

RESOLUTION NO. 2012-06**A RESOLUTION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION BASED UPON AN INITIAL STUDY PREPARED FOR THE BRIAN ARDEN WINERY PROJECT AT 331 SILVERADO TRAIL (APN 011-050-030) WITHIN THE "PD", PLANNED DEVELOPMENT DISTRICT.**

1 **WHEREAS**, Ronald and Judith Thomas are the owners of the subject
2 property for which this application is proposed; and

3
4 **WHEREAS**, an application was submitted by Burt Harlan on September
5 16, 2011 requesting an amendment to Planned Development Zoning District to
6 allow the Brian Arden Winery Project, a 10,000 case production winery and wine
7 related uses including limited events, administrative offices, retail sales and
8 tasting locates at 331 Silverado Trail (APN 011-050-030); and

9
10 **WHEREAS**, in accordance with the California Environmental Quality Act
11 (CEQA), the City of Calistoga, Planning and Building Department prepared an
12 Initial Study/CEQA Checklist, which identified potentially significant impacts to air
13 quality, biological resources, cultural resources, geology and soils, greenhouse
14 gas emissions, hydrology and water quality and mandatory findings of
15 significance were identified; and

16
17 **WHEREAS**, the applicant has agreed to incorporate the mitigation
18 measures; therefore, the proposed project as amended by mitigation measures
19 would not have a significant adverse impact on the environment; and

20
21 **WHEREAS**, the Planning Commission reviewed mitigated negative
22 declaration prepared for the project during a public hearing at its regularly
23 scheduled meeting on March 21, 2012. During its review, the Planning
24 Commission considered the public record, including the staff report, findings, and
25 written materials and testimony presented by the applicant and the public during
26 the hearing; and

27
28 **WHEREAS**, that on the basis of the Initial Study prepared for the project
29 the Planning Commission has determined that the construction and operation of
30 the Brian Arden Winery Project will not have a significant effect on the
31 environment and, therefore, a Mitigated Negative Declaration is adopted based
32 on the finding that the project, with the incorporation of mitigation measures, will
33 not have a significant adverse impact on the environment.

34
35 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
36 Commission based on the above Findings, the Planning Commission

37 recommends that the City Council adopt the Mitigated Negative Declaration,
38 subject to the following Mitigation Measures and Monitoring Program, as follows:

39

40 **AIR QUALITY**

41

42 Mitigation Measures AIR-1: Prior to building permit or grading permit issuance,
43 the Applicant shall prepare and submit an Dust and Exhaust Control Plan that
44 incorporates the following Best Management Practices with notes, details and or/
45 specifications subject to the review and approval of the Public Works and
46 Planning and Building Departments.

47

48 a) Exposed soils shall be watered periodically during construction, a minimum
49 of twice daily. The frequency of watering shall be increased if wind speeds
50 exceed 15 mph. Only on-site well water, purchased city potable water (if
51 available and subject to the review and approval of the Director of Public
52 Works) or reclaimed water shall be used for this purpose. Responsibility for
53 watering shall include weekends and holidays when work is not in progress, if
54 wind speeds are higher than 15 mph.

55

56 b) During excavation activities, haul trucks used to transport soil shall utilize
57 tarps or other similar covering devices to reduce dust emissions.

58

59 c) Grading and construction equipment operated during construction activities
60 shall be properly muffled and maintained to minimize emissions. Equipment
61 shall be turned off when not in use.

62

63 d) Construction sites involving earthwork shall provide for a gravel pad area
64 consisting of an impermeable liner and drain rock at the construction entrance
65 to clean mud and debris from construction vehicles prior to entering the public
66 roadways. Street surfaces in the vicinity of the project shall be routinely swept
67 and cleaned of mud and dust carried onto the street by construction vehicles.

68

69 e) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed
70 stockpiles (dirt, sand, etc.).

71

72 f) Post-construction revegetation, repaving or soil stabilization of exposed soils
73 shall be completed in a timely manner according to the approved Erosion and
74 Sediment Control Plan and verified by City inspectors prior to acceptance of
75 improvements or issuance of certificates of occupancy.

76

77 g) The Developer shall designate a person with authority to require increased
78 watering to monitor the dust and erosion control program and provide name
79 and phone number to the City of Calistoga prior to issuance of grading
80 permits.

81

82 h) Earthwork and excavation shall not occur during crush from September 15th
83 to October 30th.

84

85 **BIOLOGICAL RESOURCES**

86

87 Mitigation Measure BIO-1: Preconstruction Nest Surveys and Construction
88 Exclusion Zones: If construction would take place outside of the nesting season
89 (September to January), then preconstruction nest surveys would not be
90 necessary. However, if construction would take place during the nesting season
91 (February-August), then preconstruction nest surveys shall be conducted as
92 follows in order to avoid any potential impacts to nesting birds.

93

94 1) Nest surveys shall be conducted no earlier than 14 days prior to tree
95 removal and/or breaking ground (surveys should be conducted a minimum
96 of 3 separate days during the 14 days prior to disturbance); and

97 2) In the event that nesting birds are found, the Project applicant should
98 consult with DFG and obtain approval for nest-protection buffers prior to
99 tree removal and/or ground disturbing activities; and

100 3) Nest protection buffers will remain in effect until the young have fledged.
101 All nest protection measures should apply to off-site impacts and within
102 300 feet of project activities. If a lapse in project-related work of 15 days
103 or longer occurs, another focused survey and if required, consultation with
104 DFG, will be required before project work can be reinitiated.

105

106 Mitigation Measure BIO-2: Prior to building permit issuance, a Tree Protection
107 and Replacement Plan consistent with Chapter 19.01 shall be reviewed and
108 approved by the Public Works Department. All requirements and restrictions
109 contained in Chapter 19.01 of the Calistoga Municipal Code (CMC) shall be
110 complied with, which shall incorporate replacement trees for those trees slated
111 for removal and shall include any recommendations of the Project Arborist.

112

113 **CULTURAL RESOURCES**

114

115 Mitigation Measure CR-1: If archaeological materials are encountered during
116 construction activities, the Contractor shall stop all work within a fifteen foot
117 radius of the discovery and notify the City Engineer of the discovery. The find
118 shall be inspected by a qualified archaeologist. The City shall ensure that the
119 construction contractor personnel are informed that collecting archaeological
120 materials discovered during construction is prohibited by law.

121

122 If the archaeologist determines that the find is potentially significant (e.g., meets
123 the definition of historic resource or unique archaeological resource), all work
124 must be stopped in the immediate vicinity to allow the archaeologist to
125 recommend appropriate treatment. Such treatment could include modifying the
126 project to allow the materials to be left in place, or undertaking data recovery of
127 the materials in accordance with standard archaeological methods if such data

128 recovery would not result in further erosion or collapse of the slope as
129 determined by the City Engineer.

130
131 Mitigation Measure CR-2: If human remains are encountered during construction
132 activities, there shall be no further excavation or disturbance of the remains, or
133 nearby area until the Napa County Coroner has made the necessary findings as
134 to origin, in accordance with Health and Safety Code 7050.5. In accordance with
135 Public Resources Code 5097.98 if the coroner believes the human remains to be
136 those of a Native American, he or she shall contact, by telephone within 24 hours
137 the Native American Heritage Commission. The Native American Heritage
138 Commission shall immediately notify the most likely descendent (MLD). The
139 descendent shall inspect the site of the discovery and may recommend the
140 means for treating or disposing, with appropriate dignity, the human remains and
141 any associated grave goods. The descendents shall complete their inspection
142 and make their recommendation within 48 hours of their notification by the Native
143 American Heritage Commission. The remains shall not be damaged or disturbed
144 by further development until the City has discussed and conferred with the MLD
145 regarding their recommendations.

146
147 **GEOLOGY AND SOILS**

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149 Mitigation Measure GEO-1: Prior to the issuance of a grading or building permit
150 for any portion of the project site, the applicant shall have a qualified
151 geotechnical engineer and certified engineering geologist prepare and submit to
152 the Planning and Building Department a final design-level geotechnical, geologic
153 and seismic hazards investigation that complies with all applicable state and local
154 code requirements. The final design-level geotechnical investigation shall:

- 155
156 a) Include an analysis of the expected ground motions at the site using
157 accepted methodologies:
158 b) Determine structural design requirements as prescribed by the most
159 current version of the California Building Code and City of Calistoga;
160 c) Determine the final design parameters for walls, foundations, foundation
161 slabs, utilities, roadways, parking lots, sidewalks, and other surrounding
162 improvements.

163
164 Mitigation Measure GEO-2: A qualified geotechnical engineer shall be retained
165 by the Applicant to be present on the project site during excavation , grading, and
166 general site preparation activities to ensure the implementation of the
167 geotechnical mitigations contained in the final design-level geotechnical
168 investigation.

169
170 **GREENHOUSE GAS EMISSIONS**

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172 Mitigation Measure GHG-1: The City shall require the contractor to implement
173 the following performance based best management practices during construction

- 174 as recommended by the Bay Area Air Quality Management District (2009
175 BAAQMD CEQA Air Quality Guidelines):
176 • Alternative-fueled (e.g., biodiesel, electric) construction
177 vehicles/equipment of at least 15 percent of the fleet;
178 • Recycle at least 50 percent of construction waste or demolition materials.
179

180 **HYDROLOGY AND WATER QUALITY**

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182 Mitigation Measure HYD-1: Prior to start of construction verification shall be
183 provided indicating that a permit has been obtained or a Stormwater Pollution
184 Prevention Plan (SWPPP) and Notice of Intent (NOI) has been filed with the
185 California Regional Water Quality Control Board for a General Permit to
186 Discharge Storm Water Associated with Construction Activity subject to the
187 review and approval of the Planning and Building Department.
188

189 Mitigation Measure HYD-2: Prior to issuance of a grading or building permit, the
190 permit holder shall submit a stormwater drainage plan for approval by the Planning
191 and Building Department consistent with the Hydrology and Drainage Report
192 prepared by Delta dated February 1, 2012 and in conformity with the National
193 Pollution Discharge Elimination System and including Best Management Practices
194 (BMP) as described in the California Stormwater BMP Handbook or equivalent.
195

196 **PASSED, APPROVED, AND ADOPTED** by the Planning Commission of
197 the City of Calistoga at a regular meeting held this **21st day of March 2012**, by
198 the following vote:
199

- 200
201 **AYES:**
202 **NOES:**
203 **ABSENT:**
204 **ABSTAIN:**
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206
207

208 _____
209 JEFF MANFREDI, Chairman

210 ATTEST:
211
212

213 _____
214 KENNETH G. MACNAB, Planning Commission Secretary