak-hour trips, and 27 fewer weekend peak-hour trips. Although this alternative would result in fewer peak-hour trips during the PM and weekend peak hours, it would increase new trips during the AM peak hour. As discussed in Section 3.12, Transportation, as many as two intersections would operate at unacceptable levels during the AM peak hour and as many as three intersections would operate at unacceptable levels during the PM and weekend peak hours, respectively. Thus, the reduction in PM and weekend peak-hour trips outweighs the increase in AM peak-hour trips. Regardless, similar improvements would be implemented to mitigate this alternative's impacts on intersections; however, as with the Project, the residual significance would be significant and unavoidable, because there is uncertainty about whether the necessary improvements would be implemented. Nevertheless, the severity of impacts resulting from this alternative would be less than that of the Project.

Similar to the Project, this alternative would mitigate for impacts on roadway safety, emergency access, and alternative transportation, which would reduce impacts to a level of less than significant.

In summary, the Whole/Fractional Ownership Units Alternative would reduce trip generation during two of the three peak hours relative to the Project, thereby lessening its contribution to significant unavoidable traffic impacts. Therefore, this alternative would have less impact on transportation than the Project.

Finding:

Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), the City Council finds that the Whole/Fractional Ownership Units Alternative would not avoid the Project's significant unavoidable noise and traffic impacts. However, it would lessen the severity of the traffic impacts because it would generate fewer peak-hour trips during the PM and weekend peak hours. This alternative would also lessen the severity of impacts associated with air quality and greenhouse gas emissions, noise, and public services, which were found to be less than significant after mitigation.

The Whole/Fractional Ownership Units Alternative would advance most but not all of the Project objectives, as described in more detail in Section I.C, above, and in some cases to a lesser degree than the Project because of the elimination of the resort hotel and custom residences. For example, this alternative would not advance Objective No. 2, which concerns developing a high-quality destination resort that provides a mix of hotel units, residential units, and recreational amenities. Likewise, because this alternative would develop 43 fewer units than the proposed Project, it would not have as much positive contribution to the economy as the proposed Project or create as many new jobs (Objectives No. 1 and 5). See *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1401 (evidence that reduced-size Project would not fully meet Project objectives to enhance profits, and might not be economically viable, was sufficient to support infeasibility findings.) Reducing the number of jobs from the Project would reduce tax dollars that would come to the City. Moreover, this alternative is also not the environmentally superior alternative. For these reasons, the City Council rejects the Whole/Fractional Ownership Units Alternative.

ALTERNATIVE 5: HIGH-RISE HOTEL ALTERNATIVE

Under the High-Rise Hotel Alternative, a multi-story hotel would be developed on the Project site and Residence Club units and custom residential lots would be eliminated.

The hotel would consist of five stories, with 100 units on the upper four stories and guest amenities on the ground floor. Amenities would be for the exclusive use of hotel guests and include front desk, concierge, café, bar, fitness center, and similar facilities. The high-rise hotel would be located where the resort hotel is contemplated; however, its footprint would be smaller owing to its multi-story characteristics.

The western resort hotel area and custom residential lots would remain as forested open space. In total, 62 acres of the Project site would be preserved as open space.

As with the Project, the High-Rise Hotel Alternative would require the extension of sewer and recycled water service to the Project site. The alignments and characteristics of those utilities would be identical to the Project.

Similar to the Project, this alternative would merge and re-subdivide the Project site, amend the previous entitlements associated with the Diamond Hill Estates Subdivision, and require a General Plan Amendment and Rezone. Additionally, the uses contemplated by this alternative would be subject to Architectural Design Guidelines.

Impacts of the High-Rise Hotel Alternative were identified as follows:

As shown in Tables 5-11 and 5-12 of the DEIR, section 5.8 (Environmentally Superior Alternative), there would be two environmental impacts from the High-Rise Hotel Alternative that would be greater than the Project (aesthetics, light and glare, and public services and utilities), eight environmental impacts that would be less than the Project (agricultural and forest resources, air quality/greenhouse gas emissions, biological resources, cultural resources, geology, soils, and seismicity, hydrology and water quality, noise, and transportation), and the remaining two impacts would be similar to the Project (hazards and hazardous materials, and land use).

<u>Aesthetics, Light, and Glare</u>

The High-Rise Hotel Alternative would result in the development of a high-rise hotel and infrastructure on 26 acres of the Project site and the preservation of the remaining 62 acres. This alternative would result in a net reduction of 43 units and 35 acres of development. However, the five-story hotel would likely extend above the forest canopy and be visible from most of Calistoga, which would result in an increase in the severity of impacts on scenic vistas, state scenic highways, and visual character. Additionally, this alternative would implement mitigation for light and glare similar to the Project; however, because of its visibility, greater light and glare impacts would likely be observed. Therefore, this alternative would have greater aesthetics, light, and glare impacts than the Project.

<u>Agricultural and Forest Resources</u>

The High-Rise Hotel Alternative would result in the development of a high-rise hotel and infrastructure on 26 acres of the Project site and the preservation of the remaining 62 acres. This alternative would result in a net reduction of 35 acres of development and, therefore, would result in a corresponding reduction in tree removal. Although fewer trees are anticipated to be removed under this alternative, an amended Timber Harvest Plan/Tree Removal Permit would

need to be obtained to reflect the changes in layout. However, the retention of more trees this would be expected to lessen the severity of this impact. Thus, this alternative would have less impact on agricultural and forest resources than the Project.

Air Quality/Greenhouse Gas Emissions

The High-Rise Hotel Alternative would result in the development of a high-rise hotel and infrastructure on 26 acres of the Project site and the preservation of the remaining 62 acres. The development footprint of this alternative is approximately 35 acres less than the Project and, therefore, would result in fewer onsite construction activities. Offsite utility work would be similar to the Project. Although the Project's construction emission were found to be less than significant after mitigation, this alternative would result in fewer emissions and, therefore, would lessen the severity of this impact, owing to the fewer number of units and smaller development footprint.

This alternative would generate 683 fewer daily trips than the Project. The reduction in daily trips would lessen the amount of operational criteria pollutant emissions and greenhouse gas emissions. Although the Project's operational and greenhouse gas emissions were found to be less than significant after mitigation, this alternative would result in fewer emissions and, therefore, would lessen the severity of this impact.

For all other areas, this alternative would yield conclusions similar to those of the Project. In summary, this alternative reduces construction and operational emissions and, therefore, would have less impact on air quality and greenhouse gas emissions than the Project.

Biological Resources

The High-Rise Hotel Alternative would result in the development of a high-rise hotel and infrastructure on 26 acres of the Project site and the preservation of the remaining 62 acres. The development footprint of this alternative would be 35 acres less than the Project and, therefore, would result in fewer potential impacts to biological resources. Offsite utility work would be similar to the Project. Although the Project's biological impacts were found to be less than significant after mitigation, this alternative would have a smaller development footprint and would lessen the severity of impacts. Therefore, this alternative would have less impact on biological resources than the Project.

Cultural Resources

The High-Rise Hotel Alternative would result in the development of a high-rise hotel and infrastructure on 26 acres of the Project site and the preservation of the remaining 62 acres. The development footprint of this alternative would be 35 acres less than the Project and, therefore, would result in fewer potential impacts to cultural resources. Offsite utility work would be similar to the Project. Although the Project's cultural impacts were found to be less than significant after mitigation, this alternative would have a smaller development footprint and would lessen the severity of impacts. Therefore, this alternative would have less impact on cultural resources than the Project.

Geology, Soils and Seismicity

The High-Rise Hotel Alternative would result in the development of a high-rise hotel and infrastructure on 26 acres of the Project site and the preservation of the remaining 62 acres.

The development footprint of this alternative would be 35 acres less than the Project and, therefore, would result in less potential exposure to geologic, soil, and seismic hazards. Although a similar mitigation measure would be implemented requiring the preparation of a design-level geotechnical study and compliance with seismic safety standards, the reduction in dwelling units and disturbed acreage would lessen the severity of the impacts. Therefore, this alternative would have less impact on geology, soil, and seismicity than the Project.

Hazards and Hazardous Materials

The High-Rise Hotel Alternative would result in the development of a high-rise hotel and infrastructure on 26 acres of the Project site and the preservation of the remaining 62 acres. Similar to the Project, this alternative would result in the removal of the structures located near the SR-29/128 frontage and, therefore, would implement mitigation measures for soil and groundwater contamination, hazardous building materials, and septic system removal. Additionally, similar to the Project, this alternative would implement fire safety measures to protect occupants from wildland fire hazards. Therefore, this alternative would have hazards and hazardous materials impacts similar to the Project.

Hydrology and Water Quality

The High-Rise Hotel Alternative would result in the development of a high-rise hotel and infrastructure on 26 acres of the Project site and the preservation of the remaining 62 acres. The development footprint of this alternative would be 35 acres less than the Project and, therefore, would result in less potential for water pollution and increased runoff. Although similar mitigation measures would be implemented for stormwater quality and drainage, the reduction in dwelling units and disturbed acreage would lessen the severity of impacts by reducing the potential for water pollution and increased runoff. Therefore, this alternative would have less impact on hydrology and water quality than the Project.

Land Use

The High-Rise Hotel Alternative would result in the development of a high-rise hotel and infrastructure on 26 acres of the Project site and the preservation of the remaining 62 acres. Similar to the Project, this alternative would merge and re-subdivide the Project site, amend the previous entitlements associated with the Diamond Hill Estates Subdivision, and require a General Plan Amendment and Rezone. The Project's General Plan Amendment and Rezone was found to be consistent with all applicable provisions of the City of Calistoga General Plan and Municipal Code; therefore, this alternative's land use changes would yield a similar conclusion. As such, this alternative would have land use impacts similar to the Project.

Noise

The High-Rise Hotel Alternative would result in the development of a high-rise hotel and infrastructure on 26 acres of the Project site and the preservation of the remaining 62 acres. The development footprint of this alternative would be 35 acres less than the Project and would result in fewer construction activities. However, offsite utility work would be identical to the Project and, therefore, would result in a similar significant and unavoidable conclusion regarding construction noise.

This alternative would generate 683 fewer daily trips than the Project. The reduction in daily trips would lessen the Project's contribution to roadway noise levels in the Project vicinity.

Although the Project's roadway noise impacts were found to be less than significant, this alternative would result in less noise and, therefore, would lessen the severity of this impact.

In summary, this alternative would result in the same significant unavoidable impact associated with construction noise, but would lessen the severity of roadway noise impacts. Therefore, this alternative would have less impact on noise than the Project.

Public Services and Utilities

The High-Rise Hotel Alternative would result in the development of a high-rise hotel and infrastructure on 26 acres of the Project site and the preservation of the remaining 62 acres. This alternative would result in a net decrease of 43 units relative to the Project; however, the multi-story characteristics of the Project would likely create a need for fire protection and emergency access mitigation measures beyond those required by the Project. Examples include the provision of an access road with gentler grades that would be traversed by a ladder truck and additional water storage capacity for fire suppression purposes. Similar to the Project, this alternative would extend sewer and recycled water service to the Project site. Because of the likely for additional public services and utilities mitigation measures, impacts would be more severe than the Project. Therefore, this alternative would have greater impact on public service and utilities than the Project.

Transportation

The High-Rise Hotel Alternative would result in the development of a 100-unit high-rise hotel and infrastructure on 26 acres of the Project site and the preservation of the remaining 62 acres. DEIR Table 5-10 summarizes the trip generation of the High-Rise Hotel Alternative compared with the Project. As shown in the table, the High-Rise Hotel Alternative generates 31 fewer AM peak-hour trips, 63 fewer PM peak-hour trips, and 69 fewer weekend peak-hour trips. While this alternative would result in fewer peak-hour trips, it would still contribute additional vehicle trips to the intersections that are Projected to operate at unacceptable levels. Similar improvements would be implemented to mitigate this alternative's impacts on intersections; however, as with the Project, the residual significance would be significant and unavoidable, because there is uncertainty about whether the necessary improvements would be implemented. However, the severity of impacts resulting from this alternative would be less than that of the Project.

Similar to the Project, this alternative would mitigate for impacts on roadway safety, emergency access, and alternative transportation, which would reduce impacts to a level of less than significant.

In summary, the High-Rise Hotel Alternative would substantially reduce trip generation relative to the Project, thereby lessening its contribution to significant unavoidable traffic impacts. Therefore, this alternative would have less impact on transportation than the Project.

Finding:

Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), the City Council finds that even though the High-Rise Hotel Alternative is the environmentally superior alternative, it would not avoid the Project's significant unavoidable noise and traffic impacts. It would, however, lessen the severity of the traffic impacts because it

would generate fewer peak-hour trips. This alternative would also lessen the severity of impacts associated with agricultural and forest resources, air quality and greenhouse gas emissions, biological resources, cultural resources, geology, hydrology, and noise, which were found to be less than significant after mitigation. However, this alternative's multi-story characteristics would increase the severity of aesthetics, light, and glare impacts, and public services and utilities impacts.

The High-Rise Hotel Alternative would advance most, but not all, of the Project objectives because of its multi-story characteristics and the elimination of the residential and Residence Club uses. For example, this alternative would only partially advance Objective No. 7 because it would not fully conserve the scenic characteristics of the Project site to the same degree as the Project. Additionally, this alternative would only partially meet Objective No. 2, which concerns developing a high-quality destination resort that provides a mix of hotel units, residential units, and recreational amenities. Likewise, because this alternative would develop 33 fewer units than the Project, it would not have as much positive contribution to the economy as the Project or create as many new jobs (Objectives No. 1 and 5). See *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1401 (evidence that reduced-size Project would not fully meet Project objectives to enhance profits, and might not be economically viable, was sufficient to support infeasibility findings.) Reducing the number of jobs from the Project would reduce tax dollars that would come to the City. For these reasons, the City Council rejects the High-Rise Hotel Alternative.

X. OTHER IMPACTS AND CONSIDERATIONS

1. Significant Unavoidable Impacts of the Project.

The preceding discussion regarding Project impacts reveals that most significant effects identified in the EIR have been at least substantially lessened, if not fully avoided, by the adoption of feasible mitigation measures. However, the Project will result in the following significant and unavoidable impacts, which cannot be avoided by the implementation of mitigation measures identified in the EIR:

- Impact NOI-1: Construction activities associated with the proposed Project may expose nearby land uses to excessive noise levels.
- Impact TRANS-1: The proposed Project would contribute trips to intersections already operating unacceptably, but exempt from the City's LOS standards.
- Impact TRANS-2: The proposed Project would contribute to unacceptable intersection operations under Future Plus Project conditions.

2. Growth-Inducing Impacts of the Project.

<u>Direct or Indirect Population Growth</u>

The Project would develop 110 resort hotel units and associated amenities, 20 Residence Club units, and 13 custom residences on the Project site. The custom residences would have the

potential to accommodate direct population growth, while the resort hotel and Residence Club units would not, because they would typically be occupied by different persons for discreet periods over the course of a 12-month period. The 2010 United States Census estimated the City of Calistoga's population to be 5,155. Using the City's average household size of 2.57, the 13 custom residences are estimated to increase Calistoga's population by 33 persons or 0.6 percent, which is considered a negligible amount of population growth. Therefore, substantial, direct population growth from the Project's dwelling units would not occur.

The resort is anticipated to employ as many as 200 persons in full-time, part-time, and seasonal positions. Job opportunities would range from career positions to entry-level positions. The California Employment Development Department indicates that as of December 2011, there were 6,600 unemployed persons in Napa County. Accordingly, it would be expected that the Project's new jobs could readily be filled from the local workforce. Therefore, substantial indirect growth from the Project's employment opportunities would not occur.

The City finds that the Project would not have the potential to cause substantial direct or indirect population growth.

Removal of Barriers to Growth

The Project site is within the Calistoga city limits and is entitled for a 35-unit residential subdivision Project. The Project site is currently served by utilities such as potable water, sewer, electricity, and natural gas. As part of the Project, upgrades would be made to the sewer connection, and recycled water service would be extended to the Project site. However, because the Project site is currently entitled for residential development and has existing access to municipal utilities, the upgrade to sewer capacity and the extension of recycled water service would not constitute a removal of a barrier to growth on the Project site.

Furthermore, the sewer upgrade would not constitute a removal of a barrier to growth for any property tributary to the City's sewer system. The downstream sewer improvements would largely serve to alleviate existing capacity deficiencies caused by existing development. Although the improvements would also allow for new capacity, this would only be available to properties within the City limits, which are mostly developed or (if not developed) designated for urban use by the City of Calistoga General Plan. Thus, because urban levels of development either exist or are contemplated on properties tributary to the City's sewer system, this would not be considered a removal of a barrier to growth.

Moreover, the downstream sewer improvements would not remove any barriers to growth in the unincorporated agricultural areas around the Calistoga city limits. Urban growth in unincorporated areas of Napa County is governed by Measure P (approved by voters in 2008), which extended previous land use controls established by Measure J (1990) through 2058. Measure P requires countywide voter approval of any agricultural land use change in the unincorporated County. As a practical matter, this is considered a formidable obstacle to urban development on these properties, due to the expense and political challenges associated with securing an affirmative countywide majority vote.

The City finds that the Project would not have the potential to remove barriers to growth.

3. Cumulative Effects of the Project

Pursuant to CEQA Guidelines section 15130, sub. (b), a "discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great a detail as is provided for the effects attributable to the Project alone. The DEIR analyzed the cumulative effects of the Project to determine a) whether the overall long-term impacts of the Project combined with all other past, present, and reasonably foreseeable future Projects would be cumulatively significant, and b) to ascertain whether the Project itself would result in cumulatively considerable impacts. The Project's cumulative impacts were considered in conjunction with other proposed and approved Projects in Calistoga as listed in Table 4-1. The cumulative effects of implementing the Project would be substantial only for construction-related noise and an increase in new vehicle trips on intersection and roadway operations. See, also, discussion in Section 4 of the DEIR (cumulative impacts).

4. Significant Irreversible Changes of the Project

Development of the Project would result in an irretrievable commitment of non-renewable resources such as energy supplies and other construction-related materials. The energy resource demands would be used for construction, heating, and cooling of buildings; transportation of people and goods; heating and refrigeration; lighting; and other associated energy needs. However, the Project would implement a number of design features and mitigation measures that would reduce energy demand, water consumption, wastewater generation, and solid waste generation that would collectively reduce the demand for resources. This would result in the emission and generation of less pollution and effluent and lessen the severity of corresponding environmental effects. Although the Project would result in an irretrievable commitment of non-renewable resources, The City Council finds that the commitment of these resources would not be significantly inefficient, unnecessary, or wasteful.

The Project would develop a 110-unit resort hotel, 20 Residence Club units, and 13 custom residential lots on the Project site. None of these uses would handle large quantities of hazardous materials or engage in activities that have the potential to result in serious environmental accidents (e.g., chemical manufacturing, mineral extraction, refining, etc.). As such, the City Council finds that the Project would not have the potential to cause serious environmental accidents.

The Project would result in greater demand for resources such as energy and water; however, such consumption would not be unusually high or disproportionate relative to similar land uses (refer to Section 3.11, Public Services and Utilities for further discussion). The Project would implement a number of design features and mitigation measures to reduce energy and water consumption. These design features and mitigation measures exceed state and local requirements for energy and water conservation, thus, the City Council finds that the Project's consumption would not be unjustified.

XI. INCORPORATION BY REFERENCE

The DEIR and FEIR are hereby incorporated into these Findings in their entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the rationale for approving the Project.

XII. ABSENCE OF SIGNIFICANT NEW INFORMATION REQUIRING RECIRCULATION OF THE DRAFT EIR

CEQA Guidelines §15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR, but before certification. Such new information includes: (i) significant changes to the Project; (ii) significant changes in the environmental setting; or (iii) significant additional data or other information. Section 15088.5 further provides that "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect (including a feasible Project alternative) that the Project's proponents have declined to implement."

No new or substantial changes to the DEIR were proposed as a result of the public comment process. The FEIR responds to comments and makes only minor technical changes, clarifications or additions to the DEIR. The minor changes, clarifications, or additions to the DEIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, recirculation of the EIR is not required, because none of the changes involve "significant new information," and were either environmentally benign or environmentally neutral, and thus represent the kinds of changes that commonly occur as the environmental review process works towards its conclusion.

XIII. SUMMARY

A. Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following findings with respect to each of the potentially significant impacts of the Project:

   1. Changes or alternatives have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

   2. Such changes or alternatives are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

B. Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following findings with respect to each of the significant and unavoidable impacts of the Project:

   1. 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 environmental impact report.

   2. The Project's benefits outweigh the significant and unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

C. Based on the foregoing Findings and the information contained in the record, it is determined that:

   1. All significant effects on the environment due to the Project will be eliminated or substantially lessened; and

2. All significant and unavoidable effects on the environment due to the Project are outweighed by specific economic, legal, social, technological, or other considerations; and

3. No mitigation measures have been deemed infeasible.