Draft Initial Study/Mitigated Negative Declaration

Soscol Square Project

CITY OF NAPA

Date: July 2021

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2169-G East Francisco Blvd., San Rafael, CA 94901 (415) 454-8868 tel (415) 454-0129 fax info@wra-ca.com www.wra-ca.com

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Initial Study/Mitigated Negative Declaration

BACKGROUND

1. Project Title:	Soscol Square Project
2. Lead Agency:	City of Napa Planning Division Erin Morris, Planning and Code Enforcement Manager (707) 257-9530 emorris@cityofnapa.org 1600 First Street Napa, CA 94559
3. Project Applicant:	Ronmor Developers Inc. Doug Porozni, Chairman Suite 250, 5920 - 1A Street S.W. Calgary, Alberta T2H 0G3 Canada
4. Project Location:	333 and 407 Soscol Avenue, City of Napa, CA APNs 046-190-054, -024
5. General Plan Designation:	Soscol Planning Area, Community Commercial (CC-533) and Mixed Use (MU-532)
6. Zoning	Community Commercial (CC) with Flood Plain Management (FP) and Traffic Impact (TI) Overlays

7. Project site and Surrounding Land Uses:

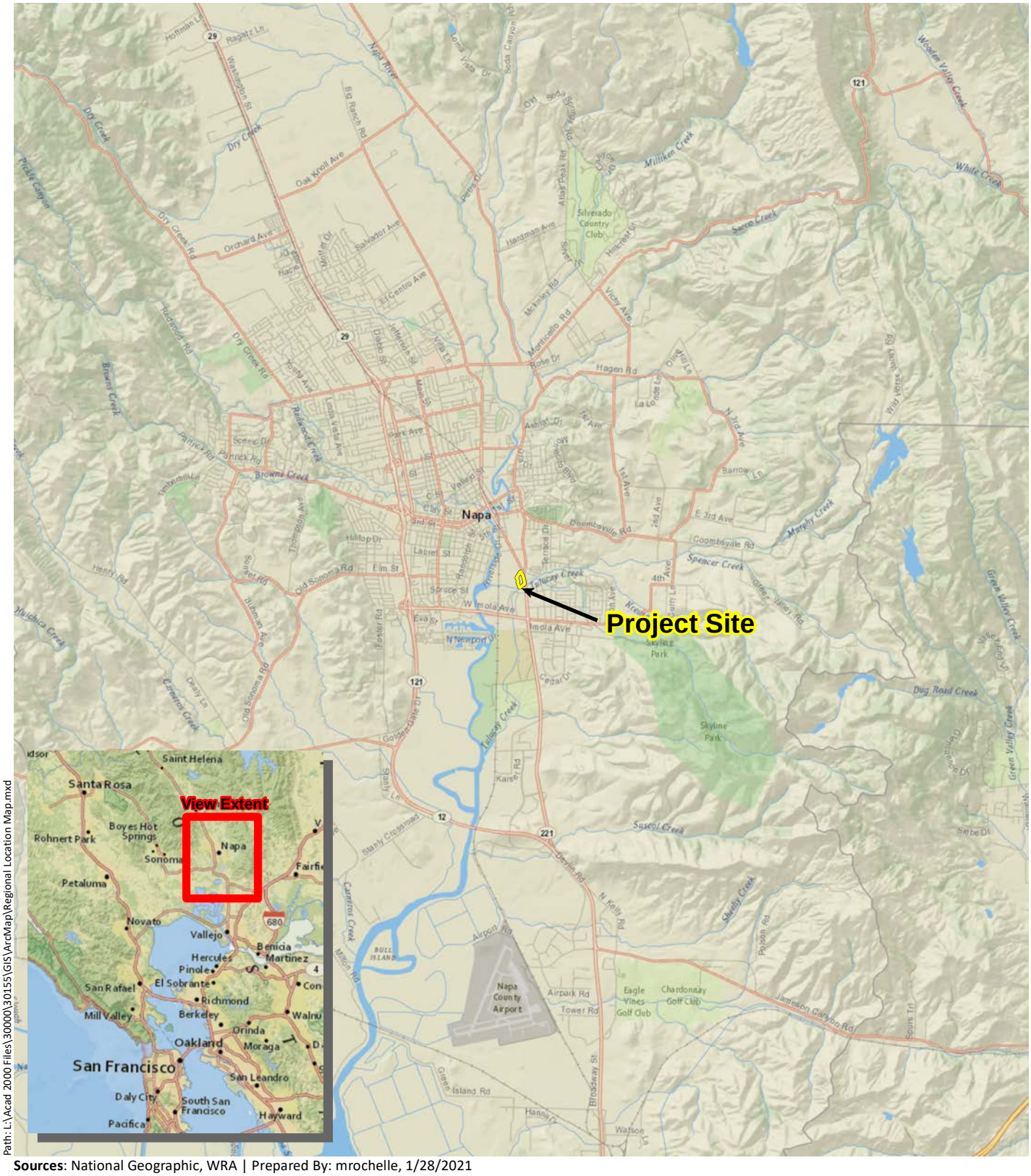
The 7.03-acre Project site is located at 333 and 407 Soscol Avenue, Napa, California, specifically north of Tulocay Creek, west of Soscol Avenue (State Route 121), and east of Gasser Drive (Figures 1 and 2). The Assessor Parcel Numbers for the Project site are 046-190-024 and 046-190-054. The Project site is bound by commercial properties to the north, by Tulocay Creek followed by commercial properties to the south, by Soscol Avenue followed by commercial properties to the east, and by undeveloped land (zoned for commercial development and multi-family residential) to the west followed by the Stoddard West apartments located approximately 450 feet to the west across Gasser Drive, followed by the Braydon Apartments located approximately 650 feet to the northwest.

The Project site is currently vacant with no existing buildings or structures on-site. Previous uses at the Project site included an active automobile dealership and an architectural materials store. See Figures 3 and 4 for views of the Project site and Figures 5 and 6 for views of surrounding land uses.

8. Description of Project:

The proposed Project includes redeveloping the existing vacant 7.03-acre site with a new retail center including: a 55,000-square foot Kohl's retail store building; a 9,800-square foot future commercial building to be constructed at a later phase; and a 4,970-square foot fast food restaurant with a double lane drive-through accommodating up to 26 cars. Additional site improvements include: outdoor dining areas, new surface parking lot with delineated pedestrian pathways, bio-infiltration ponds and planters, a 12-foot wide (1-foot shoulder on both sides and 10-foot pavement) Class I bicycle trail within a public access easement along Tulocay Creek with associated fencing, public artwork, and monument signs. The Project site would be accessed via

three driveways on Soscol Avenue and one driveway on Gasser Drive. The northern driveway on Soscol Avenue would be restricted to right-in/right-out only, and the southern driveway would be designated for exit only delivery truck access. The middle driveway would provide full access. The Project would consolidate the multiple existing driveways on Soscol Avenue, reducing the number of access points and locating the remaining access points where driveways currently exist. See Figure 7 (Site Plan). The Project includes the following building heights: future commercial building (23' maximum), future drive-through restaurant (20' 4.5" with 23' parapet), and Kohl's (24' with 28'-10" parapet) (Figures 8-10).



Path: L:\Acad 2000 Files\30000\30155\GIS\ArcMap\Regional Location Map.mxd

Sources: National Geographic, WRA | Prepared By: mrochelle, 1/28/2021

Figure 1. Regional Location Map

Soscol Square Project
City of Napa, California

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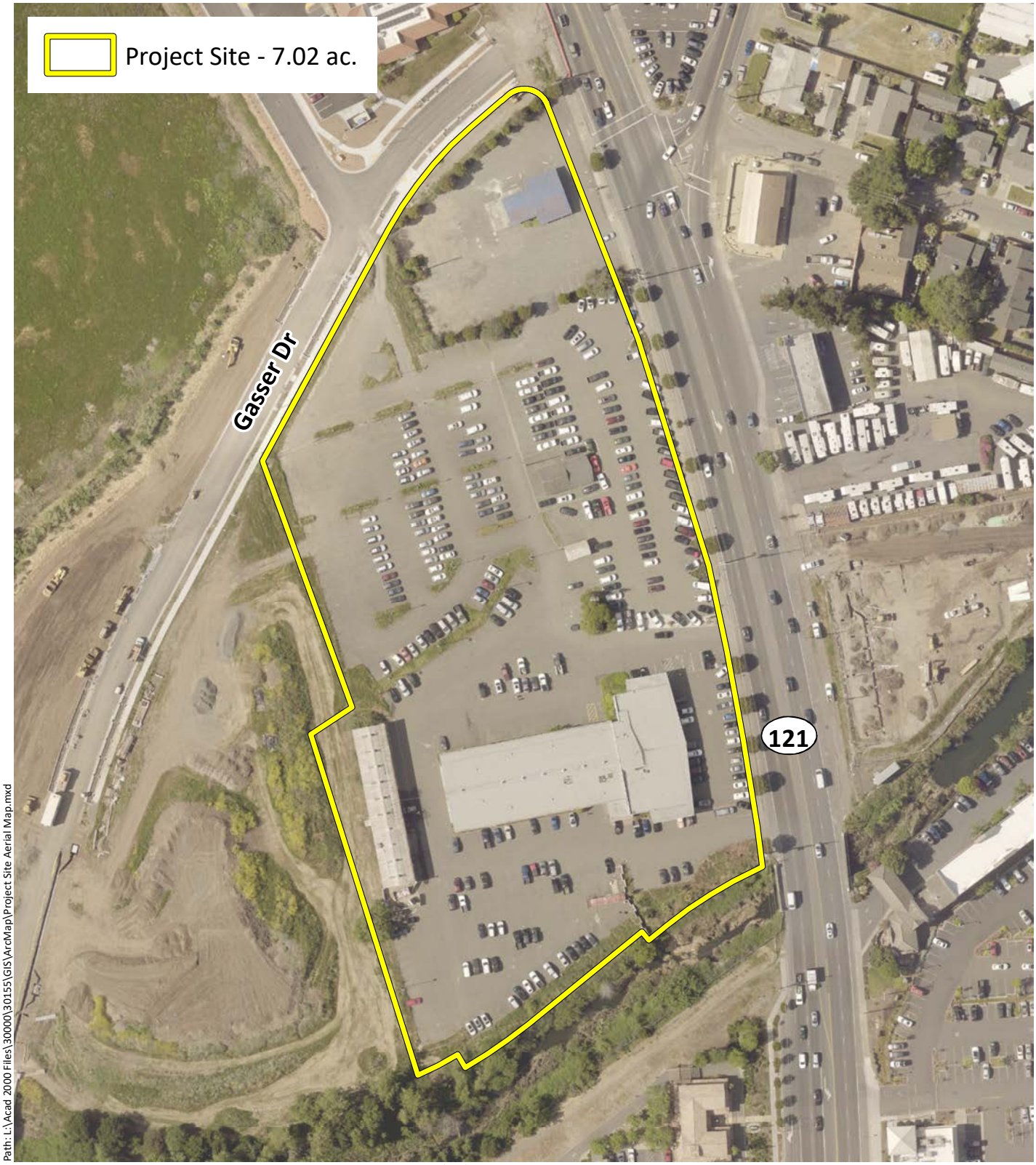

Path: L:\Acad 2000 Files\30000\30155\GIS\ArcMap\Project Site Aerial Map.mxd

Sources: 2018 Napa County Aerial, WRA | Prepared By: mrochelle, 1/28/2021

Figure 2. Project Site Aerial Map

Soscol Square Project
City of Napa, California

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View of the project site to the south with Soscol Avenue on the left and the project site on the right.

View of the project site to the southwest.

View of the project site to the east with Soscol Avenue in the background.

View of the project site to the northwest with Soscol Avenue in the foreground.

Figure 3. Views of the Project Site

View of the project site to the south with Soscol Avenue in the background.

View of the project site to the northwest of former buildings being demolished.

View of the project site to the west of former building being demolished.

View of the project site to the east with Soscol Avenue in the background.

Figure 4. Views of the Project Site

View of an off-site office building to the north of the project site across Gasser Drive.

View to the north of the intersection of Gasser Drive and Peatman Drive with multi-family housing in the background.

View of an off-site undeveloped parcel to the west of the project site with multi-family housing in the background.

View to the west of Tulucay Creek with the creek riparian zone and project site on the right.

Figure 5. Views of Surrounding Land Uses

View of an off-site hotel building to the east of the project site with Soscol Avenue in the foreground.

View of an off-site hotel building to the east of the project site with Soscol Avenue in the foreground.

View of shopping center to the southeast of the project site with Soscol Avenue in the foreground.

View of an off-site auto repair shop to the east with Soscol Avenue in the foreground..

Figure 6. Views of Surrounding Land Uses

Figure 7. Site Plan

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Figure 8. Kohl's Exterior Elevations

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Figure 9. Retail Building Exterior Elevations

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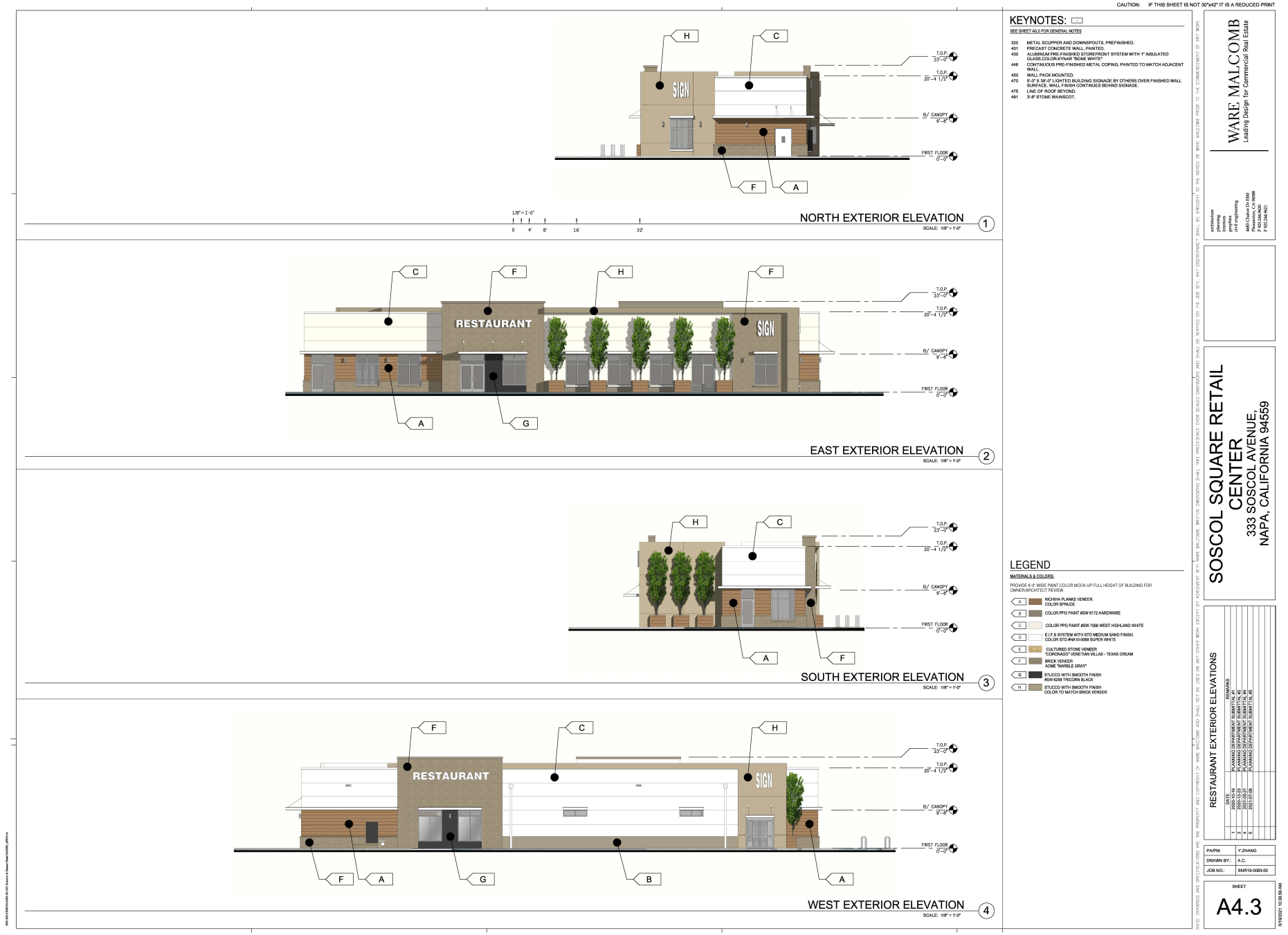

Figure 10. Fast Food Restaurant Exterior Elevations

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Open Space and Landscaping

The Tree Survey Report (Appendix E) identified a total of 56 trees within the Project site, including 12 street trees, one private protected tree, and 43 non-protected trees (Figure 11). Of these trees, approximately 46 would be removed by the proposed Project. A complete list of all surveyed trees surveyed, the GPS locations of surveyed trees, and representative photographs are all presented as appendices in the Tree Survey Report (Appendix E). The Project would comply with the City's Tree Ordinance, including the replacement of protected trees. See Figure 12 for the Project's Preliminary Landscape Plan.

Lighting

The proposed Project is required to comply with the City's requirements for outdoor lighting. The Project's lighting plan would include night lighting for parking areas, walkways, and driveways. Outdoor lights would be the minimum height necessary to illuminate the parking and pedestrian circulation areas and be designed to cast downward and would be shielded to prevent glare. The proposed parking lights, wall-mounted light fixtures, and pedestrian circulation areas all use light-emitting diode (LED) luminaires.

Construction

The proposed Project involves new, ground-up construction of two commercial retail buildings and one restaurant building. Typical construction equipment would be used during Project construction, including bulldozers, dump trucks, and excavator trucks. No cranes are anticipated to be required. The length of time anticipated for construction of the Project is approximately 18 months.

Grading and Drainage

The Project site is relatively flat. Proposed changes to the existing grade of the site would be consistent with existing conditions as the site would continue to remain flat upon completion of the proposed Project. The proposed Project would require approximately 75,000 cubic yards (CY) of grading with approximately 50,000 CY to be exported off-site. See Figure 12 for the Project's Preliminary Grading and Drainage Plan and Figure 13 for the Project's Preliminary Stormwater Control Plan.

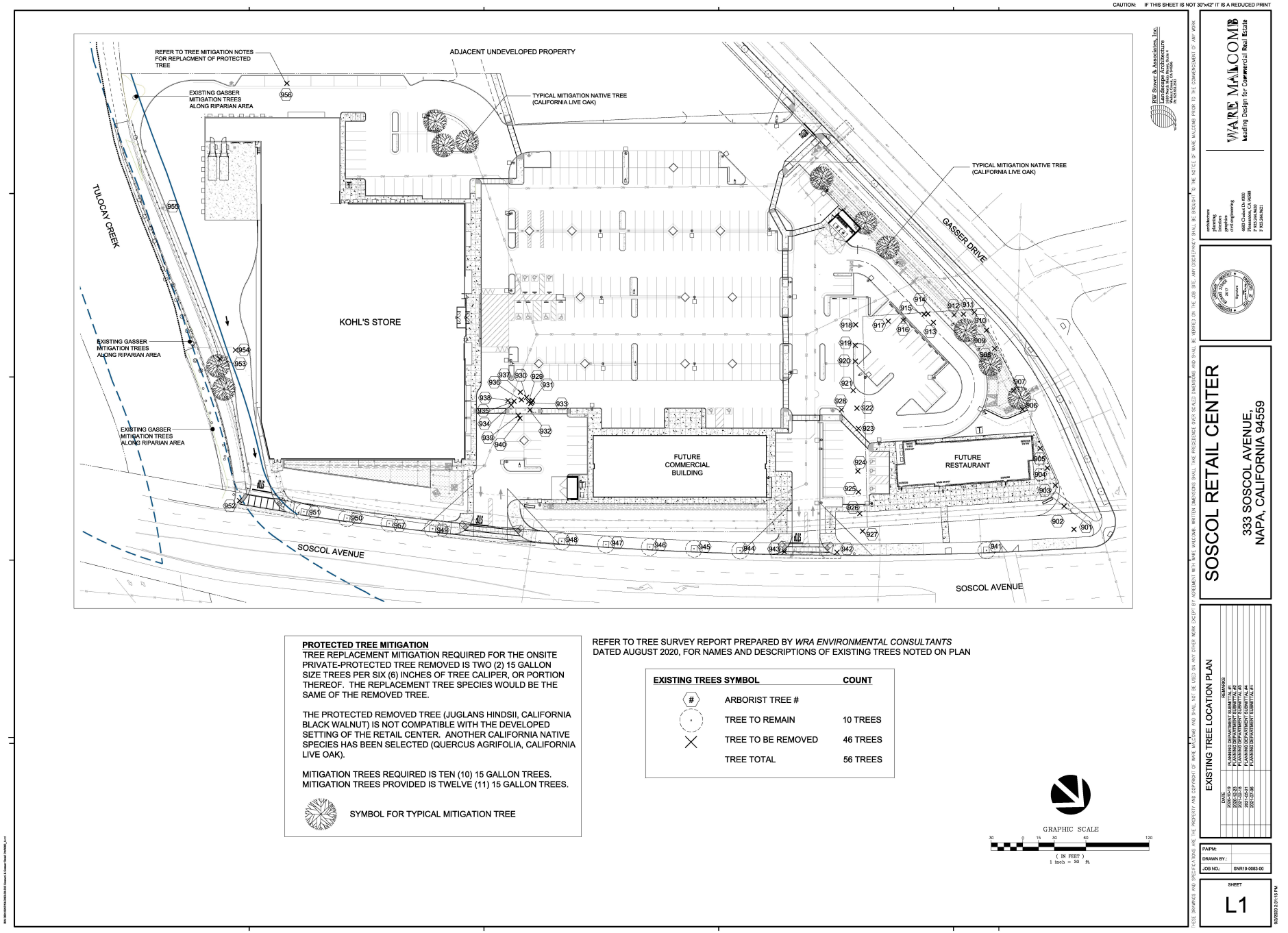
Staging and Access

Construction staging is anticipated to occur on-site. Site access will be provided from Soscol Avenue via three driveways (Figure 7). The middle driveway will provide full access while the other two driveways will provide right in-right out movements. The driveway on Gasser Drive will provide full access. The northern driveway primarily serves the fast food drive-through restaurant and the retail building while the middle driveway provides access to the entire center from the south and serves as the main access point for the anchor store (Kohl's). The southern driveway would be exit-only and is intended for delivery trucks for the anchor store, which would typically occur at either 5:30 a.m. or 11 a.m., potentially any day of the week but occurring no more than twice a week. In the future if the existing two-way-left turn lane is converted to a median, any raised median design will need to incorporate a northbound left turn lane and a median refuge for vehicles exiting to the north. The Traffic Impact Study Report (Appendix C) deems the Project driveways, internal drive aisles, and marked pedestrian paths as adequate for vehicles, trucks, emergency vehicles, and pedestrians to access and circulate in the Project site.

Parking

The proposed Project includes 306 total parking stalls (219 standard and 87 compact) which meets the City's municipal code requirement. There are 8 proposed Accessible parking spaces,

26 Clean Air spaces, including EV, Carpool and Van stalls, 19 EVCS, 3 EV ADA-Van spaces, and 1 EV-ADA Standard space. The breakdown of off-street parking is as follows: the Kohl's retail building would have 208 parking stalls; the drive-through fast food restaurant would have 44 parking stalls; and the third retail building would have 54 parking stalls. The proposed Project also includes a total of 32 short-term bicycle parking spaces. The breakdown of bicycle parking is as follows: 21 spaces associated with the Kohl's retail building; 5 spaces associated with the drive-through fast food restaurant; and 6 spaces associated with the third retail building.



PROTECTED TREE MITIGATION
TREE REPLACEMENT MITIGATION REQUIRED FOR THE ONSITE PRIVATE-PROTECTED TREE REMOVED IS TWO (2) 15 GALLON SIZE TREES PER SIX (6) INCHES OF TREE CALIPER, OR PORTION THEREOF. THE REPLACEMENT TREE SPECIES WOULD BE THE SAME OF THE REMOVED TREE.

THE PROTECTED REMOVED TREE (JUGLANS HINDSII, CALIFORNIA BLACK WALNUT) IS NOT COMPATIBLE WITH THE DEVELOPED SETTING OF THE RETAIL CENTER. ANOTHER CALIFORNIA NATIVE SPECIES HAS BEEN SELECTED (QUERCUS AGRIFOLIA, CALIFORNIA LIVE OAK).

MITIGATION TREES REQUIRED IS TEN (10) 15 GALLON TREES.
MITIGATION TREES PROVIDED IS TWELVE (11) 15 GALLON TREES.

SYMBOL FOR TYPICAL MITIGATION TREE

REFER TO TREE SURVEY REPORT PREPARED BY *WRA ENVIRONMENTAL CONSULTANTS* DATED AUGUST 2020, FOR NAMES AND DESCRIPTIONS OF EXISTING TREES NOTED ON PLAN

EXISTING TREES SYMBOL		COUNT
#	ARBORIST TREE #	
	TREE TO REMAIN	10 TREES
X	TREE TO BE REMOVED	46 TREES
	TREE TOTAL	56 TREES

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

Figure 11. Existing Tree Locations

Soscol Square Project
City of Napa, California

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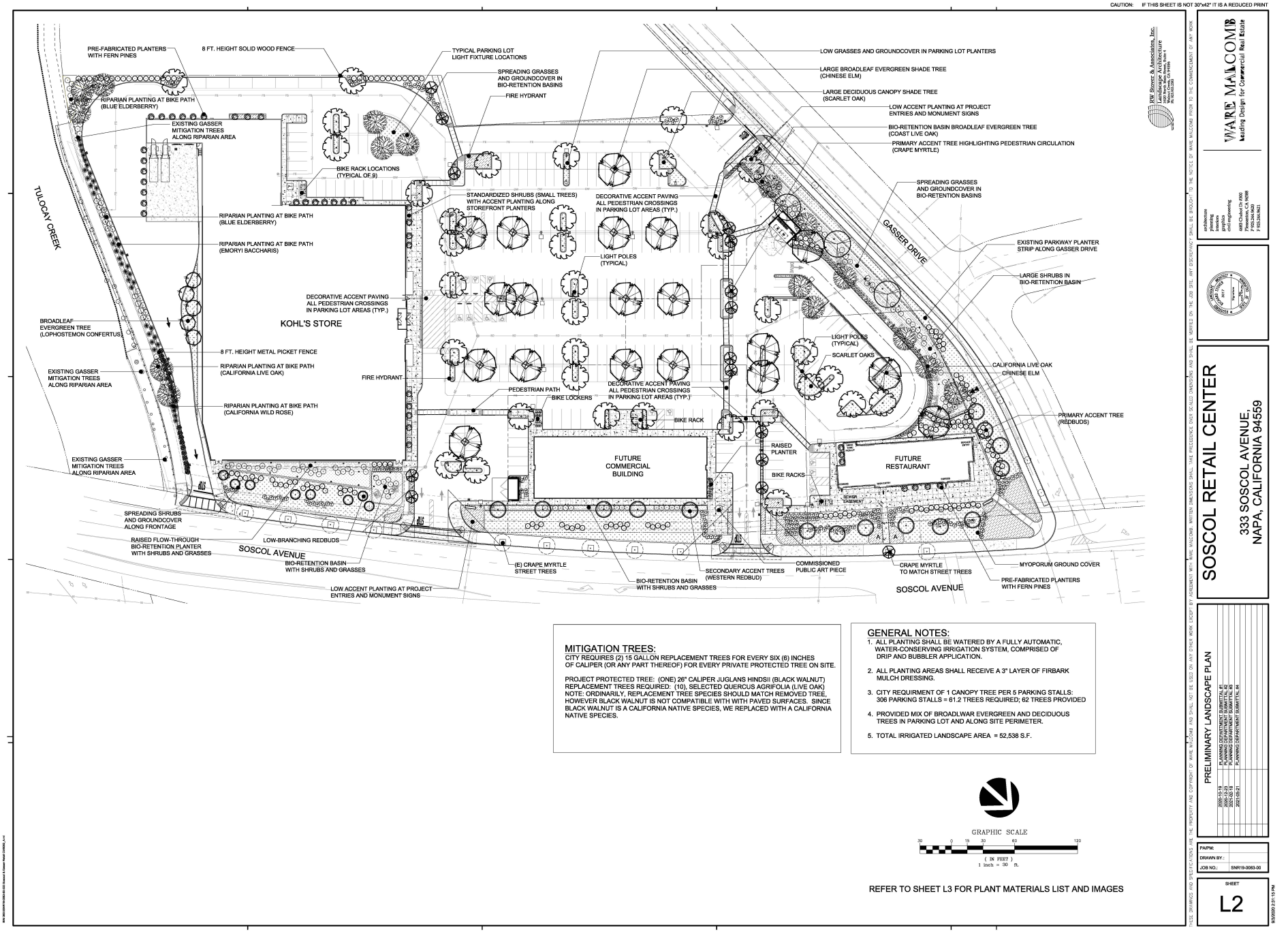

Figure 12. Preliminary Landscape Plan

Soscol Square Project
City of Napa, California

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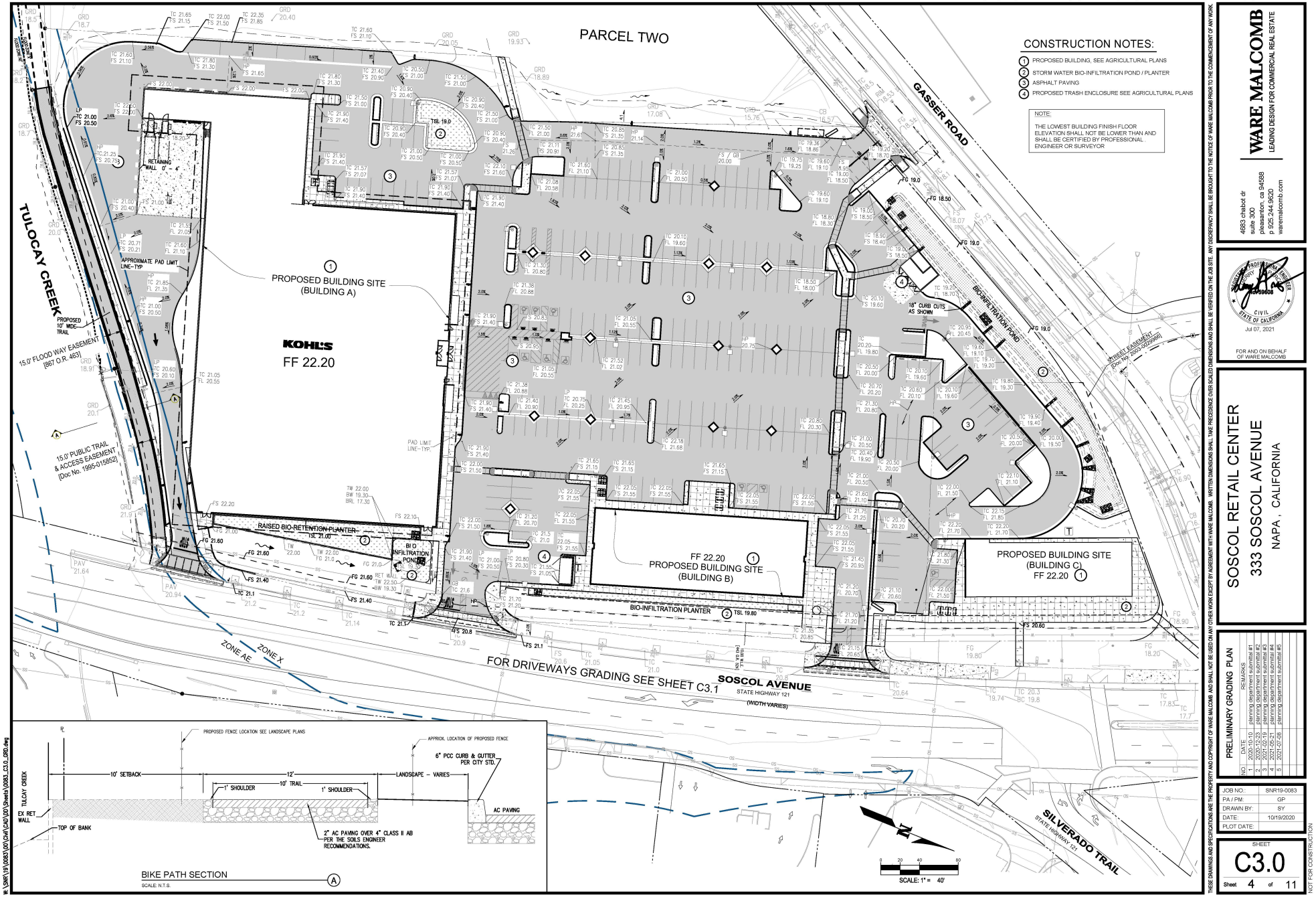

Figure 13. Preliminary Grading and Drainage Plan

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CAUTION: IF THIS SHEET IS NOT 24"x36" IT IS A REDUCED PRINT

Provision E.12 Sizing Calculator

See the instructions and the BASMAA Post-Construction Manual

Step 1: Enter Total Site Area	Step 2: List names of all DMAs and square footage of each	Step 3: If DMA is "Self-Treating" or "Self-Retaining," copy square footage to appropriate column	Step 4: If the DMA is "Drains to Self Retaining" or "Drains to Bioretention" enter runoff factor from		Step 6: For "Drains to Self-Retaining" DMAs, enter the name of receiving DMA	Step 5: Slide (move) number from this column to correct column (F or H-Q)			
Total Site Area:	284,996						BIORETENTION FACILITIES			
DMA Names	Square Feet	Self-Treating	Self-Retaining	Runoff Factor	Drains to Self-Retaining	Name of Receiving DMA	Facility 1	Facility 2	Facility 3	Facility 4
DMA-1	77,225			1		F #1	77,225			
LS	14,371			0.1			1,437			
DMA-2	17,878			1		F #2		17,878		
LS	3,150			0.1				315		
DMA-3	112,695			1		F# 3			112,695	
LS	17,415			0.1					1,742	
DMA-4	20,075			1		F #4				20,075
LS	12,733			0.1						1,273
Total DMAs	275,542	0	0		0		78662	18193	114437	21348.3
						Sizing Factor	0.04	0.04	0.04	0.04
						Minimum Size	3146	728	4577	853.932
Total Facilities	9454	Step 7: Enter Facilty Footprints				Footprint on Exhibit	3175	800	4579	900
DMAs + Facilities	284,996						OK	OK	OK	OK
	OK	Step 8: Iterate sizes of facility footprints and DMAs until all footprints are at least the minimum AND DMAs + Facilities equals Total Site Area								
		Step 9: Check to make sure Areas Draining to each Receiving Self-Retaining Area do not exceed maximum 2:1 ratio.								
		Step 10: Check results on this spreadsheet are consistent with what is shown on the SCP Exhibit.								

STORM DRAIN STORAGE SUMMARY

TCM #	BIO-RETENTION AREA (SF)	BIO-RETENTION 10 YEAR STORAGE VOLUME (CF)	25 YEAR STORM STORAGE ADDED PIPE VOLUME (CF)	TOTAL STORAGE VOLUME (CF)
1	3,175 (TOTAL)	1,585	850	2,435
2	800	400	-	400
3	4,579	2,290	1,446	3,736
4	900	450	565	1,040
6" STORAGE VOLUME			TOTAL	7,611

WARE MALCOMB
LEADING DESIGN FOR COMMERCIAL REAL ESTATE
4583 chabot dr
suite 300
pleasanton, ca 94588
p 925.244.9620
waremalcomb.com

Jul 01, 2021

FOR AND ON BEHALF OF WARE MALCOMB

SOSCOL RETAIL CENTER
333 SOSCOL AVENUE
NAPA , CALIFORNIA

PRELIMINARY STORM WATER CONTROL PLAN

NO	DATE	REMARKS
1	2020-10-10	planning department submittal #1
2	2020-12-23	planning department submittal #2
3	2021-02-19	planning department submittal #3
4	2021-05-14	planning department submittal #4
5	2021-07-08	planning department submittal #5

JOB NO.:	SNR19-0083
PA / PM:	GP
DRAWN BY:	SY
DATE:	10/19/2020
PLOT DATE:	

SHEET
C6.0
Sheet 11 of 11

NOT FOR CONSTRUCTION

Figure 14. Preliminary Storm Water Control Plan

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City of Napa, California

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Drive-Through Operations

The proposed drive-through would provide two parallel lanes providing capacity for up to 26 vehicles. The locations of the drive-through entrance and exit locations are planned for avoiding conflicts with major drive aisles and preventing any queues from spilling into City streets. Vehicles in the outer lane away from the pick-up window do not merge. During peak drive-through times, additional employees, wearing safety vests and equipped with handheld tablets and two-way radio headsets, would be stationed at various positions along the drive-through queue to initiate customer orders, process payments, and deliver the customer's food to their vehicle. Hours of operation are proposed to be 6:30 a.m. -10 p.m. Monday through Saturday. If the drive-through does back up, cars would be stacking at the inner parking lot area along the northwest portion of the Project site along Gasser Drive (Figure 7).

9. Permits and Approvals:

The information contained in this Initial Study will be used by the City of Napa (the California Environmental Quality Act [CEQA] Lead Agency) as it considers whether or not to approve the proposed Project. If the project is approved, the Initial Study, as well as the associated Mitigated Negative Declaration (MND) would be used by the City and responsible and trustee agencies in conjunction with various approvals and permits. These actions include, but may not be limited to, the following approvals by the agencies indicated:

- Tentative Parcel Map
- Use Permit for fast food restaurant drive-through
- Design Review Permit
- Sign Permit
- Caltrans Encroachment Permit

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is potentially significant unless mitigation is incorporated, as indicated by the checklist on the following pages.

☐ Aesthetics	☒ Greenhouse Gas Emissions	☐ Public Services
☐ Agricultural Resources	☐ Hazards / Hazardous Materials	☐ Recreation
☒ Air Quality	☐ Hydrology / Water Quality	☒ Transportation
☒ Biological Resources	☐ Land Use / Planning	☒ Tribal Cultural Resources
☒ Cultural Resources	☐ Mineral Resources	☐ Utilities / Service Systems
☐ Energy	☒ Noise	☐ Wildfire
☐ Geology / Soils	☐ Population / Housing	☒ Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the project MAY have a "Potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Signature
Name and Title: 

Date: 07/14/2021

MICHAEL ALLEN, SENIOR PLANNER

INITIAL STUDY CHECKLIST

This section describes the existing environmental conditions in and near the project area and evaluates environmental impacts associated with the proposed Project. The environmental checklist, as recommended in the CEQA Guidelines (Appendix G), was used to identify environmental impacts that could occur if the proposed Project is implemented. The right-hand column in the checklist lists the source(s) for the answer to each question. The cited sources are identified at the end of this section.

Each of the environmental categories was fully evaluated, and one of the following four determinations was made for each checklist question:

- **"No Impact"** means that no impact to the resource would occur as a result of implementing the project.

- **"Less than Significant Impact"** means that implementation of the project would not result in a substantial and/or adverse change to the resource, and no mitigation measures are required.

- **"Less than Significant with Mitigation Incorporated"** means that the incorporation of one or more mitigation measures is necessary to reduce the impact from potentially significant to less than significant.

- **"Potentially Significant Impact"** means that there is either substantial evidence that a project-related effect may be significant, or, due to a lack of existing information, could have the potential to be significant.

I.	**AESTHETICS** — Except as provided in Public Resources Code Section 21099, would the project:	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Environmental Setting

Typical scenic vistas would include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or any other area designated for the express purpose of viewing and sightseeing. In general, a project's impact to a scenic vista would occur if development of the project would substantially change or remove a scenic vista.

The Project site is situated in the Napa Valley of the North Coast Range, a region characterized by northwest-southeast trending mountain ridges and intervening valleys that were formed during the Pliocene Age by volcanic activity along fault lines. The Napa Valley is flanked by the northwest-trending Mayacamas Mountains to the west and the Vaca Mountains to the east. Elevations range from 30 to 40 feet above mean sea level.

The California Scenic Highway Program protects and enhances the scenic beauty of California's highways and adjacent corridors. A highway can be designated as scenic based on how much natural beauty can be seen by users of the highway, the quality of the scenic landscape, and if development impacts the enjoyment of the view.[1] SR-221, which is located adjacent to the Project site is eligible for designation as a state scenic highway, but has not been officially designated as

[1] *Caltrans Scenic Highways. California State Scenic highways. Excel List. 2021. Available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways Accessed on: February 1, 2021.*

of the date of this document. [2] The City of Napa General Plan Policies LU-1.6 and LU-1.7 identify the City's key gateways and scenic corridors, which include SR-29, SR-121, and SR-221. The nearest of these scenic corridors,SR-221, is located adjacent to the Project site.

The Project site is bound by commercial properties to the north, by Tulocay Creek followed by commercial properties to the south, by Soscol Avenue followed by commercial properties to the east, and by undeveloped land (zoned multi-family residential) to the west.

The Project site is currently vacant, with no existing buildings or structures on-site. The site was previously developed for commercial use, and included an automobile dealership and an architectural materials store. The proposed Project would redevelop the parcels for commercial retail and restaurant uses.

Regulatory Setting

City of Napa Policy Resolution No. 27

The City of Napa adopted Policy Resolution 27 originally in August 1992 and has most recently amended the Resolution in December 2002. The Resolution includes the City's standard mitigation measures that are imposed on all development projects, unless otherwise authorized by the City. Any or all of the mitigation measures listed in Resolution 27 may be imposed as conditions of Project approval. The mitigation measures are periodically updated, as needed. The following aesthetics measures listed in Resolution No. 27 are applicable to the proposed Project:

- All new lighting on private property shall be designed to eliminate direct light spilling onto adjacent residential properties.
- Low-level lighting shall be utilized in any parking area(s) as opposed to elevated high-intensity light standards.
- All new utilities shall be placed underground.
- The Developer shall comply with the following:

    a) The plans submitted for the project improvements or building permit, whichever comes first, shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. The final landscape plans shall specify that (1) all plant materials be certified by the Napa County Agricultural Commissioner inspection program for freedom from the glassy winged sharpshooter or other pests identified by the Agricultural Commissioner and (2) the Agricultural Commissioner's Office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County so that inspection can be arranged. No improvement plans shall be approved nor building permit issued until the Planning Department approves the landscape and irrigation plan. Prior to occupancy, the licensed professional who signed the final landscape and irrigation plan shall certify in writing to the Planning Director that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans including, but not limited to, the certifications

[2] *Caltrans Scenic Highways. California State Scenic highways. Excel List. 2021. Available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways Accessed on: February 1, 2021.*

and inspections by the Agricultural Commissioner as well as that the systems are in working order. A substitution of an alternate licensed professional may be allowed by the Planning Director upon a showing of good cause

b) Prior to occupancy, Developer shall execute and record the City's Landscape Maintenance Agreement. (Forms are available from the Planning Department.)

- The Developer shall secure separate architectural review approval for any signage for the project.

Discussion of Impacts

a) ***No Impact.*** A scenic vista is a viewpoint that provides a distant view of highly valued natural or man-made landscape features for the benefit of the general public. Typical scenic vistas are locations where views of rivers, hillsides, and open space areas can be obtained as well as locations where valued urban landscape features can be viewed in the distance. Based on a review of the City General Plan, the City has not identified or designated scenic vistas within or adjacent to the Project site. Since the proposed Project is not located within a designated scenic vista, no impact would occur to a scenic vista.

b) ***Less-Than-Significant Impact.*** There are no designated scenic resources such as heritage trees, rock outcroppings or historic buildings on the Project site. As stated previously, SR-221 is eligible for designation as a state scenic highway, but has not been officially designated as of the date of this document. The Tree Survey Report (Appendix E) identified a total of 56 trees within the Project area, including 12 street trees, one private protected tree, and 43 non-protected trees. Of these trees, approximately 46 would be removed by the proposed Project. The Project would comply with the City's Tree Ordinance, including the replacement of protected trees at a 2:1 ratio (For each six inches or fraction thereof of private-protected tree removed, two replacement trees of the same species and a minimum 15-gallon container or larger size are typically required). However, no scenic resources such as heritage trees are located on the proposed Project site.[3] In addition, the proposed Project does not include the removal of any rock outcroppings, or historic buildings. As such, the Project would have a less-than-significant impact on scenic resources located within view of a State Scenic highway.

c) ***Less-Than-Significant Impact.*** There is the potential for temporary aesthetic impacts to the existing visual quality of the surrounding area during construction. Temporary visual impacts could result from the presence of construction vehicles or ground disturbance during Project construction activities. However, construction activities would be temporary. The permanent development of the site would be consistent with the General Plan land use designation and zoning designation of the Project site. The Project proposes to plant a variety of accent trees and shrubs (Figure 12). The Project would be required to comply with Policy Resolution No. 27 which contains guidelines on executing a landscape and irrigation plan. The Project's proposed landscaping would represent a visual improvement over the existing on-site landscaping. The proposed Project does not consist of, nor would

[3] *City of Napa. City of Napa Registry of Significant Trees. January 27. 2016. Accessed on March 18, 2021. Available at: https://docs.wixstatic.com/ugd/51100c_4d351324e01d4fd492cadd8e731b99ff.pdf.*

it block, any of the City-designated scenic resources or viewsheds. Impacts would be less than significant.

d) ***Less-Than-Significant Impact.*** The Project site is located in a developed and urbanized area with a variety of existing light sources including street lights, interior and exterior building lighting, and light associated with traffic on nearby roadways. Development of the proposed Project would incrementally increase the amount of nighttime lighting in the surrounding area due to new interior and exterior lighting at the commercial retail and restaurant buildings, safety lighting in the parking lot, and lighting associated with additional vehicular traffic to and from the Project site. The City's Zoning Ordinance includes the following policies related to outdoor lighting that would be applicable to the proposed Project:

> ***Title 17 Zoning: 17.10.040 – Lighting*.** Lighting. Exterior lighting shall be directed or shielded so as to prevent glare onto public streets and abutting residential properties.

The Project would install new light fixtures as part of the redevelopment of the site. As discussed in the Project Description, the proposed Project is required to comply with the City's requirements for outdoor lighting. The Project's lighting plan would include night lighting for parking areas, walkways, and driveways. Outdoor lights would be the minimum height necessary to illuminate the parking and pedestrian circulation areas and be designed to cast downward and would be shielded to prevent glare. All proposed parking lights, wall-mounted light fixtures, and pedestrian circulation areas would use LED luminaires. The proposed Project includes redeveloping the site with a new retail center including: a Kohl's retail store building, a multi-tenant retail building, and a fast food restaurant with a drive-through. Lighting would be shielded and focused to limit spillover, consistent with City requirements. Lighting of the buildings would be required to be consistent with the City's design guidelines and applicable zoning code. The design of the Project would also be subject to the City's design review process and would be required to utilize exterior materials that do not result in a substantial new source of light and glare, consistent with General Plan policies. Furthermore, the Project would conform to the City's Policy Resolution No. 27 which outlines the City's lighting requirements. As a result, the Project would not significantly impact adjacent uses with light and glare from building materials. In addition, Project lighting would comply with ratings listed in the California Building Standards Code (CBC), which minimizes light pollution that is disruptive to the environment by reducing the amount of backlight, uplight, and glare generated by luminaires. For these reasons, the Project would not create a substantial new source of light and glare that would adversely affect day or nighttime views in the area.

II. **AGRICULTURAL AND FORESTRY RESOURCES** — (Farmland Mapping and Monitoring Program Website) In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	***Potentially Significant Impact***	***Less than Significant with Mitigation Incorporated***	***Less than Significant***	***No Impact***
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Environmental Setting

Under the Department of Conservation, the Division of Land Resource Protection (DLRP) serves as the state's leader in conserving California's agricultural lands. The Farmland Mapping and Monitoring Program (FMMP), administered by the DLRP, designates the proposed Project site as "Urban and Built-Up Land." Therefore, the Project site does not contain any farmland or forestry land and is not designated for agricultural or forestry uses or Prime, Statewide, or Locally Important Farmland.[4] The Project site is located in an urbanized area, zoned for Community Commercial use. The Williamson Act of 1965 allows local governments to enter into contract agreements with local landowners with the purpose of trying to limit specific parcels of land to agricultural or other related open space uses. The Project site does not contain any state designated agricultural lands or open space and is therefore not subject to a Williamson Act Contract.

Discussion of Impacts

a-e) ***No Impact.*** There are no agricultural or forestry resources within the Project site. There are no Prime, Unique, Statewide or Locally Important farmlands in the area. According to the Napa County Important Farmland Map, the entire Project site is considered "Urban and Built-Up Land". The Project site does not contain any important farmland, land zoned for agricultural use, or land subject to a Williamson Act contract. Similarly, the Project site does not contain any forestland or timberland or any land zoned for such uses. Therefore, the proposed Project would have no impact on agriculture or forestry resources.

[4] *California Division of Land Resource Protection, Farmland Mapping and Monitoring Program. Napa County Important Farmland 2016. https://www.conservation.ca.gov/dlrp/fmmp/Pages/Napa.aspx, Accessed February, 2021.*

III.	**AIR QUALITY** — Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	***Potentially Significant Impact***	***Less than Significant with Mitigation Incorporated***	***Less than Significant***	***No Impact***
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d)	Result in other emissions (such as those leading to odors) affecting a substantial number of people?	☐	☐	☒	☐

Environmental Setting

The Project is located within the San Francisco Bay Area Air Basin (SFBAAB). The SFBAAB has natural characteristics that limit the ability of natural processes to either dilute or transport air pollutants. The major determinants of air pollution transport and dilution are climatic and topographic factors such as wind, atmospheric stability, terrain that influences air movement, and sunshine. Wind and terrain can combine to transport pollutants away from upwind areas, while solar energy can chemically transform pollutants in the air to create secondary photochemical pollutants such as ozone. The City of Napa is within a climatological subregion defined by the Napa Valley. The air pollution potential in the Napa Valley could be high if there were sufficient sources of air contaminants nearby. Summer and fall prevailing winds can transport ozone precursors from the south to the Napa Valley. The local upslope and downslope flows created by the surrounding mountains may also recirculate pollutants already present, contributing to buildup of air pollution. The high frequency of light winds and stable conditions during the late fall and winter contribute to the buildup of particulate matter from motor vehicles, agriculture, and wood burning in fireplaces and stoves.

Criteria Air Pollutants

The California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) focus on the following air pollutants as regional indicators of ambient air quality:

- Ozone
- Respirable particulate matter (PM_{10})
- Fine particulate matter ($PM_{2.5}$)
- Nitrogen dioxide
- Carbon monoxide (CO)
- Sulfur dioxide
- Lead

Because these are the most prevalent air pollutants known to be harmful to human health, based on extensive criteria documents, they are referred to as "criteria air pollutants." In the SFBAAB, the primary criteria air pollutants of concern are ground-level ozone formed through reactions of oxides of nitrogen (NOx) and reactive organic gases (ROG), PM_{10}, and $PM_{2.5}$.

In addition to criteria air pollutants, local emissions of toxic air contaminants (TACs), such as diesel particulate matter (DPM), are a concern for nearby receptors. TACs are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer). TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and federal levels.

Regulatory Framework

Federal and State

The federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the USEPA and CARB have established ambient air quality standards for criteria air pollutants, designed to protect public health and welfare. The USEPA has classified the SFBAAB region as a nonattainment area for ozone and $PM_{2.5}$. The USEPA has deemed the region as attainment/unclassified for all other air pollutants. At the State level, the SFBAAB is considered nonattainment for ozone, PM_{10} and $PM_{2.5}$.[5]

Local

City of Napa Policy Resolution No. 27

The City of Napa adopted Policy Resolution 27 originally in August 1992 and has most recently amended the Resolution in December 2002. The Resolution includes the City's standard mitigation measures that are imposed on all development projects, unless otherwise authorized by the City. Any or all of the mitigation measures listed in Resolution 27 may be imposed as conditions of Project approval. The mitigation measures are periodically updated, as needed. The following air quality measures listed in Resolution No. 27 are applicable to the proposed Project:

- Grading and construction equipment shall be shut down when not in use.
- Construction activities shall not occur during windy periods.
- Exposed soil surfaces shall be periodically sprinkled to retard dust; no City water shall be used for this purpose.

Bay Area Air Quality Management District.

The Bay Area Air Quality Management District (BAAQMD) is primarily responsible for ensuring that the federal and State ambient air quality standards are attained and maintained in the SFBAAB. The BAAQMD fulfills this responsibility by adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits, inspecting stationary sources of air pollutants, responding to citizen complaints, and monitoring ambient air quality and meteorological conditions. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance for

[5] *Bay Area Air Quality Management District (BAAQMD), 2020. Air Quality Standards and Attainment Status. Available at: https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status. Accessed on December 4, 2020.*

emissions of ROG, NOx, PM_{10}, $PM_{2.5}$, local CO, and TACs to assist lead agencies in evaluating and mitigating air quality impacts under CEQA.[6] The scientific soundness of the thresholds is supported by substantial evidence presented in the BAAQMD's Revised Draft Options and Justification Report.[7] The BAAQMD's project-level thresholds are used in this CEQA analysis in conjunction with the BAAQMD's current CEQA Air Quality Guidelines. The thresholds of significance used in this CEQA analysis are summarized in Table 1, below.

[6] *Bay Area Air Quality Management District (BAAQMD), 2017. CEQA Air Quality Guidelines, May.*

[7] *Bay Area Air Quality Management District (BAAQMD), 2009. Revised Draft Options and Justification Report; California Environmental Quality Act Thresholds of Significance, October.*

Table 1: BAAQMD Project-Level Thresholds of Significance

Impact Analysis	Pollutant	Threshold of Significance
Regional Air Quality (Construction)	ROG	54 pounds/day (average daily emission)
	NO_x	54 pounds/day (average daily emission)
	Exhaust PM_{10}	82 pounds/day (average daily emission)
	Exhaust $PM_{2.5}$	54 pounds/day (average daily emission)
	Fugitive Dust (PM_{10} and $PM_{2.5}$)	Best management practices
Regional Air Quality (Operation)	ROG	54 pounds/day (average daily emission) 10 tons/year (maximum annual emission)
	NO_x	54 pounds/day (average daily emission) 10 tons/year (maximum annual emission)
	Exhaust PM_{10}	82 pounds/day (average daily emission) 15 tons/year (maximum annual emission)
	Exhaust $PM_{2.5}$	54 pounds/day (average daily emission) 10 tons/year (maximum annual emission)
Local Community Risks and Hazards (Operation and/or Construction)	CO	9.0 ppm (8-hour average) 20.0 ppm (1-hour average)
	Exhaust $PM_{2.5}$ (project)	0.3 $\mu g/m^3$ (annual average)
	Exhaust $PM_{2.5}$ (cumulative)	0.8 $\mu g/m^3$ (annual average)
	TACs (project)	Cancer risk increase > 10 in 1 million Chronic hazard index > 1.0
	TACs (cumulative)	Cancer risk > 100 in 1 million Chronic hazard index > 10.0

Note: ppm = part per million; $\mu g/m^3$ = micrograms per cubic meter
Source: Bay Area Air Quality Management District (BAAQMD), 2017. CEQA Air Quality Guidelines, May.

In accordance with the California Clean Air Act, the BAAQMD is required to prepare and update an air quality plan that outlines measures by which both stationary and mobile sources of pollutants can be controlled to achieve the federal and State ambient air quality standards in areas designated as nonattainment. In April 2017, the BAAQMD adopted the *2017 Clean Air Plan:*

Spare the Air, Cool the Climate (2017 CAP), which includes 85 control measures to reduce ROG, NOx, PM_{10}, $PM_{2.5}$, TACs, and greenhouse gases (GHGs).[8]

The 2017 CAP was developed based on a multi-pollutant evaluation method that incorporates well-established studies and methods on quantifying the health benefits and air quality regulations, computer modelling and analysis of existing air quality monitoring data and emission inventories, and growth projections prepared by the Metropolitan Transportation Commission and the Association of Bay Area Governments.

General Plan. The City of Napa General Plan includes a discussion of Air Quality in Chapter 7, Natural Resources.[9] The chapter notes that the BAAQMD imposes regulations to address stationary and mobile sources of air pollutant emissions, while the City incorporates policies throughout its General Plan to coordinate land use to support regional efforts at improving air quality. The following policies relate generally to air quality and are applicable to the proposed Project.

- ***NR-5.1.*** *The City shall encourage the use of mass transit, bicycle facilities and pedestrian walkways in order to decrease use of private vehicles and thereby reduce emissions from mobile sources.*
- ***NR-5.2.*** *The City shall encourage land use patterns and management practices that conserve air and energy resources, such as mixed-use development and provisions for local-serving commercial uses adjacent to neighborhoods.*
- ***NR-5.4.*** *The City shall, during discretionary review, require that development proposals comply with federal and state air quality standards, or make findings that the project has overriding benefits to the community that outweigh nonattainment of the standards.*
- ***NR-5.5.*** *The City shall, during early consultation with project proponents, encourage project design that minimizes direct and indirect air emissions. Projects should consider the following air quality concerns:*
  - ***a)*** *Land use and design measures to encourage alternatives to the automobile and to conserve energy,*
  - ***b)*** *Land use and design measures to minimize exposure of sensitive receptors to odors, toxics, and criteria pollutants, and*
  - ***c)*** *Applicable Bay Area Air Quality Management District rules, regulations, and permit requirements.*

[8] Bay Area Air Quality Management District (BAAQMD), 2017. 2017 Clean Air Plan: Spare the Air, Cool the Climate, April 19.

Appendix E to the General Plan, Policies and Programs Related to Air Quality, contains a compilation of policies and implementation programs that address air quality, as summarized below.

- ***LU-8.1.*** *The City shall promote efficient use of larger vacant parcels and vacant areas of the city by encouraging mixed use development.*
- ***T-6.8.*** *The City shall provide for bicycle storage and access in future development.*
- ***T-6.9.*** *The City shall promote bicycle access in the site planning and design of all residential subdivisions over 20 units and of all commercial or industrial projects over 20,000 square feet.*

Discussion of Impacts

a) ***Less-Than-Significant Impact.*** Based on the BAAQMD's current CEQA Air Quality Guidelines, the following criteria should be considered to determine if a project would conflict with or obstruct implementation of the 2017 CAP:

- Does the project include applicable control measures from the air quality plan?
- Does the project disrupt or hinder implementation of any air quality plan control measures?
- Does the project support the primary goals of the air quality plan?

The 2017 CAP includes control measures that aim to reduce air pollution and GHGs from stationary, area, and mobile sources. The control measures are organized into nine categories: stationary sources, transportation, buildings, energy, agriculture, natural and working lands, waste, water, and super-GHG pollutants (e.g., methane, black carbon, and fluorinated gases). As described in Table 2, the Project would be consistent with applicable control measures from the 2017 CAP. Because the Project would not result in any significant and unavoidable air quality impacts related to emissions, ambient concentrations, or public exposures (see subsections b-d below and Section VIII, Greenhouse Gas Emissions), the Project supports the primary goals of the 2017 CAP and the impact would be less than significant.

Table 2: Project Consistency with BAAQMD's 2017 CAP

Control Measures	Project Consistency
Stationary Source	The stationary source measures, which are designed to reduce emissions from stationary sources, are incorporated into rules adopted by the BAAQMD and then enforced by the BAAQMD's Permit and Inspection programs. Since the Project would not create any new stationary sources on the Project site, the stationary source control measures of the 2017 CAP are not applicable to the Project.
Transportation	The transportation control measures are designed to reduce vehicle trips, use, miles traveled, idling, or traffic congestion for the purpose of reducing vehicle emissions. The Project provides bicycle parking, and will share trips associated with the shopping center and restaurant land uses.
Energy	The energy control measures are designed to reduce emissions of criteria air pollutants, TACs, and GHGs by decreasing the amount of electricity consumed in the Bay Area, as well as decreasing the carbon intensity of the electricity used by

Control Measures	Project Consistency
	switching to less GHG-intensive fuel sources for electricity generation. Since these measures apply to electrical utility providers and local government agencies (and not individual projects), the energy control measures of the 2017 CAP are not applicable to the Project. However, the Project's electricity is supplied by Pacific Gas and Electric Company (PG&E), which would supply at least 70 percent of the electric power mix from a combination of renewable and greenhouse-gas free sources.[a]
Buildings	The BAAQMD has authority to regulate emissions from certain sources in buildings such as boilers and water heaters, but has limited authority to regulate buildings themselves. Therefore, the building control measures focus on working with local governments that have authority over local building codes to facilitate adoption of best practices and policies to control GHG emissions. The Project will comply with the local building codes and indoor lighting systems would meet the minimum code efficiency requirements for 2019 Title-24 Building Energy Efficiency Standards. Therefore, the Project would be consistent with the buildings control measures of the 2017 CAP.
Agriculture	The agriculture control measures are designed to primarily reduce emissions of methane. Since the Project does not include any agricultural activities, the agriculture control measures of the 2017 CAP are not applicable to the Project.
Natural and Working Lands	The control measures for the natural and working lands sector focus on increasing carbon sequestration on rangelands and wetlands, as well as encouraging local governments to adopt ordinances that promote urban-tree plantings. Since the Project does not include the disturbance of any rangelands or wetlands, the natural and working lands control measures of the 2017 CAP are not applicable to the Project.
Waste Management	The waste management measures focus on reducing or capturing methane emissions from landfills and composting facilities, diverting organic materials away from landfills, and increasing waste diversion rates through efforts to reduce, reuse, and recycle. The Project would comply with the City of Napa's requirements for waste management (e.g., recycling and composting services), including recycling and reusing demolition-related asphalt. Therefore, the Project would be consistent with the waste management control measures of the 2017 CAP.
Water	The water control measures to reduce emissions from the water sector will reduce emissions of criteria air pollutants, TACs, and GHGs by encouraging water conservation, limiting GHG emissions from publicly owned treatment works (POTWs), and promoting the use of biogas recovery systems. Since these measures apply to POTWs and local government agencies (and not individual projects), the water control measures of the 2017 CAP are not applicable to the Project. The Project's landscaping would comply with the State's Model Water Efficient Landscape Ordinance.
Super GHGs	The super-GHG control measures are designed to facilitate the adoption of best GHG control practices and policies through the BAAQMD and local government agencies. Since these measures do not apply to individual projects, the super-GHG control measures of the 2017 CAP are not applicable to the Project.

Note:

[a] Pacific Gas and Electric (PG&E), 2017. Clean Energy Solutions, https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page, accessed October 30, 2017.

Source: Bay Area Air Quality Management District (BAAQMD), 2017.

b) ***Less-Than-Significant with Mitigation Incorporated.*** Construction and operation of the Project would generate criteria air pollutant emissions that could potentially impact regional air quality. The BAAQMD currently recommends using the most recent version of the California Emissions Estimator Model (CalEEMod version 2016.3.2) to estimate construction and operational emissions of criteria air pollutants and precursors for a Project. CalEEMod uses widely accepted models for emission estimates combined with appropriate default data for a variety of land use projects that can be used if site-specific information is not available. The default data (e.g., type and power of construction equipment) is supported by substantial evidence provided by regulatory agencies and a combination of statewide and regional surveys of existing land uses.

The primary input data used to estimate the increase in emissions associated with construction and operation of the Project are summarized in Table 3. A copy of the CalEEMod report for the Project, which summarizes the input parameters, assumptions, and findings, is provided in Appendix A.

Table 3: Summary of CalEEMod Land Use Input Parameters for the Proposed Project

Project Land Use	CalEEMod Land Use	Units	Unit Amount
Commercial (Department Store Retail)	Regional Shopping Center	Square feet	55,000
Commercial (Multi-Tenant Retail)	Regional Shopping Center	Square feet	9,800
Commercial (Dining)	Fast Food Restaurant with Drive-through	Square feet	4,970
Parking	Parking Lot	Space	306

Note: The Project site is 7.03 acres.
Sources: Appendix A.

Criteria Air Pollutants Emissions from Construction

Project construction activities would generate criteria air pollutant emissions that could adversely affect regional air quality. Construction activities would include demolition, site preparation, grading, building construction, paving, and applications of architectural coatings. The primary pollutant emissions of concern during Project construction would be ROG, NOx, PM_{10}, and $PM_{2.5}$ from the exhaust of off-road construction equipment and on-road vehicles related to worker vehicles, vendor trucks, and haul trucks. In addition, fugitive dust emissions of PM_{10} and $PM_{2.5}$ would be generated by soil disturbance and demolition activities and fugitive ROG emissions would result from the application of architectural coatings and paving. Emissions of ROG, NOx, PM_{10}, and $PM_{2.5}$ during Project construction were estimated using the CalEEMod input parameters summarized in Tables 3 and 4.

Table 4: Summary of CalEEMod Construction Input Parameters

CalEEMod Input Category	Construction Assumptions and Changes to Default Data
Construction Schedule	CalEEMod applies default equipment usage and construction phase lengths based on the findings of a statewide survey of construction projects. The default equipment usage and construction phase lengths for a 7-acre lot were used to estimate the total hours of equipment operation (and associated emissions) required to construct the Project.
Material Movement	Approximately 50,000 cubic yards of soil would be exported off-site.
Demolition*	21,750 square feet of existing structures on the Project site would be demolished.

Notes: Demolition and material movement information provided by the project sponsor. Default CalEEMod data was used for all other parameters not described.
Source: Appendix A.
**These buildings have since been removed from the Project site in 2021; therefore, this analysis provides a conservative analysis if the buildings were still on-site.*

Project construction would begin as early as September 2021 and last approximately 18 months. The total emissions estimated during construction were averaged over the total working days (292 days) and compared to the BAAQMD's thresholds of significance. As shown in Table 5, the Project's estimated emissions for ROG, NOx, and exhaust PM_{10} and $PM_{2.5}$ during construction are below the applicable thresholds. Therefore, the Project's NOx, ROG, and exhaust PM_{10} and $PM_{2.5}$ emissions would not be considered significant during construction or operation.

Table 5: Estimated Construction Emissions (Pounds per Day)

Emissions Scenario	ROG	NOx	Exhaust PM_{10}	Exhaust $PM_{2.5}$
Total Emissions	3.8	20.3	0.73	0.68
Thresholds of Significance	54	54	82	54
Exceed Threshold?	**No**	**No**	**No**	**No**

Source: Appendix A.

Fugitive Dust Emissions from Construction

Impact AIR-1: Fugitive dust emissions during Project construction could violate an air quality standard or contribute substantially to an existing or projected air quality violation. (Potentially Significant)

Project excavation, grading, and material hauling activities during construction could generate fugitive dust PM_{10} and $PM_{2.5}$ emissions that could result in a potentially significant impact in relation to ambient air quality standards. The BAAQMD does not have a quantitative threshold of significance for fugitive dust PM_{10} and $PM_{2.5}$ emissions; however, the BAAQMD considers implementation of dust control measures during construction sufficient to reduce air quality impacts from fugitive dust to a less-than-significant level. More specifically, the BAAQMD recommends that all construction projects implement the Basic Construction Mitigation Measures from the BAAQMD's CEQA Air Quality Guidelines to reduce emissions of fugitive dust (regardless of the estimated emissions). The BAAQMD's Basic Construction Mitigation Measures for controlling dust are included in Mitigation Measure AIR-1, below.

Mitigation Measure AIR-1: During Project construction, the contractor shall implement a dust control program that includes the following measures recommended by the BAAQMD:

- All 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 off-site 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 shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.

In addition, an independent construction monitor shall conduct periodic site inspections, but in no event less than four total inspections, during the course of construction to ensure these mitigation measures are implemented and shall issue a letter report to the City documenting the inspection results. If a report indicates non-compliance with construction mitigation measures, the City of Napa shall issue a stop work order until such time as compliance is achieved. (Less Than Significant)

Implementation of Mitigation Measure AIR-1 would reduce potentially significant impacts of fugitive dust emissions during Project construction to a less-than-significant level.

Criteria Air Pollutants Emissions from Operation

Project operation would generate criteria air pollutant emissions that could potentially affect regional air quality. The primary pollutant emissions of concern during Project operation would be ROG, NOx, and exhaust PM_{10} and $PM_{2.5}$ from mobile sources, energy use, and area sources (e.g., consumer products and architectural coatings). Project emissions were estimated for 2022, which is the earliest expected year of operation.[10]

Since statewide vehicle emission standards are required to improve over time in accordance with the Pavley (Assembly Bill 1493) and Low-Emission Vehicle regulations (Title 13, California Code of Regulations, and Section 1961.2), estimating emissions for the earliest year of operation provides the maximum expected annual emissions. To estimate mobile source emissions in CalEEMod, daily trip rates for each type of land use were adjusted according to the Project traffic

[10] Ware Malcomb, 2021. Email communication titled: Soscol Square Remaining RFI for CEQA; from Yang Zhang at Ware Malcomb to Doug Porozni at Ronmor. February 11, 2021.

analysis for the proposed Project.[11] These trip estimates accounted for a pass-by trip reduction of 49 percent for the restaurant land use.

The estimated annual and average daily emissions during the operational phase of the Project are compared to the BAAQMD's thresholds of significance in Table 6. The estimated emissions for ROG, NOx, and exhaust PM_{10} and $PM_{2.5}$ were below the thresholds and, therefore, would have a less-than-significant impact on regional air quality.

Table 6: Estimated Emissions from Project Operation

	Maximum Annual Emissions (Tons)				Average Daily Emissions (Pounds)			
Emissions Scenario	**ROG**	**NOx**	**Exhaust PM_{10}**	**Exhaust $PM_{2.5}$**	**ROG**	**NOx**	**Exhaust PM_{10}**	**Exhaust $PM_{2.5}$**
Area	0.32	<0.01	<0.01	<0.01	1.75	<0.01	<0.01	<0.01
Energy	0.01	0.06	<0.01	<0.01	0.04	0.32	0.02	0.02
Mobile	0.88	4.77	0.02	0.02	4.82	26.2	0.13	0.12
Total Project Emissions	1.2	4.8	<0.1	<0.1	6.6	26.5	0.2	0.1
Thresholds of Significance	**10**	**10**	**15**	**10**	**54**	**54**	**82**	**54**
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**

Source: Appendix A.

c) ***Less-Than-Significant with Mitigation Incorporated.*** The term "sensitive receptor" refers to a location where individuals are more susceptible to poor air quality. Sensitive receptors include schools, convalescent homes, and hospitals because the very young, the old, and the infirm are more susceptible than the rest of the public to air-quality-related health problems. Residential areas are also considered sensitive to poor air quality because people are often at home for extended periods, thereby increasing the duration of exposure to potential air contaminants. The BAAQMD recommends evaluating the potential impacts to sensitive receptors located within 1,000 feet of a project. The Project's potential impacts to sensitive receptors from emissions of CO and TACs are discussed below.

Localized Carbon Monoxide Concentrations

The occurrence of localized CO concentrations, also known as "hotspots," can impact nearby sensitive receptors. The source of local CO emissions is often associated with heavy traffic congestion, which most frequently occurs at signalized intersections of high-volume roadways. The BAAQMD's threshold of significance for local CO concentrations is equivalent to the 1- and 8-hour California Ambient Air Quality Standards (CAAQS) of

[11] *TJKM, 2021. Draft Traffic Impact Study Report, Soscol Retail Center, City of Napa, California. January 12.*

20.0 and 9.0 parts per million, respectively, because these represent levels that are protective of public health.

The BAAQMD has developed conservative screening criteria that can be used to determine if a project would generate traffic congestion at intersections that could potentially cause or contribute to local CO levels above the CAAQS. According to the BAAQMD, a project would result in a less-than-significant impact related to localized CO concentrations if all of the following screening criteria are met:

- The Project is consistent with an applicable Congestion Management Program (CMP) established by the County Congestion Management Agency for designated roads or highways, regional transportation plans, and local congestion management agency plans.
- The Project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- The Project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

Based on trip generation rates, the Project would not generate more than 165 vehicle trips per hour during peak hours. The Project is consistent with the City's level of service standards set forth in the General Plan. Therefore, the Project would not adversely affect high-volume intersections that have the potential to result in exceedance of an ambient air quality standard for carbon monoxide. Because the Project would comply with (and would not exceed) the BAAQMD's screening criteria, local CO concentrations associated with operation of the Project would have a less-than-significant impact on nearby sensitive receptors.

Generation of Toxic Air Contaminants during Construction

Impact AIR-2: Construction of the proposed could expose sensitive receptors to substantial concentrations of TACs and $PM_{2.5}$. (Potentially Significant)

Project construction would generate DPM and $PM_{2.5}$ emissions from the exhaust of off-road diesel construction equipment. DPM and $PM_{2.5}$ from diesel-powered engines are a complex mixture of soot, ash particulates, metallic abrasion particles, volatile organic compounds, and other components that can penetrate deeply into the lungs and contribute to a range of health problems. In 1998, CARB identified DPM from diesel-powered engines as a TAC based on its potential to cause cancer and other adverse health effects.[12] Long-term exposure to $PM_{2.5}$ has been linked to premature death, particularly in people who have chronic heart or lung diseases, and reduced lung function growth in children.[13] DPM and $PM_{2.5}$ emissions could affect nearby sensitive receptors. For this analysis, emissions of exhaust PM_{10} were conservatively used as a surrogate for DPM.

[12] *California Air Resources Board (CARB), 1998. Initial Statement of Reasons for Rulemaking; Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, June.*

[13] *California Air Resources Board (CARB), 2020. Inhalable Particulate Matter and Health ($PM_{2.5}$ and PM_{10}). Available at: https://ww2.arb.ca.gov/resources/inhalable-particulate-matter-and-health. Accessed on December 9.*

The annual average concentrations of DPM and exhaust $PM_{2.5}$ during construction were estimated within 1,000 feet of the Project using the U.S. Environmental Protection Agency's Industrial Source Complex Short Term (ISCST3) air dispersion model. The input parameters and assumptions used for estimating emission rates of DPM and $PM_{2.5}$ from off-road diesel construction equipment are included in Appendix A.

Daily emissions from construction were assumed to occur from 7a.m. to 7p.m., Monday through Friday. The exhaust from off-road equipment was represented in the ISCST3 model as a series of volume sources with a release height of 5 meters to represent the mid-range of the expected plume rise from frequently used construction equipment.

The model assumes a uniform grid of receptors spaced 20 meters apart around the Project site with receptor heights of 1.8 meters (approximately 5 feet, 11 inches, for ground-level receptors) for developing isopleths (i.e., concentration contours) that illustrate the air dispersion pattern from the various emission sources. The ISCST3 model input parameters included 3 years of the BAAQMD meteorological data from Station 4901 located about 1,500 feet southwest of the Project site.

Based on the annual average concentrations of DPM and $PM_{2.5}$ estimated using the air dispersion model (Appendix A), potential health risks were evaluated for the maximally exposed individual resident (MEIR) located approximately 175 feet east of the Project site. In accordance with guidance from the BAAQMD[14] and Office of Environmental Health Hazard Assessment (OEHHA),[15] the health risk assessment calculated the incremental increase in cancer risk and chronic hazard index (HI) to the MEIR from DPM emissions during construction. The acute HI for DPM was not calculated because an acute reference exposure level has not been approved by OEHHA and CARB, and the BAAQMD does not recommend analysis of acute non-cancer health hazards from construction activity. The annual average concentration of DPM at the MEIR was used to conservatively assess potential health risks to nearby sensitive receptors.

The incremental increase in cancer risk from on-site DPM emissions during construction was assessed for a young child exposed to DPM at the MEIR location starting from in utero in the third trimester of pregnancy. This exposure scenario represents the most sensitive individual who could be exposed to adverse air quality conditions in the vicinity of the Project. It was also assumed that the infant at the MEIR location would be exposed to an annual average DPM concentration over the entire estimated duration of construction, which is about 18 months. The input parameters and results of the health risk assessment are included in Appendix A.

Table 7 summarizes the estimated health risks at the MEIR due to DPM and $PM_{2.5}$ emissions from Project construction and compares them to the BAAQMD's thresholds of significance. The estimated chronic HI for DPM and annual average $PM_{2.5}$ concentrations from construction emissions were below the BAAQMD's thresholds of significance; however, the excess cancer risk would exceed the threshold. As a result, the Project could

[14] Bay Area Air Quality Management District (BAAQMD), 2012. Recommended Methods for Screening and Modeling Local Risks and Hazards. May.

[15] Office of Environmental Health Hazard Assessment (OEHHA), 2015. Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments, May.

have a potentially significant impact on existing sensitive receptors exposed to TACs from Project construction.

Table 7: Health Risks at Maximally Exposed Individual Resident During Project Construction

Emissions Scenario	Diesel Particulate Matter		Exhaust $PM_{2.5}$
	Cancer Risk (per million)	Chronic Hazard Index	Annual Average Concentration ($\mu g/m^3$)
Unmitigated Construction Emissions	**15.2**	<0.1	0.08
Mitigated Construction Emissions with Mitigation Measure AIR-2	9.86	<0.1	0.05
Thresholds of Significance	10	1	0.3

Note: $\mu g/m^3$ = micrograms per cubic meter
Bold and shaded text indicates exceedance of threshold.
Source: See Appendix A.

Equipping off-road diesel equipment with Tier 4 Final engines would reduce the equipment's DPM emissions and associated health risks more than 90 percent. Requiring all off-road diesel equipment of 100 horsepower or higher to be equipped with Tier 4 Final engines would reduce total construction DPM emissions by about 35 percent. Therefore, the Project shall implement Mitigation Measure AIR-2 to control diesel exhaust during construction.

> Mitigation Measure AIR-2: During Project construction, all diesel-powered construction equipment of 100 horsepower or more shall be equipped with engines certified to meet the CARB's Tier 4 Final emissions standards. Contract specifications shall include this requirement prior to the start of construction. (Less Than Significant)

As shown in Table 7, implementation of the exhaust control measures under Mitigation Measure AIR-2 would reduce the excess cancer risk below the threshold of significance. Therefore, implementation of Mitigation Measure AIR-2 would reduce the impact on existing sensitive receptors exposed to substantial concentrations of TACs from Project construction emissions to a less-than-significant level.

Toxic Air Contaminants Emissions during Operation

The Project would not introduce any emergency diesel generator or other stationary sources of TAC emissions. Therefore, Project operations would not have any impact on nearby sensitive receptors related to substantial pollutant concentrations.

Cumulative TAC Emissions

In addition to a project's individual TAC emissions during construction and operation, the potential cumulative health risks to the MEIR from existing and reasonably foreseeable future sources of TACs were evaluated. The BAAQMD's online screening tools were used to provide conservative estimates of how much existing and foreseeable future TAC sources would contribute to cancer risk, HI, and $PM_{2.5}$ concentrations at the MEIR. The individual health risks associated with each source were summed to find the cumulative

health risk at the MEIR. The supporting health risk calculations are included in Appendix A of this Initial Study/Mitigated Negative Declaration

Based on the BAAQMD's Permitted Stationary Sources Risks and Hazards Screening Tool, there are no existing stationary sources of TAC emissions within 1,000 feet of the MEIR that could pose health risks to the MEIR.[16] There are also no foreseeable future developments within 1,000 feet of the MEIR that may include an emergency diesel generator or other stationary sources of TAC emissions.[17]

Health risk at the MEIR from exposure to mobile sources of TACs was estimated based on the BAAQMD's Bay Area modeling of health risks from highways, railroads, and major roadways with an average annual daily traffic (AADT) volume greater than 30,000 vehicles per day.[18] In addition, health risks from the segment of Soscol Avenue closest to the MEIR location, which was excluded from the BAAQMD's modeling, were estimated using 2016 AADT volumes[19] and BAAQMD's Roadway Screening Analysis Calculator.[20] The cancer risks were adjusted using a factor of 1.374 to account for the most recent health risk parameters recommended by OEHHA.[21]

Estimates of the cumulative health risks at the MEIR are summarized and compared to the BAAQMD's cumulative thresholds of significance in Table 8. As shown in Table 8, the cumulative cancer risks, chronic HI and $PM_{2.5}$ concentrations at the MEIR are below the BAAQMD's cumulative threshold. Therefore, the cumulative health risks impacts on nearby sensitive receptors from TAC emissions during Project construction would be less than significant.

[16] Bay Area Air Quality Management District (BAAQMD), 2021. Email communication titled: Stationary Source Information Request; from Areana Flores at the Bay Area Air Quality Management District to Ivy Tao at Baseline Environmental Consulting. March 11, 2021.

[17] WRA, Inc, 2021. Email communication titled: Napa Soscol Square Responses to RFI; from Reida Khan at WRA, Inc to Ivy Tao at Baseline Environmental Consulting. February 11, 2021.

[18] Bay Area Air Quality Management District (BAAQMD), 2014. BAAQMD Planning Healthy Places Highway, Major Street, and Rail health risk raster files.

[19] City of Napa, 2019. City of Napa, Public Works Department, Development Engineering Division, Annual Traffic Count Data. April.

[20] Bay Area Air Quality Management District (BAAQMD), 2015. Roadway Screening Analysis Calculator, April 16.

[21] Bay Area Air Quality Management District (BAAQMD), 2018. Personal communication between Ivy Tao from Baseline Environmental Consulting and Alison Kirk from the BAAQMD, September 10.

Table 8: Cumulative Health Risks at Maximally Exposed Individual Resident During Project Construction

Source	Source Type	Method Reference	Cancer Risk (10^{-6})	Chronic Hazard Index	$PM_{2.5}$ ($\mu g/m^3$)
Project					
Construction Equipment (Unmitigated)	Diesel Exhaust		15.2	0.02	0.08
Mitigated Construction Emissions with Mitigation Measure AIR-2	Diesel Exhaust		9.9	0.01	0.05
Existing Mobile Sources					
Highways	Mobile	1	11.2	NA	0.18
Major Roadways	Mobile	1	0.5	NA	<0.01
Railroads	Mobile	1	0.8	NA	<0.01
Soscol Avenue (27,754 AADT)	Mobile	2,3	10.3	NA	0.2
Unmitigated Cumulative Health Risks			38	<0.1	0.5
Mitigated Cumulative Health Risks with Mitigation Measure AIR-2			33	<0.1	0.4
BAAQMD's Cumulative Thresholds			100	10.0	0.8
Exceed Thresholds?			No	No	No

Notes: $\mu g/m^3$ = micrograms per cubic meter; NA = not applicable; AADT=annual average daily traffic

Health risk screening values derived using the following BAAQMD tools and methodologies:

1) BAAQMD's Highway, Major Street, and Rail health risk raster files.

2) BAAQMD's Roadway Screening Analysis Calculator.

3) BAAQMD's recommended Office of Environmental Health Hazard Assessment cancer risk adjustment factor.

Source: Baseline Environmental Consulting, 2021.

d) ***Less-Than-Significant Impact.*** The retail land use of the Project would not be expected to frequently generate significant odors for a substantial duration. The restaurant land use of the Project is not considered a typical odor sources based on the BAAQMD's CEQA Guidelines, but could occasionally generate odors from cooking activities. However, based on the distances between the restaurant land use and nearby human receptors, any odor that could not be contained by the proposed restaurant's building envelop would likely not be detectable. Therefore, Project impacts related to odors would be less than significant.

IV.	**BIOLOGICAL RESOURCES** — Would the project:	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	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?	☐	☒	☐	☐
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d)	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 native wildlife nursery sites?	☐	☒	☐	☐
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Regulatory Setting

Sensitive Natural Communities: Sensitive natural communities include habitats that fulfill special functions or have special values. Natural communities considered sensitive are those identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW). CDFW ranks sensitive communities as "threatened" or "very threatened" (CDFW 2021) and keeps records of their occurrences in its California Natural Diversity Database (CNDDB; CDFW 2021). Vegetation alliances are ranked 1 through 5 in the CNDDB based on NatureServe's (2021) methodology, with those alliances ranked globally (G) or statewide (S) as 1 through 3 considered sensitive. Impacts to sensitive natural communities identified in local or regional plans, policies, or regulations or those identified by the CDFW or U.S. Fish and Wildlife Service

(USFWS) must be considered and evaluated under CEQA (CCR Title 14, Div. 6, Chap. 3, Appendix G). In addition, this general class includes oak woodlands that are protected by local ordinances under the Oak Woodlands Protection Act.

Waters of the United States, Including Wetlands: The Corps regulates "Waters of the United States" under Section 404 of the Clean Water Act (CWA). Waters of the United States are defined in the Code of Federal Regulations (CFR) as including the territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, such as tributaries, lakes and ponds, impoundments of waters of the U.S., and wetlands that are hydrologically connected with these navigable features (33 CFR 328.3). Potential wetland areas, according to the three criteria used to delineate wetlands as defined in the *U.S. Army Corps of Engineers Wetlands Delineation Manual* (Corps Manual; Environmental Laboratory 1987), are identified by the presence of (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology. Unvegetated waters including lakes, rivers, and streams may also be subject to Section 404 jurisdiction and are characterized by an ordinary high water mark (OHWM) identified based on field indicators such as the lack of vegetation, sorting of sediments, and other indicators of flowing or standing water. The placement of fill material into Waters of the United States generally requires a permit from the Corps under Section 404 of the CWA.

The Corps also regulates construction in navigable waterways of the U.S. through Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 USC 403). Section 10 of the RHA requires Corps approval and a permit for excavation or fill, or alteration or modification of the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor or refuge, or enclosure within the limits of any breakwater, or of the channel of any navigable water of the United States. Section 10 requirements apply only to navigable waters themselves, and are not applicable to tributaries, adjacent wetlands, and similar aquatic features not capable of supporting interstate commerce.

Waters of the State, Including Wetlands: The term "Waters of the State" is defined by the Porter-Cologne Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." The State Water Resource Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCB) protect waters within this broad regulatory scope through many different regulatory programs. Waters of the State in the context of a CEQA Biological Resources evaluation include wetlands and other surface waters protected by the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (SWRCB 2019). The SWRCB and RWQCB issue permits for the discharge of fill material into surface waters through the State Water Quality Certification Program, which fulfills requirements of Section 401 of the CWA and the Porter-Cologne Water Quality Control Act. Projects that require a Clean Water Act permit are also required to obtain a Water Quality Certification. If a project does not require a federal permit, but does involve discharge of dredge or fill material into surface waters of the State, the SWRCB and RWQCB may issue a permit in the form of Waste Discharge Requirements.

Sections 1600-1616 of California Fish and Game Code: Streams and lakes, as habitat for fish and wildlife species, are regulated by CDFW under Sections 1600-1616 of California Fish and Game Code (CFGC). Alterations to or work within or adjacent to streambeds or lakes generally require a 1602 Lake and Streambed Alteration Agreement. The term "stream", which includes creeks and rivers, is defined in the California Code of Regulations (CCR) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life [including] watercourses having a surface or subsurface flow that supports or has supported riparian vegetation" (14 CCR 1.72). The term "stream" can include ephemeral streams, dry washes, watercourses with subsurface flows, canals, aqueducts, irrigation ditches, and other means of water conveyance if they support aquatic life, riparian vegetation, or stream-

dependent terrestrial wildlife (CDFG 1994). Riparian vegetation has been defined as “vegetation which occurs in and/or adjacent to a stream and is dependent on, and occurs because of, the stream itself” (CDFG 1994). Removal of riparian vegetation also requires a Section 1602 Lake and Streambed Alteration Agreement from CDFW.

Endangered and Threatened Plants, Fish, and Wildlife. Specific species of plants, fish, and wildlife species may be designated as threatened or endangered by the federal Endangered Species Act (ESA), or the California Endangered Species Act (CESA). Specific protections and permitting mechanisms for these species differ under each of these acts, and a species’ designation under one law does not automatically provide protection under the other.

The ESA (16 USC 1531 et seq.) is implemented by the USFWS and the National Marine Fisheries Service (NMFS). The USFWS and NMFS maintain lists of endangered and threatened plant and animal species (referred to as "listed species"). "Proposed" or "candidate" species are those that are being considered for listing, and are not protected until they are formally listed as threatened or endangered. Under the ESA, authorization must be obtained from the USFWS or NMFS prior to take of any listed species. “Take” under the ESA is defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Take under the ESA includes direct injury or mortality to individuals, disruptions in normal behavioral patterns resulting from factors such as noise and visual disturbance, and impacts to habitat for listed species. Actions that may result in take of an ESA-listed species may obtain a permit under ESA Section 10, or via the interagency consultation described in ESA Section 7. Federally listed plant species are only protected when take occurs on federal land.

The ESA also provides for designation of critical habitat, which are specific geographic areas containing physical or biological features “essential to the conservation of the species”. Protections afforded to designated critical habitat apply only to actions that are funded, permitted, or carried out by federal agencies. Critical habitat designations do not affect activities by private landowners if there is no other federal agency involvement.

The CESA (CFGC 2050 et seq.) prohibits a take of any plant and animal species that the CFGC determines to be an endangered or threatened species in California. CESA regulations include take protection for threatened and endangered plants on private lands, as well as extending this protection to candidate species which are proposed for listing as threatened or endangered under CESA. The definition of a "take" under CESA ("hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") only applies to direct impact to individuals, and does not extend to habitat impacts or harassment. CDFW may issue an Incidental Take Permit under CESA to authorize take if it is incidental to otherwise lawful activity and if specific criteria are met. Take of these species is also authorized if the geographic area is covered by a Natural Community Conservation Plan (NCCP), as long as the NCCP covers that activity.

Fully Protected Species and Designated Rare Plant Species. This category includes specific plant and wildlife species that are designated in the CFGC as protected even if not listed under CESA or ESA. Fully Protected Species includes specific lists of birds, mammals, reptiles, amphibians, and fish designated in CFGC. Fully protected species may not be taken or possessed at any time. No licenses or permits may be issued for take of fully protected species, except for necessary scientific research and conservation purposes. The definition of "take" is the same under the California Fish and Game Code and the CESA. By law, CDFW may not issue an Incidental Take Permit for Fully Protected Species. Under the California Native Plant Protection Act (NPPA), CDFW has listed 64 “rare” or “endangered” plant species, and prevents “take”, with few exceptions, of these species. CDFW may authorize take of species protected by the NPPA through the Incidental Take Permit process, or under a NCCP.

Special Protections for Nesting Birds and Bats. The federal Bald and Golden Eagle Protection Act provides relatively broad protections to both of North America's eagle species (bald eagle [*Haliaeetus leucocephalus*] and golden eagle [*Aquila chrysaetos*)] that in some regards are similar to those provided by the ESA. In addition to regulations for special-status species, most native birds in the United States, including non-status species, have baseline legal protections under the Migratory Bird Treaty Act of 1918 and CFGC, i.e., sections 3503, 3503.5 and 3513. Under these laws/codes, the intentional harm or collection of adult birds as well as the intentional collection or destruction of active nests, eggs, and young is illegal. For bat species, the Western Bat Working Group (WBWG) designates conservation status for species of bats, and those with a high or medium-high priority are typically given special consideration under CEQA.

Species of Special Concern, Movement Corridors, and Other Special-status Species under CEQA. To address additional species protections afforded under CEQA, CDFW has developed a list of special species as "a general term that refers to all of the taxa the CNDDB is interested in tracking, regardless of their legal or protection status." This list includes lists developed by other organizations, including for example, the Audubon Watch List Species, the Bureau of Land Management Sensitive Species, and USFWS Birds of Special Concern. Plant species on the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants (Inventory) with California Rare Plant Ranks (Rank) of 1 and 2, as well as some with a Rank of 3, are also considered special-status plant species and must be considered under CEQA. Some Rank 3 species and all Rank 4 species are typically only afforded protection under CEQA when such species are particularly unique to the locale (e.g., range limit, low abundance/low frequency, limited habitat) or are otherwise considered locally rare. Additionally, any species listed as sensitive within local plans, policies and ordinances are likewise considered sensitive. Movement and migratory corridors for native wildlife (including aquatic corridors) as well as wildlife nursery sites are given special consideration under CEQA.

Environmental Setting

Potential Wetlands and Waters of the U.S.

No potentially jurisdictional wetland or non-wetland waters features were observed within the Project site. One perennial stream, Tulocay Creek is present just outside of the southern border of the Project site. Tulocay Creek, is shown as a "blue-line" stream on the Napa USGS 7.5-minute quadrangle map. Tulocay Creek outside of the Project site is a linear trapezoidal channel with earthen bed and banks. The bed of the creek contains emergent marsh vegetation and held standing water at the time of WRA's site visits in July and December 2020. The northern bank of the creek contains some woody riparian vegetation which overhangs into the southern Project site parcel. Although outside of the Project site, the channel of the creek up to the OHWM is protected under the federal CWA and State Wetland Policy.

Additionally, City of Napa Municipal Code regulations regarding "creeks and other watercourses" (Chapter 17.52.110), and the "floodplain management overlay district" (Chapter 17.38) apply to the Project site's southern parcel. As per Chapter 17.52, lots adjacent to perennial or intermittent streams identified on USGS maps, such as Tulocay Creek, are subject to setbacks for structures during project review. The structure setback is typically 20 feet from the top of bank; however, an exception exists where the depth of the creek bank is 8 feet or greater. In the latter case the required setback from the toe of the stream bank is two times the depth of the bank plus 20 feet, unless special provisions for bank stabilization are installed as approved the Public Works Director. Therefore, the required setback is either 20 feet from TOB or 40 feet from toe of bank.

As per Chapter 17.38, of the City of Napa Municipal Code, a floodplain permit is required for any development project located on a property zoned "FP," which is applicable to the southern parcel

within the Project site (APN 046-190-054). The floodplain permit application provides information regarding the elevation of existing structures in relation to the base flood elevation and measures implemented to minimize flood damage and danger to human life.

Riparian coast live oak woodland

Tulocay Creek is flanked by riparian habitat which enters the very southern portion of the southern Project site parcel. The portion of Tulocay Creek adjacent to the Project site is a linear trapezoidal channel with approximately 15 to 20-foot-high earthen banks. Above the rock retaining wall the vegetation is dominated by ruderal non-native annual grasses such as slim oat (*Avena barbata*), and ornamental trees and shrubs such as oleander (*Nerium oleander*), and Mexican fan palm. This vegetation generally does not constitute riparian habitat, except where mature native trees such as coast live oak (*Quercus agrifolia*), have canopies that overhang the area above the top of bank. In particular, along the downstream (western) reach on the southwest corner of the Project site, riparian trees, including coast live oak (*Quercus agrifolia*), and valley oak (*Q. lobata*) overhang the top of bank, into the Project site. Subsequent to the initial July 17 site visit, the Napa County Flood Control District conducted some vegetation maintenance activities, notably trimming back non-native invasive Himalayan blackberry thickets which were originally mapped as riparian vegetation. A follow up site visit on December 4, 2020 was conducted to verify and remap the existing extent of riparian vegetation, which includes some mitigation plantings (i.e., valley oak, coast live oak, and California buckeye) near Soscol Avenue that were installed as a part of the Riparian Revegetation and Monitoring Plan required for the Gasser Drive Bridge at Tulocay Creek Project.

Riparian habitat generally includes trees and other vegetation growing in close association with a nearby stream, and are present because of the stream and/or provide habitat and water quality benefits to the stream. Areas below the top of bank of Tulocay Creek, and riparian vegetation which extends beyond the top of bank are protected under the CFGC.

Protected Trees

Several street trees along Soscol Avenue qualify for protection under Chapter 12.44, “Public Trees and Plants”, of the City of Napa Municipal Code, and were originally included in the tree survey report. However, the Project site excludes the right-of-way. The City of Napa regulates the protection of all trees in the public right-of-way and gives the City’s Parks and Recreation Department jurisdiction over the planning, planting, maintenance, and removal of all street trees. The Tree Ordinance defines a street tree as any tree within the public right-of-way. The Project site also contains one “private-protected” tree subject to regulation outlined in Chapter 12.45, “Trees on Private Property”, of the City of Napa Municipal Code. A permit issued by the Director of Parks and Recreation is required to plant, injure, or remove any street tree, or to remove any private-protected tree.

Special-status Species

Special-status Plant Species

A total of 81 special-status plant species have been documented within the vicinity of the Project site (CDFW 2020, CNPS 2020). Documented occurrences of these species within 5 miles of the Project site in CDFW's California Natural Diversity Data Base (CNDDB) are shown in Figure 3 of Appendix D. All of these special-status plants are unlikely or have no potential to occur within the Project site, due to the vast majority of the site being previously developed and/or for one or more of the following reasons:

- The Project site was recently predominantly developed, and altered from a natural state, occupied by hardscape, thereby eliminating the seedbank or diminishing establishment of the special-status plant(s).
- The Project site does not contain hydrologic conditions (e.g., perennial saline, freshwater marshes and swamps) necessary to support the special-status plant(s).
- The Project site does not contain edaphic (soil) conditions (e.g., serpentine or volcanic substrate) necessary to support the special-status plant(s).
- The Project site does not contain vegetation communities (e.g., chaparral, coastal scrub, vernal pools) associated with the special-status plant(s).
- The surrounding environs are developed and urbanized, thereby diminishing potential re-establishment of the special-status plant(s).
- What little non-paved areas exist within the Project site are managed by repeated mowing or discing, and are dominated by non-native invasive species.

Special status plant species (including species listed as threatened or endangered species) are not a constraint for these parcels. Figure 15 illustrates the various land non-sensitive and sensitive land cover at the Project site.

Special-status Wildlife Species

A total of 62 special-status wildlife species have been documented in Napa County (CDFW 2020, Napa County 2005). Of these species, two are considered to be present adjacent to the Project site in Tulocay Creek. The remainder of these species are unlikely or have no potential to occur within the Project site for one or more of the following reasons:

- The setting of the Project site is urban, and the Project site itself was previously developed and highly disturbed, having been graded, landscaped, paved, and/or otherwise modified, making it unsuitable for the many of the special status species in the vicinity.
- Specific aquatic habitats (e.g., marshes, estuarine waters, vernal pools) necessary to support the special-status wildlife species are not present in the Project site.
- Vegetative habitats (e.g., coast redwood forest, coastal prairie, dense emergent marsh) that provide nesting and/or foraging resources necessary to support the special-status wildlife species are not present in the Project site.
- Physical structures and vegetation (e.g., mines, old-growth coniferous trees, large tree cavities/hollows) necessary to provide nesting, cover, and/or foraging habitat to support the special-status wildlife species are not present in the Project site.

Special-status wildlife species that are considered present or have the potential to be present within or adjacent to the Project site are described below.

Path: L:\Acad 2000 Files\30000\30155\GIS\ArcMap\LandCover.mxd

Sources: 2016 DigitalGlobe Aerial, WRA | Prepared By: mrochelle, 12/10/2020

Figure 15. Land Cover

Soscol Square Project
City of Napa, California

0 100 200 Feet

N

ENVIRONMENTAL CONSULTANTS

Steelhead – central California coast DPS. Federal Threatened. Present (adjacent to the Project site). Steelhead are essentially native coastal rainbow trout that migrate to the ocean to mature, and later return to natal freshwater streams to spawn. The Central California Coast DPS ("distinct population segment") includes all naturally spawned populations of steelhead (and their progeny) from the Russian River to Aptos Creek, and the drainages of San Francisco and San Pablo Bays eastward to the Napa River (inclusive), excluding the Sacramento-San Joaquin River Basin. Steelhead typically migrate to marine waters after spending two years in freshwater, though they may stay up to seven. Individuals then reside in marine waters for two or three years prior to returning to their natal stream to spawn as 4-or 5-year-olds. Steelhead adults typically spawn between December and June. Preferred spawning habitat occurs in perennial streams with cool to cold water temperatures, high dissolved oxygen levels, and fast flowing water. Abundant riffles (shallow areas with gravel or cobble substrate) for spawning and deeper pools with sufficient woody and/or riparian cover for rearing are necessary for successful breeding.

Steelhead were documented to occur in Tulocay Creek at least as early as 1958 with continued presence into the 2000s, albeit at relatively low density (Leidy et al. 2005). There are no documented barriers to movement between the mouth of the creek (entering the Napa River) and the reach of the stream adjacent to the Project site. The creek within this reach has a gravel bottom, some apparent deeper pools, and riparian cover making it potentially suitable for spawning. Even if no spawning occurs within this portion of the creek, it provides in- and out-migration habitat and may also support rearing habitat for juvenile steelhead (e.g., in perennial pools). Additionally, Tulocay Creek is formally designated as critical habitat for steelhead (NMFS 2020).

Western pond turtle (*Actinemys marmorata*). State Species of Special Concern. Present (adjacent to the Project site). The western pond turtle (WPT) is the only native freshwater turtle in northern California, and occurs in a variety of aquatic habitats below approximately 5,500 feet in elevation. Inhabited features include coastal lagoons, lakes, ponds, marshes, and rivers/streams; man-made features including stock ponds, wastewater storage cells, canals, and reservoirs are also utilized (Thomson et al. 2016). This species requires low-flowing or stagnant water with basking structures, including rocks, logs, algal mats, mud banks, and sand. Food items are primarily aquatic invertebrates but include fish, carrion, and vegetation. WPT nesting occurs typically from late April through June and requires open, dry upland habitat with friable soils; unshaded slopes within 15 to 330 feet of aquatic habitat are preferred (Rathbun et al. 1992). Hatchlings generally emerge in late fall but may overwinter in the nest and emerge in early spring of the following year. Although upland habitat is used for nesting and at times refuge, this species prefers aquatic and riparian corridors for movement and dispersal.

Tulocay Creek adjacent to the Project site provides suitable aquatic habitat for WPT. There is a CNDDB occurrence in the creek adjacent to the Project site (at the Highway 121 overpass), dating from 2016 (CDFW 2020). While Tulocay Creek presumably provides aquatic habitat for this species year-round (or nearly so), upland nesting adjacent to or within the Project site (in the very narrow and limited non-hardscape area) is unlikely given the very steep bank along the creek, and overall high level of disturbance in the area.

Nesting Birds

Most native birds have baseline protections under the CFGC. Under these codes, the intentional killing, collecting or trapping of covered species, including their active nests (those with eggs or young), is prohibited. Within the Project site, native birds may nest in trees and shrubbery.

Discussion of Impacts

a) ***Less-Than-Significant with Mitigation Incorporated.*** Two special-status wildlife species (western pond turtle and steelhead) are known to occur in Tulocay Creek, adjacent to the Project site. Tulocay Creek is also designated as critical habitat for steelhead. However, all Project-related work will occur above the creek's top of bank, and no direct impacts to these species are anticipated as a result of the Project. The Project may indirectly impact special-status aquatic species by increasing the amount of light in riparian habitat. Grading and construction activities may result in potential sediment runoff into aquatic habitat.

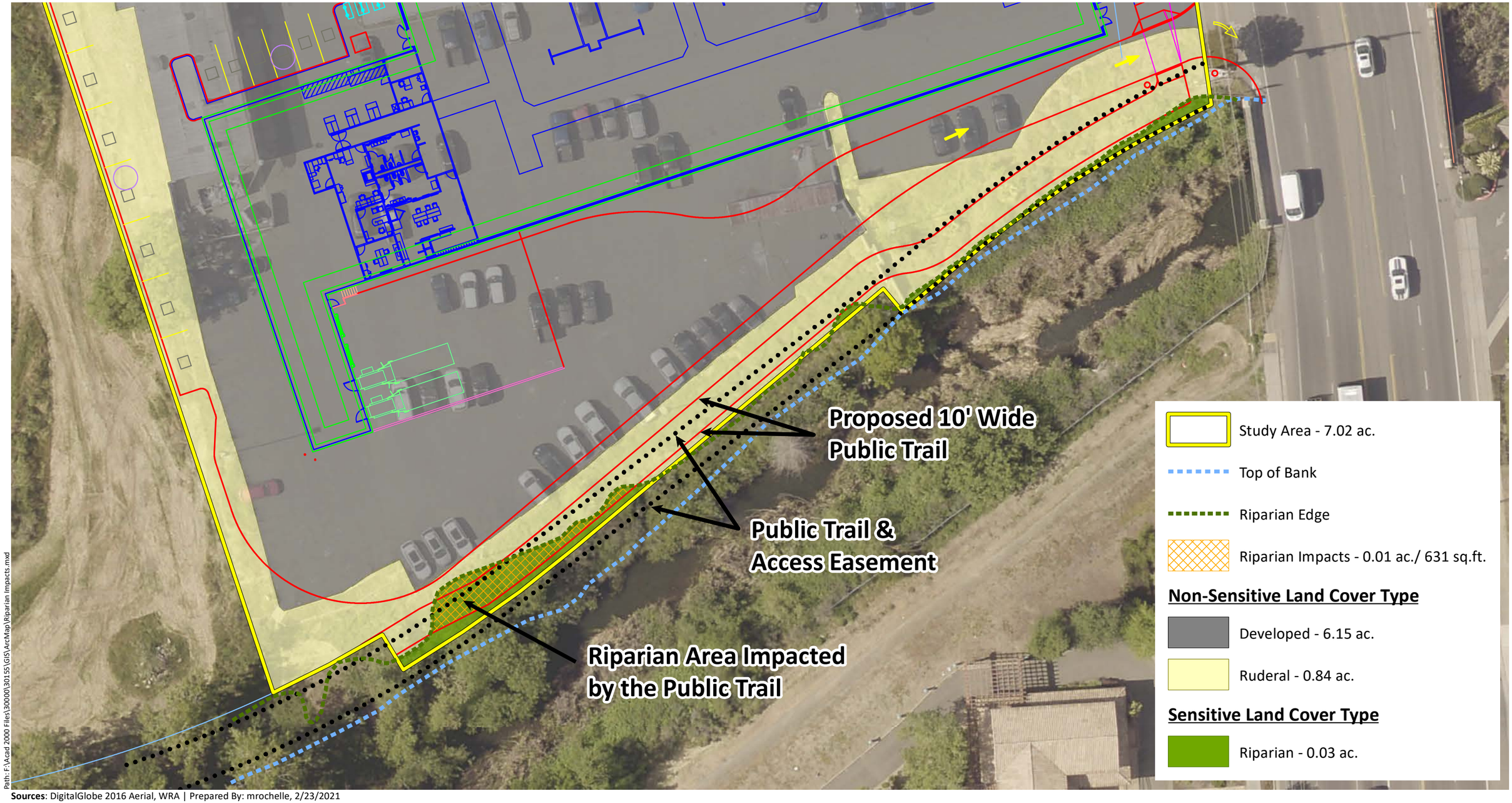
The Project is located within a developed, landscaped area that supports wildlife species typically associated with urban and suburban areas. Trees and other vegetation within the Project site have the potential to support nests of common native bird species. All native birds, regardless of their regulatory status, are protected under the California Fish and Game Code. The proposed Project would result in the removal of trees. If conducted during the breeding season (February through August), vegetation removal and construction activities could directly impact nesting birds by removing trees or vegetation that support active nests. Implementation of the following mitigation measures would reduce potential impacts to special-status species to a less-than-significant level.

Mitigation Measure BIO-1 – Riparian Lighting**:** Project lighting shall be designed to reduce overall light pollution into adjacent riparian habitat. Design may include the use of shielding, visual barriers, motion detectors, or directing nighttime lighting downward where it is needed.

Mitigation Measure BIO-2 – Stormwater Discharges: Erosion control Best Management Practices (BMPs) shall be developed and implemented to minimize any wind- or water-related erosion, and shall include provisions in construction contracts for measures to protect sensitive areas and prevent and minimize stormwater and non-stormwater discharges. Erosion control structures shall not include monofilament or be of types that may entrap and kill wildlife.

Mitigation Measure BIO-3 – Nesting Birds: If feasible, all vegetation removal shall be conducted during the non-breeding season (i.e., September 1 to January 31) to avoid direct impacts to nesting birds. If such work is scheduled during the breeding season, a qualified biologist or ornithologist shall conduct a pre-construction survey to determine if any birds are nesting within the Project site. The pre-construction survey shall be conducted within 14 days prior to the start of work. If active nests are found during the survey, the biologist or ornithologist shall determine an appropriately sized buffer around the nest in which no work shall be allowed until the young have successfully fledged. The size of the buffer shall be determined by the biologist and would be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance.

b) ***Less-Than-Significant Impact.*** The Project proposes the construction of a Class I public access trail adjacent to, and partially within the Tulocay Creek riparian area. As shown in Figure 16, approximately 0.01 acres or 631 square feet of the riparian zone would be encroached upon by the trail. However, construction of the trail will not require riparian tree removal. The Project will plant a riparian palette adjacent to the trail in the vicinity of the creek (Figure 12). Therefore, this impact would be less than significant.



Sources: DigitalGlobe 2016 Aerial, WRA | Prepared By: mrochelle, 2/23/2021

Figure 16. Riparian Impacts

Soscol Square Project
City of Napa, California

0 50 100 Feet

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c) ***No Impact.*** The Project will not result in the direct removal, filling, or hydrological interruption of wetlands, drainages, or other state or federally protected wetlands. No Project work will occur below the top of bank of Tulocay Creek. Therefore, no potentially significant impacts to state or federally protected wetlands would result from the proposed Project.

d) ***Less-Than-Significant with Mitigation Incorporated.*** The Project site does not contain a wildlife corridor. However, Tulocay Creek likely facilitates the local movement of wildlife in the vicinity. Tulocay Creek and the adjacent banks would not be directly impacted by the Project. However, the Project may indirectly impact wildlife movement by increasing the amount of light in riparian habitat. This potentially significant impact would be reduced to a less-than-significant level via implementation of Mitigation Measure BIO-1.

e) ***Less-Than-Significant Impact.*** The Project proposes the removal of trees. The City of Napa requires a permit issued by the Director of Parks and Recreation to plant, injure, or remove any street tree, or to remove any private-protected tree. Tree replacement mitigation is likely required for the approved removal of street trees and/or private-protected trees. For each six inches or fraction thereof of private-protected tree removed, two replacement trees of the same species and a minimum 15-gallon container or larger size are typically required. The Project would comply with the City's Tree Ordinance, including the replacement of protected trees.

City of Napa Municipal Code regulations regarding "creeks and other watercourses" (Chapter 17.52.110), and the "floodplain management overlay district" (Chapter 17.38) apply to the southern portion of the Project site. As per Chapter 17.52, lots adjacent to perennial or intermittent streams identified on USGS maps, such as Tulocay Creek, are subject to setbacks for structures during project review. The structure setback is typically 20 feet from the top of bank; however, an exception exists where the depth of the creek bank is 8 feet or greater. In the latter case the required setback from the toe of the stream bank is two times the depth of the bank plus 20 feet, unless special provisions for bank stabilization are installed as approved the Public Works Director. Therefore, the required setback is either 20 feet from TOB or 40 feet from toe of bank. As per Chapter 17.38, of the City of Napa Municipal Code, a floodplain permit is required for any development project located on a property zoned "FP,". The floodplain permit application provides information regarding the elevation of existing structures in relation to the base flood elevation and measures implemented to minimize flood damage and danger to human life. No structures are proposed within 20 feet of TOB. The Project will obtain a floodplain permit for development within "FP" designated areas. Therefore, this impact would be less than significant.

f) ***No Impact.*** The Project Area is not covered under a Habitat Conservation Plan (HCP), and will not conflict with a plan's provisions. Therefore, there is no impact to the function of a Habitat Plan.

V. **CULTURAL RESOURCES** — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☒	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☒	☐	☐
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

This section examines the potential impacts of the proposed Project on cultural resources based upon an Archaeological Testing Report prepared by Far Western Anthropological Research Group (Far Western) in 2019. Far Western completed a records search, buried site sensitivity assessment, Native American consultation, pedestrian field survey, and Extended Phase I subsurface testing for the proposed Project, which was consolidated into a final report in April of 2019. The report contains sensitive cultural and tribal cultural resources information and is available for review upon request to qualified individuals only. Tribal cultural resources are addressed in Section XVIII, Tribal Cultural Resources. For the purposes of this analysis, the term cultural resource is defined as follows:

> Indigenous and historic-era sites, structures, districts, and landscapes, or other evidence associated with human activity considered important to a culture, a subculture, or a community for scientific, traditional, religious, or another reason. These resources include the following types of CEQA-defined resources: historical resources, archaeological resources, and human remains.

The term indigenous, rather than prehistoric, is used in this section as a synonym for "Native American–related."

Records Search

This site has been determined eligible for both the National Register of Historic Resources (National Register) and California Register of Historic Resources (California Register) and is therefore a historical resource for the purposes of CEQA. Additionally, the northern portion of the Project Area Limits (PAL) is located across the street from the Mexican-era Juarez Adobe, which was once the location of an associated Native American community that served as the work force for Rancho Tulocay.

Based on the records search, six previously recorded cultural resources were identified within one-quarter mile of the PAL, three of which are built environment features (bridges, railroad). Two previously recorded Native American archaeology sites and an isolate are within the records search radius.

Field Survey

A cursory survey of the PAL was conducted on September 12, 2018. Given that the eastern PAL is covered by buildings and a parking lot, only areas of exposed soil (landscaping) were

examined.[22] While the southwestern portion of the PAL is undeveloped, this area was covered with artificial fill when tested in 1995. Additional fill was placed in this area around 2003 for the Napa River flood control project. No archaeological materials were identified during the field survey.

Extended Phase I Testing

Given the urban setting of the PAL, an active car dealership and retail shop, and thick deposit of artificial fill that comprises the modern ground surface, hydraulic continuous coring was the only viable subsurface testing methodology. Thirty large-diameter continuous cores were drilled to depths of 1.8 to 7.6 meters (6 to 25 feet) below surface; core samples were then sent to the laboratory for stratigraphic description, sampling, and processing to determine the presence or absence of archaeological materials. A representative of the Mishewal-Wappo Tribe of Alexander Valley was present when the cores were opened and sampled. Native American archaeological deposits were identified in 14 cores. A potential historic-era archaeological deposit was also identified in one core.

Regulatory Setting

California Environmental Quality Act

CEQA (codified at PRC § 21000 *et seq.*) is the principal statute governing environmental review of projects occurring in the State. CEQA requires lead agencies to determine if a project would have a significant effect on historical resources, unique archaeological resources, or tribal cultural resources.

The State implements provisions in CEQA through its statewide comprehensive cultural resources surveys and preservation programs. Typically, a resource must be more than 50 years old to be considered as a potential historical resource. The State of California Office of Historic Preservation advises recordation of any resource 45 years or older, since there is commonly a five-year lag between resource identification and the date that planning decisions are made.

Historical Resources

CEQA Guidelines recognize that a historical resource includes: 1) a resource in the California Register of Historical Resources; 2) a resource included in a local register of historical resources, as defined in PRC § 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC § 5024.1(g); and 3) any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California by the lead agency, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

If a lead agency determines that an archaeological site is a historical resource, the provisions of PRC § 21084.1 and PRC § 15064.5 apply. If an archaeological site does not meet the criteria for a historical resource contained in the CEQA Guidelines (codified at California Code of Regulations § 15000 *et seq.*), then the site may be treated in accordance with the provisions of PRC § 21083, pertaining to unique archaeological resources.

[22] *These buildings have since been removed from the Project site in 2021.*

Unique Archaeological Resources

As defined in PRC § 21083.2 a "unique archaeological resource" is an archaeological artifact, object, or site, about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
Has a special and particular quality such as being the oldest of its type or the best available example of its type; or,
Is directly associated with a scientifically recognized important prehistoric or historic event or person.

CEQA Guidelines note that if an archaeological resource is not a unique archaeological, historical resource, or tribal cultural resource, the effects of the project on those cultural resources shall not be considered a significant effect on the environment (CEQA Guidelines § 15064.5[c][4]).

California Register of Historical Resources

The California Register is "an authoritative listing and guide to be used by State and local agencies, private groups, and citizens in identifying the existing historical resources of the State and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC § 5024.1[a]). The criteria for eligibility for the California Register are based upon the criteria for listing on the National Register of Historic Places (National Register) (PRC § 5024.1[b]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register.

To be eligible for the California Register, a cultural resource must be significant at the local, State, and/or federal level under one or more of the following four criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

A resource eligible for the California Register must be of sufficient age, and retain enough of its historic character or appearance (integrity) to convey the reason for its significance. Additionally, the California Register consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The California Register automatically includes the following:

- California properties listed on the National Register and those formally Determined Eligible for the National Register;
- California Registered Historical Landmarks from No. 770 onward; and
- Those California Points of Historical Interest that have been evaluated by the OHP and have been recommended to the State Historical Commission for inclusion on the California Register.

Other resources that may be nominated to the California Register include:

- Historical resources with a significance rating of Category 3 through 5 (those properties identified as eligible for listing in the National Register, the California Register, and/or a local jurisdiction register);
- Individual historic resources;
- Historic resources contributing to historic districts; and
- Historic resources designated or listed as local landmarks, or designated under any local ordinance, such as an historic preservation overlay zone.

California Public Resources Code § 5097

PRC § 5097.99, as amended, states that no person shall obtain or possess any Native American artifacts or human remains that are taken from a Native American grave or cairn. Any person who knowingly or willfully obtains or possesses any Native American artifacts or human remains is guilty of a felony, which is punishable by imprisonment. Any person who removes, without authority of law, any such items with an intent to sell or dissect or with malice or wantonness is also guilty of a felony which is punishable by imprisonment.

California Native American Historic Resource Protection Act

The California Native American Historic Resources Protection Act of 2002 imposes civil penalties, including imprisonment and fines up to $50,000 per violation, for persons who unlawfully and maliciously excavates upon, removes, destroys, injures, or defaces a Native American historic, cultural, or sacred site that is listed or may be listed in the California Register.

California Health and Safety Code § 7050.5

Section 7050.5 of the California Health and Safety Code (HSC) protects human remains by prohibiting the disinterring, disturbing, or removing of human remains from any location other than a dedicated cemetery. PRC § 5097.98 (and reiterated in PRC § 15064.59[e]) also identifies steps to follow in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery.

City of Napa Policy Resolution No. 27

The City of Napa adopted Policy Resolution 27 originally in August 1992 and has most recently amended the Resolution in December 2002. The Resolution includes the City's standard mitigation measures that are imposed on all development projects, unless otherwise authorized by the City. Any or all of the mitigation measures listed in Resolution 27 may be imposed as conditions of Project approval. The mitigation measures are periodically updated, as needed. The following cultural resources measures listed in Resolution No. 27 are applicable to the proposed Project:

- If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. Developer shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.

Environmental Setting

The PAL is located at an elevation of approximately 21 feet in the southern portion of the Napa Valley. The Napa Valley is a long, narrow fault basin, 55 miles long and a maximum width of about three miles. Intermittent Tulocay Creek is situated immediately south of the PAL. In the historic era, the creek did not empty into the Napa River, but debouched into wet meadows approximately one-half mile to the east. This is an example of one of several "spreading stream" tributaries in Napa Valley that split into distributaries and wet meadows without reaching the Napa River which is currently approximately one-half mile west of the PAL. This reach of the river is at the northern

end of an estuary of seasonally variable salinity, with more fresh water in the rainy season and more saline or brackish water in the dry summer.

Lower Napa Valley was a very productive aboriginal habitat, with access to rich estuarine and marshy resources along the bay shore and river bottom. The Project was situated in extensive valley oak savanna habitat, with wet meadows to the west and the northern terminus of tidal marsh habitat immediately south. Important food resources of this zone included a variety of saltwater and freshwater fish (including anadromous salmon and steelhead), migratory waterfowl, and estuarine and freshwater shellfish. The oak savanna and grassland habitats away from the river bottom would have supported abundant elk and deer, and a variety of small game. Key plant resources were several species of oak acorns, along with bay nuts, manzanita and other berries, underground bulbs and corms, and a welter of edible small seeds of grasses and forbs from the drier habitats. Marsh and riverine resources would have included tule and cattail roots and shoots.

Discussion of Impacts

a) ***Less-Than-Significant with Mitigation Incorporated.*** CEQA Guidelines Section 15064.5(b) establishes the criteria for assessing a significant environmental impact on historical resources. That section states, "[a] project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." The CEQA Guidelines define substantial adverse change in the significance of an historical resource as a "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (Section 15064.5(b)(1)). The significance of an historical architectural resource is considered to be "materially impaired" when a project demolishes or materially alters the physical characteristics that justify the inclusion of the resource in the California Register of Historic Resources (CRHR), or that justify the inclusion of the resource in a local register, or that justify its eligibility for inclusion in the CRHR as determined by the lead agency for the purposes of CEQA (Section 15064.5(b)(2)). The Project has the potential to adversely affect historic archaeological resources during construction. Therefore, implementation of Mitigation Measure CULT-1 would require that an Archaeological Research Design and Treatment Plan (ARDTP) is implemented prior to issuance of a grading permit.

Mitigation Measure CULT-1: The proposed Project would require preparation and approval of an Archaeological Research Design and Treatment Plan (ARDTP) prior to issuance of a grading permit. A qualified archaeological consultant with demonstrated experience in geoarchaeology and historical archaeology shall be retained. The archaeological consultant shall implement archaeological testing and other treatment as specified in the Project ARDTP, as detailed below, which shall include archaeological monitoring and data recovery as required pursuant to findings of ongoing testing and this measure. The archaeological consultant's work shall be conducted in accordance with this measure and with the requirements of the Project ARDT. In instances of inconsistency between the requirement of the Project ARDTP and of this archaeological mitigation measure, the requirements of this archaeological mitigation measure shall prevail.

In addition to compliance with the City's Policy Resolution No. 27, implementation of Mitigation Measure CULT-1 would reduce impacts to known and unknown historical archaeological resources to a less-than-significant level.

b) ***Less-Than-Significant with Mitigation Incorporated.*** As described above, the proposed Project has the potential to encounter buried archaeological resources as the site is in an archaeologically sensitive area. With conformance with the City's Policy No. 27, and with the implementation of Mitigation Measure CULT-1, the Archaeological Research Design and Treatment Plan, impacts to archaeological resources would be reduced to a less-than-significant level.

c) ***Less-Than-Significant with Mitigation Incorporated.*** The Project site contains known human remains. Therefore, Native American coordination shall follow the protocols established under Assembly Bill 52, State of California Code, and applicable City of Napa procedures.

The following measures shall be implemented with regard to human remains:

Mitigation Measure CULT-2: The treatment of any human remains and associated, or unassociated funerary objects discovered during soil disturbing activities shall comply with applicable state laws. Such treatment would include immediate notification of the Napa County Coroner. In the event of the coroner's determination that the human remains are Native American, the coroner shall notify of the Native American Heritage Commission, which would appoint a Most Likely Descendant (MLD) (PRC § 5097.98). The archaeological consultant, the City of Napa, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines § 15064.5[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters. If the MLD and the other parties could not agree on the reburial method, the Event Authority shall follow Section 5097.98(b) of the PRC, which states that "the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."

With the implementation of Mitigation Measure CULT-2, impacts on human remains would be less than significant.

VI.	**ENERGY** — Would the project:	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Regulatory Setting

In 2002, the Legislature passed Senate Bill 1389, which required the California Energy Commission (CEC) to develop an integrated energy plan every two years for electricity, natural gas, and transportation fuels, for the California Energy Policy Report. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero emission vehicles (ZEV) and their infrastructure needs, and encouragement of urban designs that reduce VMT and accommodate pedestrian and bicycle access.

The CEC is in the process of updating the 2020 Integrated Energy Policy Report.[23] The 2020 Integrated Energy Policy Report provides the results of the CEC's assessments of a variety of energy issues facing California. Many of these issues will require action if the State is to meet its climate, energy, air quality, and other environmental goals while maintaining energy reliability and controlling costs. The 2020 Integrated Energy Policy Report covers a broad range of topics, including transportation, microgrids, and the *California Energy Demand Forecast*.[24]

Building Codes

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), were established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2019 Title 24 updates went into effect on January 1, 2020. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[25]

[23] *California Energy Commission, 2021. 2020 Integrated Energy Policy Report. California Energy Commission. Docket # 20-IEPR-01. https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2020-integrated-energy-policy-report-update Accessed on March 16, 2021*

[24] *California Energy Commission, 2021. 2020 Integrated Energy Policy Report. California Energy Commission. Docket # 20-IEPR-01. https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2020-integrated-energy-policy-report-update Accessed on March 16, 2021*

[25] *California Building Standards Commission. CALGreen. Available at: https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen Accessed on March 16, 2021*

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for buildings in California. CALGreen is California's first green building code and first in the nation state-mandated green building code. The most recent updates to CALGreen went in to effect on January 1, 2020, and cover five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality.

City of Napa High-Performance Building Regulations

The City of Napa has adopted high performance building regulations for new development that address planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. While based on CALGreen, these regulations also include some more stringent local amendments as summarized in Napa Municipal Code Chapter 15.04.

General Plan policies related to energy that are applicable to the Project include the following:

> ***LU- 11.1 –*** The City shall create Green Building Initiatives to encourage or require new development and rehabilitation projects to incorporate sustainable practices, green building techniques, energy conservation and recycling measures, alternate and renewable energy producing systems.
>
> ***LU- 11.2 –*** The City shall incorporate green building practices into City facilities, and integrate energy efficiency and conservation into City functions.

Environmental Setting

Energy resources include electricity, natural gas, and other fuels. In 2019, California was the nation's top producer of electricity from solar, geothermal, and biomass energy, and the state was second in the nation in conventional hydroelectric power generation.[26] The production of electricity requires the consumption or conversion of energy resources, including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources, into energy. Energy production and energy use both result in the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emission of pollutants. Energy capacity, or electrical power, is generally measured in watts while energy use is measured in watt-hours. For example, if a light bulb has a capacity rating of 100 watts, the energy required to keep the bulb on for 1 hour would be 100 watt-hours (Wh). In 2019, the CEC reported that Napa County consumed approximately 1,042.999221 gigawatt-hours (GWh) of electricity, (1 GWh = 1,000,000,000.72 Wh).[27]

PG&E is the City of Napa energy utility, providing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2019, renewable energy facilities including solar, wind, geothermal, and biomass provided 29 percent of PG&E's electricity

[26] *US Energy Information Administration. State Profile and Energy Estimates. California. 2018. Available at: https://www.eia.gov/state/?sid=CA#tabs-1 Accessed on March 16, 2021*

[27] *California Energy Commission, 2019. Energy Consumption Data Management Service. Electricity Consumption by County. Available at:< www.ecdms.energy.ca.gov/elecbycounty.aspx > Accessed on March 16,2021.*

delivered to customers; nuclear plants provided 44 percent; hydroelectricoperations provided 27 percent.[28]

Discussion of Impacts

a) ***Less-Than-Significant Impact*** Construction of the proposed Project would require energy for the manufacture and transportation of construction materials, preparation of the site, and construction. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. Construction activities are not anticipated to result in an inefficient use of energy as gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the Project. Energy usage on the Project site during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources. Energy use consumed by the proposed Project would be associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with the Project. Therefore, the proposed Project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. By complying with the mandatory provisions of CALGreen that pertain to energy consumption and energy efficiency, and implementation of the proposed green building features, the Project would not result in wasteful, inefficient, or unnecessary consumption or wasteful use of energy resources. Construction and operation impacts related to consumption of energy resources would be less than significant.

b) ***Less-Than-Significant Impact.*** Energy usage on the Project site during construction would be temporary in nature. In addition, energy usage associated with operation of the proposed Project would be relatively small in comparison to the State's available energy sources and energy impacts would be negligible at the regional level. Because California's energy conservation planning actions are conducted at a regional level, and because the Project's total impact to regional energy supplies would be minor, the proposed Project would not conflict with California's energy conservation plans as described in the CEC's 2020 Integrated Energy Policy Report.

As discussed above, although the Project would use energy, the Project would comply with the CALGreen Building Code, the Napa General Plan and the City of Napa Municipal Code, and the City's High-Performance Building Regulations. Compliance with CALGreen and the City's High-Performance Building Regulations would be verified at the time of Building Permit. Therefore, the proposed Project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation and this impact would be less than significant.

[28] *PG&E. "Exploring Clean Energy Solutions." Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page?WT.mc_id=Vanity_cleanenergy Accessed on March 16, 2021.*

VII. **GEOLOGY AND SOILS** — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☒	☐
	ii) Strong seismic ground shaking?	☐	☐	☒	☐
	iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
	iv) Landslides?	☐	☐	☒	☐
b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

The following discussion is based, in part, on a Geotechnical Engineering Investigation (Geotechnical Investigation) prepared for the proposed Project by CTE CAL, Inc. in July 2020. A copy of the Geotechnical Investigation is attached as Appendix G to this Initial Study/Mitigated Negative Declaration. The proposed Project has been designed based on the recommendations of the Geotechnical Investigation.

Regulatory Setting

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act ensures public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction.

Seismic Hazards Mapping Act

Following the 1989 Loma Prieta earthquake, the Seismic Hazards Mapping Act (SHMA) was passed. The SHMA directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. It also requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the identified hazard is present and requires the inclusion of measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) contains the regulations that govern the construction of buildings in California and prescribes standards for constructing safer buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared by a licensed professional for proposed developments to evaluate seismic and geologic conditions that may affect a project, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2019 CBC.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. These resources are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it will disturb or destroy a unique paleontological resource or site or unique geologic feature.

City of Napa Policy Resolution No. 27

The City of Napa adopted Policy Resolution 27 originally in August 1992 and has most recently amended the Resolution in December 2002. The Resolution includes the City's standard

mitigation measures that are imposed on all development projects, unless otherwise authorized by the City. Any or all of the mitigation measures listed in Resolution 27 may be imposed as conditions of Project approval. The mitigation measures are periodically updated, as needed. The following geology and soils measures listed in Resolution No. 27 are applicable to the proposed Project:

- All project-related grading, trenching, backfilling and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications.
- All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).
- Developer shall provide an erosion and sediment control plan and a schedule for implementation of approved measures to the Public Works Director for approval with the first improvement plans submitted for review. No grading and excavation shall be performed except in accordance with the approved plan and schedule.
- Hydroseeding of all disturbed slopes shall be completed by October 1; Developer shall provide sufficient maintenance and irrigation of the slopes such that growth is established by November 1.

Environmental Setting

Regional Geologic Setting

Napa County lies within the Coast Ranges geomorphic province of California, a region characterized by active seismicity, steep, young topography, and abundant land sliding and erosion owing partly to its relatively high annual rainfall. The regional base rock consists of sedimentary, igneous, and metamorphic rock of the Jurassic-Cretaceous age (65-190 million years ago) Franciscan Complex and marine sedimentary strata of the Great Valley Sequence, which is of similar age. Within central and northern California, the Franciscan and Great Valley rocks are locally overlain by a variety of late Cretaceous and Tertiary-age sedimentary and volcanic rocks which have been deformed by episodes of folding and faulting. The youngest geologic units in the region are Quaternary-age (last 1.8 million years) sedimentary deposits. These unconsolidated deposits partially fill many of thevalleys of the region.

Local Geologic Setting

The Project site lies within the Napa Valley, which lies within the Coast Ranges Geomorphic province of California. The Project site is overlying a transitional zone with Holocene stream deposits to the west and Late Holocene stream deposits to the east. Basin and river sediments constitute the typical depositional history. The most recent deposits consist of Holocene alluvium from present day creeks and rivers, such as the Napa River to the west of the Project site.

Based on geologic reconnaissance and observations made within the test borings, alluvial materials encountered during the investigation are considered to be consistent with Quaternary basin deposits as shown on published geologic map of the “Geologic Map of the Napa 7.5’ Quadrangle, Napa County, California”, prepared by Clahan, K. B. et al. (2004).

The mapped area shows the site within three surficial geologic units, Stream Terrace deposits < 1,000 yrs (Qhty), Stream Terrace deposits < 10,000 yrs (Qht), and Alluvium < 30,000 yrs (Qoa). The Qhty unit representing the west portion of the site, was deposited by stream terraces as point bar and overbank deposits along the Napa River, composed of moderately sorted clayey sand and sandy clay with gravel.

The Qht unit, underlying the north section of the site, was deposited by stream terraces as point bar and overbank deposits, composed of moderately to well-sorted and bedded sand, gravel, silt, and minor clay. The east section of the site is underlain by the Qoa unit, which is composed of consolidated sand, silt, clay, and gravel. Topography is moderately rolling with little or no original alluvial surfaces preserved, deeply dissected.

Discussion of Impacts

a-i) ***Less-Than-Signficant Impact.*** Surface fault rupture occurs when the ground surface is broken due to fault movement during an earthquake. Fault rupture is generally expected to occur along active fault traces. Areas susceptible to fault rupture are delineated by the California Geological Survey (CGS) Alquist-Priolo Earthquake Fault Zones. The Alquist-Priolo Earthquake Fault Zoning Act's (AP Act) main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The AP Act requires specific geological investigations prior to certain kinds of development to reduce the threat to public health and safety and to minimize the loss of life and property posed by earthquake-induced ground failure. According to the Geotechnical Investigation, the Project site is not within a State of California-designated Alquist-Priolo Earthquake Fault Studies Zone,[29] and no known active fault traces shown on published hazard mapping underlie or project toward the Project site. According to the California Division of Mines and Geology, a fault is active if it displays evidence of activity in the last 11,000 years.[30] Therefore, the potential for surface rupture from displacement or fault movement directly beneath the proposed improvements is considered low. The nearest active fault to the Project site is the West Napa Fault, located approximately 1.95 miles west of the Project site. Therefore, the Project's impact on people and structures related to fault rupture is less than signficant

a-ii) ***Less-Than-Signficant Impact.*** Based on the Geotechnical Investigation, geologic hazards at the Project site are primarily limited to those caused by violent shaking from earthquake generated ground motion waves. The Project site is not in an Alquist-Priolo special studies zone, however it is less than two miles from the West Napa Fault hazard zone. The Project would be required to comply with the provisions of the 2019 California Building Code (CBC), which contains requirements for structural design, including seismic design specifications. Compliance with the mandatory building code structural specifications, as well as adherence to Geotechnical Investigation recommendations, would result in structures that would adequately resist adverse effects from seismic ground shaking. Therefore, impacts associated with strong seismic ground shaking would be less than significant.

a-iii) ***Less-Than-Significant Impact.*** The Project site is not located within a seismic hazard zone for susceptibility to liquefaction. Liquefaction occurs when saturated gravels, sands and/or silts lose their physical strength temporarily during earthquake induced shaking and behave as a liquid. This is due to loss of point-to-point grain contact and transfer of normal stress to the pore water. Liquefaction potential varies with water level, soil type,

[29] *California Department of Conservation. Fault Activity Map. Available at: http://maps.conservation.ca.gov/cgs/fam*

[30] *Hart, Earl W., Revised 2007, "Fault-Rupture Hazard Zones in California, Alquist Priolo, Special Studies Zones Act of 1972," California Division of Mines and Geology, Special Publication 42.*

material gradation, relative density, and probable intensity and duration of ground shaking.[31] The CGS has designated certain areas within California as potential liquefaction hazard zones. These mapped areas are considered at risk of liquefaction-related ground failure during a seismic event based upon mapped surficial deposits. The Project site is not currently mapped for potential liquefaction hazard by the CGS.[32] However, according to the Geotechnical Investigation, the site deposits encountered consisted of loose to medium dense clayey to silty gravel (GC-GM) and silty to clayey sands (SM) which appear to be susceptible to seismic compression upon shaking and therefore a seismic settlement analyses (graphically represented in Appendix G of the Geotechnical Investigation) was conducted. The seismic settlement analysis examined the relative depth of the liquefiable deposits and the thickness of the capping layer in comparison to the thickness of the liquefiable layer and concluded that any surface settlements should be expected to be minimal. Therefore, impacts related to liquefaction would be less than significant.

a-iv) ***Less-Than-Significant Impact.*** According to the analyses completed for the Geotechnical Investigation, and based on information available on the CGS website,[33] the Project site is not currently mapped within a State of California Seismic Hazard Zone for seismically induced landsliding. In addition, the Project site and surrounding terrain within the valley is relatively gently sloping; therefore, seismically induced and/or other landslides are not considered a significant hazard at the Project site, and impacts would be less than signficant.

b) ***Less-Than-Significant Impact.*** Soil erosion could occur during Project grading and construction. Compliance with the State Water Resources Control Board's Construction General Permit, including preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP), as well as compliance with the City's Policy Resolution No. 27, would ensure that the proposed Project would result in less-than-significant impacts related to erosion or loss of top soil during construction of the Project. The State permit requires the implementation of erosion control measures in order to prevent soil erosion and the resulting sedimentation or other pollution of nearby bodies of water. Because the Project would implement applicable erosion and sediment control measures during construction, the potential impact related to soil erosion or the loss of topsoil would be less than significant. During operation of the Project, the ground surface of the Project site would be covered by buildings, pavement surfaces, and landscaping, and therefore would not be susceptible to substantial erosion or loss of top soil. Therefore, this impact would be less than significant.

c) ***Less-Than-Significant Impact.*** As previously discussed in subsections a-iii) and a-iv) above, impacts related to lateral spreading and landslides are considered less than significant. The Project site is not currently mapped for potential liquefaction hazard by the

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[31] *Geotechnical Engineering Investigation (Geotechnical Investigation) prepared by CTE CAL, Inc. in July 2020*

[32] *California Geological Survey website:* *http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps*

[33] *California Geological Survey website: http://maps.conservation.ca.gov/cgs/lsi/*

CGS. However, according to the Geotechnical Investigation, the site deposits encountered consisted of loose to medium dense clayey to silty gravel (GC-GM) and silty to clayey sands (SM) which appear to be susceptible to seismic compression upon shaking and therefore a seismic settlement analyses (graphically represented in Appendix G of the Geotechnical Investigation) was conducted. The seismic settlement analysis examined the relative depth of the liquefiable deposits and the thickness of the capping layer in comparison to the thickness of the liquefiable layer and concluded that any surface settlements should be expected to be minimal. Additionally, the Project would be designed in accordance with the 2019 CBC and recommendations of the Geotechnical Investigation which include measures to address the potential for liquefaction and seismic-induced settlement impacts related to unstable soils. Because the Project would be constructed in accordance with Project-specific recommendations contained in the Project-specific Geotechnical Investigation, the potential impact related to seismic-related ground failure, including liquefaction, would be less than significant.

d) ***Less-Than-Significant Impact.*** Expansive soils are characterized by the potential for shrinking and swelling as the moisture content of the soil decreases and increases, respectively. Shrink-swell potential is influenced by the amount and type of clay minerals present and can be measured by the percent change of the soil volume. The Geotechnical Investigation identifies undocumented fills underlying the Project site which are not considered adequate for support of moderately loaded structures with conventional shallow foundations in their current condition and therefore are the major geologic and geotechnical concern with regard to the potential development of the Project site. The Geotechnical Investigation includes design and construction recommendations that have been developed based on the noted Project site conditions.

Compliance with the mandatory building code structural specifications, as well as adherence to the recommendations in the Geotechnical Investigation, would ensure that potential impacts related to expansive soils would be less than significant.

e) ***No Impact.*** The Project would not involve the use of septic tanks or alternative wastewater disposal systems. Therefore, the Project would have no impact related to septic tanks or alternative wastewater disposal systems.

f) ***Less-Than-Significant Impact***. Paleontological resources include fossilized remains or traces of organisms including plants, vertebrates (animals with backbones), invertebrates (e.g., starfish, clams, ammonites, and marine coral), and microscopic plants and animals (microfossils), including their imprints, from a previous geological period. Collecting localities and the geologic formations containing those localities are also considered paleontological resources as they represent a limited, non-renewable resource and once destroyed, cannot be replaced. The Society of Vertebrate Paleontology (SVP) has established guidelines for the identification, assessment, and mitigation of adverse impacts on non-renewable paleontological resources. The SVP has helped define the value of paleontological resources and, in particular, states that significant paleontological resources are fossils and fossiliferous deposits consisting of identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils, and other data that provide taxonomic, phylogenetic, paleoecologic, stratigraphic, and/or biochronologic information. Paleontological resources are considered to be older than recorded human history and/or older than middle Holocene (i.e., older than about 5,000 years).

The Project would not require modification of any known unique geologic features. Should Project work occur in native, non-fill soils, the potential for unique paleontological resources to be encountered is expected to be low because this area is associated with a relatively new geomorphic landscape (due to past flooding of Napa River and Tulocay Creek). In the event of inadvertent discovery of paleontological resources during construction, the contractor would be required to follow regulated procedures outlined in Public Resources Code § 5097.5 for evaluating and protecting paleontological resources. This would include halting construction in order for a professional paleontologist to evaluate the find for its scientific value or uniqueness, as well as recovery of the resource for any necessary treatment that is consistent with currently accepted scientific practices. Any fossils collected from the area would then be deposited in an accredited and permanent scientific institution where they will be properly curated and preserved. Because of the low potential for paleontological resources to be encountered and because of the measures to prevent direct or indirect destruction that the contractor would be required to follow, the impact to such unanticipated resources would be less than significant.

VIII. GREENHOUSE GAS EMISSIONS — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☒	☐	☐
b)	Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Environmental Setting

Climate change refers to change in the Earth's weather patterns, including the rise in temperature due to an increase in heat-trapping greenhouse gases (GHGs) in the atmosphere. According to the California Air Resources Board (CARB), some of the potential effects of increased GHG emissions and the associated climate change may include loss in snow pack (affecting water supply), sea level rise, more frequent extreme weather events, more large forest fires, and more drought years. In addition, climate change may increase electricity demand for cooling, decrease the availability of hydroelectric power, and affect regional air quality and public health.[34]

The primary GHG emissions of concern are carbon dioxide, methane, and nitrous oxide. Other GHGs of concern include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, but their contribution to climate change is less than 1 percent of the total GHGs that are well mixed (i.e., that have atmospheric lifetimes long enough to be homogeneously mixed in the troposphere).[35] Each GHG has a different global warming potential. For instance, methane traps about 21 times more heat per molecule than carbon dioxide. As a result, emissions of GHGs are reported in metric tons of carbon dioxide equivalents (CO_2e), where each GHG is weighted by its global warming potential relative to carbon dioxide. Carbon dioxide emissions dominate the GHG inventory in the San Francisco Bay Area Air Basin, accounting for more than 90 percent of the total CO_2e emissions reported.[36]

Regulatory Framework

State

In 2005, Governor Schwarzenegger issued Executive Order S-3-05, which states that California is vulnerable to the effects of climate change, including reduced snowpack in the Sierra Nevada Mountains, exacerbation of California's existing air quality problems, and sea level rise. To address these concerns, the executive order established the following statewide GHG emissions reduction targets:

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[34] *California Air Resources Board (CARB), 2017. The 2017 Climate Change Scoping Plan Update, January 20.*

[35] *Intergovernmental Panel on Climate Change, 2013. Climate Change 2013, the Physical Science Basis.*

[36] *Bay Area Air Quality Management District, 2017. Final 2017 Clean Air Plan, Spare the Air, Cool the Climate. April 19.*

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

In 2006, Governor Schwarzenegger signed Assembly Bill (AB) 32, the California Global Warming Solutions Act, which requires California to reduce statewide GHG emissions to 1990 levels by 2020. In December 2008, the CARB adopted the Scoping Plan, which outlines a statewide strategy to achieve AB 32 goals.

In 2015, Governor Brown issued Executive Order B-30-15, which set a statewide GHG emissions reduction target of 40 percent below 1990 levels by 2030. This target is in addition to the previous GHG emissions reduction targets established in Executive Order S-3-05 for 2010, 2020, and 2050. In September 2016, Governor Brown signed Senate Bill (SB) 32, which codifies the GHG emissions reduction target in Executive Order B-30-15.

As required by Executive Order B-30-15 and SB 32, CARB updated the Scoping Plan to identify measures to meet the 2030 target. The revised scoping plan was adopted December 14, 2017 and builds upon the initial scoping plan initiatives used for achieving 2020 targets, such as implementation of sustainable communities strategies, low-carbon fuel standards, and the renewable portfolio standard. The Plan also supports policies that promote building efficiency; renewable power investment; clean and renewable fuels; vehicle emissions; walkable/bikeable communities with transit; cleaner freight and goods movement; reducing pollutants from dairies, landfills, and refrigerants; and capping emission from transportation, industry, natural gas, and electricity sources.

The State regulates energy consumption under Title 24 Building Standards Code, Part 6 of the California Code of Regulations (also known as the California Energy Code). The Title 24 Building Energy Efficiency Standards were developed by the California Energy Commission and apply to energy consumed for heating, cooling, ventilation, water heating, and lighting in new residential and nonresidential buildings. The California Energy Code is updated every three years, with the most recent iteration (2019) effective as of January 1, 2020.

Title 24 Building Standards Code, Part 11 of the California Code of Regulations is referred to as the California Green Building Standards Code (CALGreen Code). The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) planning and design; (2) energy efficiency; (3) water efficiency and conservation; (4) material conservation and resource efficiency; and (5) environmental air quality.

Local

The City of Napa does not have a Climate Action Plan. Some of the goals, actions, and policies from the City's General Plan are relevant to GHG emissions from new developments. However, the City has not adopted a citywide GHG emissions reduction goal in the existing planning documents.

The City of Napa has adopted high performance building regulations for new development that address planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality based on the California Green Building Standards Code (CALGreen).

Discussion of Impacts

a) ***Less-Than-Significant with Mitigation Incorporated.*** The BAAQMD recommends GHG thresholds in the most recent version of the CEQA Air Quality Guidelines.[37] The BAAQMD's GHG thresholds were developed to evaluate stationary sources and whether land-use sector projects would comply with the statewide 2020 GHG reduction goal under AB 32 to reduce GHG emissions to 1990 levels.[38] The scientific soundness of the thresholds is supported by substantial evidence presented in the BAAQMD's Revised Draft Options and Justification Report.[39] In September 2016, SB 32 was signed into law to expand upon AB 32 to require the State to reduce GHG emissions to at least 40 percent below 1990 levels by 2030. The BAAQMD is in the process of updating their CEQA Guidelines to include revised significance thresholds to evaluate long-term GHG reduction goals beyond 2020.

As discussed above, the City of Napa has not adopted any GHG emissions reduction goal beyond 2020. The proposed Project would be constructed and would operate after 2020. Therefore, in the following analysis, an interim threshold of significance for the Statewide 2030 GHG reduction goal was used instead of the BAAQMD's 2020 GHG thresholds of significance.

To evaluate the significance of GHG emissions from construction and operation of the Project, the following two-step approach was used in this analysis:

1. Assess transportation related GHG emissions using a combination of quantitative and qualitative targets; and
2. Assess non-transportation GHG emissions using an efficiency metric based on the Statewide adopted 2030 target for GHG emissions.

According to Section XVII, Transportation, the total vehicle miles traveled (VMT) for the proposed Project was quantified and compared to the zero-growth threshold recommended by the Governor's Office of Planning and Research for compliance with SB 743; a bill that requires projects to evaluate transportation impacts to "more appropriately balance the need of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions." Section XVII, Transportation, concluded that the Project would result in a less-than-significant impact on VMT with the implementation of Mitigation Measure TRANS-1 which requires that a transit and travel demand management (TDM) program be implemented for the Project. Therefore, transportation related GHG emissions from the project would not have a significant impact with implementation of Mitigation Measure TRANS-1.

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[37] Bay Area Air Quality Management District (BAAQMD), 2017. CEQA Air Quality Guidelines, May.

[38] Bay Area Air Quality Management District (BAAQMD), 2010. Proposed Air Quality CEQA Thresholds of Significance, May 3.

[39] Bay Area Air Quality Management District (BAAQMD), 2009. Revised Draft Options and Justification Report; California Environmental Quality Act Thresholds of Significance, October.

All GHG emissions from non-transportation sectors (construction, building energy use, water, wastewater, solid waste) proposed by the Project have been compared to an efficiency metric for 2030 for this analysis. Efficiency thresholds are quantitative thresholds that are based on a measurement of GHG efficiency for a given project, regardless of the total amount of mass emissions. Projects that attain an efficiency target, with or without mitigation, would result in less than significant GHG emissions. The statewide efficiency metric used in this analysis is based on the annual GHG emissions divided by the service population, which is the sum of people who live (residents) and work (employees) in the State. As shown in Table 9, an interim 2030 GHG efficiency threshold of 1.5 metric tons of carbon dioxide equivalent per service population ($MTCO_2e/SP$) was established to evaluate this Project.

Table 9: Statewide Non-Transportation GHG Efficiency Thresholds

	1990 (Baseline Year)	2020[b]	2030[c]
Population	29,758,213	44,135,923	42,850,000
Employment	14,294,100	20,194,661	19,109,000
Service Population[a]	44,052,313	64,330,584	61,959,000
GHG Reduction Goal	--	0%	40%
GHG Mass Emission Goals ($MTCO_2e$)	157,550,000	157,550,000	94,530,000
Non-Transportation GHG Efficiency Threshold ($MTCO_2e/SP$)	**3.6**	**2.4**	**1.5**

Notes: $MTCO_2e$ /SP= metric tons of carbon dioxide equivalent per service population; "--"= not applicable

[a] Service population was estimated based on the projected population and employment.

[b] Bay Area Air Quality Management District (BAAQMD), 2009. Revised Draft Options and Justification Report: California Environmental Quality Act Thresholds of Significance. October.

[c] The California Economic Forecast, 2018. California-County Level Economic Forecast 2018-2050. September.

Both Project construction and operation would generate GHG emissions. The BAAQMD recommends using the most current version of the California Emissions Estimator Model (CalEEMod version 2016.3.2) to estimate construction and operation emissions for a land use project. CalEEMod uses widely accepted models for emission estimates combined with appropriate default data for a variety of land use projects that can be used if site-specific information is not available. The default data (e.g., emission factors) are supported by substantial evidence provided by regulatory agencies and a combination of statewide and regional surveys of existing land uses and resources. The primary input data used to estimate emissions associated with construction and operation of the Project are conservatively based on the maximum project development scenario, as shown in Table 10 below. Project emissions were estimated for 2022, which is the earliest expected year of operation.

Table 10: Summary of CalEEMod Land Use Input Parameters for the Proposed Project

Project Land Use	CalEEMod Land Use	Units	Unit Amount
Commercial (Department Store Retail)	Regional Shopping Center	Square feet	55,000
Commercial (Multi-Tenant Retail)	Regional Shopping Center	Square feet	9,800
Commercial (Dining)	Fast Food Restaurant with Drive-through	Square feet	4,970
Parking	Parking Lot	Space	303

Note: The Project site is 7.03 acres.
Sources: Appendix A.

Additional site-specific information for the Project used to calculate GHG emissions in CalEEMod, including changes to default data, is summarized in Table 11

Table 11: Summary of Project-Specific Assumptions for CalEEMod

CalEEMod Input Category	Construction Assumptions and Changes to Default Data
Construction Schedule	CalEEMod applies default equipment usage and construction phase lengths based on the findings of a survey of construction projects less than 5 acres, and combine the equipment usage and construction phase lengths for projects more than 5 acres. Therefore, the default equipment usage and construction phase lengths for a 7-acre lot were used to estimate the total hours of equipment operation (and associated emissions) required to construct the project.
Material Movement	Approximately 50,000 cubic yards of soil would be exported off-site.
Demolition*	21,750 square feet of existing structures on Project site would be demolished.
Utility Provider[a]	The default 2008 CO_2 intensity factor for Pacific Gas and Electric (641 pounds per megawatt hour) was updated to the most recent CO_2 intensity factor verified by a third party in 2018 (206 pounds per megawatt hour). The reduction in CO2 intensity factor was mainly attributable to added renewable energy. Nearly 70% of Pacific Gas and Electric (PG&E's) power came from greenhouse-gas free sources such as nuclear, renewables, and hydroelectric.
Vehicle Trips	Daily trip rates for each type of land use were adjusted according to the project traffic analysis for the proposed Project (see Section XVII. Transportation). These trip estimates accounted for a pass-by trip reduction of 49 percent for the restaurant land use.
Electricity	The default energy use is based on the 2016 Building Energy Efficiency Standards. The 2019 Building Energy Efficiency standard will reduce electricity use by 10.7% in commercial buildings. The lighting efficiency will also reduce by 20.2% for the retail land use and 41.8% for the restaurant land use.[b]
Wastewater	No septic tank or lagoons would be used on the Project site for wastewater treatments.

Solid Waste	The average annual diversion rate for solid waste disposal in the City of Napa is currently about 75%.[c] The default solid waste disposal rates for commercial/industrial land uses in CalEEMod are based on statewide surveys conducted in 1999[d] and 2005.[e] The statewide waste diversion rate in 2005 was about 52%.[f] Therefore, the default disposal rate was reduced by 48% to account for the equivalent 75% annual average diversion rate currently reported for the City of Napa.

Notes: Default CalEEMod data was used for all other parameters not described.

[a] Pacific Gas and Electric Company (PG&E), 2020. Fighting Climate Change. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/fighting-climate-change/fighting-climate-change.page. Accessed on June 24, 2020.

[b] California Energy Commission, 2018. Impact Analysis: 2019 Update to the California Energy Efficiency Standards for Residential and Non-Residential Buildings. June 29.

[c] City of Napa, 2021. Recycling and Solid Waste Division. Available at: https://www.cityofnapa.org/488/Recycling-Solid-Waste. Accessed on March 17, 2021.

[d]California Integrated Waste Management Board, 1999. Statewide Waste Characterization Study Results and Final Report, December.

[e]California Integrated Waste Management Board, 2006. Targeted Statewide Waste Characterization Study: Waste Disposal and Diversion Findings for Selected Industry Groups, June.

[f] California Department of Resources Recycling and Recovery (CalRecycle), 2019. California's Estimated Statewide Diversion Rates Since 1989. Available at: https://www.calrecycle.ca.gov/LGCentral/GoalMeasure/DisposalRate/Graphs/EstDiversion/, accessed on June 26, 2019.

Source: Appendix A.

**These buildings were removed from the Project site in 2021 before the Project application was filed with the City; therefore, this analysis provides a conservative analysis if the buildings were still on-site.*

The construction CO_2e emissions were annualized over a period of 40 years and then added to the expected CO_2e emissions during operation. For this analysis, the service population was estimated as 145 employees for the Project.[40] As shown in Table 12, the average annual non-transportation CO_2e emissions per service population for the project was compared to the interim 2030 GHG threshold of significance. The non-transportation CO_2e emissions per service population generated by the project would be below the 2030 non-transportation GHG efficiency threshold of 1.5 metric tons CO_2e per service population. Therefore, construction and operation of the Project would have a less-than-significant impact on global climate change.

[40] *WRA, Inc, 2021. Email communication titled: Napa Soscol Square Responses to RFI; from Reida Khan at WRA, Inc to Ivy Tao at Baseline Environmental Consulting. February 11, 2021.*

Table 12: Summary of Average GHG Emissions

Emissions Scenario	CO_2e (MT/Year)	CO_2e (MT/Year/Service Populations)
Project Construction and Operations Excluding Transportation		
Construction[a]	18.9	0.13
Operation – Area	<0.1	<0.01
Operation – Energy	142.0	0.98
Operation – Waste	32.8	0.23
Operation – Water	8.1	0.06
Total Project Non-Transportation Emissions	**202**	**1.39**
Interim 2030 GHG Threshold of Significance	--	1.5
Exceed Threshold?	**--**	**No**

Notes: MT = metric tons; SP = service population

[a] GHG emissions during construction are amortized over 40 years.
Source: See Appendix A.

b) ***Less-Than-Significant Impact.*** The interim 2030 GHG efficiency threshold used in this analysis was designed to ensure compliance with the State's AB 32 and SB 32 GHG reduction goals, which are set forth in the California Air Resources Board's (CARB's) Climate Change Scoping Plan. Since the non-transportation GHG emissions from the Project would be below the interim 2030 GHG efficiency threshold, and the transportation related GHG emissions would have a less-than-significant impact, it can be assumed that the Project is consistent, and not in fundamental conflict, with the CARB's Scoping Plan.

The adopted Plan Bay Area[41] serves as the Sustainable Community Strategy for the Bay Area. Because the Project site is located in a Priority Development Area and the Project would support the needs of nearby residents and workers in an area served by public transit, and planned for new homes, jobs, and community amenities, the Project furthers, and is not in conflict with, Plan Bay Area's GHG reduction targets.

As discussed in the Environmental Setting, City of Napa does not have a climate action plan. However, the Project would be required to comply with the City's High Performance Building Regulations.[42][43] Overall, the Project would not conflict with applicable GHG plans, policies or regulations and this impact would be less than significant.

[41] *Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), 2017. Plan Bay Area 2040. Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area 2017–2040. Adopted July 26.*

[42] *City of Napa. High Performance Building Regulations. Available at: https://www.cityofnapa.org/579/High-Performance-Building-Regulations*

[43] *City of Napa. Non-Residential Napa High Performance Building Water Efficiency and Conservation Checklist Available at: https://www.cityofnapa.org/DocumentCenter/View/1221/Napa-High-Performance-Building-NON-RESIDENTIAL-Checklist---Water-Efficiency-and-Conservation-PDF?bidId=*

IX. **HAZARDS AND HAZARDOUS MATERIALS** — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Regulatory Setting

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency or if it has characteristics defined as hazardous by such an agency. A hazardous material is defined in Title 22, Section 66261.10 of the California Code of Regulations as a substance with physical, chemical, or infectious characteristics which may cause or contribute to mortality or illness or pose a threat to human health or the environment when mismanaged. Chemical and physical properties which may cause a substance to be considered hazardous include toxicity, ignitability, corrosivity, and reactivity.

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development

include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies are responsible for implementation and enforcement. The City of Napa Fire Department is responsible for inspecting facilities containing toxic and/or hazardous materials.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. The California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Cortese List (Government Code Section 65962.5)

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the state, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and CalRecycle. The Project site is not on the Cortese List.[44]

Environmental Setting

Hazmat Report (Conceptual Site Model Report)

PSI prepared a Conceptual Site Model Report (CSM) for the Project site (Appendix B). According to the CSM report, the Project site is currently listed as an active Spills, Leaks, Investigations, and Cleanup (SLIC) case due to historical release of hydraulic oil to the subsurface associated with former underground hydraulic lifts used at a former automobile dealership previously located on the site. The SLIC case is under the regulatory oversight of the San Francisco Bay Regional Water Quality Control Board (RWQCB) Case Number 28S0069.

The Project site is also listed as a closed Leaking Underground Storage Tank (LUST) site due to historical release of waste oil to the subsurface associated with a former underground storage tank (UST) used at a former automobile dealership (Barwick Chrysler/Plymouth) previously located on the site. The LUST case was under the regulatory oversight of the Napa County Department of Environmental Management (NCDEM), referenced under Local Oversight Program (LOP) site number 052 and RWQCB Case Number 28-0048.

The CSM summarizes information regarding the Project site, including; current and past usage of the site and surrounding areas; geologic and hydrogeologic setting; petroleum hydrocarbon release at the site; historical and current environmental activities and conditions; contaminant sources and transport and exposure pathways; and other issues that are related to understanding

[44] *DTSC. "Hazardous Waste and Substances Site List (Cortese)". Available at: < https://calepa.ca.gov/SiteCleanup/CorteseList/> Accessed on March 19, 2021*

the potential health and environmental risks posed by the residual hydrocarbons at the Project site.

Based on the findings in the CSM, PSI recommended that additional investigation be performed to help close the data gaps regarding the issues identified in the CSM. As described below, the recommended work is presented in PSI's Workplan for Site Investigation, dated April 15, 2020, and the Project site has been fully remediated based on the recommendations.

Soil Remediation

PSI prepared a Soil Excavation Report for the Project site (Appendix B). On January 11, 12, and 20, 2021, soil excavation of impacted soil from around the former hoists and the residual soil associated with the former waste-oil UST were removed down to the depth of groundwater. Initial confirmation soil sampling, performed on January 12, 2021, indicated TPH and VOC concentrations that were reflective of residual petroleum hydrocarbon impact. Two of the confirmation soil samples had TPH and VOC concentrations greater than commercial Environmental Screening Levels (ESLs), so on January 20, 2021, additional soil removal and confirmation sampling were completed. The confirmation samples collected on January 20, 2021 had TPH and VOC concentrations below commercial ESLs. Following the January 20, 2021 confirmation sampling, all sidewall confirmation samples representing remaining soil were below the commercial ESLs, and so no further excavation was deemed necessary. The three excavations were subsequently backfilled with clean imported soil. Based on these results, source removal for the former hydraulic hoists and the former waste-oil UST has been completed.

Discussion of Impacts

a) ***Less-Than-Significant Impact.*** Although small quantities of commercially-available hazardous materials could be used during Project construction activities (e.g., oil, gasoline, paint) and for landscape maintenance within the Project site, these materials would not be used in sufficient quantities to pose a threat to human or environmental health. The Project would include the use and storage of on-site of cleaning supplies and maintenance chemicals in small quantities. No other hazardous materials would be used or stored on-site. The small quantities of cleaning supplies and materials would not pose a risk to site users or adjacent land uses. Therefore, development of 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.

b) ***Less-Than-Significant Impact.*** According to the CSM, if construction or other activities are performed at the Project site that include excavations down to levels of residual contamination in soil or groundwater, construction workers could be exposed through direct (dermal) contact.

According to the CSM, if construction is planned at the Project site that includes excavation down to levels of greater than 5 feet (below ground surface) bgs, where residual soil contamination greater than the ESLs may reasonably expected to be encountered (within and adjacent to the footprint of the now demolished service bay building) a health and safety plan and a soil management plan should be implemented to minimize the possibility of worker exposure. Regardless of the current and future use at the subject site, construction or other activities that reach this depth are not expected. Therefore, it is concluded in the CSM that this type of exposure is unlikely (Appendix B). No other potential sensitive receptors were identified within 2,000 feet of the Project site. As discussed above, the Project site has been fully remediated based on the recommendations presented in PSI's Workplan for Site Investigation, dated April 15, 2020.

For these reasons, development of the Project would not result in a significant hazard to the public or the environment involving the release of hazardous materials.

c) ***No Impact.*** There are no public schools located within one-quarter mile of the Project site. Shearer Elementary School is the closest school to the Project site, located approximately 0.75 miles west/northwest of the Project site. Fuels, lubricants, and any other potentially hazardous materials used during Project construction would be handled carefully in compliance with all applicable laws and regulations and would have little to no chance of affecting the school. Given that Shearer Elementary School is located more than one-quarter mile from the Project site, it is unlikely that the school would be affected by the use of fuels, lubricants, and other chemicals on the Project site. Therefore, there would be no impacts.

d) ***Less-Than-Significant Impact.*** According to the California DTSC EnviroStor database, the Project site is not included on the list of hazardous material sites compiled pursuant to Government Code Section 65962.5. The Project site is also not listed on the Cortese List.[45] The Project site is listed on the Water Board's GeoTracker database (Napa County - Case #: HF-E 2195).[46] According to the GeoTracker database, the Project site had been used as an automotive sales and repair facility for several decades prior to 2018. The soil and groundwater have been impacted with gasoline, diesel, waste oil, tetrachloroethene, and hydraulic oil from such operations. In January 2021, impacted soil from around the former hoists and the residual soil associated with the former waste-oil UST was excavated down to the depth of groundwater. The excavation was limited by the building. Napa County "closed" the former 333 Soscol Avenue UST issue when it was removed and cleaned up. It was stipulated then that upon building demolition the contaminated soils from underneath the building needed to be removed. According to the Soil Excavation Report (Appendix B), confirmation soil sampling indicated that all sidewall confirmation samples representing remaining soil were below the commercial ESLs, so no further excavation was deemed necessary. That work has been completed as of February 2021. As discussed above, the Project site has been fully remediated based on the recommendations presented in PSI's Workplan for Site Investigation, dated April 15, 2020. Since the Project site has been fully remediated, impacts would be less than significant.

e) ***No Impact.*** The closest airport to the Project site the Napa County Airport, located is approximately 5 miles south of the Project site. The Project site is outside of the Airport Influence Area.[47] Therefore, the proposed Project would not result in a safety hazard or excessive noise for people residing or working in the Project area due to the proximity of an airport.

f) ***Less-Than-Significant Impact.*** The proposed Project would not alter or block adjacent roadways; therefore, implementation of the Project would not be expected to impair the

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[45] *DTSC. "Hazardous Waste and Substances Site List (Cortese)". Available at: < https://calepa.ca.gov/SiteCleanup/CorteseList/> Accessed on March 19, 2021*

[46] *State Water Resources Control Board. GeoTracker database. Available at: https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000008932 Accessed on March 30, 2021*

[47] *Napa County Airport Land Use Commission. Airport Land Use Compatibility Plan. 1999. Available at: https://www.countyofnapa.org/DocumentCenter/View/1980/Airport-Land-Use-Compatibility-Plan-PDF Accessed on March 19, 2021*

function of nearby emergency evacuation routes. Development of the site under the proposed Project would not physically interfere with an adopted emergency response or evacuation plan.

g) ***Less-Than-Significant Impact.*** The proposed Project site is not located within any state responsibility areas (SRA) for fire service, and is not within a very high fire hazard severity zone.[48] The Project site is located in an incorporated local responsibility area (LRA)[49] with very little slope. Therefore, the proposed Project would not expose people or structures to a significant loss, injury, or death involving wildland fires.

[48] *California Fire Hazard Severity Zone. Web Mapping Application. Available at: https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414 Accessed on: March 11, 2021*

[49] *CAL FIRE. 2007. Fire Hazard Severity Zones in SRA. Available at: https://osfm.fire.ca.gov/media/6730/fhszs_map28.pdf Accessed on: March 11, 2021*

X. HYDROLOGY AND WATER QUALITY — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
	i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
	ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
	iii) create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
	iv) impede or redirect flood flows?	☐	☐	☒	☐
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Regulatory Setting

Executive Order 11988 – Floodplain Management

Executive Order 11988 requires federal agencies to avoid to the extent possible the long and short- term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. Inaccomplishing this objective, "each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health,

and welfare, and torestore and preserve the natural and beneficial values served by flood plains in carrying out its responsibilities" for the following actions:

- acquiring, managing, and disposing of federal lands and facilities;
- providing federally-undertaken, financed, or assisted construction and improvements;
- conducting federal activities and programs affecting land use, including but not limited towater and related land resources planning, regulation, and licensing activities.

Water Quality Overview

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws that regulate water quality. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards (RWQCB). The Site is within the jurisdiction ofthe San Francisco Bay RWQCB.

Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan or "Basin Plan". The Basin Plan lists the beneficial uses that the RWQCB has identifiedfor local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a city's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements are to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Phase II Small Municipal Separate Storm Sewer Systems General Permit

The SWRCB issued a General Permit for the Discharge of Storm Water from Small Municipal Separate Storm Sewer Systems (MS4s) (Order 2003-0005-DWQ) to provide permit coverage for smaller municipalities. The City of Napa is permitted under the state's Phase II Small MS4 General Permit. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb morethan 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The permit requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater

treatment features aimed to maintain or restore the site's natural hydrologic functions. The permit also requiresthat stormwater treatment measures are properly installed, operated and maintained.

In addition to water quality controls, the permit requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases inpeak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, orare infill projects in subwatersheds or catchments areas that are greater than or equal to 65 percent impervious.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) in order to reduce impacts of flooding on private and public properties. The programprovides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRM) that identify Special Flood Hazard Areas (SFHA). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100- year flood.

Dam Safety

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.[50] Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level. In accordance with the state Dam Safety Act, dams are inspected regularly and detailed evacuation procedures have beenprepared for each dam.

The City's dams are located at the Lake Hennessey (Conn Creek Dam), Milliken and Eastside Reservoirs; another dam is located at the State-owned Rector Reservoir.

As part of its comprehensive dam safety program, the Napa County Flood Control and Water Conservation District routinely monitors and studies the condition of each of its four dams.

Envision Napa 2020

The City's General Plan policies related to hydrology and water quality materials and are applicable to the Project include the following:

> ***NR-1.4*** *– The City shall review all future waterway improvement projects (e.g., flood control, dredging, private development), as well as all projects that are within 100 feet of the waterway, to ensure that they protect and minimize effects on the riparian and aquatic habitats. The City shall also encourage native plantings along the river and creek banks to stabilize the banks, reduce sedimentation, reduce stormwater runoff volumes, and enhance aquatic habitats.*

[50] *State of California. 2013. 2013 State Hazards Mitigation Plan. Accessed April 23, 2018. http://hazardmitigation.calema.ca.gov/plan/state_multi-hazard_mitigation_plan_shmp.*

NR-4.7 – *Encourage design of projects to avoid covering creeks and drainageways whenever possible.*

HS-2.1–*The City shall seek to minimize grading and impermeable surfaces in high-erosion areas. If grading or impermeable surfaces are necessary, they shall be properly engineered and drained to reduce runoff and erosion.*

HS-3.2–*The City shall continue to apply flood plain management regulations for development in the floodplain and floodway*.

City of Napa Policy Resolution No. 27

The City of Napa adopted Policy Resolution 27 originally in August 1992 and has most recently amended the Resolution in December 2002. The Resolution includes the City's standard mitigation measures that are imposed on all development projects, unless otherwise authorized by the City. Any or all of the mitigation measures listed in Resolution 27 may be imposed as conditions of Project approval. The mitigation measures are periodically updated, as needed. The following hydrology and water quality measures listed in Resolution No. 27 are applicable to the proposed Project:

- To insure adequate drainage control, the Developer of any project which introduces new impervious surfaces (roof, driveways, patios) which will change the rate of absorption of drainage or surface run-off shall submit a drainage and grading plan designed in accordance with Policy Resolution No. 17 and the City of Napa Public Works Department Standard Specifications to the Public Works Department for its approval.
- If the project is in the Flood Hazard or Floodway Areas of the Napa River or its tributaries, Developer shall submit Certifications of Compliance by a registered architect or civil engineer required by NMC Chapter 17.62 to the Public Works Department at the times set forth in Chapter 17.62.
- Side yards of each lot shall have of a minimum unobstructed width of five (5) feet. No building encroachments, door landings or mechanical equipment shall be placed in this unobstructed area without the review and approval of the Public Works Director in order to assure adequate drainage.
- For any construction activity that results in the disturbance of five (5) acres or greater total land area, or is part of a larger common plan of development that disturbs five (5) acres or greater total land area, Developer shall file a Notice of Intent with the California Regional Water Quality Control Board ("SWRCB") prior to any grading or construction activity. In the event construction activity for the project occurs after the SWRCB has changed its General Permit for construction activity to cover disturbance(s) of one (1) acre or more, this measure shall apply to any construction activity for this project which results in the disturbance of one (1) acre or greater total land area, or is part of a larger common plan of development that disturbs one (1) acre or greater total land area.
- The Developer shall ensure that no construction materials (e.g., cleaning fresh concrete from equipment) are conveyed into the storm drain system. The Developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system.
- All materials that could cause water pollution (i.e., motor oil, fuels, paints, etc.) shall be stored and used in a manner that will not cause any pollution. All discarded material and any accidental spills shall be removed and disposed of at an approved disposal site.

- The Developer of an industrial facility shall file a Notice of Intent in accordance with the State General Permit with the State Water Resources Control Board prior to establishment of the use.
- All construction activities shall be performed in a manner that minimizes, to the maximum extent practicable, any pollutants entering directly or indirectly the storm water system or ground water. The Developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system.
- Unless otherwise provided, all measures included in project approval pursuant to NMC Chapter 17.60 (CR suffix and flood evacuation) shall be installed or carried out prior to final clearance of the building permit or concurrently with the installation of site improvements in the case of a subdivision map.
- Developer shall meet the requirements of discharging to a public storm drainage system as required to ensure compliance by the City with all state and federal laws and regulations related to storm water as stipulated in the Clean Water Act. Developer shall meet the requirements of the National Pollutant Discharge Elimination System ("NPDES") permit in effect prior to completion of project construction for storm water discharges from the municipal storm water system operated by the City of Napa. Developer shall comply with the Storm Water Pollution Mitigation Plan ("SWPMP") submitted by Developer as part of its application as (modified and) approved by the Director of Public Works.
- Developer shall mark all new storm drain inlets with permanent markings, which state "No Dumping-Flows to River." This work shall be shown on improvement plans.
- Developer shall record a plan for long-term private maintenance acceptable to the Director of Public Works and the City Attorney for any structural storm water pollution removal devices or treatment control BMP incorporated as part of the project. The plan shall comply with City and SWRCB requirements including, but not limited to, a detailed description of responsible parties, inspections, maintenance procedures for the detention system, including monitoring and documentation of annual report to the Public Works Department and procedures for enforcement. Appropriate easements or other arrangements satisfactory to the Public Works Director and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to approval of the final/parcel map or issuance of a building permit, whichever comes first.

Environmental Setting

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non- point source pollutants, are washed from streets, construction-sites, parking lots, and other exposed surfaces into storm drains. Urban stormwater runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Surface water in the Napa Valley sub-basin is dominated by the Napa River, fed by its many ephemeral, intermittent, and more notable perennial surface water tributaries. The nearest waterway to the Project site is Tulocay Creek, located just outside the southern border of the Project site.

The Project site is located within the Napa Valley Groundwater Basin (Napa Valley sub-basin). In the Napa Valley sub-basin, groundwater recharge primarily occurs via infiltration and deep percolation of rainfall and applied irrigation water (i.e., the volume of total water applied to the land surface (naturally or otherwise) minus the amount evaporated and/or transpired by native vegetation, crops, bare ground, or hardscape areas. Precipitation falling on upland areas adjacent to the Napa Valley canalso contribute groundwater to the Napa Valley sub-basin via percolation and lateral movement.

Recharge of groundwater also occurs through surface water infiltration of water flowing within stream and river channels, occurring during times and at locations where groundwater levels are below the stream stage.

According to the Hydrology Calculation Report and Stormwater Control Plan (Appendix F) the existing Project site encompasses approximately seven acres and is along the north bank of Tulocay Creek, a tributary of the Napa River. The most recent previous uses of the Project site were an auto dealership at the southern portion and a retail shop at the most northern parcel, at the corner of Soscol Avenue and Gasser Drive. The Project site is devoid of all existing buildings and utilities, and cleaned of all known contaminants (i.e., gasoline, diesel, waste oil, tetrachloroethene, and hydraulic oil). The Project site was transferred to the new developer with only the existing pavement and some trees remaining (Appendix F).

Existing storm water drainage consists of 1.74 acres of level, asphalt concrete (AC) paved surface, that sheet flows overland to the south, to an outfall curb cut to the banks of Tulocay Creek. An additional 4.43 acres of 60% level, AC pavement and 40% earthen mound, drains overland to an existing area drain at the northwest corner of the site. The Final 0.73 acres is 100% level, AC paved surface, located at the northeast corner of the site, at the intersection of Soscol Ave. and Gasser Drive, and drains to an existing area drain at the frontage of Gasser Drive. There are very little existing trees or landscaping. The existing soil type is Class D, Silty Clay. The entire Project site is above the flood elevation, in Zone AE (Appendix F).

Discussion of Impacts

a) ***Less-Than-Significant Impact.*** No Project activities are proposed to occur directly within Tulocay Creek. However, Project construction activities have the potential to degrade water quality as a result of erosion caused by earthmoving activities during construction or the accidental release of hazardous construction chemicals. If not properly managed, construction activities could result in erosion, as well as the discharge of chemicals and materials, such as concrete, mortar, asphalt, fuels, and lubricants. Applicable water quality standards and waste discharge requirements could be violated, and polluted runoff could substantially degrade water quality.

The proposed Project would disturb greater than one acre of land, and therefore would be required to obtain coverage under the Construction General Permit (State Water Board Order 2009-0009-DWQ) (General Permit). On-site construction activities subject to the General Permit include clearing, grading, excavation, and soil stockpiling. The Construction General Permit requires the development of a Stormwater Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer. A SWPPP identifies all potential pollutants and their sources, including erosion, sediments, and construction materials and must include a list of BMPs to reduce the discharge of construction-related stormwater pollutants. A SWPPP must include a detailed description of controls to reduce pollutants and outline maintenance and inspection procedures. Typical sediment and erosion control BMPs include protecting storm drain inlets, and establishing and maintaining construction exits and perimeter controls to avoid tracking sediment off-site

onto adjacent roadways. A SWPPP also defines proper building material staging and storage areas, paint and concrete washout areas, describes proper equipment/vehicle fueling and maintenance practices, measures to control equipment/vehicle washing and allowable non-stormwater discharges, and includes a spill prevention and response plan. The SWPPP must also include a construction site monitoring program. Depending on the project risk level, the monitoring program would involve visual observations of site discharges, water quality monitoring of site discharges (e.g., pH, turbidity, and non-visible pollutants, if applicable), and receiving water monitoring (e.g., pH, turbidity, suspended sediment concentration, and bioassessment, if applicable). Compliance with the requirements of the Construction General Permit would ensure that construction activities do not adversely affect runoff water quality that could result in a violation of water quality standards. Because the Project would implement applicable erosion, sediment and pollution control measures during construction, the potential impact related to degrading water quality would be less than significant.

The Project would include use of low impact development (LID) techniques to provide a sustainable storm water management approach. All site runoff would be treated by means of bioretention facilities placed throughout the site to capture the runoff from the parking lot and building roofs. Bioretention areas would be sized for hydromodification and flow control per County of Napa standards to account for the additional flow generated by the new development. The Project design proposes collection and conveyance of storm water to four on-site retention basins that would treat storm water runoff generated from Project hardscapes (Figure 14). Since the proposed Project would conform to the City's Policy Resolution No. 27 and Napa Countywide a SWPPP, operation of the Project would be in compliance with the local storm water requirements and operational impacts would be less than significant.

b) ***Less-Than-Significant Impact.*** The San Francisco Bay Basin Water Quality Control Plan (Basin Plan)[51] establishes beneficial water uses for waterways, water bodies, and groundwater basins within the region and is a master policy document for managing water quality in the region. A groundwater basin is defined as a hydrogeologic unit containing one large aquifer or several connected and interrelated aquifers. An aquifer can be defined as a saturated geologic unit that contains sufficient permeable thickness to yield significant quantities of groundwater to wells and springs. Groundwater may also occur outside of aquifers and currently identified groundwater basins. The Project site is located within the Napa Valley Groundwater Basin (Napa Valley sub-basin).

Following construction, the domestic water supply for the Project would be provided by the City of Napa's municipal water system, and the landscape irrigation supply for the Project would be provided in the form of recycled water from the Napa Sanitation District. Therefore, the Project would not utilize or decrease groundwater supplies at the Project site. In relation to groundwater recharge, the Project would result in the installation of new impervious surfaces on the Project site. However, the Project would incorporate open areas, such as bioretention areas and landscaped areas conforming to Napa County stormwater management standards. Although the Project would increase the amount of

[51] *San Francisco Regional Water Quality Control Board (Regional Water Board), 2017. San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan). Incorporating all amendments as of May 4.*

impervious surface at the site compared to existing conditions, such increases are not anticipated to impact the ability of water to infiltrate into the ground given the proposed on-site LID stormwater management systems, including stormwater bioretention areas. The Project's minimal effect on groundwater recharge would not interfere substantially with groundwater recharge at the Project site. The impact would be less than significant.

Although no use of groundwater is proposed as part of the Project, some dewatering could be required during construction depending on the depths of excavations and depth to groundwater at the time. This dewatering would be temporary and limited to the areas of the excavation and would focus on the uppermost shallow groundwater zone. Therefore, potential impacts related to depletion of groundwater supplies would be less than significant.

c-i) ***Less-Than-Significant Impact.*** The Project would not alter the course of a stream or a river. Compliance with the Construction General Permit during construction activities would ensure that the proposed Project would not result in substantial erosion or siltation during construction. During operation of the proposed Project, the ground surface of the Project site would be covered by the proposed buildings, pavement surfaces, and landscaped areas, and there would not be exposed soil surfaces that could be susceptible to erosion.

Construction of the proposed Project would not substantially alter the drainage pattern of the site or surrounding area. The Project would convey runoff water to four stormwater treatment areas on-site. The Project would conform to the Napa Countywide Stormwater Pollution Prevention Program, which would remove pollutants and reduce the rate and volume of runoff from the Project site, reducing the potential for erosion or siltation on and off the site. For these reasons, redevelopment of the Project site would improve the water quality of runoff from the Project site and would not exceed the capacity of the existing storm drainage system serving the Project site.

In addition to complying with the City's Policy Resolution No. 27, the Project is subject to Provision E.12 of the State's Phase II Small MS4 Permit, as the Project site would increase impervious surfaces by more than 10,000 square feet. Consistent with Provision E.12, the Project proposes to reduce the flowrate of stormwater and remove stormwater pollutants from the site by installing stormwater site design and treatment control measures. The Project proposes to install bioretention facilities that would temporarily detain and release stormwater (Figure 13). Therefore, the Project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.

Existing drainage in the Project area is dominated by Tulocay Creek, which flows west to the Napa River. The design and layout of the drive aisle and parking pavement areas have been optimized to minimize the required pavement area. Due to the commercial nature of the Project site, pervious pavement is not likely to be used on this site. The drainage elements are integrated into parking islands and landscape buffers. The bioretention swales and ponds are part of the visual esthetics of the landscape street frontage. No Pervious or Permeable pavement is proposed for the Project, rather, the post-Project impervious surface area is shown to increase by approximately 27,400 square feet, or roughly, 0.6 acres (Appendix F). The preservation of natural drainage features is a key goal for this Project. The adjacent Tulocay Creek will have a Class 1 regional trail that is designed based on City of Napa Parks guidelines. The drainage of the trail and its surrounding area will sheet flow towards the creek, to minimize engineered intrusions such as inlet structures and promote a natural appearance to the area. Source control BMPs

proposed for the Project are bioretention ponds and swales and raised treatment planters. Additionally, the construction of LID stormwater management systems, including proposed bioretention treatment areas, would result in a decrease in stormwater runoff from the Project site. Therefore, the Project would have a less-than-significant impact related to substantial erosion or siltation on- or off-site associated with changing the drainage pattern of the Project site.

c-ii) ***Less-Than-Significant Impact.*** As discussed under criteria b) and c-i) above, although the Project would create new impervious surface, it is not anticipated that the additional runoff generated by the proposed improvements would result in flooding on- or off-site (ensured by the Project's SWPPP and compliance with the City's Policy Resolution No. 27). Stormwater generated as a result of the new impervious surfaces would be captured by the proposed permanent stormwater bioretention features (Figure 13). The stormwater components would be installed in order to retain the increase in stormwater runoff to mimic pre-development hydrologic conditions. According to the Hydrology Calculation Report and Stormwater Control Plan (Appendix F), source control BMPs proposed for the Project are bioretention ponds and swales and raised treatment planters. Additionally, the construction of LID stormwater management systems, including proposed bioretention treatment areas, would result in a decrease in stormwater runoff from the Project site. The components and drainage infrastructure would work with the existing topography of the Project site and would not significantly alter the existing drainage pattern of the Project site. Implementation of the on-site storm water infrastructure would ensure the planned stormwater drainage system has adequate capacity to serve the Project. Additionally, the proposed storm water bioretention features would provide water quality treatment prior to the storm water entering the off-site drainage system. Therefore, the Project would not impede or redirect flood flows, and the impact related to on-or off-site flooding, exceeding the capacity of the storm water drainage system or providing additional sources of polluted runoff would be less than significant.

c-iii) ***Less-Than-Significant Impact.*** As discussed under criteria c-i) and c-ii) above, although the proposed Project would increase the area of impervious surfaces, the management of stormwater runoff using LID stormwater management systems and bioretention treatment areas would result in a decrease in stormwater runoff from the Project site compared to existing conditions. Therefore, the Project would have a less-than-significant impact related to exceeding the capacity of stormwater drainage systems.

Compliance with existing stormwater regulations including the Construction General Permit, the City's Policy Resolution No. 27, and the Project's SWPPP, as described under criterion a) above, would ensure that the Project would have a less-than-significant impact related to contributing additional sources of polluted runoff.

c-iv) ***Less-Than-Significant Impact.*** The Project site is not located within a 100-year flood hazard zone as mapped by Federal Emergency Management Agency (FEMA).[52] The entire Project site is above the flood elevation, in Zone AE. Based on FEMA flood zone

[52] *FEMA Flood Map Service Center; "Napa County California and Incorporated Areas", Flood Zone Map No. 06055C0517F, September 2010.*

maps for Napa County, California and Incorporated Areas, Map No. 06055C0517F,[53] the majority of the Project site is located in a designated zone, "Other Areas - Zone X", areas determined to be outside the 0.2 percent chance of flooding to a depth of less than 1-foot in a given year, which corresponds to a 500-year flood plain, meaning it does not reside within a 500-year flood plain. Portions of the Project site near the northwest corner are located in a designated zone, "Other Areas of Flood Hazard – Zone X", areas determined to be within the 0.2 percent chance of flooding. Since the Project site is located in a 500-year flood hazard zone as mapped by FEMA, the chance of flooding at the Project site in any given year is 0.2 percent. Due to the low risk of flooding at the Project site, the Project would have a less-than-significant impact related to impeding or redirecting flood flows.

d) ***Less-Than-Significant Impact.*** Based on the Project site's location, elevation, and tsunami hazard mapping from the California Geologic Survey (CGS) and California Department of Conservation website,[54] the Project site is not in a tsunami inundation hazard zone. In addition, oscillatory waves (seiches) are considered unlikely due to the absence of large confined bodies of water in the Project site area. The Project site is located in a relatively flat developed area and the potential for mudflows is considered unlikely. Therefore, the risk of releasing pollutants due to Project inundation would be less than significant.

e) ***No Impact.*** The Project site is located within the area subject to the San Francisco Bay Water Quality Control Board's Basin Plan (Basin Plan). The Basin Plan lists action plans and policies to achieve water quality objectives, protect present and future beneficial water uses, protect public health, and prevent nuisance. As described under criteria a) above, the Project will comply with applicable stormwater standards and permits that are specifically designed to reduce potential water quality impacts to a less-than-significant level. The Project as proposed would not conflict with or obstruct implementation of the regional Basin Plan. Therefore, no impact related to obstruction of the Basin Plan would result.

As described in criteria b) above, the Project would not utilize or decrease groundwater supplies at the Project site or substantially interfere with groundwater recharge. The Napa Valley Groundwater sub-basin is not presently subject to a Sustainable Groundwater Management Plan. There are no site-specific standards for groundwater management within the Napa Valley sub-basin that the Project would conflict with. No impact would result.

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[53] *FEMA Flood Map Service Center; "Napa County California and Incorporated Areas", Flood Zone Map No. 06055C0517F, September 2010.*

[54] *The California Department of Conservation. California Tsunami Maps and Data. Available at: https://www.conservation.ca.gov/cgs/tsunami/maps Accessed on March 30, 2021*

XI. LAND USE AND PLANNING — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Physically divide an established community?	☐	☐	☐	☒
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Regulatory Setting

The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying area. For instance, the construction of an interstate highway through an existing community may constrain travel from one side of the community to another; similarly, such construction may also impair travel to areas outside the community.

The City of Napa General Plan Envision 2020

The City of Napa General Plan Envision 2020 document was adopted December 1, 1998. The General Plan formalizes a long-term vision for the physical evolution of Napa and outlines policies, standards, and programs to guide day-to-day decisions concerning Napa's development through the year 2020.

The Land Use Element of the General Plan identifies 12 planning areas within the City of Napa's Rural Urban Limit (RUL). According to the General Plan, the proposed Project is located within the Soscol Planning Area:

> *Soscol Planning Area*
>
> The Soscol Planning Area is a largely underdeveloped area located just east of the Napa River bounded by Imola on the south, Pearl Street on the north, with Soscol Avenue and Silverado Trail on the west. Closest to downtown, between Pearl and Third, this area includes a mix of very old and newer homes, duplexes, mixed commercial uses and remnant industrial uses. Older industrial uses also extend south, between the River and Soscol Avenue. Most of this planning area is highly constrained by potential flooding. Because new development triggers the requirement to meet high cost flood mitigation standards, there has been very little new investment in the older stock of industrial and other uses located in this area. The flooding concern has also prevented development on some of the larger vacant parcels closest to the river.
>
> In addition to older industrial uses, much of the city's auto-related services are located along Soscol Avenue, as well as new and used car lots and auto repair services. The State-owned Napa County Exposition fairgrounds are also located in this Planning Area between Silverado Trail and Soscol Avenue, south of Third Street. A major new commercial shopping center is near completion (1998) at the southeastern tip of this area at the northwest corner of Soscol and Imola Avenues.

General Plan goals and policies related to land use that are applicable to the Project include the following:

Goal LU-5: *To encourage attractive, well-located commercial development to serve the needs of Napa residents, workers, and visitors*

> ***Policy LU-5.1:*** *The City shall seek to improve the character and viability of commercial areas and allow for a range of goods and services convenient to Napa residents through planning and zoning incentives.*
>
> ***Policy LU-5.2:*** *The City shall restrict or impose conditions on significant traffic-generating land uses along crucial corridors. When feasible, the City shall seek to improve the appearance and internal integration of existing strip commercial areas by implementing the following:*
>
> > *a. When new development is proposed or when an opportunity arises due to use changes within an existing strip area, the City shall encourage shared parking and access (reducing curbcuts), shared design features, shared signing, consistent landscape treatments across frontages, and other integrating features.*
> >
> > *b. The City shall not permit the development of new strip commercial areas lacking appropriate access control, or extensions of existing areas along arterials and collectors through development at the terminus of existing commercial strips.*
> >
> > *c. To reduce the impacts of existing commercial uses on crucial corridors and other major streets, the City may not allow certain uses generating significant traffic.*
>
> ***Policy LU-5.4:*** *The City shall permit expansion of compatible commercial uses adjacent to residential areas only when such expansion will be appropriately buffered and site design will preclude the introduction of nonresidential traffic into the neighborhood.*
>
> ***Policy LU-5.8:*** *The City shall encourage automobile-oriented uses to locate parking in areas less visible from the street (e.g., reverse frontage commercial centers).*

City of Napa Zoning Ordinance

As a long-range planning document, the General Plan outlines long-term visions, policies, and actions designed to shape future development within Napa. The Zoning Ordinance serves as an implementing tool for the General Plan by establishing detailed, parcel-specific development regulations and standards in each area of the City. The proposed Project site is zoned CC for Community Commercial. This designation provides for commercial areas serving multiple neighborhoods or the entire community, including retail and service uses, restaurants, banks, entertainment, and offices. These areas should primarily be developed in shopping center configurations or as infill commercial uses in established community commercial areas. The FAR shall not exceed 0.40.[55]

City of Napa Policy Resolution No. 27

The City of Napa adopted Policy Resolution 27 originally in August 1992 and has most recently amended the Resolution in December 2002. The Resolution includes the City's standard

[55] *City of Napa General Plan. Envision Napa 2020. Policy Document. Chapter 1: Land Use. (2009). Available at: https://www.cityofnapa.org/DocumentCenter/View/445/Chapter-1---Land-Use-PDF Accessed on: March 16, 2021*

mitigation measures that are imposed on all development projects, unless otherwise authorized by the City. Any or all of the mitigation measures listed in Resolution 27 may be imposed as conditions of Project approval. The mitigation measures are periodically updated, as needed. The following land use and planning measures listed in Resolution No. 27 are applicable to the proposed Project:

- Developer shall comply with all requirements of federal, state, and local laws and regulations applicable to project construction and issuance of building permits.
- Developer shall comply with the monitoring/reporting check lists development pursuant to the City of Napa Resolution 96-153 regarding CEQA implementation procedures for both standard and project specific mitigation measures.
- Developer shall notify all employees and agents of the mitigation measures and conditions applicable to the Project and shall ensure compliance with such measures and conditions. Developer shall also notify all assigns and transferees of the same.

Environmental Setting

As in most cities, residential development is the predominant use in Napa. Commercial areas, including retail and service uses (medical and real estate offices, barber shops, and the like) and various types of other commercial uses (wholesale, food processing), occupy approximately 963 acres, or 8 percent, of the RUL.[56]

Napa's commercial land uses provide shopping and employment opportunities for its residents, employees, and visitors. Major commercial centers include downtown, the Soscol Avenue auto row, and commercial development along the city's major corridors. [57]

The site was previously developed for commercial use, and included an automobile dealership for many years, an architectural materials store, and other commercial uses. The site is currently vacant with no existing buildings. The proposed Project would redevelop the existing site for commercial retail and restaurant uses. More specifically, the proposed Project includes redeveloping the existing vacant site with a new retail center including: A Kohl's retail store building, a multi-tenant retail building, and a fast food restaurant with a drive-through in an area zoned for Community Commercial (CC) use.

Discussion of Impacts

a) ***No Impact.*** The proposed Project is located within an urban area in an existing commercial site. The Project site is bound by commercial properties to the north, by Tulocay Creek followed by commercial properties to the south, by Soscol Avenue followed by commercial properties to the east, and by undeveloped land (zoned multi-family residential) to the west. The proposed Project includes redeveloping the existing vacant site with a new retail center including: A Kohl's retail store building, a multi-tenant retail building, and a fast food restaurant with a drive-through in an area zoned for Community

[56] *City of Napa General Plan. Envision Napa 2020. Policy Document. Chapter 1: Land Use. (2009). Available at: https://www.cityofnapa.org/DocumentCenter/View/445/Chapter-1---Land-Use-PDF Accessed on: March 18, 2021*

[57] *City of Napa General Plan. Envision Napa 2020. Policy Document. Chapter 1: Land Use. (2009). Available at: https://www.cityofnapa.org/DocumentCenter/View/445/Chapter-1---Land-Use-PDF Accessed on: March 18, 2021*

Commercial (CC) use. Therefore, the Project would not physically divide an established community and no impact would occur.

b) ***Less-Than-Significant Impact.*** A project would have a significant impact if it were to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. The proposed Project is subject to several local policies, plans, and regulations, as described above, including the City's Policy Resolution No. 27. The City of Napa General Plan Land Use Map designates the Project site as Community Commercial (CC), located in the Soscol Planning Area, and the City's Zoning Map identifies the Project site as Community Commercial (CC). As the proposed Project does not substantially conflict with the intent of the City's General Plan or zoning regulations, the proposed Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and this impact would be less than significant.

XII. MINERAL RESOURCES — (USGS MRDS Map) Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Environmental Setting

Despite some historic mining activities, the geologic opportunities for future mineral extraction in Napa County are not clearly known, and state mineral resource zone (MRZ) maps do not exist for the bulk of Napa County. There are currently three mines in Napa County designated as active by the State Department of Conservation, Office of Mine Reclamation.

- Napa Quarry (Syar Industries, Inc.)
- Pope Creek Quarry (Don Wesner, Inc.)
- American Canyon Quarry (Syar Industries, Inc.) (initiated reclamation in July, 2007)

Only one of these, Napa Quarry, is a significant mine. Located on hill slopes southeast of the City of Napa, the Napa Quarry (formerly Basalt Rock Quarry) first opened in the early 1900s. Today it generates about 500,000 tons of basalt rock each year for use as concrete aggregate (Napa County General Plan, 2009). The Napa quarry is a Mineral Resource area located immediately south of the Napa State Hospital and extends east of the industrially-zoned area into agriculturally designated lands. A haul road links the quarry under SR 221 to a long narrow parcel accommodating offices, a batch plant, and rail and barge access (Napa County General Plan 2009). The proposed Project would be constructed on a previously disturbed site within the City of Napa, and is not located on a locally-important mineral resource recovery site.

Regulatory Framework

The Surface Mining Control and Reclamation Act

Requirements to the Surface Mining and Reclamation Act of 1975 state that cities and counties must adopt an ordinance(s) "which establishes procedures for the review and approval of reclamation plans and the issuance of a permit to conduct surface mining operations" (PRC Section 2774). The intent of this legislation is to ensure the prevention or mitigation of the adverse environmental impacts of mining, the reclamation of mined lands, and that the production and conservation of mineral resources are consistent with recreation, watershed, wildlife, and public safety objectives (PRC Section 2712).

Discussion of Impacts

a, b) ***No Impact.*** The Project site is not in or adjacent to any important mineral resources. The proposed Project is within a developed commercial area and does not contain any known or designated mineral resources. The closest Mineral Resource area to the Project is the Napa Quarry (Syar Industries, Inc.), and it is located approximately 1.5 miles southeast of the Project site. As such, development of the proposed Project would not result in the loss

of availability of a known mineral resource of value to the region or residents of the State, and there would be no impact related to the availability of mineral resources. Furthermore, the development of the proposed Project would not preclude future excavation of oil or minerals should such extraction become viable.

XIII. **NOISE** — Would the project result in:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Environmental Setting

Noise Concepts and Terminology

Noise is commonly defined as unwanted sound that annoys or disturbs people and can have an adverse psychological or physiological effect on human health. Sound is measured in decibels (dB), which is a logarithmic scale. Decibels describe the purely physical intensity of sound based on changes in air pressure, but they cannot accurately describe sound as perceived by the human ear since the human ear is only capable of hearing sound within a limited frequency range. For this reason, a frequency-dependent weighting system is used and monitoring results are reported in A-weighted decibels (dBA).

Groundborne Vibration Concepts and Terminology

Vibration is an oscillatory motion through a solid medium in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. Several different methods are used to quantify vibration. Typically, groundborne vibration generated by man-made activities attenuates rapidly with distance from the source of the vibration. Sensitive receptors to vibration include structures (especially older masonry structures), people (especially residents, the elderly, and sick), and vibration-sensitive equipment. Vibration amplitudes are usually expressed as either peak particle velocity (PPV) or the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous peak of the vibration signal. PPV is appropriate for evaluating potential damage to buildings, but it is not suitable for evaluating human response to vibration because it takes the human body time to respond to vibration signals. The response of the human body to vibration is dependent on the average amplitude of a vibration. The RMS of a signal is the average of the squared amplitude of the signal and is more appropriate for evaluating human response to vibration. PPV is normally described in units of inches per second (in/sec), and RMS is also often described in vibration decibels (VdB).

Noise-Sensitive Receptors in Project site Vicinity

Noise-sensitive receptors are defined as land uses where noise-sensitive people may be present or where noise-sensitive activities may occur. Examples of noise-sensitive land uses include residential, motels and hotels, schools, libraries, churches, hospitals and nursing homes.

The nearest noise-sensitive receptors are single-family residences located 175 feet east of the Project site, the Stoddard West apartments, located approximately 450 feet to the west of the Project site, and the Braydon Apartments, located approximately 650 feet northwest of the Project site.

Ambient Noise Environment

The primary existing source of noise in the vicinity of the Project site is traffic along Soscol Avenue, which runs north to south adjacent to the Project site. Based on the existing noise contour map in the Existing Conditions Report for the Napa 2040 General Plan, traffic noise levels range from 60 to 70 dBA Ldn at the Project site and its vicinity. [58,59]

Applicable Plans, Policies, and Regulations

The City of Napa General Plan Envision 2020

The General Plan includes the criteria for land use compatibility and acceptable noise levels in the City. Table 13 shows the land use categories that are applicable to the proposed Project.

The following relevant policies and implementation programs are contained within Chapter 8 Health and Safety of the General Plan:

- ***HS-9.1.*** *The City shall require new development to meet the exterior noise level standards set out in Table 13. For residential areas, these exterior noise guidelines apply to backyards; exceptions may be allowed for front yards where overriding design concerns are identified.*

Table 13: Land Use Compatibility for Community Noise Environments

	52.5	55	60	65	67.5	70	75	77.5	80	82.5
Residential - Low Density Single Family, Duplex, Mobile Homes										
Residential – Multi Family										
Office Buildings, Business Commercial										

[58] Dyett & Bhatia, 2019. Existing Conditions Report. March.

[59] Traffic noise levels were calculated based on peak hour intersection volumes collected in October 2018.

and Professional	
	NORMALLY ACCEPTABLE Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
	CONDITIONALLY ACCEPTABLE New construction or development should be undertaken after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.
	NORMALLY UNACCEPTABLE New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
	Clearly UNACCEPTABLE New construction or development clearly should not be undertaken.

Source: City of Napa. 1998. Envision Napa 2020, City of Napa General Plan Policy Document. Adopted December 1. Table 8-1.

- ***HS-9.2**. The City shall use CEQA and the development review processes to ensure that new development does not exceed City standards.*
- ***HS-9.3.** The City shall use traffic management techniques to reduce the level of noise in residential neighborhoods to "normally acceptable," as shown in Table 13.*
- ***HS-9.5.** The City shall continue to enforce state muffler and exhaust laws.*
- ***HS-9.6.** The City shall use the development and building permit review processes to site new construction in ways that reduce noise levels.*
- ***HS-9.8.** The City shall respond to noise complaints by suggesting noise mitigation measures, and using code enforcement procedures when necessary.*
- ***HS-9.9.** When feasible and appropriate, the City shall limit construction activities to that portion of the day when the number of persons occupying a potential noise impact area is lowest.*
- ***HS-9.10**. The City shall encourage new development to maintain the ambient sound environment as much as possible. The City shall require new transportation-related noise sources that cause the ambient sound levels to exceed the compatibility standards in Table 13 to incorporate conditions or design modifications to reduce the potential increase in the noise environment.*
- ***HS-9.11.** The City shall regulate construction in a manner that allows for efficient construction mobilization and activities, while also protecting noise sensitive land uses.*
- ***HS-9.12**. The City shall evaluate and modify as necessary the City's designated truck routes to minimize noise impacts for sensitive land uses.*
- ***HS-9.14.** The City shall encourage new development to identify alternatives to the use of sound walls to attenuate noise impacts. Appropriate techniques include site planning such as incorporating setbacks, revisions to the architectural layout such as changing building orientation to provide noise attenuation for portions of outdoor yards, and construction modifications. In the event that sound walls are the only practicable alternative, such walls*

should be designed to be as visually pleasing as possible, incorporating landscaping, variations in color and patterns, and/or changes in texture or building materials.

- ***HS-9.A.*** *The City shall require an acoustical analysis prior to approval of proposed development of new residential or other noise-sensitive land uses in a noise impacted area (greater than 60 dB CNEL), or a new use that could generate noise levels in excess of the normally acceptable range for adjacent noise-sensitive land uses. The acoustical analysis should be performed during the environmental review process so that noise mitigation may be an integral part of the project design. The acoustical analysis shall:*
    a. *Be the responsibility of the applicant.*
    b. *Be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics.*
    c. *Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions.*
    d. *Include estimated noise levels in terms of Ldn for existing and projected future (20 years hence) conditions, with a comparison made to the adopted policies of the Safety Element.*
    e. *Include recommendations for appropriate mitigation to achieve compliance with the adopted policies and standards of the Safety Element. Where the noise source in question consists of intermittent single events, the report must address the effects of maximum noise levels in sleeping rooms in terms of possible sleep disturbance.*
    f. *Include estimates of noise exposure after the prescribed mitigation measures have been implemented. If compliance with the adopted standards and policies of the Noise section of this chapter will not be achieved, acoustical information to support a statement of overriding considerations for the project must be provided.*
- *Responsibility: Planning Department*
- *Time Frame: Ongoing*

Napa Municipal Code

Section 8.08.025 establishes allowable hours of construction between hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. Machines or equipment may not be started up prior to 8:00 a.m., Monday through Friday; no delivery of materials or equipment may occur prior to 7:30 a.m. or past 5:00 p.m., Monday through Friday; no cleaning of machines or equipment may occur past 6:00 p.m., Monday through Friday; no servicing of equipment may occur past 6:45 p.m., Monday through Friday; and construction on weekends or legal holidays shall be limited to the hours of 8:00 a.m. to 4:00 p.m., unless a permit shall first have been secured from the City Manager, or designee.

City of Napa Policy Resolution No. 27

The City of Napa adopted Policy Resolution 27 originally in August 1992 and has most recently amended the Resolution in December 2002. The Resolution includes the City's standard mitigation measures that are imposed on all development projects, unless otherwise authorized by the City. Any or all of the mitigation measures listed in Resolution 27 may be imposed as conditions of Project approval. The mitigation measures are periodically updated, as needed. The following noise measures listed in Resolution No. 27 are applicable to the proposed Project:

- Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no start up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; no cleaning of machines nor equipment past 6:00 p.m., Monday through Friday; no servicing of equipment past 6:45 p.m., Monday through Friday.
- Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.
- Noisy stationary construction equipment, such as compressors, shall be place away from developed areas off-site and/or provided with acoustical shielding.
- Grading and construction equipment shall be shut down when not in use.

Discussion of Impacts

a) ***Less-Than-Significant with Mitigation Incorporated.***

Noise Exposure During Project Operation

Ambient noise levels range from 60 to 70 dBA Ldn at the Project site and its vicinity. These noise levels are within the range considered normally acceptable for Office Buildings, Business Commercial and Professional (52.5 to 70 dBA Ldn) according to the Land Use Compatibility Standards for the City (Table 13). Therefore, the impact related to land use compatibility is less than significant.

Noise Generated During Project Construction

The primary noise impacts from construction of the proposed Project would occur from noise generated by the operation of construction equipment on the Project site. Secondary sources of noise during construction would include increased traffic flow from the transport of workers, equipment, and materials to the Project site. The Napa Municipal Code does not have quantitative threshold for construction noise. For this analysis, a 10-dBA increase is considered a substantial increase in ambient noise because it is subjectively perceived as approximately a doubling in loudness.[60]

Noise from Construction Equipment

Construction is expected to occur over a period of approximately 18 months. Construction noise levels would vary from day to day, depending on a number of factors, including the quantity and condition of the equipment being used, the types and duration of activity being performed, the distance between the noise source and the receptor, and the presence or absence of barriers, if any, between the noise source and receptor.

Table 14 shows typical noise levels associated with various types of construction equipment that may be used during each phase of construction. A generally accepted approach to the assessment of construction noise includes calculating the estimated noise

[60] *California Department of Transportation (Caltrans), Division of Environmental Analysis, 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol. September.*

generated from the two noisiest pieces of equipment expected to be used in each construction phase and comparing the calculated noise levels with applicable thresholds.[61] The combined noise levels of the two noisiest pieces of equipment have been calculated to represent the noise impact from construction. Table 14 also shows construction noise levels at residences located 175 feet east of the Project site, which are the nearest noise-sensitive receptors.

Table 14: Construction Noise Levels at the Nearest Noise-Sensitive Receptors

Construction Phase	Equipment[a]	Reference Noise Level at 50 Feet (dBA Leq)[b]	Addition of Two Noisiest Pieces of Equipment at 50 Feet (dBA Leq)	Noise Level at the Nearest Noise-Sensitive Receptors at 175 feet (dBA Leq)[c]
Demolition	Concrete/Industrial Saws	83	85	74
	Excavators	81		
	Rubber Tired Dozers	81		
Site Preparation	Rubber Tired Dozers	81	84	73
	Tractors/Loaders/Backhoes	80		
Grading	Excavators	81	84	73
	Graders	81		
	Rubber Tired Dozers	81		
	Tractors/Loaders/Backhoes	80		
Building Construction	Cranes	77	83	72
	Generator Sets	79		
	Tractors/Loaders/Backhoes	80		
	Welders	69		
Paving	Pavers	82	85	74
	Paving Equipment	82		
	Rollers	78		
Architectural Coating	Air Compressors	76	76	65

Notes:

[a] Forklifts are not considered heavy construction equipment and therefore are not presented in the table.

[61] Federal Transit Administration (FTA), 2018. Transit Noise and Vibration Impact Assessment Manual, FTA Report No. 0123. September.

[b] Reference noise levels at 50 feet expressed in Leq were calculated based on the reference noise levels expressed in Lmax from FHWA Highway Construction Noise Handbook (U.S. Department of Transportation, 2006), taking into account the acoustical usage factors also from the Handbook.

[c] Based on reference noise levels at 50 feet, the following propagation adjustment was applied to calculate noise levels at 175 feet:

dBA2 = dBA1 + 10 Log10(D1/D2)^2

Where:

dBA1 is the reference noise level at a specified distance (in this case 50 feet).

dBA2 is the calculated noise level.

D1 is the reference distance (in this case 50 feet).

D2 is the distance from the equipment to the receiver.

Source: The types of construction equipment are based on the California Emissions Estimator Model (CalEEMod) equipment list (see Appendix A of the Air Quality section).

As indicated in Table 14, construction noise could have the potential to exceed ambient noise levels (ranging from 60 to 70 dBA Ldn) at the nearest noise-sensitive receptors by up to 14 dBA during paving, up to 13 dBA during site preparation and grading, up to 12 dBA during building construction, and up to 5 dBA during architectural coating. As noted above, a 10-dBA increase is considered a substantial increase in ambient noise for this analysis. Therefore, a substantial increase in ambient noise could occur during, paving, site preparation, grading, and building construction.

In addition, the days and hours that construction activity noise can occur are restricted by Section 8.08.025 of the Napa Municipal Code. Construction is permitted to occur between hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, which would prevent the disturbance of sleep at the majority of the neighboring residences.

Implementation of Mitigation Measures NOISE-1a through 1c would further reduce the potential noise impact to neighboring residences during daytime hours.

Mitigation Measure NOISE-1a: Notification

Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period.

Mitigation Measure NOISE-1b: Noise Complaint Tracking

Prior to the issuance of construction-related permit, the applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints pertaining to construction noise. These measures shall include, but are not limited to, (1) a sign posted on-site describing noise complaint procedures and a complaint hotline number; (2) designation of an on-site construction compliance and enforcement manager for the Project; (3) protocols of receiving, responding to, and tracking received complaints; and (4) maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.

Mitigation Measure NOISE-1c: Best Management Practices

Noise reduction measures shall be implemented to reduce noise impacts related to construction. Noise reduction measures include, but are not limited to, the following:

1. Equipment and trucks used for Project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds), wherever feasible.
2. Except as provided herein, impact tools (e.g., jack hammers and pavement breakers) used for Project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available; this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with required construction procedures.
3. Stationary noise sources shall be located as far from nearby receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate noise insulation barriers, or use other measures to provide equivalent noise reduction.

Compliance with Mitigation Measure NOISE-1a would require the notification of nearby receptors about the construction details. Many complaints occur because a resident or property owner was not aware that the construction activity would occur. Proper notification could potentially help receptors mentally prepare for the construction noise. Mitigation Measure NOISE-1b establishes a complaint tracking system that would provide documentation of noise disturbance and require a response to be taken. Rigorous implementation of Mitigation Measure NOISE-1c, which requires the best management practices, would also ensure that construction noise is minimized to the extent feasible. It should be noted that the use of heavy construction equipment would occur at different locations across the site. Although the nearest location where construction could occur is located about 175 feet from the nearest sensitive receptors, the furthest boundary of the Project site is located more than 1,000 feet away. A substantial increase in ambient noise would not occur if the two noisiest pieces of equipment are located 300 feet (or more) from the nearest sensitive receptors.[62] Based on the site plan, most proposed development is

[62] *The following propagation adjustment was used to estimate buffer distances that should be maintained for construction work so that construction noise levels would not result in a substantial increase in ambient noise:*

*dBA2=dBA1+10*log10(D1/D2)^2*

Where:

dBA1 is the unmitigated noise level at the nearest sensitive receptors.

dBA2 is the construction noise threshold (in this case 70 dBA).

D1 is the closest distance between the property line of the nearest sensitive receptor and the site perimeter (in this case 175 feet).

D2 is the buffer distance that should be maintained for construction work so that construction noise levels would not substantially increase ambient noise levels.

located more than 300 feet from the nearest sensitive receptors. Therefore, the operation of the two noisiest pieces of equipment within 300 feet from the nearest sensitive receptors would be of limited duration during the construction of the proposed Project. For these reasons, with implementation of Mitigation Measures NOISE-1a through 1c, as well as compliance with the City's Policy Resolution No. 27, the potential impact related to construction noise from construction equipment would be less than significant.

Noise from Increased Traffic Flow

Approximately 50,000 cubic yards of soil and debris would be hauled off-site during project construction. Conservatively assuming that all hauling trips would occur during scheduled grading activities, these truck trips could generate noise levels of up to approximately 61 dBA Leq.[63] As discussed above, the ambient noise levels range from 60 to 70 dBA Ldn. It is possible that noise from construction truck trips could increase ambient noise levels by 3 dBA, which is below the 10-dBA threshold for a substantial increase to occur. Therefore, the potential impact related to construction noise from increase traffic flow would be less than significant.

Noise Generated During Project Operation

Operational noise from the proposed Project would result primarily from off-site project-generated traffic and on-site stationary sources. An increase of 3 dBA are considered to be barely perceptible in outdoor environments. Consistent with Napa General Plan Housing Element EIR, an increase of the ambient noise levels by 3 dBA or more would be considered a substantial permanent increase in ambient noise levels.[64]

Off-site Traffic

The assessment of AM and PM peak hour traffic volumes at eight intersections near the Project site indicates that the highest traffic volume increase of 10 percent would occur along Gasser Drive between Peatman Drive and Soscol Avenue (from 79 trips to 87 trips per hour during the PM peak hour). Because sound pressure levels are calculated based on a logarithmic scale, traffic volume would need to be doubled (i.e., increase by 100 percent) before a 3-dBA increase would occur. Because the traffic volume on this segment would increase by 10 percent, noise increase would be less than 3 dBA. As this segment would have the greatest predicted increase in project-related traffic, noise increases along other roadway segments affected by the project would be less than 3 dBA. Because the project-generated traffic would result in less than 3 dBA increase in traffic noise at all intersections, the implementation of the project would not result in a significant increase in traffic noise along local area roadways.

Under cumulative conditions, which considers traffic generated by past, present, and probable future projects, including the Project, the assessment of AM and PM peak hour traffic volumes at eight intersections near the Project site indicates that the most impacted

[63] *CalEEMod-default duration of the grading phase was scaled assuming construction would last for 18 months. Hourly construction truck trips were calculated by dividing the total haul trips during grading by the total work hours during grading, assuming an 8-hour work day.*

[64] *City of Napa, 2014. Draft Environmental Impact Report, City of Napa General Plan Housing Element, City of Napa, Napa County, California. November 6.*

locations (the ones with a doubling of the existing traffic volumes or more) would occur along Saratoga Drive west of Soscol Avenue (from 52 trips to 288 trips per hour during the AM peak hour, and from 62 trips to 415 trips per hour during the PM peak hour). Because traffic volumes on these two segments would increase by more than 100 percent, noise increase would be more than 3 dBA, which is considered a significant cumulative impact. However, based on the distance of this roadway segment (where cumulative noise impacts are expected to occur) from the Project, the transportation analysis determined that the proposed Project would not add traffic to this segment and none of the cumulative increase is attributable to the proposed Project.[65] Therefore, the contribution of the proposed Project to the significant cumulative noise increase is less than cumulatively considerable.

On-site Stationary Sources

The proposed Project would include the installation of heating, ventilation, and air conditioning (HVAC) systems for the proposed building. Information regarding the noise-generating characteristics and locations of the equipment was not available at the time this analysis was conducted. Noise from typical commercial-scale HVAC system units can range from approximately 65 dBA to 75 dBA at 50 feet.[66] A typical commercial-scale HVAC system unit could generate noise of about 54 dBA to 64 dBA at the nearest noise-sensitive receptors located 175 feet east of the Project site.[67] Because ambient noise levels range from 60 to 70 dBA Ldn at the Project site and its vicinity, a typical commercial-scale HVAC system could increase ambient noise levels at the nearest noise-sensitive receptors to about 61 to 71 dB.[68] These noise levels are within the range considered conditionally acceptable (55 to 70 dBA Ldn) and normally unacceptable (70 to 75 dBA Ldn) for residential land uses according to the Land Use Compatibility Standards for the City (Table 1). Implementation Program HS-9.A of the General Plan Health and Safety Element

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[65] During AM peak hour, traffic volumes would be 288 under a cumulative condition and under a cumulative+project condition, which indicates none of the cumulative increase is attributable to the proposed project. Instead, all the cumulative increase is attribute to the other probable future projects. During PM peak hour, traffic volumes would be 415 under a cumulative condition and under a cumulative+project condition, *which indicates none of the cumulative increase is attributable to the proposed project. Instead, all the cumulative increase is attribute to the other probable future projects.*

[66] San Francisco Planning Department, 3333 California Street Mixed-Use Project Final EIR, September 5, 2019, Case No. 2015-014028ENV.

[67] Noise levels are calculated based on the following equations:

*Dba2=dba1+10*log10(D1/D2)^2*

Where:

Dba1 is the reference noise level at a specified distance

Dba2 is the calculated noise level

D1 is the reference distance, 50 feet

D2 is the distance from the equipment to the receiver, 175 feet

[68] Because ambient noise levels range from 60 to 70 dBA Ldn at the Project site and its vicinity, a typical commercial-scale HVAC system could increase ambient noise levels to 61 to 65 dBA Ldn (when ambient noise levels is about 60 dBA Ldn) and 70 to 71 dBA Ldn (when ambient noise level is about 70 dBA Ldn)

requires that an acoustical analysis be performed prior to approval of new land uses that could generate noise levels in excess of the normally acceptable range for adjacent noise-sensitive land uses. The following mitigation measure would be necessary to ensure that appropriate noise controls on mechanical equipment are applied.

> Mitigation Measure NOISE-2: If in the future the City receives noise complaints specifically related to mechanical equipment, an acoustical analysis shall be prepared by an acoustical and/or other appropriate qualified professional. This report shall be submitted for City review to ensure that the mechanical equipment does not generate noise levels in excess of the allowable City noise levels associated with a commercial zoning. If necessary additional noise dampening controls may be required to be incorporated.

With the implementation of Mitigation Measure NOISE-2, noise from the mechanical equipment would not exceed the existing ambient noise levels; and therefore, the increase of the ambient noise levels would not exceed the 3-dBA significance threshold for a substantial permanent increase to occur. For these reasons, the impact would be reduced to a less-than-significant level.

b) ***Less-Than-Significant Impact.*** Construction activities can result in varying degrees of ground vibration, depending on the equipment, activity, and soil conditions.

Table 15 summarizes the vibration criteria to prevent disturbance of residences adjacent to the Project site.[69] In the analysis below, the "occasional events" criterion is applied for construction equipment. Table 16 summarizes the vibration criteria to prevent damage to structures. The vibration criterion for non-engineered timber and masonry buildings is selected to conservatively represent the building types adjacent to and near the Project site.

Table 15: Vibration Criteria to Prevent Disturbance – RMS (Vdb)

Land Use Category	Frequent Events[a]	Occasional Events[b]	Infrequent Events[c]
Residences and buildings where people normally sleep	72	75	80

Notes:

[a] More than 70 vibration events of the same kind per day or vibration generated by a long freight train.

[b] Between 30 and 70 vibration events of the same kind per day.

[c] Fewer than 30 vibration events of the same kind per day.

[69] *According to the FTA Transit Noise and Vibration Impact Assessment Manual, the "Institutional land uses" category includes institutions and offices that have vibration-sensitive equipment and have the potential for activity interference such as schools, churches, doctors' offices. However, commercial or industrial locations including office buildings are not included in this category unless there is vibration-sensitive activity or equipment within the building. According to the most current information by the time this analysis was written, the land uses around the Project site do not contain vibration-sensitive activities or equipment.*

Source: Federal Transit Administration, 2018. Transit Noise and Vibration Impact Assessment Manual. FTA Report No.0123, September.

Table 16: Vibration Criteria to Prevent Damage to Structures

Building Category	PPV (in/sec)
Reinforced-concrete, steel or timber (no plaster)	0.5
Engineered concrete and masonry (no plaster)	0.3
Non-engineered timber and masonry buildings	0.2
Buildings extremely susceptible to vibration damage	0.12

Source: Federal Transit Administration, 2018. Transit Noise and Vibration Impact Assessment Manual. FTA Report No.0123, September.

The reference vibration levels at 25 feet away from the construction equipment that could be used at the Project site are summarized in Table 17.

Although Table 17 provides one vibration level for each piece of equipment, it should be noted that there is considerable variation in reported ground vibration levels from construction activities, primarily due to variation in soil characteristics. Table 17 also shows the buffer distances that would be required to reduce vibration levels to below the 75-VdB threshold for disturbance and the 0.2-in/sec PPV threshold for cosmetic damage.

Table 17: Reference Source Levels for Construction Equipment and the Associated Buffer Distances Required to Prevent Exceedance of 0.2 in/sec PPV

Equipment	At 25 Feet		Required Buffer Distance from Source	
	RMS (VdB)	PPV (in/sec)	Residences Annoyance Threshold 75 VdB (Feet)	Building Damage Threshold 0.2 in/sec PPV (Feet)
Vibratory Roller	94	0.21	107	26
Large Bulldozer	87	0.089	63	15
Loaded Trucks	86	0.076	58	13
Jackhammer	79	0.035	34	8
Small Bulldozer	58	0.003	7	2

Notes: Based on vibration levels at 25 feet, the following propagation adjustment was applied to estimate buffer distance required to reduce vibration levels at a receptor to 0.2 in/sec PPV:

PPV2 = PPV1 x (D1/D2)^1.5

Where: PPV1 is the reference vibration level at a specified distance.

PPV2 is the calculated vibration level.

D1 is the reference distance (in this case 25 feet).

D2 is the distance from the equipment to the receiver.

Based on vibration levels at 25 feet, the following propagation adjustment was applied to estimate buffer distance required to reduce RMS vibration levels at a receptor to 75 VdB.

RMS2 = RMS1 – 30 Log10 (D2/D1)

Where: RMS1is the reference vibration level at a specified distance.
RMS2 is the calculated vibration level.
D1 is the reference distance (in this case 25 feet).
D2 is the distance from the equipment to the receiver.

Source: PPV and RMS vibration levels at 25 feet from the FTA (2018) Transit Noise and Vibration Impact Assessment.

As shown in Table 17, a vibratory roller could generate the highest vibration levels and cause disturbance to residences located within 107 feet of the Project site. Because there are no residences located within 107 feet of the Project site, construction activities would not generate vibration with the potential to cause disturbance to residences. Cosmetic damage to buildings could also occur at buildings located within 26 feet of the Project site. Because there are no buildings located within 26 feet of the Project site, construction activities would not generate vibration with the potential to cause cosmetic damage to buildings.

c) ***No Impact.*** The Project site is located approximately five miles north of the Napa County Airport, the nearest public use airport to the Project site. The Project site is not located within the Airport Impact Areas of the Napa County Airport, which is a composite of the areas surrounding the Airport that are affected by noise, height, and safety

considerations.[70] In addition, the Project site is not located in the vicinity of a private airstrip. Therefore, the Project would not expose people to excessive noise levels from any public use airport or any private airstrip.

[70] *Federal Aviation Administration (FAA), 2021. Airport Data and Contact Information. Effective: January 28, 2021. Database searched for both public-use and private-use facilities in Napa County. Website: http://www.faa.gov/airports/airport_safety/airportdata_5010/, viewed on February 3rd, 2021.*

XIV. POPULATION AND HOUSING — Would the project:	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Environmental Setting

The proposed Project is located at 333 Soscol Avenue in the City of Napa, Napa County, California. The Project site is located approximately one mile south of downtown Napa and 0.28 miles east of the Napa River. The Project site is bound by commercial properties to the north, by Tulocay Creek followed by commercial properties to the south, by Soscol Avenue followed by commercial properties to the east, and by undeveloped land (zoned for commercial development and multi-family residential) to the west followed by the Braydon Apartments to the northwest and Stoddard West apartments to the west across Gasser Drive. The Project site is located within a Community Commercial (CC) land use designation under the City of Napa General Plan (Napa County 2009). As of July, 1 2019, the City of Napa had a population of 78,130 (U.S. Census Bureau).

Discussion of Impacts

a) ***Less-Than-Significant Impact.*** The Project would not induce substantial population growth in an area, either directly or indirectly. Upon completion, the Project's proposed uses are to include commercial retail and restaurant uses. The parcels on-site were previously developed with an automobile dealership and an architectural materials store. The Project site has been, and would continue to be, used for commercial use. Since the Project does not include an increase in the number of housing units, and is consistent with the General Plan land use designations, the Project would not result in substantial unplanned population growth, and impacts would be less than significant.

b) ***No Impact.*** The Project site is located within the City's Community Commercial Zone (CC). The Project would not displace existing housing, necessitating the construction of replacement housing elsewhere, nor would it displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. The Project site has not been used for residential purposes in the past and the site is vacant; therefore, implementation of the Project would not displace existing housing or people.

XV. **PUBLIC SERVICES** — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
	Fire protection?	☐	☐	☒	☐
	Police protection?	☐	☐	☒	☐
	Schools?	☐	☐	☒	☐
	Parks?	☐	☐	☒	☐
	Other public facilities?	☐	☐	☒	☐

Environmental Setting

Fire Services

The Project site is served by the City of Napa Fire Department Station 4, located at 251 Gasser Drive, which is approximately 0.23 miles southwest of the proposed Project.

The Fire Prevention Division is responsible for the review and adoption of regulations pertaining to the prevention and control of fire. The Fire Prevention Division reviews development and building projects for compliance with applicable codes and standards, and coordinates requirements with internal and external stakeholders.

The Fire Prevention Division is also responsible for performing the inspections of commercial and residential construction projects, weed abatement inspections, the commissioning of fire protection systems, the maintenance of building occupancy including hotels, motels, apartments, schools and assemblies, the investigation of fire-hazard related complaints, and the investigation of fires to determine their origin and cause.[71]

Police Services

Police protection services are provided to the Project site by the Napa Police Department. The Napa Police Department consists of approximately 76 sworn personnel and 71 professional staff. Officers patrolling the area are dispatched from police headquarters, located at 1539 First Street, approximately one mile northwest of the Project site.

[71] *https://www.cityofnapa.org/665/Prevention*

Schools

Public school services are provided by the Napa Valley Unified School District, which is comprised of 30+ schools serving more than 17,000 students in transitional Kindergarten through grade 12. Shearer Elementary School is the closest school to the Project site, located approximately 0.75 miles west/northwest of the Project site.

Parks and Public Facilities

The City of Napa has 54 parks spread throughout the City as well as over 880 acres of public lands. The City of Napa Parks and Recreation Services Department provides residents with access to these parks and park land. The City's park system consists of a variety of recreation attractions, such as parks, open space, playgrounds, sport fields, a golf course, the Napa River, Lake Hennessey and miles of natural and paved trails for walking, biking and hiking. In addition to parkland resources, the Parks and Recreation staff maintains over 21 acres of landscaped areas throughout the city.[72] The nearest parks to the Project site are Riverside Park (approximately 2,180 feet to the northwest), and Kiawanis Park (approximately 2,990 feet to the west).

Regulatory Setting

City of Napa Policy Resolution No. 27

The City of Napa adopted Policy Resolution 27 originally in August 1992 and has most recently amended the Resolution in December 2002. The Resolution includes the City's standard mitigation measures that are imposed on all development projects, unless otherwise authorized by the City. Any or all of the mitigation measures listed in Resolution 27 may be imposed as conditions of Project approval. The mitigation measures are periodically updated, as needed. The following public services measures listed in Resolution No. 27 are applicable to the proposed Project:

- Developer shall comply with all applicable requirements of the Uniform Fire Code the Fire Department and PWD Standard Specifications and the Fire Department "Standard Requirements for Commercial/Residential Projects," including, without limitation, the requirements for access, new construction, smoke detectors, fire extinguishers, fire hydrants, etc. Existing fire hydrants may be used to meet hydrant location requirements only if they meet or are changed to meet current hydrant specifications.
- Properties having common ownership shall provide the Fire Department with a notarized copy of the recorded conditions, covenants, and restrictions agreement in a form satisfactory to the City Attorney ensuring that all components of fire protection system(s), and fire access roads will be maintained by a maintenance district, owner's association, or similar legally responsible entity.
- All newly constructed buildings must have automatic sprinkler systems conforming to NFPA and City Standard Specifications, for which installation permit must be obtained from Fire Prevention. In multi-building complexes, or in buildings with three (3) or more stories, special monitoring conditions will be required. Existing habitable buildings, which are retained, shall be retrofitted.

[72] *City of Napa Website. https://www.cityofnapa.org/376/Parks-Facilities-Reservations*

- The Developer of any project proposing a change in occupancy use classification (as defined in the Uniform Building Code Table 5A) in a building protected by automatic fire sprinklers shall have the sprinkler system evaluated by a licensed fire sprinkler contractor or fire protection engineer for compliance with National Fire Protection Association Installation Standards. A written report of the inspection findings shall be submitted to the Fire Department prior to final occupancy clearance. A permit is required from Fire Prevention for sprinkler system alterations.
- The Developer of any project which proposes commercial occupancies shall secure approval from Fire Prevention and Building Departments prior to signing lease agreements and allowing occupancy of prospective occupants that pose possible fire and life safety hazards, or are classified, or are classified by the Uniform Building Code as an H (hazardous) occupancy.
- Examples of these types of occupancies are: Storage of flammable, combustible, explosive, or toxic materials, manufacturing processes involving the above, woodworking shops, fire rebuilding or storage, automotive repair, auto body repair and/or painting, factories where loose combustible fibers are present, semi-conductor fabrication facilities, bulk paint storage, etc.
- Developer shall pay the required fire and paramedic fees for new development in accordance with Napa Municipal Code Chapter 15.78. Such fees shall be payable at the rate in effect at the time of payment for the unit involved. The findings set forth in the ordinance and Resolution 94-106 are incorporated herein. The City further finds that calculation of the fee pursuant to the formula set forth therein demonstrates that there is a reasonable relationship between the fees imposed and the cost of improvements attributable to this project.

Discussion of Impacts

a) ***Less-Than-Significant Impact.*** Given that the proposed Project would not permanently increase the existing residential population in the City, the Project would not result in a significant long-term increase in the demand for public services or require construction of new governmental facilities. The purpose of the Project is to redevelop the vacant site for commercial retail and restaurant uses. The Project would not preclude the Fire Department from meeting their service goals or require the construction of new or expanded fire facilities. The proposed development would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies (such as Policy Resolution No. 27) to promote public and property safety, and construction of a new or expanded fire station would not be required.

Development of the Project would increase daytime and nighttime population on the Project site and incrementally increase demand for emergency police services to the Project site. However, the Police Department would continue to provide services to the Project site and construction of new or expanded police facilities would not be required. As a non-residential development, the Project would not create additional demand for school services, nor would the project be expected to create incremental demand on parks and other public facilities in the City. Therefore, construction and operation of the proposed Project would have a less-than-significant impact on fire and police protection and impacts related to schools, parks or other public facilities would also be less than significant.

XVI. **RECREATION** — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b)	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Environmental Setting

The City of Napa manages the public parks and recreational facilities located within city limits. This includes regional parks, neighborhood and pocket parks, equestrian facilities, larger community parks, golf courses, and passive parks which offer access to scenic open space and trails. The City of Napa Parks and Recreation Services Department provides residents with access to more than 54 parks that cover 800 acres of park land.[73] There are no publicly owned parks, recreation areas, or neighborhood/community centers located within or bordering the Project site. The closest recreational facilities to the proposed Project site are Riverside Park (approximately 2,180 feet to the northwest), and Kiawanis Park (approximately 2,990 feet to the west).[74]

Discussion of Impacts

a, b) ***No Impact.*** The proposed Project includes redeveloping the existing vacant site with a new retail center including a Kohl's retail store building, a multi-tenant retail building, and a fast food restaurant with a drive-through. As such, the proposed Project would not generate population growth that would result in a substantial increase in the use of existing neighborhood and regional parks or other recreational facilities. The proposed Project would not require the expansion of existing recreational facilities or construction of additional recreational facilities elsewhere. Therefore, no impacts to parks or recreational facilities would occur as a result of the proposed Project.

[73] *City of Napa: Parks Locations & Amenities. Available at: <https://www.cityofnapa.org/356/Parks-Locations-Amenities> Accessed on March 11, 2021.*

[74] *City of Napa: Parks Locations & Amenities. Map and Guide. Available at: https://www.cityofnapa.org/DocumentCenter/View/7293/NPRD-Map-and-Guide-11-10-20-SM?bidId= Accessed on March 11, 2021.*

XVII. **TRANSPORTATION** — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b)	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☒	☐	☐
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d)	Result in inadequate emergency access?	☐	☐	☒	☐

The following discussion is based, in part, on a Traffic Impact Study Report prepared by TJKM dated May 2021. The Traffic Impact Study Report is included as Appendix C of this Initial Study/Mitigated Negative Declaration and is incorporated by reference.

Regulatory Setting

Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Napa County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for thedevelopment of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Congestion Management Program

The Napa Valley Transportation Authority (NVTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requiresthat all urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic level of service (LOS) standards,transit service standards, a trip reduction and transportation demand management, a land use impact analysis program, and a capital improvement element.

Senate Bill 743

Senate Bill 743 (SB 743) was signed in 2013 and requires that vehicle miles traveled (VMT) per capita, employee, or net VMT be used to analyze transportation impacts of land use projects underCEQA instead of reduction in levels of service. In 2018, the CEQA Guidelines were updated to include Section 15064.3, which implements SB 743 and requires lead agencies to select a VMT methodology, choose significance thresholds, and determine feasible mitigation measures. Section15064.3 became effective statewide in July 2020. VMT should be reduced to minimize the

transportation impact a development has on a community. The goal of SB 743 is to encourage development that reduces VMT.

With the passage of SB 743 amending CEQA's evaluation of transportation impacts and the December 28, 2018 effective date of the Guidelines implementing SB 743, the effect of a project on LOS shall no longer be considered an impact on the environment. The City of Napa adopted VMT significance thresholds in May 2021. The thresholds are consistent with as those recommended by the California Governor's Office of Planning and Research (OPR) Technical Advisory. The City of Napa's Vehicle Miles Traveled Significance Thresholds are as follows:

- Residential Projects: A proposed project exceeding a level of 15 percent below existing regional VMT per capita may indicate a significant transportation impact.

- Office Projects: A proposed project exceeding a level of 15 percent below existing regional VMT per employee may indicate a significant transportation impact.

- Retail Projects: A net increase in total VMT may indicate a significant transportation impact.

City of Napa Policy Resolution No. 27

The City of Napa adopted Policy Resolution 27 originally in August 1992 and has most recently amended the Resolution in December 2002. The Resolution includes the City's standard mitigation measures that are imposed on all development projects, unless otherwise authorized by the City. Any or all of the mitigation measures listed in Resolution 27 may be imposed as conditions of Project approval. The mitigation measures are periodically updated, as needed. The following transportation measures listed in Resolution No. 27 are applicable to the proposed Project:

- All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the PWD Standard Specifications. Unless waived by the Public Works Director, street improvements shall include curbs, gutter, sidewalk, planting, streetlights, street trees, etc.; any additional right-of-way necessary to accommodate these improvements shall be dedicated to the City.

- During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Street Superintendent to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.

- All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline installation activities.

- Any pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an alternate route established as approved by the Police Chief and Public Works Director.

- In order to mitigate the cumulative impact of the traffic generated by the subject project on the City's arterial and collective street system, the Developer shall pay a Street Improvement Fee in accordance with Napa Municipal Code Chapter 15.84 and implementing resolutions to pay for the traffic improvements identified therein. Such fee shall be payable at the rate in effect at the time of payment. The findings set forth in the ordinance and implementing resolutions are incorporated herein. The City further finds that the calculation of the fees in accordance with the trip generation capacity of

development demonstrates there is a reasonable relationship between the amount of the fees imposed and the cost of the street improvements attributable to this project.

Environmental Setting

Traffic impacts related to the proposed Project were evaluated for both compliance with applicable regulatory documents and environmental significance as defined by CEQA. As of July 1, 2020, intersection level of service (LOS) can no longer be used to determine significant impacts for the purpose CEQA.

Important roadways in the immediate vicinity of the Project site are discussed below. Unless otherwise noted, roadway orientations are provided relative to a reference north direction aligned to Soscol Avenue.

- ***Soscol Avenue*** is a four-lane, north-south arterial road. North of Silverado Trail, the roadway is divided by a raised median. South of Silverado Trail, there is a two-way left-turn lane (TWLTL). The posted speed limit on Soscol Avenue is 35 miles per hour (mph). Between Silverado Trail and Imola Avenue, Soscol Avenue is designated SR-121. Within the project vicinity, Soscol Avenue is also designated as a Crucial Corridor. Soscol Avenue forms the eastern boundary of the Project site.
- ***Silverado Trail*** is a two-lane, undivided arterial road, extending generally northeast from Soscol Avenue. The posted speed limit on Silverado Trail is 35 mph. In the Project vicinity, Silverado Trail is designated SR-121. Within the Project vicinity, Silverado Trail is also designated as a Crucial Corridor.
- ***Kansas Avenue*** is a two-lane, east-west undivided collector. The posted speed limit on Kansas Avenue near Soscol Avenue is 30 mph. In the residential area east of Soscol Avenue, the speed limit is reduced to 25 mph.
- ***Saratoga Drive*** is a short two-lane, east-west divided road. It connects Soscol Avenue to Peatman Drive. A separate portion of Saratoga Drive extends east from Silverado Trail. The posted speed limit on Saratoga Drive is 25 mph.
- ***Gasser Drive*** is a two-lane, generally north-south collector. It extends from Soscol Avenue in the northeast to Imola Avenue in the south and forms the northwestern boundary of the Project site. The posted speed limit on Gasser Drive is 30 mph.
- ***Peatman Drive*** is a two-lane, north-south collector. It extends from Sousa Lane in the north to Gasser Drive in the south. The posted speed limit on Peatman Drive is 25 mph.

Access and Circulation

The Project site would be accessed via three driveways on Soscol Avenue and one driveway on Gasser Drive. The northern driveway on Soscol Avenue would be restricted to right-in/right-out only, and the southern driveway would be exit only and intended for large delivery trucks. The middle driveway would provide full access. The Project would consolidate the multiple existing driveways on Soscol Avenue, reducing the number of access points and locating the remaining access points where driveways currently exist.

Drive-Through Operations

The proposed drive-through would provide two parallel lanes providing capacity for up to 26 vehicles. The locations of the drive-through entrance and exit locations are appropriate for avoiding conflicts with major drive aisles and preventing any queues from spilling into City streets. According to the Traffic Impact Study, the drive-through storage and operations are expected to be adequate. Vehicles in the outer lane away from the pick-up window do not merge. During peak

drive-through times, additional employees, wearing safety vests and equipped with handheld tablets and two-way radio headsets, would be stationed at various positions along the drive-through queue to initiate customer orders, process payments, and deliver the customer's food to their vehicle. Hours of operation: 6:30am-10pm Monday through Saturday. If the drive-through does back up, cars will be stacking at the inner parking lot area along the northwest portion of the Project site along Gasser Drive (Figure 7).

Parking

Based on the Project site plan (Figure 7) the Project will provide a total of 306 parking spaces, satisfying the City of Napa requirement of 306 parking spaces for the three individual buildings on-site. The regulations allow up to 30 percent compact parking spaces; 28 percent are proposed. Considering the three buildings separately, the Project would require 32 total short-term bicycle spaces, which are provided near building entrances. Long term bike areas are also shown, with details to be determined. Two loading docks are provided for the Kohl's building; the other two buildings provide surface loading as permitted by City regulations.

Existing Bicycle Facilities

The City of Napa General Plan Transportation Element provides a list of existing and proposed bicycle facilities in the City of Napa. It also contains the policy vision, design guidance, and specific recommendations to guide the development of pedestrian and bicycle facilities. The City of Napa General Plan Transportation Element was most recently amended in May 2021 consistent with the adoption of the updated City of Napa Bicycle Plan (2021). Bicycle facilities include the following:

- Bike Paths/Multi-use Paths (Class I) – Paved trails that are separated from roadways
- Bike Lanes (Class II) – Lanes on roadways designated for use by bicycles through striping, pavement legends, and signs
- Bike Routes/Bike Boulevards (Class III) – Roadways for shared bicycle use designated by signs or other markings that may or may not include additional pavement width for cyclists
- Separated Bikeways (Class IV) – Bikeways that are physically separated from vehicle traffic by vertical elements, such as grade separation, flexible posts, or parking lanes

Within the Project vicinity, there are bike lanes on both sides of Soscol Avenue, Saratoga Drive, Gasser Drive, Peatman Drive, and the portion of Kansas Avenue between Gasser Drive and Soscol Avenue. Bike lanes are also present on the east side of Silverado trail along a short segment, and on Saratoga Drive east of Silverado Trail. The Vine Trail is a class I facility running along the east side of the Napa River, to the west of the Project. The Bicycle Plan and General Plan shows planned Class III bike routes on Kansas Avenue east of Soscol Avenue and planned Class II bike lanes along the entire length of Silverado Trail. A Class I trail is planned along the north side of Tulocay Creek that forms the southern border of the Project site, running from Soscol Avenue to the Vine trail, and a north-south trail is planned that runs through the exist

Existing Transit Facilities

Transit service within the Project vicinity is provided by Vine Transit, which is operated by Napa Valley Transportation Authority. Vine Transit provides local routes within the City of Napa, regional and express routes connecting Napa Valley communities to transit in Fairfield and El Cerrito, and local shuttles in Calistoga, St. Helena, and Yountville. There are stops for both local and regional routes along the Project frontage on Soscol Avenue and within a short walk north or south from the Project.

Trip Generation

The proposed Project is expected to generate 2,750 net new daily trips, including 102 net new a.m. peak hour trips (46 in, 56 out) and 165 net new p.m. peak hour trips (89 in, 76 out). Table 5 in Traffic Impact Study (Appendix C) summarizes net Project trip.

As the Project is located on a Crucial Corridor and is within the Traffic Impact overlay zone (TI), the Project trips per gross acre must be evaluated. The stated purpose of the traffic impact overlay zone is to implement Crucial Corridor policies outlined in the City of Napa General Plan. As shown in Table 5 in Traffic Impact Study (Appendix C), the Project would generate 4,787 gross daily trips, with no reductions for pass-by or existing trips. The Project site is 7.02 acres, so the proposed uses would generate 682 total trips per acre. This is above the City of Napa threshold of 520 daily trips per acre.

For projects that exceed the threshold of 520 daily trips per acre, the City requires either project revisions or a determination by the Public Works Director that "the transportation benefits of the project clearly outweighs the adverse effect on the crucial corridor." Public Works staff have reviewed the proposed Class I multi-use trail to be constructed along the southern portion of the Project site, as shown on the Project site plan (Figure 7), and determined that this is a sufficient transportation benefit to fully mitigate the excess trip generation.

Vehicle Miles Traveled (VMT)

Under Senate Bill (SB) 743, LOS has been replaced with VMT for purposes of assessing traffic impacts under CEQA as described in Section 15064.3 of the CEQA Guidelines t. Lead agencies will have discretion to choose the most appropriate methodology to evaluate a project's vehicles miles traveled, including whether to express the change in absolute terms, per capita, per household or any other measure. The City of Napa adopted VMT significance thresholds in May 2021. The thresholds are consistent with those recommended by the OPR Technical Advisory. The City of Napa's Vehicle Miles Traveled Significance Thresholds are as follows:

- Residential Projects: A proposed project exceeding a level of 15 percent below existing regional VMT per capita may indicate a significant transportation impact.

- Office Projects: A proposed project exceeding a level of 15 percent below existing regional VMT per employee may indicate a significant transportation impact.

- Retail Projects: A net increase in total VMT may indicate a significant transportation impact.

VMT refers to the amount and distance of automobile travel "attributable to a project". As described separately in the Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR, December 2018), VMT re-routed from other origins or destinations as the result of a project would not be attributable to a project except to the extent that the re-routing results in a net increase in VMT. For example, OPR guidelines note that retail projects typically re-route travel from other retail destinations, and therefore a retail project may lead to increases or decreases in VMT, depending on previously existing travel patterns. Similarly, a large share of retail trips are "pass-by trips" that would not be considered attributable to a retail project. The mix and intensity of proposed uses at the Project site are also similar to other retail centers along Soscol Avenue between Tulocay Creek and Imola Avenue, and customers are likely to patronize both the proposed Project and these existing retail centers. Customers may choose to chain multiple shopping trips into a single tour, reducing the total distance driven by customers visiting the proposed retail center.

It should be noted that although the OPR Technical Advisory states that lead agencies may generally presume that local-serving retail development creates a less-than-significant impact, it does not provide a clear distinction between local- and regional-serving developments. It also states that retail developments with stores larger than 50,000 square feet might be considered regional-serving. The proposed Project would include one anchor store (Kohl's) of 55,000 square feet, which indicates that the Project may attract some regional trips and thus warrants a quantitative analysis utilizing a travel demand model.

The Traffic Impact Study Report includes a qualitative and quantitative analysis of VMT generated by the proposed uses. The qualitative analysis discusses the general characteristics of daily VMT generated by each applicable land use and how VMT characteristics of the Project site would be changed with the proposed Project. Because SB 743 is intended to encourage the development of communities that reduce vehicular GHG with land use patterns that site residences near the employment and commercial sites residents visit frequently, and because the VMTs of freight/delivery trips are not relevant to this purpose, those trips were not included in the Project's VMT analysis.

For retail projects, the OPR Technical Advisory recommends that lead agencies analyze the change in total VMT within the study area, because retail projects typically re-route travel from other retail destinations. A project may increase or decrease total VMT, depending on previously existing retail travel patterns. When available, a travel demand model such as the Sonoma-Napa Activity Based model is preferable for evaluating changes in VMT due to land use developments.

The state of California provides lead agencies latitude in adopting standards of significance for evaluating VMT impacts associated with land use projects. The City of Napa adopted VMT significance thresholds in May 2021. The City of Napa significance thresholds for retail projects. used in this study are as follows:

- Retail Projects: A net increase in total VMT may indicate a significant transportation impact.

Discussion of Impacts

a) ***Less-Than-Significant Impact.*** The Project will connect to existing pedestrian facilities and will need to provide on-site circulation through a variety of continuous paths and crosswalks. The Project is not expected to create any disruptions or inconsistencies with existing pedestrian facilities or plans. The Project is expected to add trips to the existing transit services, which can be accommodated by the existing transit capacity. Pedestrians and bicyclists can access the closest transit stops on Soscol Avenue via a continuous path of sidewalks and crosswalks. However, the Project would generate 682 total trips per acre, which is above the City of Napa threshold of 520 daily trips per acre. For projects that exceed the threshold of 520 daily trips per acre, the City requires either project revisions or a determination by the Public Works Director that "the transportation benefits of the project clearly outweighs the adverse effect on the crucial corridor." Public Works staff have reviewed the proposed Class I multi-use trail to be constructed along the southern portion of the Project site, as shown on the site plan (Figure 7), and determined that this is a sufficient transportation benefit to make up for the excess trip generation. The Project would therefore have a less-than-significant impact to the crucial corridor. Furthermore, the Project would be required to comply with the City's Policy Resolution 27, therefore impacts to pedestrian, bicycle, and transit facilities would also be less than significant.

b) ***Less-Than-Significant with Mitigation Incorporated.*** The proposed Project would replace recently-demolished retail-type uses with new retail-type uses, including both retail stores and a drive-through fast-food restaurant. By adding a department store (Kohl's),

retail shops, and fast food along a major corridor within a developed area, the Project has the potential to draw primarily local customers and reduce the need for those customers to travel farther to other destinations. Although lead agencies may generally presume that local-serving retail development creates a less-than-significant impact, the Technical Advisory published by the Governor's Office of Planning and Research (OPR), does not provide a clear distinction between local- and regional-serving developments. It also states that retail developments with stores larger than 50,000 square feet might be considered regional-serving. The proposed Project would include one multiple anchor store (Kohl's) of 55,000 square feet, which indicates that the Project may attract some regional trips and thus warrants a quantitative analysis utilizing a travel demand model.

In order to quantify Project-generated VMT, TJKM used the recently updated Sonoma-Napa Activity Based Model to evaluate total VMT in the model area for baseline (2015), future (2042), and future plus project conditions. The model covers the entirety of Napa and Sonoma Counties and was adopted by the Sonoma County Transportation Authority (SCTA) in December 2020. As shown in Table 6 in Appendix C, total daily VMT within Napa and Sonoma Counties is expected to increase by approximately 956,820 miles between 2015 and 2042 under no-build conditions, an increase of approximately 32 percent. In 2042, the Project is expected to result in an additional 15,023 net VMT, compared to 2042 no-build conditions. From 2015 no-build and 2042 build-out conditions, the Project would contribute approximately 1.5 percent to the total cumulative growth in VMT. Consistent with the City of Napa Vehicle Miles Traveled Threshold of Significance for retail projects which states that a net increase in total VMT may indicate a significant impact, the 1.5 percent increase indicates that the Project would have a potentially significant impact on regional VMT.

Measures to eliminate any net VMT increase, and therefore reduce the impact to less-than-significant, may include contributions to City-wide or regional VMT reduction programs, if available, as well as improved access for alternative modes of transit and travel demand management (TDM) programs aimed at shopping center employees. Physical improvements may include transit-focused measures such as the bus stop on Soscol Avenue at the northern corner of the Project site, making the stop more visible and comfortable for transit riders. The corresponding northbound bus stop is located approximately 400 feet north of the crosswalk across Soscol Avenue and could also be improved. Currently, both stops consist of signs and do not include any amenities such as benches or shelters. A TDM program for shopping center employees may include measures such as subsidized transit passes, facilitating ride sharing, or providing on-site amenities for bicycle commuters. In the absence of a VMT reduction program to contribute to, the following mitigation measure is recommended to reduce VMT impacts to a less-than-significant level.

> Mitigation Measure TRANS-1: The Project applicant shall make physical improvements to nearby bus stops and shall implement a TDM program for shopping center employees. The location and types of improvements to nearby bus stops, as well as the specific requirements of the TDM program, shall be determined in conjunction with the City of Napa and the Napa Valley Transportation Authority (NVTA). The Project shall be monitored by the City or by the Project Applicant/Tenants on an annual basis to determine the efficacy of the selected TDM strategies.

c) ***Less-Than-Significant Impact.*** The proposed Project is consistent with City policies and standards regarding Project design features. The Project proposes to have three driveways on Soscol Avenue and one driveway on Gasser Drive, which would provide full access to the Project site. The site plan (Figure 7) shows two-way drive aisles at least 25

feet wide adjacent to right angled parking, meeting the City of Napa design standard of 25 feet wide. The surface parking provided is a mix of standard and compact right-angled parking spaces. The drive aisles shown on the site plan provide close access to the exteriors of all buildings on-site. The one dead-end aisle, located next to the fast-food restaurant, provides additional space for vehicles to turn around or maneuver in and out of the parking spaces at the end. Garbage trucks and emergency vehicles can access all parts of the parking areas. Delivery trucks serving the anchor store can access the loading dock area from the main parking area and can turn left or right out of the southern driveway on Soscol Avenue. The site plan also shows marked pedestrian connections among the three buildings, with crosswalks and islands providing continuous, accessible paths of travel. Marked crosswalks also connect the entrance of the anchor store to the nearest accessible parking spaces. Access to and circulation on the site are considered adequate for vehicles, trucks, pedestrians, and bicycles. The proposed drive-through would provide two parallel lanes providing capacity for up to 26 vehicles. The locations of the drive-through entrance and exit locations are appropriate for avoiding conflicts with major drive aisles and preventing any queues from spilling into City streets.

The proposed Project would not involve any physical modifications to roadways which would introduce design hazards. Furthermore, the proposed Project would not facilitate any population growth or changes in land use which would introduce incompatible uses. During construction, heavy equipment would be transported to and from the Project site using area roadways. This would be temporary and would be carried out by an experienced contractor, minimizing the likelihood of hazards from incompatible uses. Impacts would be less than significant.

d) ***Less-Than-Significant Impact.*** The Project does not propose any off-site roadway network changes and therefore would not adversely affect emergency vehicle circulation on surrounding roadways. According to the Traffic Impact Study, Project driveways, internal drive aisles, and marked pedestrian paths are adequate for vehicles, trucks, emergency vehicles, and pedestrians to access and circulate in the Project site. With three driveways on Soscol Avenue and one driveway on Gasser Drive, emergency vehicle access to all sides of the Project buildings would be accommodated. Based on this assessment, the Project design would not impede emergency vehicle circulation along the Project frontages or access to and from the Project's on-site buildings. Furthermore, the Project would be required to comply with the City's Policy Resolution No. 27. Therefore, the Project would have a less-than-significant impact on emergency access.

XVIII. TRIBAL CULTURAL RESOURCES — Would the project?	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☒	☐	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Regulatory Setting

This section examines the potential impacts of the proposed Project on tribal cultural resources. Much of the background context and methods used for the analysis of potential impacts from the proposed Project on tribal cultural resources and cultural resources are the same.

For the purposes of this analysis, the term *tribal cultural resource* is defined as follows:

> Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed, or determined to be eligible for listing, in the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), or a local register of historical resources.

The term indigenous, rather than prehistoric, is used in this section as a synonym for "Native American–related."

California Environmental Quality Act

CEQA (codified at PRC § 21000 *et seq.*) is the principal statute governing environmental review of projects occurring in the State. CEQA requires lead agencies to determine if a project would

have a significant effect on historical resources, unique archaeological resources, or tribal cultural resources.

The State implements provisions in CEQA through its statewide comprehensive cultural resources surveys and preservation programs. Typically, a resource must be more than 50 years old to be considered as a potential historical resource. The State of California Office of Historic Preservation advises recordation of any resource 45 years or older, since there is commonly a five-year lag between resource identification and the date that planning decisions are made.

Assembly Bill 52 and Tribal Cultural Resources

Impacts to tribal cultural resources also are considered under CEQA (PRC § 21084.2, also see Assembly Bill [AB] 52). Under CEQA, a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (PRC § 21084.2). PRC § 21074(a) defines a tribal cultural resource as any of the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    - included or determined to be eligible for inclusion in the California Register; or
    - included in a local register of historical resources, as defined in PRC § 5020.1(k).
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of [PRC] § 5024.1. In applying these criteria, the lead agency would consider the significance of the resource to a California Native American tribe.

A cultural landscape that meets the criteria of PRC § 21074(a) is also a tribal cultural resource if the landscape is geographically defined in terms of the size and scope. A historical resource as described in PRC § 21084.1, a unique archaeological resource as defined in PRC § 21083.2, or a non-unique archaeological resource as defined in PRC § 21083.2 may also be a tribal cultural resource under CEQA if it meets the criteria identified in PRC § 21074(a).

AB 52 requires CEQA lead agencies to analyze the impacts of projects on tribal cultural resources separately from impacts on archaeological resources (PRC § 21074 and 21083.09) because archaeological resources have cultural values beyond their ability to yield data important to prehistory or history. AB 52 also defines tribal cultural resources in a new section of the PRC (§ 21074; see above). Lead agencies must engage in additional consultation with California Native American Tribes (PRC § 21080.3.1, 21080.3.2, and 21082.3).

To determine potential impacts on tribal cultural resources, a project's lead CEQA agency is required to conduct formal consultation with relevant California Native American Tribes who have requested that the lead agency inform them of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe. When such consultation is conducted, the notification of the project shall be in writing and sent within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, and Native American Tribe recipients shall have 30 days from receipt of the formal notification to request consultation (PRC § 21080.3.1 and 21080.3.2).

CEQA requires that such consultation include project alternatives, mitigation measures, or significant effects, if requested by a California Native American Tribe, and that consultation will be considered concluded when either the parties agree to measures to mitigate or avoid a significant effect, or the agency concludes that mutual agreement cannot be reached concerning appropriate measures to be taken that would mitigate or avoid a significant effect. Any such

measures shall be recommended for inclusion in the environmental document and adopted mitigation monitoring program if determined to avoid or lessen a significant impact on a tribal cultural resource, and if it is determined that a project may have a significant impact on a tribal cultural resource the environmental document would be required to discuss whether the project has a significant impact on an identified tribal cultural resource and whether feasible alternatives or mitigation measures avoid or substantially lessen the impact on the identified tribal cultural resource (PRC § 21080.3.2).

The following examples of mitigation for potential impacts on tribal cultural resources are included in CEQA (PRC § 21084.3):

- Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - Protecting the cultural character and integrity of the resource.
    - Protecting the traditional use of the resource.
    - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Protecting the resource.

CEQA states that the preference will be for avoiding damaging effects to tribal cultural resources (PRC § 21084.3[a]).

Note, no California Native American Tribes previously requested notification regarding City projects for potential consultation under California Public Resources Code (PRC) § 21080.3 (i.e., AB 52). Therefore, no formal consultation pursuant to PRC § 21080.3 (see AB 52), was required for the proposed Project.

While Native American consultation was conducted by Far Western as part of the 2018 test investigation (Kaijankoski and Wohlgemuth 2019), consultation was renewed for the Soscol Square Development as it is a separate undertaking from the prior planned development.

On October 21, 2020, an informal meeting was held onsite between the City (E.Morris), the consulting archaeologist (P. Kaijankoski), and members of the Mishewal-Wappo Tribe of Alexander Valley. The goal of this meeting was to discuss archaeological and Native American monitoring of select activities that were exempt for City and CEQA oversight (e.g.; building demolition, geotechnical exploration) yet funded by the landowner at that time. At this meeting the plans for archaeological mitigation for the larger Soscol Square development were also discussed.

On December 8, 2020, Far Western sent a Sacred Lands File search request to the Native American Heritage Commission (Commission). The response received on December 17, 2020, identified sacred sites in the project area and listed the Mishewal-Wappo Tribe of Alexander Valley to be contacted for more information. Additionally, the Commission provided a list of Native American individuals and groups that should be contacted for cultural resources information in the Project area. The Commission provided the same response during the 2018 consultation.

On December 29, 2020, the City of Napa mailed and emailed (as available) letters to the 11 individuals listed by the commission. This letter described the Project, known archaeological resources, and invited comment.

On February 8, 2021, a letter response (dated February 2, 2021) was received via email from the Tribal Historic Preservation Officer of the Yocha Dehe Wintun Nation. The letter stated that the tribe has concerns that the Project could impact cultural resources and recommended that cultural monitors be present during ground disturbance in addition to cultural sensitivity training for all Project personnel.

No additional responses have been received to date. A Native American monitor will be present during any archaeological excavations and selectively during construction if warranted.

California Register of Historical Resources

The California Register is "an authoritative listing and guide to be used by State and local agencies, private groups, and citizens in identifying the existing historical resources of the State and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC § 5024.1[a]). The criteria for eligibility for the California Register are based upon the criteria for listing on the National Register of Historic Places (National Register) (PRC § 5024.1[b]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register.

To be eligible for the California Register, a cultural resource must be significant at the local, State, and/or federal level under one or more of the following four criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

A resource eligible for the California Register must be of sufficient age and retain enough of its historic character or appearance (integrity) to convey the reason for its significance. Additionally, the California Register consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The California Register automatically includes the following:

- California properties listed on the National Register and those formally Determined Eligible for the National Register;
- California Registered Historical Landmarks from No. 770 onward; and
- Those California Points of Historical Interest that have been evaluated by the OHP and have been recommended to the State Historical Commission for inclusion on the California Register.

Other resources that may be nominated to the California Register include:

- Historical resources with a significance rating of Category 3 through 5 (those properties identified as eligible for listing in the National Register, the California Register, and/or a local jurisdiction register);
- Individual historic resources;
- Historic resources contributing to historic districts; and

- Historic resources designated or listed as local landmarks, or designated under any local ordinance, such as an historic preservation overlay zone.

California Public Resources Code § 5097

PRC § 5097.99, as amended, states that no person shall obtain or possess any Native American artifacts or human remains that are taken from a Native American grave or cairn. Any person who knowingly or willfully obtains or possesses any Native American artifacts or human remains is guilty of a felony, which is punishable by imprisonment. Any person who removes, without authority of law, any such items with an intent to sell or dissect or with malice or wantonness is also guilty of a felony which is punishable by imprisonment.

California Native American Historic Resource Protection Act

The California Native American Historic Resources Protection Act of 2002 imposes civil penalties, including imprisonment and fines up to $50,000 per violation, for persons who unlawfully and maliciously excavates upon, removes, destroys, injures, or defaces a Native American historic, cultural, or sacred site that is listed or may be listed in the California Register.

California Health and Safety Code § 7050.5

Section 7050.5 of the California Health and Safety Code (HSC) protects human remains by prohibiting the disinterring, disturbing, or removing of human remains from any location other than a dedicated cemetery. PRC § 5097.98 (and reiterated in PRC § 15064.59[e]) also identifies steps to follow in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery.

Environmental Setting

Records Search

Staff at the Northwest Information Center at Sonoma State University conducted a records search on August 28, 2018 (Reference No. 18-0384), which encompasses a one-quarter-mile buffer around the PAL. This record search included a review of all cultural resources records and previous surveys within the project area. Primary reference materials included United States Geological Survey 7.5-minute basemaps, showing previously recorded sites, isolated artifacts, and survey areas, site records, report files, and the Directory of Properties in the Historical Properties Data Files. The latter includes smaller inventories such as the National Register of Historic Places – Listed Properties and Determined Eligible Properties; California Register of Historical Resources; California Points of Historical Interest; and California Historical Landmarks.

Based on the records search, six previously recorded cultural resources were identified within one-quarter mile of the PAL, three of which are built environment features (bridges, railroad). Two previously recorded Native American archaeology sites and an isolate are within the records search radius.

Tribal Cultural Resources Identification Efforts

No California Native American Tribes previously requested notification regarding City of Napa projects for potential consultation under California Public Resources Code (PRC) § 21080.3 (i.e., AB 52). Therefore, no formal consultation pursuant to PRC § 21080.3 (see AB 52), was required for the proposed Project.

Discussion of Impacts

The following analysis combines discussion of checklist questions a-i and a-ii, addressing potential impacts on tribal cultural resources, as defined in PRC § 21074.

a-i, a-ii) ***Less-Than-Significant with Mitigation Incorporated.*** Background research, including a NWIC records search, conducted for the proposed Project identified the presence of two previously recorded tribal cultural resources, as defined in PRC § 21074, on the site. Implementation of Mitigation Measure CULT-1 and Mitigation Measure CULT-2 would reduce impacts to a less-than-significant level.

XIX. UTILITIES AND SERVICE SYSTEMS — Would the project:		*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d)	Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Regulatory Setting

Urban Water Management Plan

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Napa adopted its most recent UWMP in September 2017.

Wastewater

The San Francisco Bay Regional Water Quality Control Board (RWQCB) includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the agency's Sewer System Management Plan toprovide adequate capacity to convey peak flows.

Assembly Bill 939 and Senate Bill 1016

The California Integrated Waste Management Act of 1989, or Assembly Bill 939 (AB 939), established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

Assembly Bill (AB) 341 sets forth the requirements of the statewide mandatory commercial and multi-family recycling program in the Public Resources Code. All businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction bythe year 2020, and the City of Napa adopted its own Disposal Reduction Policy establishing a local goal of 75% diversion by 2020 as well.

Senate Bill 1383

Senate Bill (SB) 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025.The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

The City of Napa General Plan Envision Napa 2020

Chapter 4 of the General Plan, Community Services, includes the following policies for the purpose of reducing or avoiding impacts associated with utilities and service systems.

> ***Policy CS-10.1:*** *The City shall promote reduced wastewater system demand through efficient water use by:*
>
> > *a. Requiring water-conserving design and equipment in new construction*
> >
> > *b. Encouraging retrofitting with water--conserving devices*
>
> ***Policy CS-10.3:*** *The City shall coordinate development review with the Napa Sanitation District (NSD) to ensure that adequate wastewater collection, treatment, and disposal facilities can be provided by the District by requiring that all new applicants for development secure a "will-serve" letter from the NSD if the District notifies the City that a critical capacity situation exists.*
>
> *Where a critical capacity situation does exist, the City shall not issue, in the absence of a will-serve letter from the NSD, any building permits or similar ministerial entitlements for proposed structures that would increase net demand on NSD treatment capacity. In addition,*
>
> *when conducting environmental review for proposed development projects requiring General Plan amendments, specific plans, use permits, tentative subdivision maps, or similar discretionary approvals, the City shall include within the environmental document, information assessing whether NSD is likely to have sufficient capacity to serve the proposed development.*
>
> *In approving any such discretionary project, the City shall require, as a mitigation measure and condition of approval, that the applicant(s) shall obtain the necessary will-serve letters from NSD prior to receiving approval of a final subdivision map, or in the absence of a*

need for a final subdivision map, prior to receiving approval of any required building permits or similar ministerial approvals.

City of Napa Policy Resolution No. 27

The City of Napa adopted Policy Resolution 27 originally in August 1992 and has most recently amended the Resolution in December 2002. The Resolution includes the City's standard mitigation measures that are imposed on all development projects, unless otherwise authorized by the City. Any or all of the mitigation measures listed in Resolution 27 may be imposed as conditions of Project approval. The mitigation measures are periodically updated, as needed. The following utilities measures listed in Resolution No. 27 are applicable to the proposed Project:

- Prior to trenching within existing roadway areas, the Developer's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such systems.
- Water and energy conservation measures shall be incorporated into project design and construction in accordance with applicable codes and ordinances.
- The project shall be connected to the Napa Sanitation District for sanitary sewer service. If the subject property is presently served by individual sewage disposal systems, the septic systems, setbacks, and reserve areas must be protected and maintained during cleaning, grading, construction, and after connection to the District, the existing septic tank(s) shall be properly destroyed.
- The project shall be connected to the City of Napa water system. Any existing well must be properly protected from potential contamination. If an existing well is to be destroyed, a well-destruction permit must be obtained from the Napa County Department of Environmental Management by a licensed well driller. If an existing well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water District's specifications.
- The project shall be designed and built in accordance with the PWD Standard Specification regarding the adequate conveyance of storm waters.
- All faucets in sinks and lavatories shall be equipped with faucet aerators designed to limit the maximum flow to two and two tenths (2.2) gallons per minute.
- All showerheads shall be of a design to limit the maximum flow to two and one-half (2.5) gallons per minute.
- The Developer shall completely offset the water requirements of this project by complying with the retrofit requirements of Napa Municipal Code Chapter 13.09.
- During the construction/demolition/renovation period of the project, Developer shall use the franchised garbage hauler for the service area in which the project is located to remove all wastes generated during project development, unless Developer transports project waste. If the Developer transports the project's waste, Developer must use the appropriate landfill for the service area in which the project is located.
- Developer shall provide for the source separation of wood waste for recycling. Developer shall use the franchised garbage hauler for the service area in which located for collection of such wood waste, unless the Developer transports such wood waste to a location where wood waste is recycled.
- The Developer of a commercial, industrial or multi-family project with common waste disposal facilities shall submit to and receive approval from the Public Works Director of a

source reduction plan which meets the City's Source Reduction and Recycling Element and implementing guidelines.

- A recycling/solid waste enclosure shall be provided in accordance with Chapter 17.102, et seq. of the NMC for all commercial, industrial and multi-family projects with common solid waste facilities.

Environmental Setting

Water Supply

Domestic water service is provided by the City of Napa Water Division (NWD). Recycled water is provided by the Napa Sanitation District (NSD).

Domestic Water

NWD is responsible for the operation, maintenance, and improvement of the municipal drinking water system serving nearly 88,000 people in the City of Napa and adjacent areas. NWD operates three treatment plants and delivers upwards of 15,000-acre feet (AF) of water annually.[75]

The City of Napa currently meets its demands by supplying water from three major sources: Lake Hennessey (28 percent), Milliken Reservoir (6 percent), and the State Water Project (SWP) (63 percent). The remaining 3 percent comes from recycled water.[76]

According to the City's UWMP, total water use in the City of Napa dropped to 12,034 AF. This represents the lowest annual demand on the system since the 1987-1992 drought, when population served was 15,000 fewer and extensive hotel development had yet to occur.[77] The 2015 UWMP forecasts projected available water supply of 32,873 AF in 2035. The UWMP concluded adequate water supply would be available to service the City of Napa through 2035. In fact, the City of Napa isestimated to have supplies nearly double projected water demand in 2035 (16,536 AF).

Recycled Water

Recycled water is municipal wastewater that has been treated to a specified quality to enable it to be used again for a beneficial purpose. This safe, non-potable water supply is typically distributed to large irrigation users such as golf courses, vineyards, parks, and commercial businesses. In the City'swater service area, recycled water treatment and distribution is managed by a separate special district, the Napa Sanitation District (NSD) at its Soscol Water Recycling Facility.

Wastewater Services

The NSD provides wastewater collection, treatment and disposal services to over 80,000 customers in the City of Napa and surrounding unincorporated areas. Wastewater is treated at the Soscol Water Recycling Facility (SWRF), which has a permitted dry weather treatment

[75] *City of Napa. Urban Water Management Plan: 2015 Update. September 2017.*

[76] *Ibid.*

[77] *Ibid.*

capacity of 15.4 million gallons per day (mgd). The facility treats approximately 10 mgd of wastewater per day. [78]

Storm Drainage

The City of Napa's storm drainage system consists of a network of open ditches, culverts, and underground pipes of various sizes and capacities, many of which are maintained by the Public Works Department. The City's primary objective in relation to the drainage system is to reduce the risk of flooding, and potential loss of life and property damage from flooding. The City's existing storm drainage system service area covers approximately 22 square miles.[79] Drainage collection in the City's sub basins operates on a gravity system, facilitating storm-water runoff from low-lying or poorly graded areas into natural drainage channels. Runoff water enters the system through ditches or from street storm drains. The runoff is channeled through ditches, culverts, and buried pipes until it is discharged into a natural channel (i.e., the Napa River or of one of its tributaries). Stormwater runoff from the Project site is collected via on-site inlets/catch basins. The runoff then flows from storm drains and into the City's stormwater system.

Solid Waste

Solid waste collection and recycling services for residents and businesses in Napa are provided by Napa Recycling and Waste Services (NRWS), under contract to the City of Napa Materials Diversion Division (Recycling and Solid Waste Division). Once collected, solid waste is transported to the Devlin Road Recycle and Transfer Station (approximately 12 miles south of the Project site), where it is loaded into trucks and sent to Potrero Hills Landfill (approximately 24 miles southeast of the Project site). The landfill is permitted to accept 4,330 peak tons per day and has a remaining capacity of 13,872,000 cubic yards.[80] Recyclables and organics are transported to the City of Napa Recycling and Compost Facility.

The City of Napa Materials Diversion Division is responsible for meeting the City's Disposal Reduction Policy and the State of California's mutual goal of diverting at least 75 percent of waste away from landfills by the year 2020.

Discussion of Impacts

a) ***Less-Than-Significant Impact.*** The Project will connect into Napa Sanitation District's sewer system. The Project is consistent with the site's zoning. The proposed Project would not require the construction of new water treatment facilities, or the expansion of existing facilities, other than those already planned as part of the City's Water Master Plan. The proposed Project would include connections to the existing electrical and gas infrastructure in the vicinity of the Project site, and would not require any new infrastructure, aside from Project-specific tie-ins and lines to serve the proposed Project. Therefore, because the proposed Project would connect to existing utility services within or adjacent to the Project site, the relocation or reconstruction of new or expanded water,

[78] *Napa Sanitation District. About Us. Available at: https://www.napasan.com/27/About-Us Accessed on March 18, 2021*

[79] *City of Napa. Envision Napa 2020, City of Napa General Plan. December 1998.*

[80] *CalRecycle. Potrero Hills Landfill (48-AA-0075). Site Activity Details. Available at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1194?siteID=3591 Accessed on March 19, 2021*

wastewater treatment or stormwater drainage, electric power, or telecommunications facilities would not be required, and this impact would be less than significant.

b) ***Less-Than-Significant Impact.*** Water service is provided to the Project site by the City of Napa Water Division (NWD). The primary water source for the City of Napa is surface water (i.e. local reservoirs and imported State Water Project supplies). The City's most recent Urban Water Management Plan (Urban Water Management Plan 2015 Update) concluded that the City of Napa water supply needs would be adequately served by existing and planned supplies through 2035.[81] Development of the proposed Project would contribute to total demand for NWD water supplies. In conformance with General Plan policies and the current CALGreen code, the Project would incorporate water conservation measures including drought-tolerant landscaping. Implementation of these water conservation and efficiency measures would reduce the Project's water demand. The new buildings will be required to incorporate water-efficient sinks, toilets, and other water connections per CALGreen requirements, which will help to offset the proposed Project's water demand and wastewater generation and will conform to Napa County conservation goals. The proposed Project would increase water usage at the site but would not significantly impact the NWD's water supplies or usage. The proposed Project is also consistent with the site's zoning. The City of Napa General Plan EIR concluded that buildout of the General Plan would be accommodated with the existing water distribution system. Development of the Project was considered as part of the City's General Plan and would not result in a significant impact to the City's ability to provide water services beyond those analyzed as part of the preparation of the General Plan EIR. The City would have sufficient water supply to support the proposed Project and implementation of the Project would not require new or expanded entitlements for water supplies, and, therefore, the impacts related to water supply would be less than significant.

c) ***Less-Than-Significant Impact.*** Sanitary sewer lines serving the Project site are owned and maintained by the Napa Sanitation District. The proposed Project would generate wastewater that would be treated at the Soscol Water Recycling Facility, which has a permitted dry weather treatment capacity of 15.4 million gallons per day and treats approximately 10 million gallons of wastewater per day. Given the nominal amount of wastewater generated by the Project the Soscol Water Recycling Facilities' existing available capacity, and the Project's consistency with the General Plan land use designation, the Project would not cause the Soscol Water Recycling Facility to exceed its treatment capacity and would represent a less than significant impact. The City of Napa General Plan EIR concluded that buildout of the General Plan would be accommodated with the existing sanitary sewer lines. Development of the Project was considered as part of the City's General Plan and would not result in a significant impact to the City's ability to provide wastewater services beyond those analyzed as part of the preparation of the General Plan EIR. The Project would not have a significant impact related to the provisions of sewer service for the Project.

[81] *City of Napa. Urban Water Management Plan: 2015 Update. September 2017. Available at: https://www.cityofnapa.org/609/Urban-Water-Management-Plan*

d) ***Less-Than-Significant Impact.*** Solid waste collection and recycling services for residents and businesses in Napa are provided by NRWS, under contract to the City of Napa Materials Diversion Division (Recycling and Solid Waste Division). Once collected, solid waste is transported to the Devlin Road Recycle and Transfer Station (approximately 12 miles south of the Project site), where it is loaded into trucks and sent to Potrero Hills Landfill (approximately 24 miles southeast of the Project site). The Potrero Hills Landfill has adequate capacity to serve the proposed Project. Solid waste generated during the construction, and operational phase of the Project would be recycled to the maximum extent feasible. As such, the Project would be served by a landfill with sufficient capacity to accommodate the Project's waste disposal needs, and impacts associated with the disposition of solid waste would be less than significant.

e) ***Less-Than-Significant Impact.*** The City of Napa Materials Diversion Division administers the recycling and solid waste collection contract with Napa Recycling and Waste Services, which is responsible for implementing City policy. In accordance with the state's enactment of AB 341, the City has adopted R2012 100, establishing a disposal reduction policy, including but not limited to, extended producer responsibility, sustainable purchasing responsibility, the High-Performance Building Ordinance, and the Construction and Demolition Debris Recycling Ordinance. The City has established residential and commercial collection rates that will be applicable to the proposed Project. The Project would be required to comply with Policy Resolution No. 27, which require submittal of a source reduction plan consistent with the Source Reduction and Recycling Element of the City's General Plan. Therefore, impacts related to solid waste would be less than significant and the Project will comply with federal, state, and local statutes.

XX. **WILDFIRE** — If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:		***Potentially Significant Impact***	***Less than Significant with Mitigation Incorporated***	***Less than Significant***	***No Impact***
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Environmental Setting

According to the CAL FIRE California Fire Hazard Severity Zone Viewer, the Project site is not located within any state responsibility areas (SRA) for fire service, and is not within a very high fire hazard severity zone.[82] The Project site is located in an incorporated local responsibility area (LRA)[83] with very little slope.

Discussion of Impacts

a) ***Less-Than-Significant Impact.*** The Project site is flat, and is not considered a high severity zone for wildfire. The City's basic firefighting regulations are the adopted California Fire Code (CFC). The CFC regulations are required for protection of life and property from wildland fires in wildland urban interface areas in the City.[84] The proposed

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[82] *California Fire Hazard Severity Zone. Web Mapping Application. Available at: https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414 Accessed on: March 11, 2021*

[83] *CAL FIRE. 2007. Fire Hazard Severity Zones in SRA. Available at: https://osfm.fire.ca.gov/media/6730/fhszs_map28.pdf Accessed on: March 11, 2021*

[84] *City of Napa General Plan. Chapter 8, Health and Safety. Available at: < https://www.cityofnapa.org/DocumentCenter/View/452/Chapter-8---Health-and-Safety-PDF> Accessed on March 11, 2021*

Project would not impair the implementation of, or physically interfere with, an adopted emergency response plan and would thus have a less-than-significant impact on implementation of an adopted emergency response plan or emergency evacuation plan.

b) ***Less-Than-Significant Impact.*** The Project site is flat and bound by commercial properties to the north, by Tulocay Creek followed by commercial properties to the south, by Soscol Avenue followed by commercial properties to the east, and by undeveloped land (zoned multi-family residential) to the west. According to the Napa County Wildland Urban Interface (WUI) map (last updated August 3rd, 2020)[85], portions of the Project area are designated as "interface" and "influence" areas, with a hazard designation of "moderate," however, the Project area is not considered a high severity zone for wildfire. Therefore, the proposed Project would not exacerbate wildfire risks and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, and this impact would be less than significant.

c) ***No Impact***. The proposed Project is not located within an SRA for fire service and is not within a very high fire hazard severity zone. Therefore, the proposed Project would not require the installation or maintenance of associated infrastructure, and no impact would occur.

d) ***Less-Than-Significant Impact.*** The Project site is flat and is not located within an SRA for fire service or a very high fire hazard severity zone. Therefore, the proposed Project would not expose people or structures to significant risks as a result of post-fire slope instability or drainage and runoff changes.

[85] *Napa County Wild Urban Interface Map. August 3, 2020. Available at: < https://ncff-cwpp-dms-usa.hub.arcgis.com/datasets/0c283c5561ca42548a2a65cdc5117c7e?geometry=-122.314%2C38.280%2C-122.233%2C38.292> Accessed on: March 11, 2021*

XXI. MANDATORY FINDINGS OF SIGNIFICANCE	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

a) ***Less than Significant with Mitigation Incorporation.*** Implementation of the proposed Project would not substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Furthermore, implementation of the Biological Resources, Cultural Resources, and Tribal Cultural Resources mitigation measures would ensure impacts to these issues are mitigated to less than significant levels. Therefore, the proposed Project would not substantially degrade the quality of the environment.

b) ***Less Than Significant with Mitigation Incorporation.*** Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The analysis within this Initial Study/Mitigated Negative Declaration demonstrates that the Project would not have any individually limited, but cumulatively considerable impacts. All potentially significant Project impacts would be reduced to less-than-significant levels with mitigation. Compliance with the conditions of approval issued for the proposed Project would further assure that Project-level impacts

would not be cumulatively considerable. Consequently, the Project along with other cumulative projects (e.g., buildout of Gasser Master Plan) would create a less-than-significant cumulative impact with respect to all environmental issues.

c) ***Less Than Significant Impact.*** With implementation of the mitigation measures required in this Initial Study/Mitigated Negative Declaration, the Project would not result in substantial adverse effects to human beings, either directly or indirectly.

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REPORT PREPARATION

City of Napa – CEQA Lead Agency

Erin Morris, Planning and Code Enforcement Manager
Lori MacNab, Land Use Planner
Mike Allen, Senior Planner
Lorien Clark, Transportation Planner

Ronmor Real Estate Fund Napa LP – Applicant

Doug Porozni, Chairman

WRA, Inc. – CEQA Consultant

Matt Richmond, Principal
Geoff Reilly, Senior Associate Environmental Planner
Reida Khan, Assistant Environmental Planner II
Tali Ashurov, Senior Environmental Planner
Jason Yakich, Senior Biologist
Scott Yarger, Associate Plant Biologist
Moly Brewer, Wildlife Biologist
Michael Rochelle, GIS Analyst

Baseline Environmental Consulting (Air Quality, Greenhouse Gas Emissions, Noise)

Bruce Abelli-Amen, Principal/Technical Director
Ivy Tao, Environmental Engineer
Lisa Lou, Environmental Engineer

TJKM (Transportation)

Chris Kinzel, Vice President
Renee Powell, Assistant Transportation Planner

Far Western (Transportation)

Phil Kaijankoski, Principal Investigator/Geoarchaeologist