

RESOLUTION NO. 2023-___

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF NAPA, STATE OF CALIFORNIA,
CERTIFYING THE EIR AND ADOPTING FINDINGS,
A STATEMENT OF OVERRIDING CONSIDERATION AND
A MITIGATION MONITORING AND REPORTING PROGRAM
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT FOR THE 2023-2031 HOUSING ELEMENT
AND SAFETY ELEMENT UPDATES**

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WHEREAS, Napa County ("County") proposes updates to the Housing Element and Safety Element of the Napa County General Plan ("General Plan"), as well as associated amendments to other elements of the General Plan as necessary to ensure consistency (the "Project"); and

WHEREAS, the Housing Element is a required element of general plans pursuant to Government Code Section 65302(c); and

WHEREAS, Article 10.6 (Housing Elements) of the Government Code requires the County to adopt a sixth revision to the Housing Element for the eight-year planning period 2023 through 2031 to accommodate the County's regional needs allocation ("RHNA") of 106 housing units; and

WHEREAS, the County has prepared an update to the Housing Element that would facilitate development of new housing units, which meets the County's RHNA as well as additional units for a buffer to ensure that the County maintains adequate sites at all income levels throughout the Housing Element planning period; and

WHEREAS, the Safety Element is a required element of general plans pursuant to Government Code Section 65302(g); and

WHEREAS, the County determined that the Project requires review under the California Environmental Quality Act ("CEQA") (Public Resources Code Sections 2100, *et seq.*) and the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 1500, *et seq.*); and

WHEREAS, on January 24, 2022, the County issued a Notice of Preparation of an Environmental Impact Report ("EIR") and Notice of Public Scoping Session for the Project; and

WHEREAS, a scoping session was held on February 16, 2022, to provide responsible, trustee, federal agencies, and members of the public the opportunity to comment on the scope and content of the environmental analysis to be included in the EIR; and

WHEREAS, written comments from public agencies and members of the public were accepted during the 45-day scoping period that ended at 5:00 p.m. on February 15, 2022; and

WHEREAS, a Notice of Availability of the Draft EIR was issued on August 23, 2022; and

WHEREAS, on October 5, 2022, during the public review and comment period, the Napa County Planning Commission held a public hearing to receive comments on the Draft EIR; and

WHEREAS, the public review and comment period concluded on October 7, 2022; and

WHEREAS, the EIR is a program EIR, as authorized by CEQA Guidelines Section 15168, which analyzes the potentially significant environmental effects of the overall development potential of the Project and not the site-specific impacts of any individual development project, the details of which are not known at this time; and

WHEREAS, the Final Environmental Impact Review ("Final EIR" or "FEIR") consists of the Draft EIR, responses to comments on the Draft EIR, text revisions to the Draft EIR, responses to late comments, and all documents incorporated therein; and

WHEREAS, the FEIR includes text changes to the analysis in Draft EIR Chapter 4.12 Noise and Vibration to provide additional information based on analysis provided by a Level of Service (LOS) study. The LOS study clarifies and amplifies the information in the DEIR related to noise caused by traffic (FEIR, page 4-13); and

WHEREAS, on December 30, 2022, the Final EIR and Notice of Availability of the Final EIR and Notice of Public Hearing by the Planning Commission on January 11, 2023 was transmitted to the State Clearinghouse, members of the Planning Commission, Board of Supervisors, agencies, commenters on the Draft EIR including agencies that commented on the Draft EIR, and other interested groups and individuals, as well as being published in the Napa Valley Register; and

WHEREAS, the County received late comments on the Draft EIR following the close of the public review and comment period ("Late Comments") and, although, pursuant to Public Resources Code Section 21091(d) and State CEQA Guidelines Section 15088(a) written responses are not required, responses to Late Comments have been provided in the Final EIR; and

WHEREAS, on January 11, 2023, the Planning Commission held a duly noticed public hearing to take additional testimony and consider its recommendation to the Board of Supervisors on certifying the Final EIR, adopting CEQA Findings and the Housing Element Update. Upon considering all oral and written testimony, the Planning Commission closed the public hearing and adopted Resolution No.2023-01, finding that the Final EIR had been completed in compliance with CEQA, the State CEQA Guidelines, and the Napa County Local Procedures for Implementing the California Environmental Quality Act, indicating the Planning Commission had reviewed and considered the information contained in the Final EIR, and recommended that the Board of Supervisors certify the Final EIR in accordance with CEQA Guidelines Section 15090 and adopt CEQA Findings. The Planning Commission found that there will be 16 significant and unavoidable impacts resulting from the Housing Element Update, but that specific economic, legal, social, technological and other benefits of the Project outweigh the unavoidable adverse effects; and

WHEREAS, on January 24, 2023, the Board of Supervisors held a public hearing, received the Planning Commission's recommendations and considered a proposed resolution certifying the Final EIR, adopting CEQA Findings and a mitigation monitoring and reporting program and also considered public comment; and

WHEREAS, the Board now desires to adopt this Resolution certifying the EIR and adopting CEQA findings, mitigation measures, a statement of overriding considerations, a mitigation monitoring and reporting program in connection with the Final EIR.

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. Recitals.

The Board hereby finds that the foregoing recitals are true and correct.

SECTION 2. Certification of EIR.

Pursuant to Section 15090 of the State CEQA Guidelines, the Napa County Board of Supervisors has reviewed and considered the Final EIR and makes the following findings, recommending certification of the Final EIR for the Housing Element and Safety Element Updates:

1. The above recitals are true and correct, reflect the independent judgment of the Board of Supervisors, and are hereby incorporated by this reference.
2. Notices of the Planning Commission hearing to receive comments on the Draft EIR and hearing to recommend certification of the Final EIR were given as required by law and the actions were conducted pursuant to CEQA Guidelines Sections 15088, 15088.5, 15089, and 15090.
3. All individuals, groups, and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Draft EIR and to submit written comments on the adequacy of the Final EIR for certification. These opportunities for comment meet or exceed the requirements of CEQA, CEQA Guidelines, and the Napa County Local Procedures for Implementing the California Environmental Quality Act.
4. All comments submitted during the public review and comment period on the Draft EIR, and the public hearing on the adequacy of the Draft EIR conducted by the Planning Commission have been considered and responded to in the Final EIR, or included in the public record.
5. No new comments or information has been submitted during the Planning Commission hearings on the Project and the Final EIR that would change the analysis or conclusions of the Final EIR.

6. The Board of Supervisors has been presented with all of the information in the administrative record, testimony, and EIR documents for the Final EIR, and has reviewed and considered this information and the Final EIR.
7. The Final EIR has been completed in compliance with the intent and requirements of CEQA, CEQA Guidelines, the Napa County Local Procedures for Implementing the California Environmental Quality Act and reflects the independent judgment of the County and is hereby certified by the Board of Supervisors.

SECTION 3. Purpose of the Findings.

The purpose of these Findings is to satisfy the requirements of Public Resources Code Section 21000, et seq., and Sections 15091, 15092, 15093 and 15097 of the CEQA Guidelines, 14 Cal. Code Regs. Sections 15000, et seq., associated with adoption of the 2023 - 2031 Housing Element Update and Safety Element Update. These Findings provide the written analysis and conclusions of the Board of Supervisors regarding the 2023 - 2031 Housing Element Update and Safety Element Update. They are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular impact topic and/or requirement of law. At times, these findings refer to materials in the administrative record, which are readily available for review in the County's Planning, Building and Environmental Services ("PBES") Department.

SECTION 4. Project Objectives.

As noted in Chapter 3 of the DEIR, the Project objectives are as follows:

- Update the General Plan's Housing Element to comply with State-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in unincorporated County between 2023 and 2031.
- Include an inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation and to provide an appropriate buffer of additional housing development capacity.
- Amend other elements of the County's General Plan as needed to maintain internal consistency between the elements and update the Safety Element to ensure consistency with the County's Local Hazard Mitigation Plan and comply with recent changes in State law.
- Make necessary General Plan amendments and zoning changes in a manner that affirmatively furthers fair housing while preserving the rural character of Napa County and perpetuating the safety and welfare of both existing and future residents.

SECTION 5. Findings are Determinative.

The Board of Supervisors recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the EIR and the administrative record; that experts disagree; and that the Board of Supervisors must base its decision and these Findings on the substantial evidence in the record that it finds most compelling. Therefore, by these Findings, the Board of Supervisors ratifies, clarifies, and/or makes insignificant modifications to the FEIR and resolves that these findings shall control and are determinative of the significant impacts of the Project.

SECTION 6. Findings Associated With Less Than Significant Impacts Without Need for Imposition of Mitigation.

The Board of Supervisors has reviewed and considered the information in the Draft EIR and Final EIR, addressing environmental effects, mitigation measures, and alternatives. The Board of Supervisors, relying on the facts and analysis in the DEIR and FEIR, which were presented to the Board of Supervisors and reviewed and considered prior to any approvals for the Project, concurs with the conclusions of the DEIR and FEIR regarding the less than significant environmental effects.

Based upon the EIR, FEIR and the administrative record, the Board also finds that the proposed Project, inclusive of the build out of the RHNA and development of the housing types within the scope of the EIR, have less than significant impacts to the following impacts:

a. Aesthetics.

1. Impact AES-1: Implementation of the Project would not have a substantial adverse effect on a scenic vista. This impact is less than significant. (DEIR, p. 4.1-8.)
2. Impact AES-3: Implementation of the Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. This impact is less than significant. (DEIR, p. 4.1-11.)
3. Impact AES-1.CU: Implementation of the Project, when combined with other past, present, or reasonably foreseeable development, would not have a substantial adverse effect on a scenic vista. This impact is less than significant. (DEIR p. 4.1-12.)
4. Impact AES-2.CU: Implementation of the Project, when combined with other past, present, or reasonably foreseeable development, would not substantially degrade the existing visual character or quality of public views on the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality. This impact is less than significant. (DEIR, p. 4.1-12.)
5. Impact AES-3.CU: Implementation of the Project, when combined with other past, present, and reasonably foreseeable development, would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. This impact is less than significant. (DEIR, p. 4.1-13.)

b. Agriculture and Forestry Resources.

1. Impact AGR-1: Implementation of the Housing Element Update would not 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. This impact is less than significant. (DEIR, p. 4.2-10.)

2. Impact AGR-2: Implementation of the Housing Element Update would not conflict with existing zoning for agricultural use, or a Williamson Act contract. This impact is less than significant. (DEIR, p. 4.2-10.)

3. Impact AGR-3: Implementation of the Housing Element Update would not involve other changes to the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. This impact is less than significant. (DEIR, p. 4.2-11.)

4. Impact AGR-1.CU: Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts on agriculture. This impact is less than significant. (DEIR, p. 4.2-12.)

c. Air Quality.

1. Impact AIR-1: Implementation of the Housing Element Update would not conflict with or obstruct implementation of the applicable air quality plan. This impact is less than significant. (DEIR, p. 4.3-16.)

2. Impact AIR-4: Implementation of the Housing Element Update would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. This impact is less than significant. (DEIR, p. 4.3-25.)

3. Impact AIR-1.CU: The Housing Element Update, in conjunction with cumulative sources, would not result in exposure of sensitive receptors to substantial levels of fine particulate matter (PM_{2.5}) and TACs under cumulative conditions. This impact is less than significant. (DEIR, p. 4.3-26.)

4. Impact AIR-2.CU: Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable projects, would not combine with other sources of odors that would adversely affect a substantial number of people. This impact is less than significant. (DEIR, p. 4.3-26.)

d. Biological Resources.

1. Impact BIO-3: Implementation of the Housing Element Update would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. This impact is less than significant. (DEIR, p. 4.4-25.)

2. Impact BIO-4: Implementation of the Housing Element Update would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. This impact is less than significant. (DEIR, p. 4.4-26; FEIR.)

e. Cultural Resources and Tribal Cultural Resources.

1. Impact CUL-3: Implementation of the Housing Element Update may disturb human remains, including those interred outside of dedicated cemeteries. This impact is less than significant. (DEIR, p. 4.5-25.)

f. Energy.

1. Impact ENE-1: Implementation of the Housing Element Update would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation or conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This impact is less than significant. (DEIR, p. 4.6-13.)

2. Impact ENE-1.CU: Implementation of the Housing Element Update would not result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction and operation or conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This impact is less than significant. (DEIR, p. 4.6-17.)

g. Geology, Soils, Paleontological, and Mineral Resources.

1. Impact GEO-1: Implementation of the Housing Element Update would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. This impact is less than significant. (DEIR, p. 4.7-18.)

2. Impact GEO-2: Implementation of the Housing Element Update would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic related ground failure, including liquefaction. This impact is less than significant. (DEIR, p. 4.7-19.)

3. Impact GEO-3: Implementation of the Housing Element Update would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. This impact is less than significant. (DEIR, p. 4.7-20.)

4. Impact GEO-4: Implementation of the Housing Element Update would not result in substantial soil erosion or the loss of topsoil. This impact is less than significant. (DEIR, p. 4.7-20.)

5. Impact GEO-5: Implementation of the Housing Element Update would not 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. This impact is less than significant. (DEIR, p. 4.7-21.)

6. Impact GEO-6: Implementation of the Housing Element Update would not be located on expansive soil, creating substantial direct or indirect risk to life or property. This impact is less than significant. (DEIR, p. 4.7-22.)

7. Impact GEO-7: Implementation of the Housing Element Update would not 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. This impact is less than significant. (DEIR, p. 4.7-22.)

8. Impact GEO-1.CU: Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts on geology, soils, paleontological, or mineral resources. This impact is less than significant. (DEIR, p. 4.7-25.)

h. Hazards and Hazardous Materials.

1. Impact HAZ-1: Implementation of the Housing Element Update would not create a significant hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials. This impact is less than significant. (DEIR, p. 4.9-13.)

2. Impact HAZ-2: Implementation of the Housing Element Update would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. This impact is less than significant. (DEIR, p. 4.9-14.)

3. Impact HAZ-3: Implementation of the Housing Element Update would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. This impact is less than significant. (DEIR, p. 4.9-15.)

4. Impact HAZ-1.CU: Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts relative to hazards and hazardous materials. This impact is less than significant. (DEIR, p. 4.9-17.)

i. Hydrology and Water Quality.

1. Impact HYD-1: Implementation of the Housing Element Update would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. This impact is less than significant. (DEIR, p. 4.10-22.)

2. Impact HYD-2: Implementation of the Housing Element Update would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. This impact is less than significant. (DEIR, p. 4.10-23.)

3. Impact HYD-3: Implementation of the Housing Element Update would not 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 offsite; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows. This impact is less than significant. (DEIR, p. 4.10-24; FEIR, p. 4-7.)

4. Impact HYD-4: Implementation of the Housing Element Update would risk release of pollutants due to project inundation due to being located in a flood hazard zone. This impact is less than significant. (DEIR, p. 4.10-26)

5. Impact HYD-5: Implementation of the Housing Element Update would not conflict with or obstruct implementation of a water quality control plan or a sustainable groundwater management plan. This impact is less than significant. (DEIR, p. 4.10-26; FEIR, p. 4-8.)

6. Impact HYD-1.CU: Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts on hydrology and water quality. This impact is less than significant. (DEIR, p. 4.10-28.)

j. Land Use and Planning.

1. Impact LUP-1: Implementation of the Project would not physically divide an established community. This impact is less than significant. (DEIR, p. 4.11-11.)

2. Impact LUP-2: Implementation of the Project would not 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. This impact is less than significant. (DEIR, p. 4.11-12.)

3. Impact LUP-1.CU: Implementation of the Project, when combined with other past, present, or reasonably foreseeable projects, would not physically divide an established community. This impact is less than significant. (DEIR, p. 4.11-13.)

4. Impact LUP-1.CU: Implementation of the Project, when combined with other past, present, or reasonably foreseeable projects, would not 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. This impact is less than significant. (DEIR, p. 4.11-14.)

k. Noise.

1. Impact NOI-1: Implementation of the Housing Element Update would not generate 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. This impact is less than significant. (DEIR, p. 4.12-12; FEIR, p. 4-9)

2. Impact NOI-2: Implementation of the Housing Element Update would not generate excessive ground borne vibration. This impact is less than significant. (DEIR, p. 4.12-14; FEIR, p.4-10)

3. Impact NOI-5: Implementation of the Housing Element Update would not expose people residing or working in the project area to excessive noise levels due to being located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport. This impact is less than significant. (DEIR p. 4.12- 18.)

4. Impact NOI-1.CU: Construction activities associated with implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable projects, would not result in generation of a substantial temporary 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. This impact is less than significant. (DEIR, p. 4.12-19.)

5. Impact NOI-3.CU: Construction activities associated with implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable projects, would not result in exposure of persons to or generation of excessive ground borne vibration levels. This impact is less than significant. (DEIR, p. 4.12-21.)

1. Population and Housing.

1. Impact POP-1: Implementation of the Housing Element Update would not induce substantial unplanned population growth in an area, either directly or indirectly. This impact is less than significant. (DEIR, p. 4.13-7.)

2. Impact POP-2: Implementation of the Housing Element Update would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. This impact is less than significant. (DEIR, p. 4.13-8.)

3. Impact POP-1.CU: Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable growth, would not contribute considerably to cumulative impacts on population and housing. This impact is less than significant. (DEIR, p. 4.13-8.)

m. Public Service and Recreation.

1. Impact PSR-1: Implementation of the Housing Element Update would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered fire protection and emergency medical response services facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection. This impact is less than significant. (DEIR, p. 4.14-15.)

2. Impact PSR-2: Implementation of the Housing Element Update would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered police facilities, the construction of which could cause significant

environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection. This impact is less than significant. (DEIR, p. 4.14-17.)

3. Impact PSR-3: Implementation of the HEU would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools. This impact is less than significant. (DEIR, p. 4.14-18.)

4. Impact PSR-4: Implementation of the Housing Element Update would not 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. This impact is less than significant. (DEIR, p. 4.14-19.)

5. Impact PSR-5: Implementation of the Housing Element Update would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. This impact is less than significant. (DEIR, p. 4.14-20.)

6. Impact PSR-1.CU: Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts on public services that would require new or physically altered governmental facilities, construction of which could have significant physical environmental impacts. This impact is less than significant. (DEIR, p. 4.14-22.)

7. Impact PSR-2.CU: Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts on parks and recreation. This impact is less than significant. (DEIR, p. 4.14-22.)

n. Transportation.

1. Impact TRA-1: Implementation of the Housing Element Update would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. This impact is less than significant. (DEIR, p. 4.15-22; FEIR, p. 4-17)

2. Impact TRA-3: Implementation of the Housing Element Update would not substantially increase hazards due to a geometric design feature or incompatible uses. This impact is less than significant. (DEIR, p. 4.15-29.)

3. Impact TRA-4: Implementation of the Housing Element Update would not result in inadequate emergency access. This impact is less than significant. (DEIR, p. 4.15-30; FEIR, p. 4-18)

4. Impact TRA-1.CU: Implementation of the Housing Element Update, in combination with past, present, and reasonably foreseeable future development, would not result in a

cumulatively considerable contribution to hazards due to geometric design features or incompatible uses, or inadequate emergency access. This impact is less than significant. (DEIR, p. 4.15-31.)

o. Utilities and Service Systems.

1. Impact UTL-1: Implementation of the Housing Element Update would not 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. This impact is less than significant. (DEIR, p. 4.16-19.)

2. Impact UTL-4: Implementation of the Housing Element Update would not 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. This impact is less than significant. (DEIR, p. 4.16-25.)

3. Impact UTL-5: Implementation of the Housing Element Update would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. This impact is less than significant. (DEIR, p. 4.16-27.)

4. Impact UTL-1.CU: Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts on utility infrastructure. This impact is less than significant. (DEIR, p. 4.16-27.)

5. Impact UTL-4.CU: Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable projects, would not contribute considerably to cumulative impacts on solid waste. This impact is less than significant. (DEIR, p. 4.16-29.)

p. Wildfire.

1. Impact WLF-1: Implementation of the Housing Element Update would not substantially impair an adopted emergency response plan or emergency evacuation plan. This impact is less than significant. (DEIR, p. 4.17-11.)

2. Impact WLF-2: Implementation of the Housing Element Update would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. This impact is less than significant. (DEIR, p. 4.17-16.)

3. Impact WLF-3: Implementation of the Housing Element Update would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. This impact is less than significant. (DEIR, p. 4.17-16.)

4. Impact WLF-4: Implementation of the Housing Element Update would not 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. This impact is less than significant. (DEIR, p. 4.17-17.)

5. Impact WLF-1.CU: Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable development, would not result in significant cumulative impacts related to wildfire. This impact is less than significant. (DEIR, p. 4.17-18.)

SECTION 7. Findings Associated with Potentially Significant Impacts Which Can Be Mitigated to a Less Than Significant Level.

According to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The EIR identifies the following significant impacts that are reduced to a less than significant level by the inclusion of mitigation measures identified in the EIR.

a. Biological Resources.

1. **Impact BIO-1:** Implementation of the Housing Element Update would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. This impact is less than significant with mitigation. (DEIR, p. 4.4-16; FEIR, p. 4-3.)

Mitigation Measures:

Mitigation Measure BIO-1: Avoid and Minimize Impacts on Special-Status Plant Species.

To ensure protection of special-status plants, the following measures shall be implemented.

- a) Prior to the start of earth-disturbing activities (i.e., clearing and grubbing) in the Imola Avenue, Bishop, Altamura, Foster Road, and Spanish Flat sites, a qualified biologist shall conduct a properly timed special-status plant survey for rare plant

species within the project work limits. The survey will follow the CDFW *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities* (CDFW, 2018). If special-status plant species occur within the project work limits and can be avoided, then the biologist shall establish an adequate buffer area for each plant population to exclude activities that directly remove or alter the habitat of, or result in indirect adverse impacts on, the special-status plant species. A qualified biologist shall oversee installation of a temporary, plastic mesh-type construction fence (Tensor Polygrid or equivalent) at least four feet (1.2 meters) tall around any established buffer areas to prevent encroachment by construction vehicles and personnel. The qualified biologist shall determine the exact location of the fencing. The fencing shall be strung tightly on posts set at maximum intervals of 10 feet (3 meters) and will be checked and maintained weekly until all construction is complete. The buffer zone established by the fencing shall be marked by a sign stating:

“This is habitat of [list rare plant(s)] and must not be disturbed. This species is protected by [the Endangered Species Act of 1973, as amended/CESA/California Native Plant Protection Act].”

- b) If direct impacts cannot be avoided, the biologist shall prepare a plan for minimizing the impacts by one or more of the following methods: 1) salvage and replant plants at the same location following construction; 2) salvage and relocate the plants to a suitable off-site location with long-term assurance of site protection; 3) collect seeds or other propagules for reintroduction at the site or elsewhere; or 4) payment of compensatory mitigation, e.g., to a mitigation bank.
- c) The success criterion for any seeded, planted, and/or relocated plants shall be full replacement at a minimum 1:1 ratio (acreage based) after five years. Monitoring surveys of the seeded, planted, or transplanted individuals shall be conducted for a minimum of five years, to ensure that the success criterion can be achieved at year five. If it appears the success criterion would not be met after five years, contingency measures may be applied. Such measures shall include, but not be limited to additional seeding and planting; altering or implementing weed management activities; or introducing or altering other management activities.
- d) Special-status plant observations shall be reported to the California Natural Diversity Database.

Mitigation Measure BIO-2: Avoid and Minimize Impacts on Nesting Birds.

Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act when in active use. This shall be accomplished by taking the following steps.

- a) If construction is proposed during the nesting season (February 1 to August 31), a pre-construction survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within seven days prior to the onset of vegetation removal or construction, to identify any active nests on the project site and in the vicinity of proposed construction. Surveys shall be performed for the project area,

- vehicle and equipment staging areas, and suitable habitat within 250 feet to locate any active passerine (e.g., songbird) nests and within 500 feet to locate any active raptor (bird of prey) nests, and within 0.5 mile of the Foster Road site and Spanish Flat site, as accessible, to locate Swainson's hawk and golden eagle nests. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities.
- b) If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (September 1 to February 14), construction may proceed with no restrictions.
 - c) If bird nests are found, an adequate no-disturbance buffer (e.g., 100 to 250 feet, up to 0.5 mile for Swainson's hawk) shall be established around the nest location and construction activities restricted within the buffer until the qualified biologist has confirmed that any young birds have fledged and are able to leave the construction area. Required setback distances for the no-disturbance zone shall be established by the qualified biologist and may vary depending on species, line-of-sight between the nest and the construction activity, and the birds' sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site.
 - d) Any birds that begin nesting within the project area and survey buffers amid construction activities, with the exception of Swainson's hawk and golden eagle, shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no work exclusion zones shall be established around active nests in these cases; however, should birds nesting nearby begin to show disturbance associated with construction activities or nesting Swainson's hawk or golden eagle are discovered, no-disturbance buffers shall be established as determined by the qualified wildlife biologist.
 - e) Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer shall halt until the nest occupants have fledged.
 - f) A report of findings shall be prepared by the qualified biologist and submitted to the County for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season. The report shall either confirm absence of any active nests or shall confirm that any young within a designated no-disturbance zone and construction can proceed.

Mitigation Measure BIO-3: Avoid and Minimize Impacts on Roosting Bats.

A qualified biologist¹ who is experienced with bat surveying techniques (including auditory sampling methods), behavior, roosting habitat, and identification of local bat species shall be consulted prior to demolition or building relocation activities or tree

¹ CDFW defines credentials of a qualified biologist within permits or authorizations issued for a project. Typical qualifications include a minimum of four years of academic training leading to a degree and a minimum of 2 years of experience conducting surveys for each species that may be present within the project area.

work to conduct a pre-construction habitat assessment of the project area (focusing on buildings to be demolished or relocated) to characterize potential bat habitat and identify potentially active roost sites. No further action is required should the pre-construction habitat assessment not identify bat habitat or signs of potentially active bat roosts within the project area (e.g., guano, urine staining, dead bats, etc.).

The following measures shall be implemented should potential roosting habitat or potentially active bat roosts be identified during the habitat assessment in buildings to be demolished or relocated, or in trees adjacent to construction activities that could be trimmed or removed within the study area for the HEU project sites:

- a) In areas identified as potential roosting habitat during the habitat assessment, initial building demolition, relocation, and any tree work (trimming or removal) shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, to the extent feasible. These dates avoid the bat maternity roosting season and period of winter torpor.²
- b) Depending on temporal guidance as defined below, the qualified biologist shall conduct pre-construction surveys of potential bat roost sites identified during the initial habitat assessment no more than 14 days prior to building demolition or relocation, or any tree trimming or removal.
- c) If active bat roosts or evidence of roosting is identified during pre-construction surveys for building demolition and relocation or tree work, the qualified biologist shall determine, if possible, the type of roost and species. A no-disturbance buffer shall be established around roost sites until the qualified biologist determines they are no longer active. The size of the no-disturbance buffer shall be determined by the qualified biologist and shall depend on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of construction activity that would occur around the roost site.
- d) If special-status bat species or maternity or hibernation roosts are detected during these surveys, appropriate species and roost-specific avoidance and protection measures shall be developed by the qualified biologist in coordination with CDFW. Such measures may include postponing the removal of buildings or structures, establishing exclusionary work buffers while the roost is active (e.g., 100-foot no-disturbance buffer), or other compensatory mitigation.
- e) The qualified biologist shall be present during building demolition, relocation, or tree work if potential bat roosting habitat or active bat roosts are present. Buildings and trees with active roosts shall be disturbed only under clear weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit.
- f) The demolition or relocation of buildings containing or suspected to contain bat roosting habitat or active bat roosts shall be done under the supervision of the qualified biologist. When appropriate, buildings shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening and after bats have emerged from the roost to forage. Under no circumstances shall active maternity roosts be disturbed until the

² Torpor refers to a state of decreased physiological activity with reduced body temperature and metabolic rate.

roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist.

- g) Trimming or removal of existing trees with potential bat roosting habitat or active (non-maternity or hibernation) bat roost sites shall follow a two-step removal process (which shall occur during the time of year when bats are active, according to a) above and, depending on the type of roost and species present, according to c) above).
- h) On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws.
- i) On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe).
- j) All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches.

Mitigation Measure BIO-4: Avoid and Minimize Impacts to Western Pond Turtle.

Before construction activities begin, a qualified biologist³ shall conduct western pond turtle surveys at the Imola Avenue site and Bishop site. Upland areas shall be examined for evidence of nests as well as individual turtles. The project biologist shall be responsible for the survey and for the relocation of turtles, if needed. Construction shall not proceed until a reasonable effort has been made to identify and relocate turtles, if present, a biologist with the appropriate authorization and prior approval from CDFW shall move turtles and/or eggs to a suitable location or facility for incubation, and release hatchlings into the creek system the following autumn.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the EIR, FEIR and the administrative record, this impact on biological resources is mitigated by imposition of Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4, found on pages 4.4-16 through 4.4-23, as revised in FEIR pages 4-3 through 4-5. With implementation of these mitigation measures these impacts would be reduced to a less than significance level because MM BIO-1 would reduce construction-related impacts to special status plants by requiring pre-construction surveys to determine if special status plants are

³ The term “qualified biologist” refers to an individual who has at least a minimum education and qualifications that may include a 4-year degree in a biological sciences or other specific field and training and/or experience surveying, identifying, and handling the subject species. This individual differs from a “Service-approved biologist” in that the qualified biologist may only handle species that are not listed as threatened or endangered by the USFWS. The Service-approved biologist is authorized to relocate such species.

present, demarcating their location so they can be avoided, and establishing a plan to minimize direct impacts that cannot be avoided. MM BIO-2 would reduce construction-related impacts by limiting construction to the non-nesting season or, if that is not possible, conducting pre-construction surveys and establishing no-disturbance buffers around active nests and preparation of a report to the County. MM BIO-3 would reduce construction-related impacts by requiring pre-construction surveys to identify active bat roosts, establish protective buffers, limit removal of trees and structures during the maternity roosting season or months of winter torpor. MM BIO-4 would reduce construction-related impacts to western pond turtles by requiring surveys and removing or relocating the species to a safe and secure area.

2. **Impact BIO-2:** Implementation of the Housing Element Update would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS. This impact is less than significant with mitigation. (DEIR, p. 4.4-23.)

Mitigation Measures:

Mitigation Measure BIO-1, Avoid and Mitigate Impacts on Special-Status Plants.

Mitigation Measure BIO-5: Sensitive Natural Community Mitigation.

Prior to issuance of a building permit for development on the Spanish Flat site, the property owner or developer shall retain a qualified biologist to accurately map locations supporting valley oak woodlands, so that the development can avoid and retain viable oak trees where feasible. Downed and dead trees and former woodlands where trees are removed for safety considerations are not considered a sensitive natural community.

Consistent with Policy CON-24, where temporary construction impacts to valley oak woodlands cannot be avoided, revegetation and restoration measures shall be developed as part of a revegetation plan approved by the County. The revegetation plan shall include specific actions for the revegetation and restoration of impacted valley oak woodlands. Revegetation will include a 2:1 replacement ratio (or ratio otherwise identified by the County) of the acreage of woodland lost and for all trees lost as result of the Project. The following success criteria shall apply to revegetated areas:

1. Success criteria for replanting shall be less than 20 percent mortality annually over a period of five years.
2. Replanting shall be conducted each year that plantings exceed 20 percent mortality, such that at least 80 percent-plant survival is maintained each year of the five-year monitoring period.
3. Cover provided by invasive, non-native plant species shall not exceed five percent during each year of the five-year monitoring period.
4. A qualified biologist shall monitor the mitigation site for a minimum of five years to ascertain if the mitigation is successful.
5. Annual reports shall be submitted to the County by December 31 of each monitoring year (or as otherwise identified by the County), describing the results of the

monitoring and any remedial actions needed to achieve the specified habitat replacement ratio, or equivalent for permanent impacts on sensitive natural communities.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this biological impact is mitigated by imposition of Mitigation Measures BIO-1 and BIO-5, found on pages 4.4-16, 4.4-23 and 4.4-24 of the DEIR. With implementation of these mitigation measures would be reduced to a less than significant level because MM BIO-1 would reduce construction-related impacts to special status plants by requiring pre-construction surveys to determine if special status plants are present, demarcating their location so they can be avoided, and establishing a plan to minimize direct impacts that cannot be avoided and MM BIO-5 would reduce construction-related impacts to oak woodlands potentially present on the Spanish Flat site by requiring pre-construction surveys to demarcate sensitive natural communities and provide mitigation consistent with General Plan policies and the California Oak Woodlands Preservation Act.

3. **Impact BIO-1.CU:** Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable development, would not contribute considerably to cumulative impacts on biological resources. This impact is less than significant with mitigation. (DEIR p. 4.4-27.)

Mitigation Measures:

Mitigation Measure BIO-1: Avoid and Mitigate Impacts on Special-Status Plants.

Mitigation Measure BIO-2: Avoid and Minimize Impacts on Nesting Birds.

Mitigation Measure BIO-3: Avoid and Minimize Impacts on Roosting Bats.

Mitigation Measure BIO-5: Sensitive Natural Community Mitigation.

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this biological impact is mitigated by implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-5 because it would avoid and minimize impacts to special status plant species, nesting birds, roosting bats, and sensitive valley oak woodland communities. If construction activities at the Lake Berryessa resort closest to Spanish Flat site were to remove valley oak woodland, the Housing Element Update project would not considerably contribute to a significant cumulative impact to sensitive natural communities because implementation of MM BIO-5 would avoid and

retain viable oak tree where feasible and all other areas with tree cover would remain valley oak woodlands following development of the Housing Element Update.

b. Cultural Resources and Tribal Cultural Resources.

1. **Impact CUL-2:** Implementation of the Housing Element Update may cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. This impact is less than significant with mitigation. (DEIR p. 4.5-22.)

Mitigation Measures:

Mitigation Measure CUL-2. Cultural Resources Review Requirements.

For all discretionary and ministerial projects that require ground disturbance (i.e., excavation, trenching, grading, etc.) within areas identified in the Baseline Data Report Map 14-3 (Jones & Stokes, 2005) as having a sensitivity of 13 or higher (moderate to high), a records search shall be completed at the Northwest Information Center (NWIC) of the California Historical Resources Information System for the project area. To receive project approval, an archaeologist meeting the U.S. Secretary of the Interior’s Standards (SOIS) for Archeology, must review the results and identify if the Project would potentially impact cultural resources. If the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the Project, a pedestrian survey shall be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one has not been completed within the previous five years.

In addition, California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Napa County for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (culturally-affiliated Native American tribes) shall be notified of the proposed project and provided the preliminary findings of the records search and survey results. Following collaboration with the culturally-affiliated Native American tribe(s) and the County, a SOIS-qualified archaeologist shall prepare a cultural resources inventory report to submit to the County and the culturally-affiliated Native American tribe(s) for review. The report shall include the results of the background research and survey, and recommend additional actions, as needed, including subsurface testing, a cultural resources awareness training, and/or monitoring during construction.

If the County determines that a cultural resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the Project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with Public Resources Code (“PRC”) Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. In coordination with a SOIS-qualified archaeologist and the culturally-affiliated Native American tribe(s), preservation in place may include, but is not limited to: (1) planning construction to avoid archaeological sites, (2) deeding archaeological sites into permanent conservation easements, (3) capping or covering archaeological sites with a layer of soil before building

on the sites, and (4) planning parks, greenspace, or other open space to incorporate archaeological sites.

If avoidance is not feasible, the County shall consult with the culturally-affiliated Native American tribe(s) (if the resource is Native American-related) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).

Mitigation Measure CUL-3. Inadvertent Discovery of Cultural Resources.

If pre-contact or historic-era cultural resources are encountered during project construction and implementation, all construction activities within 100 feet shall halt and the County shall be notified. Pre-contact cultural materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era cultural materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. An archaeologist meeting the U.S. Secretary SOIS for Archeology shall inspect the find within 24 hours of discovery. Work shall be stopped within 100 feet of the potential cultural resource until the material is either determined by the archaeologist to not be a cultural resource or appropriate treatment has been enacted, in coordination with the culturally-affiliated Native American tribe(s) (if the resource is Native American-related).

If the County determines that a cultural resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the Project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. In coordination with the SOIS-qualified archaeologist and the culturally-affiliated Native American tribe(s), preservation in place may include, but is not limited to: (1) planning construction to avoid archaeological sites, (2) deeding archaeological sites into permanent conservation easements, (3) capping or covering archaeological sites with a layer of soil before building on the sites, and (4) planning parks, greenspace, or other open space to incorporate archaeological sites.

If avoidance is not feasible, the County shall consult with the culturally-affiliated Native American tribes (if the resource is Native American-related) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource

with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).

Findings: Pursuant to PRC Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this tribal cultural resource impact is mitigated by implementation of Mitigation Measures CUL-2 and CUL-3 because all projects with ground-disturbance in areas designated as having a moderate to high cultural resource sensitivity would be reviewed by an SOIS-qualified archaeologist, in collaboration with culturally-affiliated Native American tribes, and any potential cultural resources identified, that may also be considered tribal cultural resources, would be evaluated and treated appropriately.

2. **Impact TCR-1:** Implementation of the Housing Element Update may cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074. This impact is less than significant with mitigation. (DEIR, p. 4.5-26.)

Mitigation Measures:

Mitigation Measure CUL-2: Cultural Resources Review Requirements.

Mitigation Measure CUL-3: Inadvertent Discovery of Cultural Resources.

Findings: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a **less than significant** level. The County does not have regulatory authority over the Imola Avenue site and cannot require that the mitigation measures be implemented on that site. The site is under state jurisdiction and the State, like the County, is subject to requirements of AB 52 and SB 18. Thus, the state agency overseeing development of the site would be required to consult with tribes and undertake measures similar to those specified in Mitigation Measures CUL-2 and CUL-3, resulting in a less than significant impacts.

Rationale: Based upon the DEIR, FEIR and the administrative record, this tribal cultural resource impact is mitigated by implementation of Mitigation Measures CUL-2 and CUL-3 because they establish protocols to identify, evaluate, and address any potential impacts to previously unknown tribal cultural resources.

3. **Impact CUL-2.CU:** Implementation of the HEU, in combination with other cumulative development, would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or could disturb human remains, including those interred outside of formal cemeteries. This impact is less than significant with mitigation. (DEIR, p. 4.5-28.)

Mitigation Measures:

Mitigation Measure CUL-2: Cultural Resources Review Requirements.

Mitigation Measure CUL-3: Inadvertent Discovery of Cultural Resources and/or Human Remains.

Findings: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this cultural resource impact is mitigated by implementation of Mitigation Measures CUL-2 and CUL-3 because they would require an SOIS qualified archeologist to conduct a review of discretionary projects, or projects near known cultural resources or within archaeological sensitivity areas, prior to construction, the cessation of activities in the vicinity of finds, and tribal consultation when indigenous resources are inadvertently identified during project construction and as a result the incremental impact would not be cumulatively considerable and would not combine with the incremental impact of other projects in a cumulative scenario to cause a significant cumulative impact.

4. **Impact TCR-1.CU:** Implementation of the HEU, when combined with other past, present, or reasonably foreseeable projects, could contribute considerably to cumulative impacts on tribal cultural resources. This impact is less than significant with mitigation. (DEIR, p. 4.5-29.)

Mitigation Measures:

Mitigation Measure CUL-2: Cultural Resources Review Requirements.

Mitigation Measure CUL-3: Inadvertent Discovery of Cultural Resources and/or Human Remains.

Findings: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this tribal cultural resource impact is mitigated by implementation of Mitigation Measures CUL-2 and CUL-3 because they would require an SOIS qualified archeologist to conduct a review of projects prior to construction, the cessation of activities and buffering of finds, and tribal consultation when indigenous resources are unexpectedly discovered during project construction. As a result, the Project's incremental impact would not be cumulatively considerable and would not result in a significant cumulative effect.

c. Geology, Soils, Paleontological and Mineral Resources

1. **Impact GEO-8:** Implementation of the Housing Element Update would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. This impact is less than significant with mitigation. (DEIR, p. 4.7-23.)

Mitigation Measures:

Mitigation Measure GEO-1: Determination of Paleontological Potential.

Prior to issuance of a grading permit for any new development project that requires ground disturbance (i.e., excavation, grading, trenching, etc.) below five feet in previously undisturbed Holocene-age alluvial deposits or at any depth in previously undisturbed Pleistocene-age alluvial deposits (i.e., all multi-family housing sites except for the Spanish Flat site), the Project shall undergo an analysis to determine the potential for a project to encounter significant paleontological resources, based on a review of site-specific geology and the extent of ground disturbance associated with each project. The analysis shall include, but would not be limited to: 1) a paleontological records search, 2) geologic map review, and 3) peer-reviewed scientific literature review. If it is determined that a site has the potential to encounter significant paleontological resources, County General Plan Action Item CC-23.2 would be triggered. Action Item CC-23.2 requires that all construction activities stop if a paleontological resource is encountered and that the Planning Department be notified. Upon notification, the Planning Department would retain a qualified paleontologist (meeting the Society of Vertebrate Paleontology [SVP] standards as set forth in the “Definitions” section of Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources) to evaluate the discovery and determine its significance.

If the discovery is determined to be significant and the potential exists for a project to encounter and destroy significant paleontological resources, the appropriate steps shall be followed to ensure that a professional paleontologist is retained to prepare a paleontological resource management plan (or similar), which shall include appropriate mitigation recommendations. Such recommendations could include, but would not be limited to: 1) preconstruction worker awareness training, 2) paleontological resource monitoring, and 3) salvage of significant paleontological resources.

Findings: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the DEIR, FEIR and the administrative record, this impact is mitigated by implementation of Mitigation Measure GEO-1 because it would ensure that a thorough analysis of the potential to encounter significant paleontological resources is performed in accordance with SVP standard guidelines and if it is determined that the potential exists for a project to encounter and destroy significant paleontological resources the appropriate steps shall be followed to ensure that a professional paleontologist is retained to prepare a paleontological resource management plan.

SECTION 8. Findings Associated with Significant Unavoidable, Growth Inducing, and/or Cumulative Significant Impacts Which Cannot Feasibly Be Mitigated to a Less Than Significant Level.

a. Aesthetics.

1. Impact AES-2: Implementation of the Project could substantially degrade the existing visual character or quality of public views of the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality. This impact is significant and unavoidable with mitigation. (DEIR, p. 4.1-10.)

Mitigation Measures:

Mitigation Measure AES-1: Imola Avenue Design Standards.

The state agency with jurisdiction shall ensure that the design and orientation of housing on the Imola Avenue site is in keeping with county development standards to the maximum extent feasible.

Finding: Even with implementation of Mitigation Measure AES-1, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. As to the Imola Avenue site only, the Board finds that Mitigation Measure AES-1 is infeasible pursuant to Public Resources Code Section 21081 (a)(2) and CEQA Guidelines Section 15091 (a)(2) because Mitigation Measure AES-1 would be within the exclusive jurisdiction of the State to impose on future development. The State can and should impose this mitigation measure on any future developer of the site. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: New construction of single-family homes, accessory dwelling units, or farmworker housing on slopes of 15 percent or more or on any minor or major ridgeline would be subject to review under the County's Viewshed Protection Program and would not result in a substantial change to the visual character or public views of the affected area. Development of multifamily housing sites included in the Housing Sites Inventory would generally be on relatively flat or gently sloping land that is only visible from nearby streets and public areas and in areas where there is already development nearby so would not substantially degrade existing visual character of the area. All sites, with the possible exception of the Imola Avenue site, would be subject to development standards included in the County Code. Because the Imola Avenue site is owned by a state agency, it may be developed without compliance with the County's Code or zoning regulations and therefore could create significant and unavoidable impacts to the visual character and quality of public views.

b. Air Quality.

1. **Impact AIR-2:** Implementation of the Housing Element Update would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. This impact is significant and unavoidable with mitigation. (DEIR p. 4.3-19.)

Mitigation Measures:

Mitigation Measure AIR-1: Best Management Practices.

All multifamily housing development projects resulting from adoption of the HEU, regardless of size, shall implement best management practices to reduce construction impacts, particularly fugitive dust, to a less-than-significant level. Specifically, the project sponsor shall require all construction plans to specify implementation of the following best management practices:

- 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 mph.
- 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.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the County regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure AIR-2: Emission Reduction Measures for Subsequent Projects Exceeding the Significance Thresholds for Criteria Pollutants.

Project sponsors proposing multifamily residential development projects that exceed BAAQMD screening levels shall prepare a project-level criteria air pollutant assessment of construction and operational emissions at the time the Project is

proposed. The project-level assessment could include a comparison of the Project with other similar projects where a quantitative analysis has been conducted, or a project-specific criteria air pollutant analysis to determine whether the Project exceeds the air district's criteria air pollutant thresholds.

While some projects may be below the screening levels, some aspects of the Project that are not known at this time (such as an extensive amount of site preparation or demolition) could cause an exceedance of the significant emissions threshold.

In the event that a project-specific analysis finds that the Project could result in significant construction and/or operational criteria air pollutant emissions that exceed significance thresholds, the project sponsor shall implement the following emission reduction measures to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significance thresholds.

Clean Construction Equipment.

- 1) Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of the BAAQMD CEQA Guidelines (BAAQMD 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the air district as necessary. The Certification Statement must state that the contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.

The County may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the County grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available.

- 2) The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.

Finding: Even with implementation of Mitigation Measures AIR-1 and AIR-2, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. As to the Imola Avenue site only, the Board finds that Mitigation Measures AIR-1 and AIR-2 are infeasible pursuant to Public Resources Code Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2) because Mitigation Measures AIR-1 and AIR-2 would be within the exclusive jurisdiction of the State to impose on future development. The State can and should impose this mitigation measure on any future developer of the site. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: While implementation of Mitigation Measures AIR-1 and AIR-2 would reduce project emissions below the significance threshold, resulting in a less than significant impact, the Imola Avenue housing site is in the jurisdiction of another agency and the County cannot be certain that the mitigation would be implemented effectively. As a result, implementation of the Housing Element Update would result in a significant and unavoidable impact with respect to regional emissions of criteria air pollutants associated with the Imola Avenue site.

2. **Impact AIR-3:** Implementation of the Housing Element Update would expose sensitive receptors to substantial pollutant concentrations. This impact is significant and unavoidable with mitigation.

Mitigation Measure:

Mitigation Measure AIR-3: Emission Reduction Measures for Subsequent Projects Exceeding the Significance Thresholds for Health Risks associated with TAC Emissions.

Project sponsors proposing multifamily development projects within 1,000 feet of sensitive receptors, including residences, schools, day care centers, and hospitals, shall prepare a project-level health risk assessment at the time the Project is proposed. The project-level assessment could include a comparison of the Project with other similar sized projects located a similar distance from receptors where a quantitative analysis has been conducted, or a project-specific analysis to determine whether the Project exceeds the air district's health risk thresholds.

In the event that a project-specific analysis finds that the Project could result in health risks that exceed significance thresholds, the project sponsor shall implement the clean construction equipment requirement of Mitigation Measure AIR-2 to the degree necessary to reduce the impact to less than significance thresholds and shall implement other feasible measures as needed to reduce the impact to less than the significant thresholds.

Finding: Even with implementation of Mitigation Measure AIR-3, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. As to the Imola Avenue site only, the Board finds that Mitigation Measure AIR-3 is infeasible pursuant to Public Resources Code Section 21081 (a)(2) and CEQA Guidelines Section 15091(a)(2) because Mitigation Measure AIR-3 would be within the exclusive jurisdiction of the State to impose on future development. The State can and should impose this mitigation measure on any future developer of the site.

Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: Mitigation Measure AIR-3 would reduce TAC emissions from off-road, diesel-construction equipment and would be implemented to the extent necessary to reduce construction health risk impacts associated with all subsequent development projects to less than significant level and would require additional emission reduction if necessary. However, because the County can only monitor and enforce mitigation measures within its jurisdiction, health risk impacts resulting from the Imola Avenue housing site, which is owned by a State agency, could remain significant and unavoidable.

c. Cultural Resources and Tribal Cultural Resources.

1. **Impact CUL-1:** Implementation of the Housing Element Update could cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. This impact is significant and unavoidable with mitigation. (DEIR, p. 4.5-19.)

Mitigation Measure:

Mitigation Measure CUL-1: Document Architectural Historic Resources Prior to Demolition or Alteration.

Prior to any demolition work or significant alterations initiated of a known historical resource or a resource identified, the County shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards thoroughly documents each building and associated landscaping and setting. Documentation shall include still photography and a written documentary record of the building to the National Park Service's standards of the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), including accurate scaled mapping and architectural descriptions. If available, scaled architectural plans will also be included. Photos include large-format (4"x5") black-and-white negatives and 8"x10" enlargements. Digital photography may be substituted for large-format negative photography if archived locally. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site-specific and comparative archival research and

oral history collection as appropriate. Copies of the records shall be submitted to the Northwest Information Center at Sonoma State University.

Finding: Even with implementation of Mitigation Measure CUL-1, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: There are a number of federal, state, and local regulations in place to protect architectural historic resources. Despite these regulations and policies, there remains the potential for construction activities to damage or destroy architectural historic resources. Housing Inventory Sites have been specifically identified as the targeted location for future housing development. Some of these sites are vacant with unknown architectural historic resources and other sites have historic-age buildings that have not been evaluated. Implementation of Mitigation Measure CUL-1 would document historical resources prior to any construction, but would not prevent significant alterations or demolition that would result in a substantial adverse change in the significance of a historical resource. While the impact would be reduced, it would still remain significant and unavoidable.

2. **Impact CUL-1.CU**: Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable development, could contribute considerably to cumulative impacts on architectural historic resources pursuant to CEQA Guidelines Section 15064.5. This impact is significant and unavoidable. (DEIR, p. 4.5-28.)

Mitigation Measure:

Mitigation Measure CUL-1: Document Architectural Historic Resources Prior to Demolition or Alteration.

Finding: Even with implementation of Mitigation Measure CUL-1, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: Future development under the Housing Element as well as other development within Napa County as a whole could potentially impact architectural historic resources that may be present. The cumulative effect of future development is the continued loss of significant architectural historic resources. Potential future development increases the likelihood that additional architectural historic resource could be lost. Implementation of Mitigation Measure CUL-1, which would require documentation of those significant historic resources that would be altered or demolished, would reduce the severity of impacts associated with the Housing Element

Update, but they would remain significant. The significant impact would be considered cumulatively considerable and a significant cumulative effect.

d. Greenhouse Gas Emissions.

1. **Impact GHG-1:** Implementation of the Housing Element Update would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. This impact is significant and unavoidable. (DEIR, p. 4.8-27.)

Mitigation Measure:

Mitigation Measure GHG-1: Reduce GHG emissions from building energy use and motor vehicle trips.

- a) All new residential development proposed as part of the HEU shall be designed to be 100 percent electric with no natural gas infrastructure for appliances, including water heaters, clothes washers and dryers, HVAC systems, and stoves.
- b) Subsequent residential development projects proposed as part of the HEU shall be designed to comply with EV requirements in the most recently adopted version of CALGreen Tier 2 at the time of project-specific CEQA review.
- c) Mitigation Measure TRA-1 shall be implemented.

Finding: Even with implementation of Mitigation Measure GHG-1, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: GHG emissions from housing development proposed as part of the Housing Element Update would result in both direct and indirect emissions from construction and operational activities. For evaluating GHG impacts, the BAAQMD's GHG thresholds address the two main direct sources of GHG emissions in land use development projects: built energy use and motor vehicle trips. With implementation of Mitigation Measure GHG -1a and GHG-1b, future projects proposed for development under the Housing Element Update would be consistent with requirements 1 and 3 of the BAAQMD's GHG significance thresholds regarding no natural gas and EV charging infrastructure. However, even with Mitigation Measure GHG-1c, a TDM program would likely not result in reducing VMT to more than at least 15 percent below regional average and the Housing Element Update would be inconsistent with BAAQMD GHG threshold 4. Inconsistency with the threshold would mean that projects developed under the Housing Element Update would not contribute their fair share of GHG reductions from transportation sources for the Bay Area to achieve its GHG reduction targets for 2030 and beyond, resulting in a significant and unavoidable impact with mitigation.

2. **Impact GHG-2:** Implementation of the Housing Element Update would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. This impact is significant and unavoidable. (DEIR, p. 4.8-30.)

Mitigation Measure:

Mitigation Measure: Mitigation Measure GHG-1 shall be implemented.

Finding: Even with implementation of Mitigation Measure GHG-1, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: The 2017 Scoping Plan Update adopted by CARB establishes the framework for achieving the 2030 statewide GHG reduction target of 40 percent below 1990 levels. The BAAQMD's project-level GHG CEQA thresholds are designed to demonstrate consistency with CARB's 2017 Scoping Plan Update for new projects and plans. Implementation of the Housing Element Update would be inconsistent with the statewide emissions reduction goal for 2030 achieved through the 2017 Scoping Update Plan because, although the Housing Element Update would implement actions identified in the 2017 Scoping Plan Update to reduce energy use, conserve water, reduce waste generation, and promote EV use, it would not reduce vehicle travel consistent with regional goals and strategies as VMT per capita generated by the Housing Element Update would be inconsistent with the 15 percent below regional average requirement in the BAAQMD GHG threshold. Additionally, the Housing Element Update would be inconsistent with *Plan Bay Area 2040* because the VMT generated per capita within the proposed housing sites are projected to exceed the regional average, despite placing housing sites near existing development and urban services. Even with the implementation of Mitigation Measure GHG-1, TDM programs for projects developed under the Housing Element Update would likely not result in reducing VMT to more than at least 15 percent below the regional average and the Housing Element Update would be inconsistent with BAAQMD GHG thresholds. This impact would remain significant and unavoidable with mitigation.

3. **Impact GHG-1.CU:** Implementation of the Housing Element Update, in combination with past, present, existing, approved, pending, and reasonably foreseeable future projects, would result in a cumulatively considerable contribution to GHG emissions that may have a significant impact on the environment or conflict with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of greenhouse gases. This impact is significant and unavoidable with mitigation. (DEIR, p. 4.8-34.)

Mitigation Measure:

Mitigation Measure GHG-1: Reduce GHG emissions from building energy use and motor vehicle trips.

Finding: Even with implementation of Mitigation Measure GHG-1, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: Global GHG emissions and global climate change are inherently a cumulative concern that is understood for CEQA purposes to be an existing significant and adverse condition. Implementation of the Housing Element Update would result in significant and unavoidable impacts even with mitigation primarily due to the Housing Element Update's inability to meet the required reductions from transportation related GHG emissions. Given that GHG emission impacts are cumulative in nature, the Housing Element Update's incremental contribution to significant cumulative GHG emissions would therefore be cumulatively considerable, and the cumulative impact of GHG emissions generated by the Housing Element Update would be significant and unavoidable with mitigation.

e. Noise.

1. **Impact NOI-3:** Stationary noise sources from development within the Housing Element Update area would result in a substantial 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. This impact is significant and unavoidable with mitigation. (DEIR p. 4.12-15.)

Mitigation Measure:

Mitigation Measure NOI-1: Operational Noise Performance Standard for State-Owned Properties.

Prior to the issuance of any building permit, the project applicant for any housing development of the Imola Avenue site or other development site that is currently state-owned shall ensure that all mechanical equipment is selected and designed to reduce impacts on surrounding uses by meeting a performance standard of 60 dBA, Ldn (equivalent to 50 dBA hourly Leq) at the nearest residential property line. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance has been verified by the County. Methods of achieving these standards include using low-noise-emitting HVAC equipment, locating HVAC and other mechanical equipment within a rooftop mechanical penthouse, and using shields and parapets to reduce noise levels to adjacent land uses.

Finding: Even with implementation of Mitigation Measure NOI-1, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. As to the Imola Avenue site only, the Board finds that Mitigation Measure NOI-1 is infeasible pursuant to Public Resources Code Section 21081 (a)(2) and CEQA Guidelines

Section 15091 (a)(2) because Mitigation Measure NOI-1 would be within the exclusive jurisdiction of the State to impose on future development. The State can and should impose this mitigation measure on any future developer of the site. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: The proposed Housing Element Update would have minimal potential to result in new noise producing stationary sources to developed areas of the County. General Plan policies prohibit residential and noise-sensitive activities from being located within noise environments that exceed the County's standards. For most of the housing sites the County Codes establish maximum noise levels at the nearest residential properties. However, the Imola Avenue site is state-owned and would not be subject to County review or regulations. State guidelines identify noise exposure levels, but there is no implementation mechanism to ensure exposure levels. Therefore, this impact is considered potentially significant and Mitigation Measure NOI-1 is identified to ensure that operational noise exposure would be reduced to less than that potential future development of the Imola Avenue site would be consistent with those noise significant levels, however, the County cannot monitor and enforce mitigation measure for development of the Imola Avenue site and resulting noise sources could remain significant and unavoidable.

2. **Impact NOI-4:** Transportation activities under the Housing Element Update would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project. This impact is significant and unavoidable with mitigation. (DEIR, p. 4.12-16; FEIR, p.4-11)

Mitigation Measures:

Mitigation Measure NOI-2: Preparation of a Project-Level Traffic Analysis and Mitigation.

Prior to any potential future development at the Spanish Flat and Bishop opportunity sites, the project applicant for any housing development shall prepare a project-level noise analysis demonstrating that the increase in noise along roadways used to access the site shall not exceed 3 dBA above existing levels.

Mitigation Measure TRA-1: Transportation Demand Management (TDM) Program.

Finding: Even with implementation of Mitigation Measures NOI-2 and TRA-1, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: While a project applicant may have the ability to construct sound walls or berms to maintain noise levels for a given project, it is unlikely for the applicant to provide such measures for other existing impacted residential development. Due to the uncertainty of the magnitude of any potential noise increases and success of potential mitigation measures, this impact is conservatively identified as potentially significant and unavoidable.

3. **Impact NOI-2 CU:** Stationary noise sources and transportation activities from development within the proposed Housing Element Update area, when combined with other past, present, or reasonably foreseeable projects, would result in a substantial 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. This impact is significant and unavoidable with mitigation. (DEIR, p.4.12-20.)

Mitigation Measures:

Mitigation Measure NOI-1: Operational Noise Performance Standard for State-Owned Properties.

Mitigation Measure NOI-2: Preparation of a Project-Level Traffic Analysis and Mitigation.

Mitigation Measure TRA-1: Transportation Demand Management (TDM) Program.

Finding: Even with implementation of Mitigation Measures NOI-1, NOI-2, and TRA-1, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. As to the Imola Avenue site only, the Board finds that Mitigation Measures NOI-1, NOI-2 AND TRA-3 are infeasible pursuant to Public Resources Code Section 21081 (a)(2) and CEQA Guidelines Section 15091 (a)(2). Mitigation Measures NOI-1, NOI-2 AND TRA-3 would be within the exclusive jurisdiction of the State to impose on future development. The State can and should impose this mitigation measure on any future developer of the Imola Avenue site. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: Development that occurs with implementation of the Housing Element Update and any cumulative projects, could result in stationary source noise levels higher than those of development of the Housing Element Update alone. General Plan policies prohibit residential and noise-sensitive activities from being located within noise environments that exceed the County's standards. For most of the housing sites the County Codes establish maximum noise levels at the nearest residential properties. However, the Imola Avenue site is State-owned and would not be subject to County review or regulations. State guidelines identify noise exposure levels, but there is no implementation mechanism to ensure that potential future development of

the Imola Avenue site would be consistent with those noise exposure levels. Therefore, this impact is considered potentially significant and MM NOI-1 is identified to ensure that operational noise exposure would be reduced to less than significant levels, however, the County cannot monitor and enforce mitigation measures for development of the Imola Avenue site and resulting noise sources could remain significant and unavoidable. Similarly, development that could occur with implementation of the HEU and any cumulative projects, could result in a substantial permanent increase in ambient noise levels related to transportation activities in the project vicinity above levels existing without the Project if such cumulative projects were to occur within close proximity to roadways that would be used to access the Spanish Flat and Foster Road housing sites. Because the impact to roadways that would be used to access the Spanish Flat and Foster Road sites cannot be quantified at a project-level of detail, the noise impact along roadways used to access these sites is conservatively identified as potentially significant. Mitigation Measure NOI-2 is identified to address this potential impact to the degree feasible. Mitigation Measure TRA-1 could also serve to reduce traffic volumes and represents a potentially available mitigation measure. However, due to the uncertainty of the magnitude of any potential noise increases and success of potential mitigation measures, this impact is conservatively identified as potentially significant and unavoidable.

f. Transportation.

1. **Impact TRA-2:** Implementation of the Housing Element Update would conflict or be inconsistent with CEQA Guidelines §15064.3(b). This impact is significant and unavoidable with mitigation. (DEIR, p. 4.15-23; FEIR, p. 4-17)

Mitigation Measure:

Mitigation Measure TRA-1: Transportation Demand Management (TDM) Program.

Prior to issuance of building permits, project applicants of proposed multi-family development shall develop a TDM program for the proposed project, including any anticipated phasing, and shall submit the TDM Program to the County for review and approval. The TDM Program shall identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. The TDM Program shall be designed to achieve the following trip reduction, as required to meet a 15 percent reduction compared to the unmitigated VMT estimated for the proposed project.

Trip reduction strategies may include, but are not limited to, the following:

1. Provision of bus stop improvements or on-site mobility hubs.
2. Pedestrian improvements, on-site or off-site, to connect to nearby transit stops, services, schools, shops, etc.
3. Bicycle programs including bike purchase incentives, storage, maintenance programs, and on-site education program.

4. Enhancements to Countywide bicycle network.
5. Parking reductions and/or fees set at levels sufficient to incentivize transit, active transportation, or shared modes.
6. Cash allowances, passes, or other public transit subsidies and purchase incentives.
7. Providing enhanced, frequent bus service.
8. Implementation of shuttle service.
9. Establishment of carpool, buspool, or vanpool programs.
10. Vanpool purchase incentives.
11. Low emission vehicle purchase incentives/subsidies.
12. Compliance with a future County VMT/TDM ordinance.
13. Participation in a future County VMT fee program.
14. Participate in future VMT exchange or mitigation bank programs.
15. Provision of active transportation and complete streets improvements connecting City of Napa and County circulation network facilities.

Finding: Even with implementation of Mitigation Measure TRA-1, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: TDM strategies are dependent on context. The potential effectiveness of strategies is based on potential site group density, access to transit, and nearby destinations within walking or bicycling distance. Due to the contextual nature of the sites which require longer travel distances, the TDM measures are unlikely to result in a 15 percent reduction in VMT, nor would it reduce VMT to more than 15 percent below regional values and thus would be unlikely to mitigate the program's impact to a less than significant level and the impact would remain significant and unavoidable.

g. Utilities and Service Systems.

1. **Impact UTL-2:** Implementation of the Housing Element Update could not have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years. This impact is significant and unavoidable with mitigation. (DEIR, p. 4.16-22; FEIR p. 4-19)

Mitigation Measure:

Mitigation Measure UTL-1: Demonstrate Sufficient Water Supply Availability.

Project sponsors shall submit evidence to the County that sufficient water supply is available to serve the projected demand of proposed multifamily housing development prior to the issuance of any project approvals.

Finding: Even with implementation of Mitigation Measure UTL-1, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. As to the Imola Avenue and Northeast Napa sites only, the Board finds that Mitigation Measure UTL-1 is infeasible pursuant to Public Resources Code Section 21081 (a)(2) and CEQA Guidelines Section 15091 (a)(2) because Mitigation Measure UTL-1 would be within the jurisdiction of the City of Napa to review and approve for future development projects and within the State to impose on future development. These agencies can and should impose this mitigation measure. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: Implementation of the Housing Element Update would result in increased demand for potable water. Most single-family and accessory dwelling units developed as a result of the Housing Element Update would likely be served by groundwater, as groundwater serves most of the unincorporated County, and would be subject to existing County regulations. Water supply impacts for this development would be minimal. The housing sites identified in the Site Inventory would rely on water services from Spanish Flat Water District and the City of Napa. Mitigation Measure UTL-1 would require that subsequent projects submit evidence to the County that sufficient water supply is available, but it would not reduce the impact to less than significant as the provision of water services are subject to review and approval by another agency. Because the connection to the City of Napa water system is subject to the review and approval of the City of Napa, the measure would reduce the severity of the impact, but not to a level that is less than significant. For these reasons, the impact would remain significant and unavoidable.

2. **Impact UTL-3:** Implementation of the Housing Element Update could result in a determination by a wastewater treatment provider, which serve or may serve the project that it has inadequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. This impact is significant and unavoidable with mitigation. (DEIR, p. 4.16-24.)

Mitigation Measure:

Mitigation Measure UTL-2: Adequate Wastewater Treatment Capacity.

Project sponsors shall submit evidence to the County that adequate wastewater treatment capacity is available to serve the projected demand of proposed multifamily housing development prior to the issuance of any project approvals.

Finding: Even with implementation of Mitigation Measure UTL-2, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. As to the Imola Avenue and Northeast Napa sites only, the Board finds that Mitigation Measure UTL-2 is infeasible pursuant to Public Resources Code Section 21081 (a)(2) and CEQA Guidelines Section 15091 (a)(2) because Mitigation Measure UTL-2 requires connection to the NapaSan wastewater system and would be subject to the review and approval of LAFCO and NapaSan. Imposition of Mitigation Measure UTL-2 would be within the jurisdiction of the State since Imola Avenue is state property. The determination of adequate supply would be within the jurisdiction of other agencies that can and should impose this mitigation measure on any future developer of the site. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: Under the Housing Element Update, single family residences and ADUs would continue to develop at their current pace and would be scattered throughout the County. These units would be subject to existing regulations, and many would likely use on-site septic system. Mitigation Measure UTL-2 would require that subsequent projects submit evidence to the County that adequate wastewater treatment is available, but it would not reduce the impact to less than significant as wastewater treatment services are subject to review and approval by other agencies. Sites identified in the Housing Element Update would obtain wastewater services from Spanish Flat Water District and NapaSan. Because the connection to the NapaSan wastewater treatment system is subject to the review and approval of other agencies (LAFCO and NapaSan), the impact would remain significant and unavoidable.

3. **Impact UTL-2.CU:** Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable projects, would contribute considerably to cumulative impacts on water supply. This impact is significant and unavoidable with mitigation. (DEIR p. 4.16-28.)

Mitigation Measure:

Mitigation Measure UTL-1: Demonstrate Sufficient Water Supply Availability.

Finding: Even with implementation of Mitigation Measure UTL-1, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. As to the Northeast Napa and Imola Avenue sites only, the Board finds that Mitigation Measure UTL-1 is infeasible pursuant to Public Resources Code Section 21081 (a)(2) and CEQA Guidelines Section 15091 (a)(2) because Mitigation Measure UTL-1 would be within the exclusive jurisdiction of the City of Napa to impose on future development. The City can and should impose this mitigation measure. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this

significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: Increased water demand as a result of the Housing Element Update and Spanish Flat housing site could combine with demand from reopening of the Lake Berryessa resorts in the Spanish Flat Water District service area, although the demand is currently unknown. Development of the Northeast Napa housing sites and the Imola Avenue housing site was not included in the City of Napa's water projections in their proposed General Plan update, though water supply could be accommodated with City approval. To address this significant impact and reduce the Housing Element Update's contribution, implementation of Mitigation Measure UTL-1 would be required to reduce the Housing Element Update's contribution to cumulative water supply impacts. However, because connection to the City of Napa water system is subject to the review and approval of the City of Napa, even with implementation of this measure, the impact would be significant and unavoidable.

4. **Impact UTL-3.CU:** Implementation of the Housing Element Update, when combined with other past, present, or reasonably foreseeable projects, would contribute considerably to cumulative impacts on wastewater treatment capacity. This impact is significant and unavoidable with mitigation. (DEIR p. 4.16-29.)

Mitigation Measure:

Mitigation Measure UTL-2: Demonstrate Sufficient Water Supply Availability.

Finding: Even with implementation of Mitigation Measure UTL-2, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. As to the Imola Avenue and Northeast Napa sites only, the Board finds that Mitigation Measure UTL-2 is infeasible pursuant to Public Resources Code Section 21081 (a)(2) and CEQA Guidelines Section 15091 (a)(2) because Mitigation Measure UTL-2 requires connection to the NapaSan wastewater system and would be subject to the review and approval of LAFCO and NapaSan. Since Imola Avenue is state owned property, Mitigation Measure UTL-2 would be within the jurisdiction of another agency. The determination of adequate supply would be within the jurisdiction of other agencies that can and should impose this mitigation measure. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed Housing Element Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 10 below.

Rationale: Wastewater generated as a result of development at the Spanish Flat site could combine with potential reopening of Lake Berryessa resorts in the Spanish Flat Water District's service area, as the potential increase in visitors and employees would generate additional wastewater. Implementation of the Housing Element Update is not expected to result in wastewater treatment capacity issues for NapaSan, however, because connection to their wastewater treatment system is subject to review and approval of other agencies, it is not certain that NapaSan would determine that it has adequate capacity to serve the projected demand under

the Housing Element Update in addition to the provider's existing commitments. Because the connection to NapaSan's wastewater system is subject to review and approval of LAFCO and NapaSan, even with implementation of Mitigation Measure UTL-2, the impact would be significant and unavoidable.

SECTION 9. Growth Inducing Impacts.

An EIR is required to discuss growth inducing impacts, which consist of the ways in which the Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. (Public Resources Code Section 21100(b)(5); CEQA Guidelines Section 15126.2(d).) Direct growth inducement would result, for example, if a project involves the construction of substantial new housing that would support increased population in a community or establishes substantial new permanent employment opportunities. This additional population could, in turn, increase demands for public utilities, public services, roads, and other infrastructure. Indirect growth inducement would result if a project stimulates economic activity that requires physical development or removes an obstacle to growth and development (e.g., increasing infrastructure capacity that would enable new or additional development). It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. CEQA Guidelines Section 15126.2(d). Section 6.3 of the Draft EIR analyzes the growth inducing impacts of the Project. The findings in this Section are based on DEIR, FEIR, and administrative record.

The areas under consideration for new housing sites under the Housing Element Update have some degree of existing development or are adjacent to developed areas. Urban services and infrastructure like roadways, utilities, public services, police and fire protection are already established in the vicinities. Although on-site infrastructure improvements would need to be constructed to facilitate development in those areas, development of the housing sites for residential uses would only require a connection to existing services. Consequently, implementation of the Housing Element Update would not induce unplanned growth in the County or broader area due to extension of urban services or infrastructure. Further, the County is already served by existing transportation facilities and roadways that lie immediately adjacent to the various Housing Element housing sites. The established transportation network in the County and adjoining areas offers local and regional access to and from all of the Housing Element Update housing sites. Consequently, implementation of the Housing Element Update would not induce unplanned growth in the County or broader area due to extension of transportation corridors.

State law requires the County to promote the production of housing to meet its Regional Housing Needs Allocation made by ABAG. The housing growth in the County would allow the County to address its regional fair-share housing obligations. Residential development under the Housing Element Update would consist of infill development on underutilized sites, sites that have been previously developed, and sites that are vacant and have been determined to be suitable for development. Because the Housing Element Update would require an amendment to the County's General Plan and Zoning Code to accommodate the projected growth, any update to that element would by definition provide a means to plan for and regulate development in the areas considered as part of the Housing Element Update. Additional new residential development that could derive from the Housing Element Update's implementation would

therefore be consistent with the growth projections in the County's General Plan as well as applicable regional plans adopted by ABAG and other relevant entities.

For the above-described reasons, implementation of the Housing Element Update would not cause a new impact related to a substantial increase in population growth and would be in line with the projected growth planned for the County as defined in the County's General Plan and applicable regional planning directives.

SECTION 10. Project Alternatives.

a. Legal Requirements.

Section 15126.6(f) of the CEQA Guidelines requires that an EIR include a “reasonable range of alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project.” Based on the analysis in the DEIR and FEIR, the proposed 2008 General Plan Update would be expected to result in significant and unavoidable impacts to Agriculture, Population and Housing, Transportation, Biological Resources, Noise, Air Quality, Geology and Soils, Hydrology and Water Quality, Cultural and Paleontological Resources, and Public Services and Utility Systems. The FEIR alternatives were designed to avoid or reduce these significant unavoidable impacts, and to further reduce impacts that were found to be less than significant. The Board has reviewed the significant impacts associated with the reasonable range of alternatives as compared to the Project as originally proposed, and in evaluating the alternatives has also considered each alternative’s feasibility, taking into account a range of economic, environmental, social, legal and other factors. In evaluating the alternatives, the Board has also considered the important factors listed in the Statement of Overriding Considerations in Section 10 below.

Public Resources Code section 21081(b)(3) provides that when approving a project for which an EIR has been prepared, a public agency may find that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

b. Range of Alternatives

Chapter 5 of the DEIR describes the reasonable range of alternatives considered and compares their impacts to the proposed Housing Element Update impacts. The DEIR evaluated two alternatives to the proposed Housing Element Update: Alternative 1: No Project, and Alternative 2: Reduced Program.

c. Alternative 1: No Project Alternative

CEQA Guidelines Section 15126.6(e) states that a "no project" alternative shall be analyzed. The purpose of describing a "no project" alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. The "no project" alternative analysis assumes that growth and development

would continue to occur under the provisions of the existing Housing Element and the existing Safety Element.

The No Project Alternative is discussed on pages 5-7 and 5-9 through 5-13 of the DEIR. Under the No Project Alternative, the Housing Element Update would not be adopted and the goals and policies within the County's existing Housing Element would remain unchanged. The land use and zoning designations currently in place would continue the land use and development parameters that currently exist in the County. Development of additional housing would still occur in the County under existing polices and regulations, but most development would likely consist of single-family homes and ADUs.

The No Project Alternative would not preclude the State from proceeding with development of the Imola Avenue site for affordable housing, however the site would not be included in an updated Housing Element and under this alternative, and for purposes of this analysis, the County assumes that any development on the site could occur in the timeframe of the 2023-2031 housing cycle. However, any resulting impacts would not be attributable to the Housing Element Update.

This alternative would not meet any of the objectives of the Housing Element Update. The No Project Alternative would not update the County's Housing Element to comply with state-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the County between 2023 and 2031. The alternative would not include an inventory of housing sites, nor would it rezone the sites as necessary to meet the required RHNA and to provide an appropriate buffer. This alternative would also not amend other elements of the County's General Plan as needed to maintain internal consistency between the elements and update the Safety Element to ensure consistency with the County's Local Hazard Mitigation Plan and comply with recent changes in state law. Finally, this alternative would not make necessary General Plan amendments and zoning changes in a manner that affirmatively furthers fair housing while preserving the rural character of Napa County and perpetuating the safety and welfare of both existing and future residents.

The No Project Alternative would result in less than significant impacts in the areas where the proposed Housing Element Update results in significant and unavoidable impacts. However, one new significant and unavoidable impact would result related to land use and planning, as compared to the less than significant impacts associated with the proposed Housing Element Update. Under the No Project Alternative, residential development in the County could still take place, but at a lesser intensity than that provided for under the proposed Housing Element Update. This alternative would not provide housing to fulfill the requirements of state law or meet the County's RHNA obligations, and it would not update the Safety Element to comply with recent changes in state law, which would be a significant and unavoidable impact.

Finding: Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the Board finds that the No Project Alternative is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

1. The current Housing Element will be out of date and does not provide for the RHNA allocated to the County. This will put the County at risk of a legal challenge which could potentially restrict the County's ability to approve new development projects.
2. This Alternative would not meet any of the Project objectives.
3. This Alternative would not adopt amendments to the Safety Element to ensure consistency with the County's Local Hazard Mitigation Plan and comply with recent changes in state law.

Reference: The DEIR pages 5-9 through 5-13 and Table 5-2 provide an analysis of the environmental effects of this Alternative as compared to the proposed Housing Element Update.

d. Alternative 2: Reduced Program Alternative.

The Reduced Project Alternative is discussed on pages 5-7 and 5-13 through 5-18 of the DEIR. The Reduced Program Alternative would update the County's Housing Element in the same manner as the proposed Housing Element Update but would eliminate the multifamily housing sites at the Altamura site in Northeast Napa, the Foster Road site, and at the Imola Avenue site.

By removing the Imola Avenue site, significant and unavoidable impacts to aesthetics, air quality, and noise would no longer be attributable to the Housing Element Update. By removing the Altamura and Foster Road housing sites, significant and unavoidable impacts to cultural resources would also be avoided, as there are age-eligible buildings within these sites that may constitute historic resources. By removing all of these sites, significant and unavoidable impacts to utilities and service systems, including water supply and wastewater treatment capacity would be lessened, as these sites would no longer require services subject to the review and approval of other agencies.

This Alternative would meet all of the objectives of Housing Element Update, although some would be met to a lesser extent. The Reduced Program Alternative would update the General Plan's Housing Element to comply with state-mandated housing requirements and to address the maintenance, preservation, improvement, and development of housing in the unincorporated County between 2023 and 2031. This alternative would include an inventory of housing sites and rezone the sites as necessary to meet the required RHNA but would include a smaller buffer of additional housing development capacity than the proposed HEU. The Reduced Program Alternative would also amend other elements of the County's General Plan as needed to maintain internal consistency between the elements and update the Safety Element to ensure consistency with the County's Local Hazard Mitigation Plan and comply with recent changes in state law. This alternative would make necessary General Plan amendments and zoning changes in a manner that affirmatively furthers fair housing while preserving the rural character of Napa County and perpetuating the safety and welfare of both existing and future residents, although the potential for development of multi-family housing would be reduced due to the reduction of housing sites and the County would not be able to count any development of lower income units on the Imola Avenue site towards its RHNA.

This Alternative would eliminate six of the 16 significant and unavoidable impacts associated with the Housing Element Update, related to aesthetics, air quality, cultural resources, and noise. It would lessen the severity of, but not eliminate, significant and unavoidable impacts to utilities and service systems, including those related to water supply and wastewater treatment capacity, as the sites that would be eliminated require services subject to the review and approval of other agencies. It would also reduce the severity of other significant and unavoidable impacts related to utilities and noise.

Finding: Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the Board finds that the No Project Alternative is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

1. While the Project Objectives would be met, they would be met to a lesser extent. For example, the Reduced Program Alternative would provide fewer total number of very low and low income units, significantly reducing the buffer of housing sites compared to what is proposed in the Housing Element Update. Having a smaller buffer of sites may impact the County's ability to make "no net loss" findings in the circumstance where a site identified in the Housing Element site inventory develops at a lesser density or at different income levels than are identified and would not fully meet the Project Objective of providing an appropriate buffer of additional housing development capacity. Additionally, one of the sites that would be eliminated in the Reduced Program Alternative is located in Racially and Ethnically Concentrated Areas of Affluence (RCAA), high resource area, and near the City of Napa, which would reduce the County's ability to leverage the site to foster increased socioeconomic integration and thus would lessen the ability to meet the Project Objective of affirmatively furthering fair housing while preserving the rural character of the County.
2. While this alternative reduces the total number of significant and unavoidable impacts, it does not eliminate them all and the Reduced Program Alternative will continue to have significant and unavoidable impacts.

Reference: The DEIR pages 5-13 through 5-18, and Table 5-2 provide an analysis of the environmental effects of this Alternative as compared to the proposed Housing Element Update.

e. Environmentally Superior Alternative.

CEQA Guidelines Section 15126.6(e)(2) requires an EIR to identify an environmentally superior alternative. If the environmentally superior alternative is the No Project Alternative, the EIR also must identify an environmentally superior alternative from among the other alternatives. In general, the environmentally superior alternative is defined as that alternative with the least adverse impacts to the project area and its surrounding environment. CEQA Guidelines Section 15126.6(a) places emphasis on alternatives that "avoid or substantially lessen the significant effects" of a project. The No Project Alternative would be the most environmentally superior alternative with the fewest environmental impacts. However, the No Project Alternative would

not meet any of the objectives of the HEU as set forth in Section 4 above, nor is it legally feasible to implement. The No Project Alternative would also not provide housing to fulfill the requirements of state law or meet the County's RHNA requirements, which result in a significant and unavoidable land use and planning impact, as compared to the less-than-significant impacts associated with the proposed HEU and the Reduced Program Alternative. Since the environmentally superior alternative is the No Project Alternative, the EIR also must identify an environmentally superior alternative from among the other alternatives. Therefore, the Reduced Program Alternative would be the environmentally superior alternative for the purpose of this analysis. The Reduced Program Alternative's significant and unavoidable impacts as compared to the Housing Element Update are summarized above and the findings and rationale above are incorporated here by reference. (DEIR pages 5-18 through 5-21.)

SECTION 11. Statement of Overriding Considerations.

In approving the proposed Housing Element Update, the Board makes the following Statement of Overriding Considerations in support of its findings on the FEIR. The Board has considered the information contained in the DEIR, FEIR and administrative record.

The Board has carefully balanced the benefits of the Project against any adverse impacts identified in the EIR that could not be feasibly mitigated to a level of insignificance. There are no feasible project alternatives that would mitigate or avoid all of the Housing Element Update's significant and unavoidable environmental impacts. Notwithstanding the identification and analysis of impacts that are identified in the FEIR as being significant and which have not been eliminated, lessened or mitigated to a level of insignificance, the Board, acting pursuant to CEQA Guidelines Sections 15092 and 15093, hereby determines that remaining significant effects on the environment found to be unavoidable in Section 7, above, are acceptable due to overriding concerns described herein. Specifically, the benefits of the Project outweigh the unmitigated adverse impacts and are therefore acceptable and the Project should be approved.

Based on the objectives identified in the proposed Housing Element Update, DEIR, and FEIR, and through extensive public participation, the Board has determined that the Project should be approved, and any remaining unmitigated environmental impacts attributable to the Project are outweighed by the following specific environmental, economic, fiscal, social, housing and other overriding considerations, each of which is a separate and independent basis for these findings. Substantial evidence in the record demonstrates the County would derive the following benefits from the adoption and implementation of the HEU:

1. The Housing Element Update promotes development in a manner that would accommodate anticipated population growth for the County and existing unmet need for housing, as required by the County's 6th Cycle Regional Housing Needs Allocation ("RHNA"). The County is mandated, pursuant to State Housing Element Law (Government Code Sections 65580, *et seq.*), to plan for and accommodate the County's RHNA allocation of 106 housing units as part of the 2023-2031 Housing Element. The RHNA allocation, prepared by the California Department of Housing and Community Development ("HCD") and the Association of Bay Area Governments, reflects the number of housing units that must be provided to meet the forecasted population growth and the need for housing among the existing population. The Housing Element Update accommodates this population, along

with a buffer of 654 units to ensure that the County will continue to have adequate sites to meet its RHNA throughout the eight-year housing element planning period (as required by Government Code Section 65863) if some sites develop with fewer units or at different income categories than shown in the Housing Element Update. It does this by incorporating goals, objectives, policies and programs in the Housing Element Update, as well as by making changes to the General Plan and Development Code necessary to implement programs in the Housing Element Update and accommodate the development intensity needed to satisfy the RHNA.

2. The Housing Element Update responds to the broad range of housing needs in Napa County and enables development of an adequate supply of housing for the County's workforce, residents, and special needs populations by supporting a mix of housing types, densities, and affordability levels.

3. The Housing Element Update substantially complies with State Housing Element Law (Government Code Sections 65580, *et seq.*). The County must adopt a Housing Element Update with adequate sites to meet the County's RHNA to comply with State Housing Element Law. No alternatives were identified in the EIR that both met the County's RHNA, Project Objectives, and would mitigate or avoid all of the Housing Element Update's significant impacts. Adoption of a housing element in substantial compliance with State Housing Element Law is required for the County to be eligible for certain state and federal funding programs for affordable housing. Further, the Attorney General is authorized to bring suit if the County fails to adopt a housing element in compliance with State Housing Element Law (Government Code Section 65585(k)), and the County may be exposed to other penalties if it fails to adopt a housing element in substantial compliance with State Housing Element Law.

4. The Housing Element Update complies with Government Code Section 65583, which requires that the County's Housing Element affirmatively furthers fair housing. The analysis and implementation programs included in the Housing Element Update are anticipated to provide meaningful action to affirmatively further fair housing while preserving the rural character of Napa County and perpetuating the safety and welfare of both existing and future residents.

SECTION 12. Recirculation is Not Required.

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR, but before certification. No significant new information was added to the Draft EIR as a result of the public comment process. The Final EIR responds to comments, and clarifies, amplifies, and makes insignificant modifications to the Draft EIR. These modifications include:

- Additional information regarding the environmental and regulatory setting and new analysis.

- Text changes to provide clarity to the analysis, make minor text corrections, or fix grammatical or typographic errors.
- Text changes in response to comments received on the Draft EIR.
- Text changes to the analysis in Draft EIR Chapter 4.12 Noise and Vibration to provide additional information based on analysis provided by a Level of Service (LOS) study. The LOS study clarifies and amplifies the information in the DEIR related to noise caused by traffic.

These revisions do not constitute new information regarding the project description, environmental and regulatory setting, conclusions of the environmental analysis, or in the mitigation measures or requirement incorporated into the project to mitigate impacts, or otherwise provide significant new information that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. The Final EIR does not identify any new significant effects on the environment or a substantial increase in the severity of an environmental impact. The Board of Supervisors hereby determines, based on the standards provided in Public Resources Code Section 21092.1 and Section 15088.5 of the CEQA Guidelines, that recirculation of the Draft EIR is not required prior to adoption of the Housing Element Update.

SECTION 13. Record of Proceedings.

The environmental analysis provided in the Draft and Final EIR and the Findings provided herein are based on and are supported by the following document, materials, and other evidence, which constitute the Administrative Record for the Housing Element Update:

1. The NOP, comments received on the NOP and all other public notices issued by the County in relation to the Housing Element and Safety Element updates EIR (e.g., Notice of Availability).
2. The Draft EIR, associated appendices to the Draft EIR and technical materials cited in the document.
3. the Final EIR, including comment letters, oral testimony, and technical materials cited in the document.
4. All non-draft and/or non-confidential reports and memoranda prepared by the County and consultants related to the EIR, its analysis, and findings.
5. Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings or scoping meetings held by the Planning Commission and the Board of Supervisors.
6. Staff reports associated with Planning Commission and Board meetings on the Housing Element and Safety Element updates and supporting technical memoranda

7. Napa County Housing Element Update, the Public Review Draft of the Housing Element Update, Safety Element Update, and subsequent revisions.

SECTION 14. Location and Custodian of Documents Constituting Record.

The documents and other materials that constitute the record of proceedings on which the Board's findings regarding the mitigation measures and statement of overriding considerations are based are located at the office and in the custody of the Napa County Department of Conservation, Development and Planning, at 1195 Third Street, Room 210, Napa, California. The location and custodian of these documents is provided in compliance with PRC Section 21081.6(a)(2) and 14 Cal. Code of Regulations Section 15091(e).

SECTION 15. Adoption of Mitigation Monitoring and Reporting Program.

In accordance with CEQA Guidelines Section 15097, the Board adopts the Mitigation Monitoring and Reporting Program attached as Exhibit "A."

SECTION 16. Conclusion.

Based on the foregoing Findings and the information contained in the record, the County has made one or more of the following Findings with respect to each of the significant environmental effects of the Project:

- (a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects identified in the Final EIR.
- (b) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other public agency.
- (c) Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the Final EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the Project.

Based on the foregoing Findings and the information contained in the record, the County determines that:

- (a) All significant effects on the environment due to the approval of the Project have been eliminated or substantially lessened where feasible.
- (b) Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations, above.

SECTION 17. Filing Notice of Determination

The Board hereby directs the PBES Department to file a Notice of Determination regarding the proposed Housing Element Update and FEIR within five business days of adoption of this Resolution.

SECTION 18. Effective Date

This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was read, considered, and adopted at a regular meeting of the Board of Supervisors of the County of Napa, State of California, on the ___ day of January, 2023 by the following vote:

AYES:	SUPERVISORS	_____
NOES:	SUPERVISORS	_____
ABSTAIN:	SUPERVISORS	_____
ABSENT:	SUPERVISORS	_____

NAPA COUNTY, a political subdivision of the State of California

By: _____
 BELIA RAMOS, Chair of the Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Laura J. Anderson (e-sign)</u></p> <p>Date: January 17, 2023</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date:</p> <p>Processed By:</p> <p>_____ Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p>
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**EXHIBIT A
NAPA COUNTY HOUSING ELEMENT UPDATE MITIGATION
MONITORING AND REPORTING PROGRAM**

	Implemented By	When Implemented	Monitored By	Verified By
Aesthetics				
<p>Mitigation Measure AES-1: Imola Avenue Design Standards. The State agency with jurisdiction shall ensure that the design and orientation of housing on the Imola site is in keeping with County development standards to the maximum extent feasible.</p>	Project applicant	Prior to design of housing	State agency with jurisdiction	
Air Quality				
<p>Mitigation Measure AIR-1: Best Management Practices. All multifamily housing development projects resulting from adoption of the HEU, regardless of size, shall implement best management practices to reduce construction impacts, particularly fugitive dust, to a less-than-significant level. Specifically, the project sponsor shall require all construction plans to specify implementation of the following best management practices:</p> <ul style="list-style-type: none"> • 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 mph. • 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. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the County regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 	Project sponsor	Prior to construction	Planning, Building, and Environmental Services Department	
<p>Mitigation Measure AIR-2: Emission Reduction Measures for Subsequent Projects Exceeding the Significance Thresholds for Criteria Pollutants. Project sponsors proposing multifamily residential development projects that exceed BAAQMD screening levels shall prepare a project-level criteria air pollutant assessment of construction and operational emissions at the time the project is proposed. The project-level assessment could include a comparison of the project with other similar projects where a quantitative analysis has been conducted, or a project-specific criteria air pollutant analysis to determine whether the project exceeds the air district's criteria air pollutant thresholds.</p>	Project sponsor	When Project is proposed	Planning, Building, and Environmental Services Department	

**EXHIBIT A
NAPA COUNTY HOUSING ELEMENT UPDATE MITIGATION
MONITORING AND REPORTING PROGRAM (CONTINUED)**

	Implemented By	When Implemented	Monitored By	Verified By
<p>While some projects may be below the screening levels, some aspects of the project that are not known at this time (such as an extensive amount of site preparation or demolition) could cause an exceedance of the significant emissions threshold.</p> <p>In the event that a project-specific analysis finds that the project could result in significant construction and/or operational criteria air pollutant emissions that exceed significance thresholds, the project sponsor shall implement the following emission reduction measures to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significance thresholds.</p> <p>Clean Construction Equipment.</p> <p>1) Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of the BAAQMD CEQA Guidelines (BAAQMD 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the air district as necessary. The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.</p> <p>The County may waive the equipment requirement above only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. If the County grants the waiver, the contractor shall use the next cleanest piece of off-road equipment available.</p> <p>2) The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.</p>				
<p>Mitigation Measure AIR-3: Emission Reduction Measures for Subsequent Projects Exceeding the Significance Thresholds for Health Risks associated with TAC Emissions.</p> <p>Project sponsors proposing multifamily development projects within 1,000 feet of sensitive receptors, including residences, schools, day care centers, and hospitals, shall prepare a project-level health risk assessment at the time the project is proposed. The project-level assessment could include a comparison of the project with other similar sized projects located a similar distance from receptors where a quantitative analysis has been conducted, or a project-specific analysis to determine whether the project exceeds the air district's health risk thresholds.</p> <p>In the event that a project-specific analysis finds that the project could result in health risks that exceed significance thresholds, the project sponsor shall implement the clean construction</p>	Project sponsor	When Project is proposed	Planning, Building, and Environmental Services Department	

**EXHIBIT A
NAPA COUNTY HOUSING ELEMENT UPDATE MITIGATION
MONITORING AND REPORTING PROGRAM (CONTINUED)**

	Implemented By	When Implemented	Monitored By	Verified By
equipment requirement of Mitigation Measure AIR2 to the degree necessary to reduce the impact to less than significance thresholds, and shall implement other feasible measures as needed to reduce the impact to less than the significant thresholds.				
Biological Resources				
<p>Mitigation Measure BIO-1: Avoid and Minimize Impacts on Special-Status Plant Species. To ensure protection of special-status plants, the following measures will be implemented.</p> <p>a) Prior to the start of earth-disturbing activities (i.e., clearing and grubbing) in the Imola Avenue, Bishop, Altamura, Foster Road, and Spanish Flat sites, a qualified biologist shall conduct a properly timed special-status plant survey for rare plant species within the project work limits. The survey will follow the CDFW Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (CDFW, 2018). If special-status plant species occur within the project work limits and can be avoided, then the biologist will establish an adequate buffer area for each plant population to exclude activities that directly remove or alter the habitat of, or result in indirect adverse impacts on, the special-status plant species. A qualified biologist will oversee installation of a temporary, plastic mesh-type construction fence (Tensor Polygrid or equivalent) at least 4 feet (1.2 meters) tall around any established buffer areas to prevent encroachment by construction vehicles and personnel. The qualified biologist will determine the exact location of the fencing. The fencing will be strung tightly on posts set at maximum intervals of 10 feet (3 meters) and will be checked and maintained weekly until all construction is complete. The buffer zone established by the fencing will be marked by a sign stating:</p> <ul style="list-style-type: none"> • “This is habitat of [list rare plant(s)] and must not be disturbed. This species is protected by [the Endangered Species Act of 1973, as amended/CESA/California Native Plant Protection Act].” <p>b) If direct impacts cannot be avoided, the biologist shall prepare a plan for minimizing the impacts by one or more of the following methods: 1) salvage and replant plants at the same location following construction; 2) salvage and relocate the plants to a suitable off-site location with long-term assurance of site protection; 3) collect seeds or other propagules for reintroduction at the site or elsewhere; or 4) payment of compensatory mitigation, e.g., to a mitigation bank.</p> <p>c) The success criterion for any seeded, planted, and/or relocated plants shall be full replacement at a minimum 1:1 ratio (acreage based) after five years. Monitoring surveys of the seeded, planted, or transplanted individuals shall be conducted for a minimum of five years, to ensure that the success criterion can be achieved at year 5. If it appears the success criterion would not be met after five years, contingency measures may be applied. Such measures shall include, but not be limited to additional seeding and planting; altering or implementing weed management activities; or introducing or altering other management activities.</p> <p>d) Special-status plant observations will be reported to the California Natural Diversity Database.</p>	Qualified project staff biologist	Prior to earth-disturbing activities	Planning, Building, and Environmental Services Department and CDFW	

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	Implemented By	When Implemented	Monitored By	Verified By
<p>Mitigation Measure BIO-2: Avoid and Minimize Impacts on Nesting Birds.</p> <p>Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act when in active use. This shall be accomplished by taking the following steps.</p> <p>a) If construction is proposed during the nesting season (February 1 to August 31), a pre-construction survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of vegetation removal or construction, to identify any active nests on the project site and in the vicinity of proposed construction. Surveys shall be performed for the project area, vehicle and equipment staging areas, and suitable habitat within 250 feet to locate any active passerine (e.g., songbird) nests and within 500 feet to locate any active raptor (bird of prey) nests, and within 0.5 mile of the Foster Road site and Spanish Flat site, as accessible, to locate Swainson's hawk and golden eagle nests. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities.</p> <p>b) If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (September 1 to February 14), construction may proceed with no restrictions.</p> <p>c) If bird nests are found, an adequate no-disturbance buffer (e.g., 100 to 250 feet; up to 0.5 miles for Swainson's hawk) shall be established around the nest location and construction activities restricted within the buffer until the qualified biologist has confirmed that any young birds have fledged and are able to leave the construction area. Required setback distances for the no-disturbance zone shall be established by the qualified biologist and may vary depending on species, line-of-sight between the nest and the construction activity, and the birds' sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site.</p> <p>d) Any birds that begin nesting within the project area and survey buffers amid construction activities, with the exception of Swainson's hawk and golden eagle, shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no work exclusion zones shall be established around active nests in these cases; however, should birds nesting nearby being to show disturbance associated with construction activities or nesting Swainson's hawk or golden eagle are discovered, no-disturbance buffers shall be established as determined by the qualified wildlife biologist.</p> <p>e) Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer shall halt until the nest occupants have fledged.</p> <p>f) A report of findings shall be prepared by the qualified biologist and submitted to the County for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season. The report shall either confirm absence of any active nests or shall confirm that any young within a designated no-disturbance zone and construction can proceed.</p>	Qualified project staff biologist	Prior to construction	Planning, Building, and Environmental Services Department	

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<p>Mitigation Measure BIO-3: Avoid and Minimize Impacts on Roosting Bats.</p> <p>A qualified biologist who is experienced with bat surveying techniques (including auditory sampling methods), behavior, roosting habitat, and identification of local bat species shall be consulted prior to demolition or building relocation activities or tree work to conduct a pre-construction habitat assessment of the project area (focusing on buildings to be demolished or relocated) to characterize potential bat habitat and identify potentially active roost sites. No further action is required should the pre-construction habitat assessment not identify bat habitat or signs of potentially active bat roosts within the project area (e.g., guano, urine staining, dead bats, etc.).</p> <ul style="list-style-type: none"> • The following measures shall be implemented should potential roosting habitat or potentially active bat roosts be identified during the habitat assessment in buildings to be demolished or relocated, or in trees adjacent to construction activities that could be trimmed or removed within the study area for the HEU project sites: <ol style="list-style-type: none"> a) In areas identified as potential roosting habitat during the habitat assessment, initial building demolition, relocation, and any tree work (trimming or removal) shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, to the extent feasible. These dates avoid the bat maternity roosting season and period of winter torpor. b) Depending on temporal guidance as defined below, the qualified biologist shall conduct pre-construction surveys of potential bat roost sites identified during the initial habitat assessment no more than 14 days prior to building demolition or relocation, or any tree trimming or removal. c) If active bat roosts or evidence of roosting is identified during pre-construction surveys for building demolition and relocation or tree work, the qualified biologist shall determine, if possible, the type of roost and species. A no-disturbance buffer shall be established around roost sites until the qualified biologist determines they are no longer active. The size of the no-disturbance buffer would be determined by the qualified biologist and would depend on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of construction activity that would occur around the roost site. d) If special-status bat species or maternity or hibernation roosts are detected during these surveys, appropriate species- and roost-specific avoidance and protection measures shall be developed by the qualified biologist in coordination with CDFW. Such measures may include postponing the removal of buildings or structures, establishing exclusionary work buffers while the roost is active (e.g., 100-foot no-disturbance buffer), or other compensatory mitigation. e) The qualified biologist shall be present during building demolition, relocation, or tree work if potential bat roosting habitat or active bat roosts are present. Buildings and trees with active roosts shall be disturbed only under clear weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit. f) The demolition or relocation of buildings containing or suspected to contain bat roosting habitat or active bat roosts shall be done under the supervision of the qualified biologist. When appropriate, buildings shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening and after bats have emerged from the roost to forage. Under no circumstances shall active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist. 	<p>Qualified project staff biologist</p>	<p>Prior to construction</p>	<p>Planning, Building, and Environmental Services Department and CDFW</p>	
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	Implemented By	When Implemented	Monitored By	Verified By
<p>g) Trimming or removal of existing trees with potential bat roosting habitat or active (non-maternity or hibernation) bat roost sites shall follow a two-step removal process (which shall occur during the time of year when bats are active, according to a) above and, depending on the type of roost and species present, according to c) above).</p> <p>h) On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws.</p> <p>i) On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe).</p> <p>j) All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches.</p>				
<p>Mitigation Measure BIO-4: Avoid and Minimize Impacts to Western Pond Turtle Before construction activities begin, a qualified biologist shall conduct western pond turtle surveys at the Imola and Bishop site. Upland areas shall be examined for evidence of nests as well as individual turtles. The project biologist shall be responsible for the survey and for the relocation of turtles, if needed. Construction shall not proceed until a reasonable effort has been made to identify and relocate turtles, if present, a biologist with the appropriate authorization and prior approval from CDFW shall move turtles and/or eggs to a suitable location or facility for incubation, and release hatchlings into the creek system the following autumn.</p>	Qualified project staff biologist	Prior to construction	Planning, Building, and Environmental Services Department and CDFW	

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	Implemented By	When Implemented	Monitored By	Verified By
<p>Mitigation Measure BIO-5: Sensitive Natural Community Mitigation.</p> <p>Prior to issuance of a building permit for development on the Spanish Flat site, the property owner or developer shall retain a qualified biologist to accurately map locations supporting Valley oak woodlands, so that the development can avoid and retain viable oak trees where feasible. Downed and dead trees and former woodlands where trees are removed for safety considerations are not considered a sensitive natural community.</p> <p>Consistent with Policy CON-24, where temporary construction impacts to valley oak woodlands cannot be avoided, revegetation and restoration measures will be developed as part of a revegetation plan approved by Napa County. The revegetation plan will include specific actions for the revegetation and restoration of impacted valley oak woodlands. Revegetation will include a 2:1 replacement ratio (or ratio otherwise identified by the County) of the acreage of woodland lost and for all trees lost as result of the Project. The following success criteria will apply to revegetated areas:</p> <ol style="list-style-type: none"> 1. Success criteria for replanting will be less than 20 percent mortality annually over a period of 5 years. 2. Replanting will be conducted each year that plantings exceed 20 percent mortality, such that at least 80 percent plant survival is maintained each year of the 5-year monitoring period. 3. Cover provided by invasive, non-native plant species shall not exceed 5 percent during each year of the 5-year monitoring period. 4. A qualified biologist shall monitor the mitigation site for a minimum of five years to ascertain if the mitigation is successful. 5. Annual reports will be submitted to the County by December 31 of each monitoring year (or as otherwise identified by Napa County), describing the results of the monitoring and any remedial actions needed to achieve the specified habitat replacement ratio, or equivalent for permanent impacts on sensitive natural communities. 	Qualified project staff biologist	Prior to issuance of a building permit for development on the Spanish Flat site	Planning, Building, and Environmental Services Department and Napa County	
Cultural Resources and Tribal Cultural Resources				
<p>Mitigation Measure CUL-1: Document Architectural Historic Resources Prior to Demolition or Alteration.</p> <p>Prior to any demolition work or significant alterations initiated of a known historical resource or a resource identified, the County shall ensure that a qualified architectural historian who meets the Secretary of the Interior's Professional Qualification Standards thoroughly documents each building and associated landscaping and setting. Documentation shall include still photography and a written documentary record of the building to the National Park Service's standards of the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), including accurate scaled mapping and architectural descriptions. If available, scaled architectural plans will also be included. Photos include large-format (4"x5") black-and-white negatives and 8"x10" enlargements. Digital photography may be substituted for large-format negative photography if archived locally. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site-specific and comparative archival research and oral history collection as appropriate. Copies of the records shall be submitted to the Northwest Information Center at Sonoma State University.</p>	Qualified project staff architectural historian	Prior to demolition work or significant alterations to a known historical or identified resource	Planning, Building, and Environmental Services Department, Napa County, NPS	

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	Implemented By	When Implemented	Monitored By	Verified By
<p>Mitigation Measure CUL-2. Cultural Resources Review Requirements.</p> <p>For all discretionary projects that require ground disturbance (i.e. excavation, trenching, grading, etc.) within areas identified in the Baseline Data Report Map 14-3 (Jones & Stokes, 2005) as having a sensitivity of 13 or higher (moderate to high), a records search shall be completed at the Northwest Information Center (NWIC) of the California Historical Resources Information System for the project area. To receive project approval, an archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology, must review the results and identify if the project would potentially impact cultural resources. If the archaeologist determines that known cultural resources or potential archaeologically sensitive areas may be impacted by the project, a pedestrian survey must be conducted under the supervision of a SOIS-qualified archaeologist of all accessible portions of the project area, if one has not been completed within the previous five years.</p> <p>In addition, California Native American tribes identified by the Native American Heritage Commission (NAHC) to be affiliated with Napa County for the purposes of tribal consultation under Chapter 905, California Statutes of 2004 (culturally-affiliated Native American tribes) shall be notified of the proposed project and provided the preliminary findings of the records search and survey results. Following collaboration with the culturally-affiliated Native American tribe(s) and the County, a SOIS-qualified archaeologist shall prepare a cultural resources inventory report to submit to the County and the culturally-affiliated Native American tribe(s) for review. The report shall include the results of the background research and survey, and recommend additional actions, as needed, including subsurface testing, a cultural resources awareness training, and/or monitoring during construction.</p> <p>If the County determines that a cultural resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. In coordination with a SOIS-qualified archaeologist and the culturally-affiliated Native American tribe(s), preservation in place may include, but is not limited to: (1) planning construction to avoid archaeological sites, (2) deeding archaeological sites into permanent conservation easements, (3) capping or covering archaeological sites with a layer of soil before building on the sites, and (4) planning parks, greenspace, or other open space to incorporate archaeological sites.</p> <p>If avoidance is not feasible, the County shall consult with the culturally-affiliated Native American tribe(s) (if the resource is Native American-related) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).</p>	Qualified project staff architectural historian	Prior to ground disturbing activities	Planning, Building, and Environmental Services Department, Napa County, and culturally-affiliated Native American tribe(s)	
<p>Mitigation Measure CUL-3. Inadvertent Discovery of Cultural Resources.</p> <p>If pre-contact or historic-era cultural resources are encountered during project construction and implementation, all construction activities within 100 feet shall halt and the County shall be notified. Pre-contact cultural materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g.,</p>	Qualified project staff architectural historian	Upon encounter of a pre-contact or historic- era cultural resource	Planning, Building, and Environmental Services Department, Napa County, and culturally-affiliated	

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<p>mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era cultural materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. An archaeologist meeting the U.S. Secretary of the Interior's Standards (SOIS) for Archeology shall inspect the find within 24 hours of discovery. Work shall be stopped within 100 feet of the potential cultural resource until the material is either determined by the archaeologist to not be a cultural resource or appropriate treatment has been enacted, in coordination with the culturally-affiliated Native American tribe(s) (if the resource is Native American-related).</p> <p>If the County determines that a cultural resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4, with a preference for preservation in place. In coordination with the SOIS-qualified archaeologist and the culturally-affiliated Native American tribe(s), preservation in place may include, but is not limited to: (1) planning construction to avoid archaeological sites, (2) deeding archaeological sites into permanent conservation easements, (3) capping or covering archaeological sites with a layer of soil before building on the sites, and (4) planning parks, greenspace, or other open space to incorporate archaeological sites.</p> <p>If avoidance is not feasible, the County shall consult with the culturally-affiliated Native American tribes (if the resource is Native American-related) to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).</p>			Native American tribe(s)	

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	Implemented By	When Implemented	Monitored By	Verified By
Geology, Soils, Paleontological and Mineral Resources				
<p>Mitigation Measure GEO-1: Determination of Paleontological Potential.</p> <p>Prior to issuance of a grading permit for any discretionary projects that require ground disturbance (i.e., excavation, grading, trenching, etc.) below 5 feet in previously undisturbed Holocene-age alluvial deposits or at any depth in previously undisturbed Pleistocene-age alluvial deposits (i.e. all multi-family housing sites except for the Spanish Flat site), the project shall undergo an analysis to determine the potential for a project to encounter significant paleontological resources, based on a review of site-specific geology and the extent of ground disturbance associated with each project. The analysis shall include, but would not be limited to: 1) a paleontological records search, 2) geologic map review, and 3) peer-reviewed scientific literature review. If it is determined that a site has the potential to encounter significant paleontological resources, County General Plan Action Item CC-23.2 would be triggered. Action Item CC-23.2 requires that all construction activities stop if a paleontological resource is encountered and that the Planning Department be notified. Upon notification, the Planning Department would retain a qualified paleontologist (meeting the Society of Vertebrate Paleontology [SVP] standards as set forth in the "Definitions" section of Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources) to evaluate the discovery and determine its significance.</p> <p>If the discovery is determined to be significant and the potential exists for a project to encounter and destroy significant paleontological resources, the appropriate steps will be followed to ensure that a professional paleontologist is retained to prepare a paleontological resource management plan (or similar), which will include appropriate mitigation recommendations. Such recommendations could include, but would not be limited to: 1) preconstruction worker awareness training, 2) paleontological resource monitoring, and 3) salvage of significant paleontological resources.</p>	Project applicant and a qualified paleontologist	Prior to issuance of a grading permit	Planning, Building, and Environmental Services Department	
Greenhouse Gas Emissions				
<p>Mitigation Measure GHG-1: Reduce GHG emissions from building energy use and motor vehicle trips.</p> <p>a) All new residential development proposed as part of the HEU shall be designed to be 100 percent electric with no natural gas infrastructure for appliances, including water heaters, clothes washers and dryers, HVAC systems, and stoves.</p> <p>b) Subsequent residential development projects proposed as part of the HEU shall be designed to comply with EV requirements in the most recently adopted version of CALGreen Tier 2 at the time of project-specific CEQA review.</p> <p>c) Implement Mitigation Measure TRA-1 included in Chapter 4.15, <i>Transportation</i>.</p>	Project applicant	During residential development design	Planning, Building, and Environmental Services Department	

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Noise				
<p>Mitigation Measure NOI-1: Operational Noise Performance Standard for State-Owned Properties.</p> <p>Prior to the issuance of any building permit, the project applicant for any housing development of the Imola Avenue site or other development site that is currently state-owned shall ensure that all mechanical equipment is selected and designed to reduce impacts on surrounding uses by meeting a performance standard of 60 dBA, Ldn (equivalent to 50 dBA hourly Leq) at the nearest residential property line. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance has been verified by the County. Methods of achieving these standards include using low-noise-emitting HVAC equipment, locating HVAC and other mechanical equipment within a rooftop mechanical penthouse, and using shields and parapets to reduce noise levels to adjacent land uses.</p>	Project applicant	Prior to issuance of any building permit	Planning, Building, and Environmental Services Department	
<p>Mitigation Measure NOI-2: Preparation of a Project-Level Traffic Analysis and Mitigation.</p> <p>Prior to any potential future development at the Spanish Flat and Bishop opportunity sites, the project applicant for any housing development shall prepare a project-level noise analysis demonstrating that the increase in noise along roadways used to access the site will not exceed 3 dBA above existing levels.</p>	Project applicant	Prior to any potential future development at the Spanish Flat and Foster Road opportunity sites	Planning, Building, and Environmental Services Department	

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Transportation				
<p>Mitigation Measure TRA-1: Transportation Demand Management (TDM) Program.</p> <p>Prior to issuance of building permits, project applicants of proposed multi-family development shall develop a TDM program for the proposed project, including any anticipated phasing, and shall submit the TDM Program to the County for review and approval. The TDM Program shall identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. The TDM Program shall be designed to achieve the following trip reduction, as required to meet thresholds identified by OPR:</p> <ul style="list-style-type: none"> • A 15% reduction compared to the unmitigated VMT estimated for the proposed project <p>Trip reduction strategies may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Provision of bus stop improvements or on-site mobility hubs 2. Pedestrian improvements, on-site or off-site, to connect to nearby transit stops, services, schools, shops, etc. 3. Bicycle programs including bike purchase incentives, storage, maintenance programs, and on-site education program 4. Enhancements to Countywide bicycle network 5. Parking reductions and/or fees set at levels sufficient to incentivize transit, active transportation, or shared modes 6. Cash allowances, passes, or other public transit subsidies and purchase incentives 7. Providing enhanced, frequent bus service 8. Implementation of shuttle service 9. Establishment of carpool, buspool, or vanpool programs 10. Vanpool purchase incentives 11. Low emission vehicle purchase incentives/subsidies 12. Compliance with a future County VMT/TDM ordinance 13. Participation in a future County VMT fee program 14. Participate in future VMT exchange or mitigation bank programs 15. Provision of active transportation and complete streets improvements connecting City of Napa and County circulation network facilities 	Project applicant	Prior to issuance of building permits	Planning, Building, and Environmental Services Department	
Utilities				
<p>Mitigation Measure UTL-1: Demonstrate Sufficient Water Supply Availability.</p> <p>Project sponsors shall submit evidence to the County that sufficient water supply is available to serve the projected demand of proposed multifamily housing development prior to the issuance of any approvals.</p>	Project sponsors	Prior to issuance of any approvals	Planning, Building, and Environmental Services Department and Public Works Department	
<p>Mitigation Measure UTL-2: Adequate Wastewater Treatment Capacity.</p> <p>Project sponsors shall submit evidence to the County that adequate wastewater treatment capacity is available to serve the projected demand of proposed multifamily housing development prior to the issuance of any approvals.</p>	Project sponsors	Prior to issuance of any approvals	Planning, Building, and Environmental Services Department and Public Works Department	

