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CEQA California Environmental Quality Act Findings and Statement of Overriding Considerations

Countywide Airport Land Use Compatibility Plan Consistency Determination for the City of American Canyon 2040 General Plan Update # P25-00114
Airport Land Use Commission Hearing Date (May 7, 2025)

American Canyon 2040 General Plan Update

Findings of Fact and Statement of Overriding Considerations
SCH# 2022070038

prepared by

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1 Introduction

A Draft Environmental Impact Report (Draft EIR) was prepared for the American Canyon 2040 General Plan Update (project), and the City of American Canyon (City) filed a notice of completion (NOC) with the Governor's Office of Planning and Research to begin the 45-day public review period (Public Resources Code [PRC] Section 21161), which began on September 27, 2024, and ended on December 27, 2024. The Draft EIR was made available on the City's website.[1] In addition, the Draft EIR was made available for review at the City's offices at 4381 Broadway Street, Suite 201; the City Library at 300 Crawford Way; and the Active Adults Center at 2185 Elliot Drive. As a result of these notification efforts, the City received eight written comments on the content of the Draft EIR.

After close of the Draft EIR public review and comment period, a Final EIR consisting of responses to comments and minor revisions to the Draft EIR was prepared for City Council. On May 20, 2025, the City Council, at a public hearing, is expected to decide on the certification of the Final EIR and approval of the project. The public hearing will be simultaneously held virtually and in person.

The Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) presented herein address the environmental effects associated with the project that are described and analyzed within the Final EIR, reflect the Council's determinations about feasible mitigation measures, and the adequacy of the Final EIR. These Findings have been made pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code Section 21000 et seq.), specifically Public Resources Code Sections 21081 and 21081.6, as well as the *CEQA Guidelines* (14 CCR 15000 *et seq*.) Sections 15091 and 15093.

Public Resources Code Section 21081 and *CEQA Guidelines* Section 15091 require that the City, as the Lead Agency for this project, prepare written findings for any identified significant environmental effects along with a brief explanation of the rationale for each finding. Specific findings under *CEQA Guidelines* Section 15091(a) are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Furthermore, in accordance with Public Resources Code Section 21081 and *CEQA Guidelines* Section 15093, whenever significant effects cannot be mitigated to below a level of significance, the City as the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable," in which case the lead agency must adopt a formal SOC.

[1] Draft EIR for the project is available here: https://portal.laserfiche.com/Portal/DocView.aspx?id=232476&repo=r-f53bdda4

The Final EIR identified potentially significant environmental effects that could result from the project but could be reduced to a less than significant level through implementation of mitigation measures. Those effects were related to aesthetics (impacts related to anticipated construction and operational lighting from development between now and the 2040 plan horizon year), air quality (impacts related to exposing sensitive receptors to pollutant concentrations and odors), biological resources (impacts to special status species), cultural resources (impacts related to historical structures, archaeological resources, and human remains), noise (impacts related to groundborne vibration), paleontological resources, and wildfire (impacts related to exposing people and structures to wildfire risk).

Significant and unavoidable impacts associated with greenhouse gas (GHG) emissions (impacts related to conflicts with state GHG reduction goals), noise (impacts related to construction noise and operational traffic noise), and transportation (impacts related to vehicle miles traveled [VMT]) were identified because mitigation measures would not reduce impacts to a less than significant level, and thus a statement of overriding considerations is required.

2 Project Description

The project is an update to the City's current General Plan, which includes the following chapters: Introduction, Land Use Element, Housing Element, Economic Development Element, Mobility (Circulation) Element, Utilities Element, Public Services and Facilities Element, Parks and Recreation Element, Natural and Historic & Cultural Resources Element, Geology Element, Flood Hazards Element, and Noise Element.

The General Plan (project) establishes the City's vision for future development through the horizon year of 2040. The General Plan will serve as the City's primary guide for future land use and development decisions in a way that meets the community needs and priorities while serving as a key tool for influencing and improving the quality of life for residents and businesses. As such, it serves as the "blueprint" for future development and conservation of a community. The 2040 General Plan Update will help the City plan for important community issues, such as community growth; health, housing, mobility, and infrastructure needs; climate change; and environmental protection. It will also set the stage for future social, physical, and economic development of the City.

The project would change some of the land use designations; however, these changes primarily resolve inconsistences between existing uses and the General Plan land use designations. As a part of the project, the City would consider an update to the Urban Limit Line to include the Hess/Laird Property and two parcels located in the vicinity of S. Kelly Road and State Route (SR) 29. Consideration of an expansion of the Urban Limit Line is an administrative process that would not result in an environmental impacts and is not discussed in the Final EIR. Overall, compared to existing conditions, the project could add 3,379 residential units and approximately 5,704,000 square feet of commercial, retail, hotel, industrial, warehouse, and research and development (R&D) uses.

The project includes a Mobility Element, which provides a vision and guiding principles for the transportation system. The Mobility Element identifies the following proposed major circulation improvements in American Canyon:

- The City partnership with the Napa Valley Transportation Authority to identify improvements to SR 29, including landscaping improvements, pedestrian improvements, and multimodal features.
- Newell Drive extension from Watson Ranch to Highway 29 at Green Island Road (2-Lane Major Collector Road and 4-Lane Arterial)
- Green Island Road reconstruction from a 2-lane Arterial to a 3-Lane Arterial
- West Side Connector (2-Lane Major Collector)
- Eucalyptus Drive extension from Theresa Avenue to Broadway (2-Lane Major Collector)
- Rio Del Mar or South Napa Junction Road, including new at-grade crossing from Broadway to Newell Drive (2-Lane Major Collector)
- Napa Junction Road from Theresa Avenue to Hess Road (2-Lane Minor Collector)
- Newell Drive Railroad Overcrossing
- American Canyon Road Pedestrian Crossing
- Donaldson Way Pedestrian Crossing
- Napa Junction Road Pedestrian Crossing

3 Project Objectives

The Technical 2040 General Plan will serve as a long-term framework for future growth and development, represents the community's view of its future, and contains the goals and policies upon with the City Council, Planning Commission, and the entire community will base land use and resource decisions. The Technical 2040 General Plan will provide a contemporary plan that will guide American Canyon though the next 20 years and comply with State General Plan guidelines and law.

The Technical 2040 General Plan identifies the following three fundamental roles of the City:

1. The City should be home for a residential population, internally accommodating a sufficient range of uses to support the needs of residents (including a mix of housing types, commercial services, entertainment, employment, recreation, education, health, religious, cultural facilities, transportation services, and open space). At the present time, many of these uses are located outside the City, which necessitates extensive travel by residents to access these services.
2. The City should be a center of employment and commerce for regional, as well as local residents. This will provide an opportunity to capitalize upon: (1) the cluster of uses which have developed in the Green Island Industrial Park; (2) the proximity of the City to the Napa County Airport and Southern Pacific railroad, and (3) the relationship of the City to the agricultural and vineyard industries of Napa County.
3. The City can capture visitors to the Napa Valley by providing uses which capitalize on the unique environmental setting of the foothills, river valleys, and agriculture. Environmental educational facilities, such as wetlands interpretative centers, overnight camping and recreational vehicle facilities, river recreational facilities such as boating, golf courses, and hotel/motels and restaurants are representative of the range of uses which may be considered.

4 Findings of Fact

Having received, reviewed, and considered the information in the Final EIR for this project, as well as the supporting administrative record, the City of American Canyon makes findings pursuant to, and in accordance with, Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

4.1 Environmental Effects Found Not to be Significant

Through project scoping and the environmental analysis contained within the Final EIR, it was determined that the project would not result in potentially significant effects on the environment for all CEQA Appendix G checklist questions related to land use and planning, population and housing, public services and recreation, utilities and service systems, and tribal cultural resources. In addition, it was determined that the project would not result in potentially significant effects on the environment for CEQA Appendix G checklist questions within the following issue areas:

- Aesthetics (impacts to scenic vistas, state scenic highways, and conflicts with zoning)
- Air quality (impacts related to consistency with the Bay Area Air Quality Management District's 2017 Clean Air Plan and net increases in criteria pollutants)
- Biological resources (impacts to riparian habitat and sensitive natural communities, fish and wildlife migration, conflicts with policies designed to protect biological resources, and conflicts with an adopted habitat conservation plan)
- Noise (impacts related to airport noise)
- Transportation (impacts related to conflicts with policies addressing the circulation system, increasing transportation hazards, and resulting in inadequate emergency access)
- Wildfire (impacts related to emergency access, installation of utilities, and risks associated with post-fire instability).

No further findings are required for these subject areas.

4.2 Findings for Significant but Mitigated Effects

The following findings are hereby made by the City of American Canyon for the significant but mitigable environmental effects identified in the EIR related to aesthetics (impacts related to additional construction and operational lighting), air quality (impacts related to exposing sensitive receptors to pollutant concentrations and odors), biological resources (impacts to special status species), cultural resources (impacts related to historical structures, archaeological resources, and human remains), noise (impacts related to groundborne vibration), paleontological resources, and wildfire (impacts related to exposing people and structures to wildfire risk).

4.2.1 Aesthetics – Impact AES-4

Construction and operation of future development facilitated by the project could create new sources of light or glare that could adversely affect the visual environment. Impacts would be less than significant with mitigation.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (*CEQA Guidelines* Section 15091[a][1]). Implementation of Mitigation Measures AES-1 and AES-2 would reduce potential impacts related to additional construction and operational lighting to a less than significant level.

Explanation

Implementation of Mitigation Measure AES-1 would require a construction lighting plan for projects that would require nighttime construction and Mitigation Measure AES-2 would require the preparation of a photometric plan. Implementation of Mitigation Measures AES-1 and AES-2 would ensure that lighting and glare is minimized during construction and operation of future development. With implementation of Mitigation Measures AES-1 and AES-2, impacts would be less than significant.

Mitigation Measure

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

AES-1 Construction Lighting Plan

Prior to nighttime construction, if needed for a particular project, project applicants shall submit a construction lighting plan to the City for review and approval. The construction lighting plan shall ensure that the minimum amount of lighting is used to meet safety requirements and ensure no spillover occurs to nearby sensitive uses. All lighting shall be directed downward and away from surrounding land uses.

AES-2 Operational Lighting Plan

Prior to discretionary project approval, the project applicant shall prepare and submit a photometric plan to the City for review and approval which demonstrates that all exterior light fixtures will be directed downward or employ full cut-off fixtures to prevent light spillage. The approved plan shall be incorporated into project design plans.

4.2.2 Air Quality – Impact AQ-3

Construction activities for projects lasting longer than two months or located within 1,000 feet of sensitive receptors could expose sensitive receptors to substantial pollutant concentrations. Implementation of the project may also expose sensitive receptors to operational sources of toxic air contaminants. Impacts would be less than significant with mitigation.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (*CEQA Guidelines* Section 15091[a][1]). Implementation of Mitigation Measures AQ-1 through AQ-3 would reduce potential impacts related to exposing sensitive receptors to substantial pollutant concentrations to a less than significant level.

Explanation

Implementation of Mitigation Measure AQ-1 requires the preparation of construction health risk assessments for developments that meet specific criteria and implementation of measures to reduce construction emissions. Mitigation Measures AQ-2 requires the preparation of operational health risk assessments for development that places sensitive receptors within 500 feet of a major source of toxic air contaminants and implementation of measures to reduce exposure to toxic air contaminants. Mitigation Measures AQ-3 requires the preparation of operational health risk assessments for industrial, warehousing, and commercial land uses that meet specific criteria and implementation of measures to reduce operational emissions.

Mitigation Measure

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

AQ-1 Conduct Construction Health Risk Assessment

Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall submit to the City a construction health risk assessment (HRA) in accordance with BAAQMD recommendations for any development project that has at least one the following characteristics:

- The project is located within 1,000 feet of sensitive receptors.
- Project construction would last longer than two months.
- Project construction would not utilize equipment rated USEPA Tier 4 (for equipment of 50 horsepower or more); construction equipment fitted with Level 3 Diesel Particulate Filters (for all equipment of 50 horsepower or more); or alternative fuel construction equipment.

If the HRA determines that construction will exceed BAAQMD significance thresholds, the HRA shall provide mitigation measures to reduce the impact to less than significant, including but not limited to requiring the use of Tier 4 engines, Level 3 Diesel Particulate Filters, and/or alternative fuel construction equipment.

AQ-2 Reduce operational Toxic Air Contaminants Near Sensitive Receptors

For new sensitive receptors proposed within 500 feet of a major source of TAC (high-volume roadways with 10,000 vehicles or more per day), the project applicant shall prepare an operational health risk assessment for the City's review and approval. If TAC exposure at new sensitive receptor sites would exceed BAAQMD health risk thresholds, the project applicant shall include mechanical air filtration or other measures to reduce health risk exposure to acceptable levels.

AQ-3 Conduct Operational Health Risk Assessment

Prior to permit approval for industrial, warehousing, or commercial land uses that would generate at least 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day, the applicant shall submit an operational health risk assessment (HRA) or submit proof that an HRA is not required in accordance with BAAQMD thresholds to the City for review and approval. If required by the City, the operational HRA shall be prepared in accordance with the Office of Environmental Health Hazard Assessment and BAAQMD requirements, and impacts shall be mitigated to an acceptable level. Typical measures to reduce risk impacts may include, but are not limited to:

- Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible.
- Electrifying warehousing docks.
- Truck Electric Vehicle (EV) Capable trailer spaces.
- Requiring use of newer equipment and/or vehicles.
- Restricting off-site truck travel through the creation of truck routes.

The operational HRA shall be provided to the City for review and concurrence prior to project approval.

4.2.3 Air Quality – Impact AQ-4

The project would not create objectionable odors that could adversely affect a substantial number of people. Impacts related to odors would be less than significant with mitigation.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (*CEQA Guidelines* Section 15091[a][1]). Implementation of Mitigation Measure AQ-4 would reduce potential impacts related to odors to a less than significant level.

Explanation

Implementation of Mitigation Measure AQ-4 requires the preparation of an odor management plan for projects with potential to emit nuisance odors beyond the project's property line. Odor impacts would be less than significant with implementation of Mitigation Measure AQ-4.

Mitigation Measure

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

AQ-4 Reduce Operational Odor Impacts

Prior to discretionary approval by the City, if it is determined by the City that a development project has the potential to emit nuisance odors beyond the property line, the project applicant shall prepare an odor management plan and submit it to the City for review and approval. Facilities that have the potential to generate nuisance odors include, but are not limited to:

- Wastewater treatment plants
- Composting, green waste, or recycling facilities
- Fiberglass manufacturing facilities
- Painting/coating operations
- Large-capacity coffee roasters
- Food-processing facilities

The odor management plan shall demonstrate compliance with the latest BAAQMD screening distances and guidelines. The odor management plan shall identify the best available control technologies for toxics (T-BACTs) that will be utilized to reduce potential odors to acceptable levels,

including appropriate enforcement mechanisms. T-BACTs may include but are not limited to scrubbers (*i.e.*, air pollution control devices) at the industrial facility. T-BACTs identified in the odor management plan shall be identified as mitigation measures in the documents prepared for the development project and/or incorporated into the project's site plan.

4.2.4 Biological Resources – Impact BIO-1

The project could have the potential to have an adverse impact on special status species. Implementation of federal, state, and local regulations and policies, as well as Mitigation Measures BIO-1 through BIO-9, would ensure development facilitated by the project would not have a substantial adverse effect on candidate, sensitive, or special status species. This impact would be less than significant with mitigation.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (*CEQA Guidelines* Section 15091[a][1]). Implementation of Mitigation Measures BIO-1 through BIO-9 would reduce potential impacts related to special-status species to a less than significant level.

Explanation

Implementation of Mitigation Measure BIO-1 through BIO-9 would reduce potential impacts to special-status species, nesting birds, and roosting bats to a less than significant level by requiring Biological Resources Screening and Assessments, avoidance and minimization, habitat restoration, and preconstruction surveys.

Mitigation Measure

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

BIO-1 Biological Resources Screening and Assessment

For projects proposed within undeveloped parcels, the City shall require project applicants to engage a qualified biologist (having the appropriate education and experience level) to perform a baseline Biological Resources Screening and Assessment to determine whether projects proposed within undeveloped parcels have any potential to impact special-status biological resources, inclusive of special-status plants and animals, sensitive vegetation communities (including vernal pools and other wetlands), and critical habitat. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a qualified biologist shall conduct a project-specific biological analysis to document the existing biological resources within a project footprint plus a minimum buffer of 500 feet around the project footprint, as is feasible, and to determine the potential impacts to those resources. The project-specific biological analysis shall evaluate the potential for impacts to all biological resources including, but not limited to special-status species, nesting birds, wildlife movement, sensitive plant communities, critical habitats, and other resources judged to be sensitive by local, state, and/or federal agencies. If the project would have the potential to impact these resources, the following mitigation measures (mitigation measures BIO-2 through BIO-8) shall be incorporated, as applicable, to reduce impacts to a less than significant level.

Pending the results of the project-specific biological analysis, design alterations, further technical studies (*e.g.*, protocol surveys) and consultations with the USFWS, CDFW, and/or other local, state, and federal agencies may be required. Note that specific surveys described in the mitigation measures below may be completed as part of the project-specific biological analysis where suitable habitat is present.

BIO-2 Special-status Plant Species Surveys

If the project-specific Biological Resources Screening and Assessment (Mitigation Measure BIO-1) determines that there is potential for significant impacts to federally or state-listed plants or regional population level impacts to species with a CRPR of 1B or 2B from project development, a qualified biologist shall complete surveys for special-status plants prior to any vegetation removal, grubbing, or other construction activity (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally timed to coincide with the target species. All plant surveys shall be conducted by a qualified biologist during the blooming season prior to development permit approval. All special-status plant species identified on site shall be mapped onto a site-specific aerial photograph or topographic map with the use of Global Positioning System unit. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the City, and the CDFW and/or USFWS, as appropriate, for review and/or approval.

BIO-3 Special-status Plant Species Avoidance, Minimization, and Mitigation

If federally and/or state-listed or CRPR 1B or 2 species are found during special-status plant surveys (pursuant to Mitigation Measure BIO-2), and would be directly impacted, or there would be a population-level impact to non-listed sensitive species, then the project shall be re-designed to avoid impacting those plant species, where feasible. Rare and listed plant occurrences that are not within the immediate disturbance footprint but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent, or other distance as approved by a qualified biologist, to protect them from harm.

BIO-4 Habitat Restoration Plan

If federally or state-listed plants or non-listed special-status CRPR 1B and 2 plant populations identified during special status plant surveys (pursuant to Mitigation Measure BIO-2), cannot be avoided, and will be impacted by development, all impacts shall be mitigated by the applicant at a ratio not lower than 1:1 per acre of impact (and 1:1 per tree), and to be determined by the City (in coordination with CDFW and USFWS as and if applicable) for each species as a component of habitat restoration. A qualified biologist shall prepare and submit a restoration plan to the City for review and approval prior to City approval of project plans. (Note: if a federally and/or state-listed plant species will be impacted, the restoration plan shall be submitted to the USFWS and/or CDFW for review, and federal and/or state take authorization may be required by these agencies.) The restoration plan shall include, at a minimum, the following components:

1. Description of the project/impact site (*i.e.*, location, responsible parties, areas to be impacted by habitat type).
2. Goal(s) of the compensatory mitigation project (type[s] and area[s]) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type[s] to be established, restored, enhanced, and/or preserved).

3. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions, and values).
4. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan).
5. Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule).
6. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports).
7. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type or other industry standards as determined by a qualified restoration specialist.
8. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria.
9. Notification of completion of compensatory mitigation and agency confirmation.
10. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).
11. All nursery plants used in restoration shall be inspected for sudden oak death.

BIO-5 Endangered/Threatened Special-status Species Habitat Assessments and Protocol Surveys

If the results of the project-specific biological analysis (Mitigation Measure BIO-1) determine that suitable habitat may be present for federal or state listed, candidate, or proposed species, protocol habitat assessments/surveys shall be completed in accordance with current CDFW and/or USFWS protocols prior to issuance of any construction permits. If, through consultation with the CDFW and/or USFWS, it is determined that protocol habitat assessments/surveys are not required, the applicant shall complete and document this consultation and submit it to the City prior to issuance of any construction permits. Each protocol has different survey and timing requirements. The applicant shall be responsible for ensuring they understand the protocol requirements and shall hire a qualified biologist to conduct protocol surveys. (Note: if a federally and/or state-listed wildlife species will be impacted, federal and/or state take authorization may be required by USFWS and CDFW.)

BIO-6 Endangered/Threatened Animal Species Avoidance and Minimization

The following measures shall be applied to impacted aquatic and/or terrestrial animal species identified by the project-specific Biological Resources Screening and Assessment required under Mitigation Measure BIO-1.

1. Ground disturbance shall be limited to the minimum necessary to complete the project. A qualified biologist shall flag the project limits of disturbance. Areas of special biological concern within or adjacent to the limits of disturbance shall have highly visible orange construction fencing installed between said area and the limits of disturbance.
2. All projects occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed between April 1 and October 31, if feasible, to avoid impacts to sensitive aquatic species. Any work outside these dates would require project-specific approval from the City and may be subject to regulatory agency approval.

3. All projects occurring within or adjacent to sensitive habitats that may support federally and/or state-listed endangered/threatened species shall have a CDFW- and/or USFWS-approved biologist present during all initial ground disturbing/vegetation clearing activities. Once initial ground disturbing/vegetation clearing activities have been completed, said biologist shall conduct daily pre-activity clearance surveys for endangered/threatened species. Alternatively, and upon approval of the CDFW and/or USFWS, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are fully implemented.
4. No endangered/threatened species shall be captured and relocated without express permission from the CDFW and/or USFWS.
5. If at any time during project construction an endangered/threatened species enters the construction site or otherwise may be impacted by the project, all project activities shall cease. A CDFW/USFWS-approved biologist shall document the occurrence and consult with the CDFW and USFWS, as appropriate, to determine whether it was safe for project activities to resume.
6. For all work occurring in areas where endangered/threatened species may be present and are at risk of entering the project site during construction, the applicant shall install exclusion fencing along the project boundaries prior to start of construction (including staging and mobilization). The placement of the fence shall be at the discretion of the CDFW/USFWS-approved biologist. This fence shall consist of solid silt fencing placed at a minimum of three feet above grade and two feet below grade and shall be attached to wooden stakes placed at intervals of not more than five feet. The applicant shall inspect the fence weekly and following rain events and high wind events and shall be maintained in good working condition until all construction activities are complete.
7. All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body, including seasonal wetland features. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.
8. No equipment shall be permitted to enter wetted portions of any affected drainage channel or wetland.
9. At the end of each workday, excavations shall be secured with a cover or a ramp provided to prevent wildlife entrapment.
10. All trenches, pipes, culverts, or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.
11. Considering the potential for the project to impact federally and state-listed species and their habitat, the City shall contact CDFW and USFWS to identify mitigation banks within Napa County during project development. If the results of the project-specific biological analysis (Mitigation Measure BIO-1) determine that impacts to federally and state threatened or endangered species habitat are expected, City and/or applicant shall explore species-appropriate mitigation bank(s) servicing the region for purchase of mitigation credits.
12. Prior to grading and construction in natural areas of containing suitable upland habitat, a qualified biologist shall conduct a preconstruction survey as determined necessary during the biological analysis (Mitigation Measure BIO-1). The survey should include a transect survey over the entire project disturbance footprint (including access and staging areas), and mapping of suitable habitat features, such as burrows, that are potentially suitable for listed species. If any listed species are detected, no work shall be conducted until the individual(s) leaves the site of their own accord, unless federal and/or state “take” authorization has been issued for relocation. Typical

preconstruction survey procedures, such as burrow scoping and burrow collapse, cannot be conducted without federal and state permits. If any life stage of listed species are found within the survey area, the City and/or applicant shall consult with the USFWS and CDFW to determine the appropriate course of action to comply with the FESA and CESA, if permits are not already in place at the time of construction.

BIO-7 Pre-Construction Bird Surveys, Avoidance, and Notification

For all future development under the 2040 General Plan, construction activities initiated during the bird nesting season (February 1 – September 15), involving removal of vegetation (*e.g*. trees and shrubs), abandoned structures, or other nesting bird habitat, a pre-construction nesting bird survey shall be conducted no more than 5 days prior to initiation of ground disturbance and vegetation removal. The nesting bird pre-construction survey shall be conducted on foot and shall include a buffer around the construction site at a distance determined by a qualified biologist, including staging and storage areas. The minimum survey radii surrounding the work area shall be the following: 250 feet for non-raptors and 1,000 feet for raptors. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in the American Canyon region. If construction lapses for seven days or longer, the qualified biologist shall conduct another focused survey before project activities are reinitiated. If nests are found, an avoidance buffer shall be determined by the biologist dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site. The qualified biologist shall observe the active nest to establish a behavioral baseline of the adults and nestlings, if present. The qualified biologist shall continuously monitor the active nests to detect signs of disturbance and behavioral change as a result of construction impacts, such as noise, vibration, odors, or worker/equipment motion. If signs of disturbance and behavioral changes are observed, the qualified biologist shall cease work causing those changes and may contact CDFW or USFWS for guidance. The buffer shall be demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to demarcate the boundary. All construction personnel shall be notified of the buffer zone as an "Ecologically Sensitive Area" and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist on the basis that the encroachment will not be detrimental to an active nest. A report summarizing the pre-construction survey(s) shall be prepared by a qualified biologist and shall be submitted to the City prior to the commencement of construction activities.

Project site plans shall include a statement acknowledging compliance with the federal MBTA and California Fish and Game Code that includes avoidance of active bird nests and identification of Best Management Practices to avoid impacts to active nests, including checking for nests prior to construction activities during February 1 to September 15, and what to do if an active nest is found so that the nest is not inadvertently impacted during grading or construction activities.

BIO-8 Roosting Bat Surveys and Avoidance Prior to Removal

For all future development under the 2040 General Plan that will require the removal of large trees (greater than 20 inches in diameter at five feet from the ground), abandoned buildings, bridges, or other suitable roosting structure identified during the Biological Resources Screening and Assessment (Mitigation Measure BIO-1), prior to tree and/or structure removal, a qualified biologist shall conduct a focused survey of all trees and structures to be removed or impacted by construction activities to determine whether active roosts of special-status bats are present on site.

Tree or structure removal shall be planned for either the spring or the fall, and timed to ensure both suitable conditions for the detection of bats and adequate time for tree and/or structure removal to occur during seasonal periods of bat activity exclusive of the breeding season, as described below. Trees and/or structures containing suitable potential bat roost habitat features shall be clearly marked or identified. If no bat roosts are found, the results of the survey will be documented and submitted to the City within 30 days of the survey, after which no further action will be required.

If roosts are present, the biologist shall prepare a site-specific roosting bat protection plan to be implemented by the contractor following the City's approval. Additionally, the qualified biologist shall determine compensatory mitigation for temporary or permanent habitat loss due to tree removal, in conjunction with CDFW. The plan shall incorporate the following guidance as appropriate:

- When possible, removal of trees/structures identified as suitable roosting habitat shall be conducted during seasonal periods of bat activity, including the following:
  - Between September 1 and about October 15, or before evening temperatures fall below 45 degrees Fahrenheit and/or more than 0.5 inch of rainfall within 24 hours occurs.
  - Between March 1 and April 15, or after evening temperatures rise above 45 degrees Fahrenheit and/or no more than 0.5 inch of rainfall within 24 hours occurs.
- If a tree/structure must be removed during the breeding season and is identified as potentially containing a colonial maternity roost, then a qualified biologist shall conduct acoustic emergence surveys or implement other appropriate methods to further evaluate if the roost is an active maternity roost. Under the biologist's guidance, the contractor shall implement measures similar to or exceeding the following:
  - If it is determined that the roost is not an active maternity roost, then the roost may be removed in accordance with the other requirements of this measure.
  - If it is found that an active maternity roost of a colonial roosting species is present, the roost shall not be disturbed during the breeding season (April 15 to August 31).
- Tree removal procedures shall be implemented using a two-step tree removal process. This method is conducted over two consecutive days and works by creating noise and vibration by cutting non-habitat branches and limbs from habitat trees using chainsaws only (no excavators or other heavy machinery) on day one. The noise and vibration disturbance, together with the visible alteration of the tree, is very effective in causing bats that emerge nightly to feed to not return to the roost that night. The remainder of the tree is removed on day two.
- Prior to the demolition of vacant structures within the project site, a qualified biologist shall conduct a focused habitat assessment of all structures to be demolished. The habitat assessment shall be conducted enough in advance to ensure the commencement of building demolition can be scheduled during seasonal periods of bat activity (see above), if required. If no signs of day roosting activity are observed, no further action will be required. If bats or signs of day roosting by bats are observed, a qualified biologist will prepare specific recommendations such as partial dismantling to cause bats to abandon the roost, or humane eviction, both to be conducted during seasonal periods of bat activity, if required.
- If the qualified biologist determines a roost is used by a large number of bats (large hibernaculum), bat boxes shall be installed near the project site. The number of bat boxes installed will depend on the size of the hibernaculum and shall be determined through consultation with CDFW. If a maternity colony has become established, all construction

activities shall be postponed within a 500-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately.

BIO-9 Conduct Pre-construction Crotch's Bumblebee surveys and Implement Avoidance Measures

If the results of the project-specific biological analysis (Mitigation Measure BIO-1) determine that suitable habitat may be present for Crotch's bumble bee, a habitat assessment shall be performed by a qualified biologist knowledgeable and experienced with Crotch's bumblebee and the habitat in which they occur. If the biologist determines that suitable habitat for Crotch's bumblebee is present, a focused survey shall be performed during the species' active flight period for Crotch's bumblebee and peak blooming period of nectar and pollen sources (May 1 through July 31). The Crotch's bumblebee survey shall be conducted on foot and shall encompass the entirety of a project site and focus on areas that allow for the highest probability of detection, such as high abundance nectar or pollen sources and rodent burrows that may be used for breeding and nesting. If Crotch's bumblebee is determined to be present, the project proponent shall map the locations of the observed bumblebee, areas of abundant nectar or pollen sources, and any active nesting sites. A report summarizing the results of the habitat assessment and focused survey (if required) shall be prepared by the qualified biologist and shall be submitted to the City prior to the commencement of construction activities. Further, consultation with the CDFW will be necessary in the event Crotch's bumblebee was observed within a project site and an Incidental Take Permit, in accordance with the California Endangered Species Act, may be required prior to initiating any ground disturbance on the site. If Crotch's bumble bees are not listed and no longer candidates for listing at the time of project implementation, this mitigation measure would not be required.

4.2.5 Cultural Resources – Impact CUL-1

Development facilitated by the project could adversely affect previously unidentified historic-period resources. Impacts to historic-period resources would be less than significant with mitigation.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (*CEQA Guidelines* Section 15091[a][1]). Implementation of Mitigation Measure CUL-1 would reduce potential impacts related to historic period resources to a less than significant level.

Explanation

Mitigation Measure CUL-1 would ensure a historical resource evaluation is conducted for sites with age-eligible resources within the Planning Area and require measures to reduce impacts to historical resources to less than significant.

Mitigation Measures

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measure have been included in a MMRP that is to be adopted concurrently with these findings.

CUL-1 Historical Built Environment

Prior to project approval, the applicant shall submit a report to the City that identifies any historic-age features (*i.e.*, structures over 45 years of age) proposed to be altered or demolished. If historical-age features are present, the applicant shall submit a historical resources evaluation to the City prepared in areas that contains buildings, structures, objects, sites, landscape/site plans, or other features that are 45 years of age or older, by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in architectural history or history (36 CFR Part 61). The evaluation shall include an intensive-level evaluation, in accordance with the guidelines and best practices meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report shall be submitted to the City for review and approval.

If historical resources are identified through the survey and evaluation, efforts shall be made by the applicant to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards). The applicant shall submit a report to the City that identifies and specifies the treatment of character-defining features and construction activities, and demonstrates how the project complies with the Standards and avoids the substantial adverse change in the significance of the historical resource as defined by CEQA Guidelines Section 15064.5(b). The report shall be prepared by an architectural historian or historical architect meeting the PQS as defined by 36 CFR Part 61 and provided to the City for review and concurrence prior to project approval.

4.2.6 Cultural Resources – Impact CUL-2

Development facilitated by the project could adversely affect previously unidentified archaeological resources. Impacts would be less than significant with mitigation.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (*CEQA Guidelines* Section 15091[a][1]). Implementation of Mitigation Measures CUL-2 and CUL-3 would reduce potential impacts related to archaeological resources to a less than significant level.

Explanation

Mitigation Measures CUL-2 and CUL-3 would reduce potential impacts to a less than significant level by requiring the identification and evaluation of any archaeological resources that may be present prior to construction and by providing steps for the evaluation and protection of unanticipated finds encountered during construction.

Mitigation Measures

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

CUL-2 Archaeological Resources Assessment

Prior to project approval of a project that involves ground disturbance activities (that may include but are not limited to, pavement removal, potholing, grubbing, tree removal, and grading), the applicant shall submit to the City an archaeological resources assessment prepared by a qualified

archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in either prehistoric or historic archaeology. Assessments shall include a CHRIS records search at the NWIC and a SLF Search from the NAHC. The records searches shall characterize the results of previous cultural resource surveys and disclose any cultural resources that have been recorded and/or evaluated in and around the development site. A qualified professional shall conduct a Phase I pedestrian survey for those projects that include undeveloped areas to locate any surface cultural materials.

If the Phase I archaeological survey identifies resources that may be affected, the applicant shall also conduct Phase II testing and evaluation. If resources are determined significant or unique through Phase II testing and site avoidance is not possible, the qualified professional shall identify appropriate site-specific mitigation measures in the Phase II evaluation. These measures may include, but would not be limited to, a Phase III data recovery program, avoidance, or other appropriate actions to be determined by a qualified archaeologist. If significant archaeological resources cannot be avoided, impacts may be reduced to less than significant level by filling on top of the sites rather than cutting into the cultural deposits. Alternatively, and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit, to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples would occur as specified by the archaeologist. The City shall review and approve the archaeological resources assessment prior to project approval.

CUL-3 Unanticipated Discoveries

For projects whose Phase I archaeological survey identifies archaeological resources that may be affected, the applicant shall retain a qualified cultural resource specialist to monitor construction activities that involve ground-disturbing activities greater than 12 inches in depth and occur within 60 feet of a potentially significant cultural resource. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area must halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology should be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as excavating the cultural deposit to fully characterize its extent and collecting and curating artifacts may be warranted to mitigate any significant impacts to cultural resources. If archaeological resources of Native American origin are identified during construction, a qualified archaeologist will consult with the City to begin Native American consultation procedures. Periodic reports of the find and subsequent evaluations shall be submitted to the City during construction.

4.2.7 Cultural Resources – Impact CUL-3

Development facilitated by the project could result in damage to or destruction of human burials. Impacts would be less than significant through adherence to existing regulations and with mitigation.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (*CEQA*

Guidelines Section 15091[a][1]). Implementation of Mitigation Measure CUL-4 would reduce potential impacts related to human remains to a less than significant level.

Explanation

Mitigation Measure CUL-4 would reduce potential impacts on human remains to a less than significant level by requiring the implementation of the appropriate protocols in the event of discovery of human remains.

Mitigation Measures

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measure has been included in an MMRP that is to be adopted concurrently with these findings.

CUL-4 Human Remains

In the event of an accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If during construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98.
2. Where the following conditions occur, the landowner or authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:
    - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.
    - The descendant identified fails to make a recommendation.
    - The landowner or authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:

- When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. The applicant may each develop a plan with respect to their respective individual development proposals for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American Burials with the appropriate Native Americans as identified by the NAHC.

4.2.8 Noise – Impact NOI-2

Construction of development facilitated by the project would temporarily generate groundborne vibration and noise, potentially affecting nearby land uses. This impact would be less than significant with mitigation. Operation of development facilitated by the project would not result in substantial groundborne vibration and noise and this impact would be less than significant.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (*CEQA Guidelines* Section 15091[a][1]). Implementation of Mitigation Measure NOI-3 would reduce potential impacts related to groundborne vibration to a less than significant level.

Explanation

Implementation of Mitigation Measure requires preparation of groundborne noise and vibration analysis prior to construction and use of alternative construction equipment and construction monitoring if vibration levels would exceed Federal Transit Administration thresholds. NOI-3 Construction vibration impacts would be less than significant with implementation of Mitigation Measure NOI-3, which requires measures to reduce construction vibration.

Mitigation Measures

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measure has been included in a MMRP that is to be adopted concurrently with these findings.

NOI-3 Construction Vibration Control Plan

Prior to issuance of a building permit for a project that includes the following, the project applicant shall prepare a groundborne noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these construction activities:

- Pile driving within:
  - 135 feet of fragile structures such as historical resources;
  - 100 feet of non-engineered timber and masonry buildings (*e.g.*, most residential buildings); or
  - 75 feet of engineered concrete and masonry (no plaster);
- A vibratory roller within:
  - 40 feet of fragile historical resources; or
  - 25 feet of any other structure
- A dozer or other large earthmoving equipment within:
  - 20 feet for a fragile historical structure; or
  - 15 feet of any other structure

The noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The vibration levels shall not exceed FTA architectural damage thresholds (*e.g.*, 0.12 in/sec PPV for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber

and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses such as drilling piles as opposed to pile driving, static rollers as opposed to vibratory rollers, and lower horsepower earthmoving equipment shall be used. If necessary, construction vibration monitoring shall be conducted to ensure FTA vibration thresholds are not exceeded.

4.2.9 Paleontolgoical Resources – Impact PAL-1

The project has the potential to result in impacts to paleontological resources. Impacts would be less than significant with mitigation incorporated.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (*CEQA Guidelines* Section 15091[a][1]). Implementation of Mitigation Measure PAL-1 would reduce potential impacts related to paleontological resources to a less than significant level.

Explanation

Mitigation Measure PAL-1 requires a Qualified Professional Paleontologist to determine a project's potential to disturb paleontological resources for projects in an area underlain by high or undetermined geological sensitivities. The project applicant must implement the Qualified Professional Paleontologist's recommendations. Implementation of Mitigation Measure PAL-1 would reduce adverse effects to paleontological resources and impacts would be less than significant with mitigation.

Mitigation Measures

Pursuant to *CEQA Guidelines* Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

PAL-1 Retention of Qualified Professional Paleontologist

Prior to submittal of a discretionary development application in areas underlain by high or undetermined sensitivity geologic units (*i.e.*, Pleistocene alluvial fan deposits; Markley Sandstone; Jameson Shale Member of Markley Sandstone; Domengine Sandstone; and sandstone and shale of the Great Valley Complex), the City shall require a Qualified Professional Paleontologist [as defined by the Society of Vertebrate Paleontology (SVP) (2010)] be retained to determine the project's potential to significantly impact paleontological resources according to SVP (2010) standards. If necessary, the Qualified Professional Paleontologist shall recommend mitigation measures to reduce potential impacts to paleontological resources to a less than significant level. The City shall review and approve the Qualified Professional Paleontologist's findings and recommendations. All recommendations shall be incorporated into the project plans prior to issuance of a grading permit.

4.2.10 Wildfire – Impact W-2

The project could expose people and structures to wildfire risk; however, wildfire risks would be reduced with mitigation and impacts would be less than significant.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (*CEQA Guidelines* Section 15091[a][1]). Implementation of Mitigation Measures WF-1 and WF-2 would reduce potential impacts related to the risk of loss of structures and the risk of injury or death due to wildfires to a less than significant level.

Explanation

With implementation of Mitigation Measures WF-1 and WF-2 the risk of loss of structures and the risk of injury or death due to wildfires would be reduced. These measures would make structures more fire resistant and less vulnerable to loss in the event of a wildfire. These mitigation measures would also reduce the potential for construction to inadvertently ignite a wildfire and require the use of fire-resistant native vegetation. Given the risk of wildfires in the Planning Area and that mitigation would be implemented to reduce the risk, impacts would be less than significant.

Mitigation Measure

WF-1 Wildfire Risk Reduction During Construction

For projects located in proximity to agricultural or undeveloped areas (including hillside areas) with flammable vegetation, prior to issuance of a grading or building permit, whichever occurs first, the applicant shall submit documentation that they will implement the following measures to reduce risk of loss, injury, or death from wildfire during construction:

1. Construction equipment powered by internal combustion engines shall be equipped with spark arresters. The spark arresters shall be maintained pursuant to manufacturer recommendations to ensure adequate performance.
2. Certain project construction activities with potential to ignite wildfires during red-flag warnings issued by the National Weather Service for the project site location shall be prohibited. Example activities that shall be prohibited during red-flag warnings include welding and grinding outside of enclosed buildings, mowing, chain sawing, chipping, and the use of any equipment with the potential to introduce sparks.
3. Fire extinguishers shall be required to be onsite during construction. Construction vehicles shall be equipped with at least one (1) functioning fire extinguisher and one (1) shovel or McLeod firefighting tool. Heavy machinery or equipment (e.g., tractors, grinders, tree chippers, excavators, bulldozers) shall be equipped with one (1) shovel, McLeod firefighting tool, or Pulaski; one (1) functioning fire extinguisher; and at least one 5-gallon backpack pump or larger capacity water (or CAFS) pump/delivery system. Fire extinguishers shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher.

WF-2 Fire Resistant Vegetation and Landscaping

For projects located in proximity to agricultural or undeveloped areas (including hillside areas) with flammable vegetation, prior to issuance of a building permit for development located within or adjacent to a VHFHSZ, the applicant shall submit landscape plans prepared by a registered Landscape Architect that are consistent with applicable Building and Fire Codes.

4.3 Findings for Significant and Unavoidable Effects

Public Resources Code 21081 and 21081.5, and *CEQA Guidelines* Section 15093, require that the City of American Canyon balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining to approve a project. If specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable."

The Final EIR identifies the following significant and unavoidable impacts that would be caused by implementation of the project: impacts associated with GHG emissions (impacts related to conflicts with state GHG reduction goals), noise (impacts related to construction noise and operational traffic noise), and transportation (impacts related to VMT). The following findings and statement of overriding considerations outline the specific reasons to support the City of American Canyon Community Development Department recommendation for approval.

4.3.1 Greenhouse Gas Emissions – Impact GHG 1

Development facilitated by the project would make progress towards achieving state goals but would not necessarily meet state 2030 or 2045 goals. Mitigation Measures GHG-1 through GHG-3 would require implementation of CEQA GHG thresholds and a Climate Action Plan (CAP); however, development facilitated by the project would not meet the 2030 or 2045 goals until the CAP is updated and adopted. This impact would be significant and unavoidable.

Mitigation Measures

GHG-1 Construction GHG BMPs

Prior to the issuance of any grading permits, the project applicant shall provide the City of American Canyon with documentation (*e.g*., site plans) demonstrating implementation of construction Best Management Practices (BMPs). Measures may include but are not limited to:

- At least 15 percent of the construction fleet for each project phase shall be alternatively fueled or electric.
- At least 10 percent of building materials used for project construction shall be sourced from local suppliers.
- At least 65 percent of construction and demolition waste materials shall be recycled or reused.
- At least one contractor that has a business location in American Canyon shall be contracted for project construction.
- All construction contracts shall include language that requires all off-road equipment with a power rating below 19 kilowatts (*e.g.*, plate compactors, pressure washers) using during construction be electrically powered.
- Architectural coatings used for project construction shall be "Low-VOC," containing no greater than 50 grams of volatile organic compounds (VOC) per liter of product.
- Project construction shall prohibit the use of generators and shall establish grid power connection to electrical equipment needs.
- 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 [ATCM] Title 13, Section 2485 of California Code of Regulations). Clear signage regarding idling restrictions 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.
- The prime construction contractor shall post a publicly visible sign with their telephone number and contractor to contact. The construction contractor shall take corrective action within 48 hours. The BAAQMD's phone number shall also be identified and visible to ensure compliance with applicable regulations.

GHG-2 Adopt and Implement a CEQA GHG Emissions Threshold

The City shall include and implement a new 2040 General Plan policy under the Environment Element to prepare, adopt, and implement a CEQA GHG Emissions threshold of significance. The City shall adopt the CEQA GHG Emissions threshold of significance by the end of 2025 for use in future CEQA GHG emissions analyses through 2030. In addition, upon completion of future CAP updates and as necessary, the City shall update the CEQA GHG Emissions threshold of significance and American Canyon CEQA GHG Checklist to be consistent with each CAP update.

GHG-3 Adopt American Canyon CAP to Meet the State's 2030 and 2045 GHG Emissions Goals

The City shall draft and adopt the American Canyon qualified CAP by the end of 2025 to outline how American Canyon will meet the State's 2030 goal of 40 percent below 1990 emissions levels and 2045 goal of carbon neutrality. Implementation measures in the updated qualified CAP to achieve the 2030 and 2045 goals may include, but are not limited to, the following: Develop and adopt Zero Net Energy requirements for new and remodeled residential and non-residential development;

- Develop and adopt a building electrification ordinance for existing and proposed structures;
- Expand charging infrastructure and parking for electric vehicles;
- Implement carbon sequestration by expanding the urban forest, participating in soil-based or compost application sequestration initiatives, supporting regional open space protection, and/or incentivizing rooftop gardens; and
- Implement policies and measures included in the California 2022 Climate Change Scoping Plan, such as mobile source strategies for increasing clean transit options and zero emissions vehicles by providing electric vehicle charging stations.

Finding and Rationale

Implementation of Mitigation Measure GHG-1 would ensure that construction related GHG impacts would be less than significant. Implementation of Mitigation Measures GHG-2 and GHG-3 would ensure that development facilitated by the project after 2026 would be consistent with State emissions goals. However, individual projects that may occur prior to 2026 would not be guaranteed to be consistent with State emissions goals, nor are exact emissions reductions known at the time of adoption of the 2040 General Plan. Until the CEQA GHG thresholds and the CAP are prepared and adopted, implementation of the project would not be consistent with BAAQMD GHG thresholds nor would it be consistent with State GHG reduction plans. Therefore, the project's impact related to GHG emissions would be significant and unavoidable.

4.3.2 Noise – Impact NOI-1

Construction of development facilitated by the project would temporarily increase noise levels, potentially affecting nearby noise-sensitive land uses. Development facilitated by the project would also introduce new noise sources and contribute to increases in operational noise. The continued regulation of noise, consistent with the City Municipal Code and implementation of proposed policies in the 2040 General Plan would minimize impacts to adjacent land uses. However, construction and operational traffic noise could exceed standards even after implementation of mitigation. This impact would be significant and unavoidable.

Mitigation Measure

NOI-1 Conduct Construction Noise Analysis

The City shall review future developments within 1,000 feet of a sensitive receiver, and where applicable, require the following feasible measures as standard conditions of approval to reduce construction noise levels below a level of significance:

- **Mufflers.** During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards.
- **Stationary Equipment.** All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers.
- **Equipment Staging Areas.** Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise sensitive receivers.
- **Smart Back-up Alarms.** Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction in compliance with applicable safety laws and regulations.
- **Electrically-Powered Tools and Facilities.** Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities, where feasible.
- **Noise Disturbance Coordinator.** The project applicant shall designate a "noise disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any noise complaint and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator and the City shall be posted at the construction site.
- **Temporary Noise Barriers. Erect** temporary noise barriers, where feasible, when construction noise is predicted to exceed the City's construction standards and when the anticipated construction duration is greater than is typical (*e.g.*, two years or greater). Temporary noise barriers shall be constructed with solid materials (*e.g.*, wood) with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the barrier. If a sound blanket is used, barriers shall be constructed with solid material with a density of at least 1 pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain or equivalent absorptive material rated sound transmission class (STC) 32 or higher.

NOI-2 Implement Roadway Vehicle Noise Reduction Measures

The City shall install "quiet pavement" roadway improvements, such as rubberized asphalt or open-grade asphalt concrete overlays along impacted roadway segments (American Canyon Road west of I-80 and Newell Drive north of American Canyon Road). The program may be funded by "fair share" developer contributions for proposed projects along impacted roadways to pay for the "quiet pavement" roadway improvements.

Finding and Rationale

Construction of individual projects facilitated by the project would temporarily increase noise levels, potentially affecting nearby noise-sensitive land uses. Development facilitated by the project would also introduce new noise sources and contribute to increases in operational noise. Construction and operational traffic noise could exceed standards. The continued regulation of noise, consistent with the City Municipal Code and implementation of proposed policies in the 2040 General Plan would minimize impacts to adjacent land uses. However, construction noise impacts would be significant and unavoidable even with implementation of Mitigation Measure NOI-1. Operational traffic noise impact would be significant and unavoidable even with implementation of Mitigation Measure NOI-2.

4.3.3 Transportation – Impact TRA-2

The future (2040) Citywide rate of Residential VMT per Capita with the proposed 2040 General Plan would be higher than the significance threshold. The project would therefore conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b) and impacts would be significant.

Mitigation Measure

There are no feasible mitigation measures beyond policies included in the Mobility Element of the General Plan.

Finding and Rationale

The 2040 General Plan includes policies which would reduce VMT. However, because there is no specific mitigation to reduce VMT per resident and the General Plan policies cannot realistically enforce mitigation programs or policies that might reduce VMT below the threshold, impacts would remain significant and unavoidable.

5 Project Alternatives

Section 15126.6 of the *CEQA Guidelines* states the following:

> An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

As described in Section 4.3, *Findings for Significant and Unavoidable Effects*, above, the City of American Canyon has determined that, even after the adoption of all feasible mitigation measures, the project would still cause one or more significant environmental impacts that cannot be avoided or lessened to below a level of significance. Therefore, the City of American Canyon must determine if there is a project alternative that is both environmentally superior and feasible. An alternative may be "infeasible" if it fails to achieve the most basic project objectives identified within the EIR. Further, "feasibility" under CEQA encompasses the desirability of the project "based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" of a project (*City of Del Mar v. City of San Diego* [1982]*,* 133 Cal.App.3d at p. 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* [1993]*,* 23 Cal.App.4th at p. 715).

The Final EIR identifies the following significant and unavoidable impacts that would be caused by implementation of the project: impacts associated with GHG emissions (impacts related to conflicts with state GHG reduction goals), noise (impacts related to construction noise and operational traffic noise), and transportation (impacts related to VMT). The alternatives analyzed in the Final EIR and described below are therefore discussed below in terms of their potential ability to avoid or reduce these impacts.

5.1 Alternative 1: No Project Alternative

The No Project Alternative represents the continuation of existing zoning and General Plan designations within the City. Assuming a maximum buildout scenario, buildout for the No Project Alternative would allow for 3,204 housing units and approximately 5.7 million square feet of additional non-residential land uses. Compared to the proposed project, the No Project Alternative would not include updated General Plan policies.

Finding

The No Project Alternative would have a significant and unavoidable effect on GHG emissions and would not implement Mitigation Measures GHG-2 or GHG-3 which would require the adoption of a GHG threshold and CAP to meet the State's 2030 and 2045 GHG emissions goals. The No Project Alternative would not implement policies in the 2040 General Plan Update, including policies related to noise compatibility in site design (policies S-8.1, S-8.2, and S-8.3), which would result in

greater stationary source noise impacts than the proposed project. The No Project Alternative would result in an increase in VMT compared to the proposed project because the No Project Alternative would not implement 2040 General Plan Update policies MOB-1.17 or MOB-6.1 that support VMT reduction. Therefore, the No Project Alternative would result in worse significant and unavoidable traffic noise impacts and VMT impacts compared to the proposed project. In addition, the No Project Alternative would not reduce the impact of any other issue area analyzed within the Final EIR.

The No Project Alternative would not accomplish the primary objective of the project, which is to update the existing American Canyon General Plan for it to be compliant with State law. In addition, the No Project Alternative would not include the updated 2040 General Plan policies and programs pertaining to community development, preservation of natural resources, sustainability, and improvement of American Canyon's circulation network.

The No Project Alternative would not reduce the proposed project's environmental impacts, would not fulfill any project objectives, and would be inconsistent with State law. Therefore, the City rejects the No Project Alternative as infeasible because it would not achieve the project objectives.

The findings for the proposed project set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for selection of the proposed project and the elimination of this alternative from further consideration.

5.2 Alternative 2: Watson Ranch Natural Alternative

Alternative 2 would assume maximum density on the Watson Ranch property which would result in an additional 596 dwelling units. Alternative 2 assumes that the General Plan would be updated like for the proposed project, (including the updated policies that make the General Plan consistent with State law). Overall Alternative 2 assumes increased residential densities when compared to the proposed project (3,975 total units). In addition, because Alternative 2 would maintain the same designations as the General Plans for non-residential spaces, the buildout of non-residential space would be the same as the proposed project. Buildout under Alternative 2, assuming a maximum buildout scenario, would allow for 3,975 housing units and approximately 5,704,000 square feet of additional non-residential land uses.

Finding

Alternative 2 would meet the objectives of the proposed project as it would increase residential buildout while accommodating the same amount of non-residential buildout as the proposed project. However, due to the increased residential buildout, Alternative 2 would increase GHG emissions, construction noise and traffic noise, and VMT per capita in comparison to the proposed project and these impacts would remain significant and unavoidable, similar to the proposed project. In addition, Alternative 2 would result in similar, though slightly increased, impacts to aesthetics, air quality, biological resources, cultural resources, paleontological resources, population and housing, public services and recreation, tribal cultural resources, and utilities and service systems due to the increased residential buildout.

Although Alternative 2 would fulfill the project objectives, due to the increased environmental impacts associated with Alternative 2 in comparison to the proposed project, Alternative 2 is less

desirable than the proposed project. Therefore, the City rejects Alternative 2 as undesirable as it fails to reduce any of the proposed project's environmental effects.

The findings for the proposed project set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for selection of the proposed project and the elimination of this alternative from further consideration.

5.3 Alternative 3: Limited Growth Alternative

Alternative 3 assumes that the General Plan would be updated to include the updated policies that make the General Plan consistent with State law. However, under Alternative 3, buildout would be limited to pipeline projects (*i.e.*, project already identified by the City to be constructed in the future) and other projects that have already been approved or for which General Plan amendments have already been approved (*e.g.*, Watson Ranch Specific Plan, Broadway District Specific Plan). As such, buildout would be reduced in the following ways:

- Residential buildout would be reduced by 408 dwelling units compared to the proposed project because: (1) the land use designations for the two NVUSD would remain as Recreation and Public and would not be changed to Residential Medium, reducing the number of residential units by 175 units and (2) the buildout identified in the City's Traffic Impact Fee (TIF) Nexus Study would be reduced by 233 residential units.
- Non-residential land use area would be reduced by 65,000 square feet based on the buildout identified in the City's TIF Nexus Study.

Overall Alternative 3 assumes decreased residential densities (2,971 units total) when compared to the proposed project (3,379 total units), as well as decreased non-residential area (5,639,000 square feet) when compared to the proposed project (5,704,000 square feet).

Finding

Alternative 3 would require the City to limit growth to those projects that have already been approved by the City or identified as planned projects. Alternative 3 would not reduce the proposed project's significant and unavoidable impact related to GHG emissions, construction noise, and traffic noise. However, Alternative 3's reduced buildout would result in reduced construction impacts related to air quality construction emissions, biological resources, cultural resources, temporary noise, tribal cultural resources, and paleontological resources due to less area being affected (*i.e.*, excavated, graded, etc.) and due to less use of construction equipment. In addition, Alternative 3 would result in reduced aesthetic impacts because there would be fewer buildings; less air quality emissions because there would be less overall VMT; less operational noise because there would be less traffic and fewer HVAC units; and less demand for public services, recreation, and utilities.

Alternative 3 would require the City to limit growth to those projects that have already been approved by the City or identified as planned projects. Alternative 3 would reduce the residential and non-residential buildout; therefore, compared to the proposed project, this alternative would reduce the ability for the City to meet its vision of accommodating a residential population with a range of uses; creating a center of employment and commerce; and capturing visitors to the Napa Valley. While Alternative 3 would meet the objective of updating the General Plan so that it's consistent with State law, this alternative would not help meet the vision of American Canyon to the

same extent as the proposed project. Therefore, the City rejects Alternative 3 as undesirable because it would not achieve project objectives to the same extent as the proposed project.

The findings for the proposed project set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for selection of the proposed project and the elimination of this alternative from further consideration.

6 Statement of Overriding Considerations

As described in the Final EIR for the American Canyon 2040 General Plan Update, the EIR finds that all potential impacts from adoption of the project and from physical changes that could potentially occur due to adoption of the project can be feasibly mitigated to a level that is less than significant, with the following exceptions: Impact GHG-1, conflicts with applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions; Impact NOI-1, construction noise and operational traffic noise impacts from new development; and Impact TRA-2, conflicts with *CEQA Guidelines* Section 15064.3(b).

In accordance with *CEQA Guidelines* Section 15093, the City Council has, in determining whether to approve the project, balanced the economic, legal, social, technological, and other benefits of the project against the potentially unavoidable environmental impacts, and has found that the benefits of the project outweigh the potentially unavoidable environmental effects, for the reasons set forth below. The following statements specify the reasons why, in the City Council's judgement, the benefits of the project outweigh any of the significant and unavoidable consequences described in the EIR. The City Council also finds that any one of the following reasons cited below is sufficient to justify approval of the project. Thus, even if it were to be determined that not every reason cited below is supported by substantial evidence, the City Council determines that each individual reason is sufficient justification of approval of the project. The substantial evidence supporting the City Council's findings and the benefits described below can be found in the record of proceedings.

- The adoption of the project would update outdated policies in a manner that meets current State legal requirements for General Plans.
- The adoption of the project would set forth a plan for ensuring the residents of American Canyon are accommodated with a sufficient range of uses to support the needs of residents (including a mix of housing types, commercial services, entertainment, employment, recreation, education, health, religious, cultural facilities, transportation services, and open space).
- The adoption of the project would set forth a plan for the City to be a center of employment and commerce for regional, as well as local residents.
- The adoption of the project would set forth a plan to capture visitors to the Napa Valley by providing uses which capitalize on the unique environmental setting of the foothills, river valleys, and agriculture.
- The adoption of the project would implement policies designed to support the enhancement of utility infrastructure to sustain households, businesses, and future population increases and employment growth in American Canyon.
- The adoption of the project would implement policies designed to maintain a safe and efficient transportation system that includes roadway, transit, bicycle, pedestrian, rail transport, and aviation.
- The adoption of the project would implement strategies for preserving and enhancing human and natural environments, including sensitive habitats, waterways, cultural resources, open space, parks, and scenic areas.
- The adoption of the project would implement policies designed to achieve GHG emissions reduction targets set forth in Executive Order B-55-18.

- The adoption of the project would implement strategies for providing a safe community through public safety services, resilient infrastructure, public awareness, preparedness, and action plans for both human-caused and natural disasters.
- The adoption of the project would establish a basis for judging whether specific development proposals and public projects are in harmony with the General Plan policies and standards.

Any one of these reasons is sufficient to support adoption of the American Canyon 2040 General Plan Update, and to outweigh the identified significant and unavoidable environmental effects that might occur due to adoption of the project. In light of the benefits to the City and the local community identified above, pursuant to *CEQA Guidelines* Section 15903, the City Council finds that these overriding considerations, as identified in conjunction with the environmental review of impacts stemming from adoption of the American Canyon 2040 General Plan Update, outweigh the potentially significant and unavoidable environmental impacts identified in the Final EIR, rendering those impacts acceptable under the circumstances.

7 Statement of Location and Custodian of Documents

Public Resources Code Section 21081.6(a)(2) and *CEQA Guidelines* Section 15091(e) require that the City of American Canyon, as the Lead Agency, specify the location and custodian of the documents of other materials that constitute the record of proceedings upon which the decision has been based. The following location is where review of the record may be performed:

City of American Canyon
Community Development Department
4381 Broadway Street, Suite 201
American Canyon, California 94503

The City of American Canyon has relied on all of the documents contained within the record of proceedings in reaching its decision on the project.