

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2008-17**

A RESOLUTION UPHOLDING RESOLUTION PC 2008-06 RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION BASED ON AN INITIAL STUDY PREPARED FOR THE VINEYARD OAKS SUBDIVISION PROJECT LOCATED AT 2400 GRANT STREET AND 1881 MORE AVENUE WITHIN THE "RR", RURAL RESIDENTIAL ZONING DISTRICT. (APNS: 011-010-013, -014 & 011-021-002)

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2 **WHEREAS**, BNK Investments, LLC, requests an amendment to the Zoning
3 Ordinance to provide an alternative means for residential projects to satisfy the
4 affordable housing requirements and to subdivide approximately 18 acres of land into 15
5 single-family lots. The lots are approximately 1 acre in size. The subdivision includes a
6 lot line adjustment with the property to the east along Mora Avenue strictly for utility and
7 emergency vehicle access;
8

9 **WHEREAS**, the Planning Commission originally reviewed and considered the
10 Initial Study prepared for the project at its regular meetings of March 12, 2008 and prior
11 to taking action on the application, the Commission received written and oral reports by
12 the Staff, and received public testimony;
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14 **WHEREAS**, on March 12, 2008 the Planning Commission adopted Planning
15 Commission Resolution 2008-06 recommending that the City Council adopt a Mitigated
16 Negative Declaration based upon the Initial Study prepared for the project;
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18 **WHEREAS**, on April 15, 2008 the City Council held a public hearing and referred
19 this matter back to the Planning Commission for reconsideration;
20

21 **WHEREAS**, on May 14, 2008 and May 28, 2008 the Planning Commission
22 reconsidered its previous action to adopt Planning Commission Resolution 2008-06;
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24 **WHEREAS**, the Planning Commission has reconsidered the Initial Study
25 prepared for the project at its regular meetings of May 14, 2008 and May 28, 2008 and
26 prior to taking action on the application, the Commission received written and oral
27 reports by the Staff, and received public testimony;
28

29 **WHEREAS**, that on the basis of the Initial Study prepared for the Vineyard Oaks
30 Subdivision project as requested by BNK, LLC, on behalf of property owners, will not
31 have a significant effect on the environment and, therefore, a mitigated negative
32 declaration is adopted based on the following findings.
33

- 34 1. An Initial Study was prepared pursuant to the California Environmental Quality
35 Act and has been considered as a result of this project and although the project
36 could have a significant effect on the environment, there will not be a significant
37 effect in this case because mitigation measures to reduce all impacts to a level of
38 insignificance or to avoid such impacts have been identified and agreed to by the
39 applicant. A Mitigated Negative Declaration should therefore be prepared with
40 the mitigation measures as adopted as Conditions of Approval.
41

- 42 2. As mitigated this project will not result in any significant adverse environmental
43 impacts. There is no evidence that this project will result in any adverse impacts to
44 fish and wildlife habitat.
45

46 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
47 Commission that based on the above Findings, the Planning Commission upholds their
48 previous action and recommends that the City Council adopt a Mitigated Negative
49 Declaration, subject to the following Mitigation Measures.
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51 Aesthetics:
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53 Mitigation Aesthetics-1: Prior to building permit issuance or Improvement Plans, all
54 lighting shall hooded, shielded and directed downward and shall be designed and
55 equipped with motion detector switching and/or timers upon review and approval of the
56 Planning and Building Department.
57

58 Air Quality:
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60 Mitigation AQ-1: Prior to building permit or grading permit issuance, the applicant shall
61 incorporate the following Best Management Practices into the construction and
62 improvement plans and clearly indicate these provisions in the specifications upon
63 review and approval of the Public Works and Planning and Building Departments. The
64 construction contractor shall incorporate these measures into an Erosion and Sediment
65 Control Plan to limit fugitive dust and exhaust emissions during construction.
66

- 67 a) Exposed soils shall be watered periodically during construction, a minimum of
68 twice daily. The frequency of watering shall be increased if wind speeds exceed
69 15 mph. Only on-site well water, purchased city water or reclaimed water shall be
70 used for this purpose. Responsibility for watering shall include weekends and
71 holidays when work is not in progress.
72
- 73 b) During excavation activities, haul trucks used to transport soil shall utilize tarps or
74 other similar covering devices to reduce dust emissions.
75
- 76 c) Grading and construction equipment operated during construction activities shall
77 be properly mufflered and maintained to minimize emissions. Equipment shall be
78 turned off when not in use.
79
- 80 d) Construction sites involving earthwork shall provide for a gravel pad area
81 consisting of an impermeable liner and drain rock at the construction entrance to
82 clean mud and debris from construction vehicles prior to entering the public
83 roadways. Street surfaces in the vicinity of the project shall be routinely swept
84 and cleaned of mud and dust carried onto the street by construction vehicles.
85
- 86 e) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed
87 stockpiles (dirt, sand, etc.).
88
- 89 f) Post-construction revegetation, repaving or soil stabilization of exposed soils shall
90 be completed in a timely manner according to the approved Erosion and

91 Sediment Control Plan and verified by City inspectors prior to acceptance of
92 improvements or issuance of certificates of occupancy.

93
94 g) The Developer shall designate a person with authority to require increased
95 watering to monitor the dust and erosion control program and provide name and
96 phone number to the City of Calistoga prior to issuance of grading permits.

97
98 Mitigation AQ-2: Prior to occupancy, wood burning fireplaces, wood stoves and outdoor
99 stoves/cooking centers shall require the use of natural gas or Environmental Protection
100 Agency certified fireplaces in order to reduce any potential emissions.

101
102 Biological Resources:

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104 Mitigation Bio-1: Prior to grading and/or building permit issuance, a Tree Removal and
105 Replacement Plan consistent with the approved Tree Mitigation Plan dated December
106 16, 2007 shall be reviewed and approved by the Public Works Department in
107 conjunction with the Planning and Building Department. All requirements and restrictions
108 contained in Chapter 19.01 of the Calistoga Municipal Code (CMC) shall be complied
109 with, which shall incorporate replacement trees for those trees slated for removal and
110 shall include any recommendations of the Project Arborist into the project.

111
112 Mitigation Bio-2: Before any site work is commenced, including grading and/or
113 trenching), a six-foot chain link fence shall be installed at the drip line (but no closer than
114 6 feet to any trunk) of the oak trees to be preserved. Drip line is defined as the point
115 where the distance from the edge of the tree canopy to the trunk is the greatest. This
116 radius shall be used in establishing the perimeter of the exclusion fencing. Fencing
117 materials shall be highly visible and sturdy such as a portable cyclone fence or
118 comparable fencing material. Signs shall be posted on fencing prohibiting parking of
119 vehicles or storage of materials within the trees' drip line. Fencing shall remain in place
120 until all construction work is complete. Four to six inches of mulch shall be placed
121 around the perimeter of the trees when the project landscape is installed. If any ground
122 disturbing activities are required within the dripline of the trees, an on-site qualified
123 arborist shall monitor the work.

124
125 Mitigation Bio-3: Prior to the issuance of grading or building permits, the project
126 applicant shall apply to the U. S. Army Corps of Engineers, California Department of
127 Fish and Game and the San Francisco Bay Regional Water Quality Control Board for
128 permits under the Clean Water Act. For unavoidable impacts to existing resources, the
129 applicant shall implement on-site mitigation and on-going monitoring. Mitigation shall
130 include enhancement and creation of on-site wetland habitat at a ratio of 2:1 for impacts
131 to wetlands. Impacts to "other waters of the U.S." shall be mitigated at a ratio of 1:1 for
132 in-kind enhancement of waters and 2:1 for out-of-kind creation of wetlands.

133
134 Mitigation Bio-4: Non-native invasive plant species shall be removed from the project site
135 and revegetated with native trees, shrubs, and herbs to improve plant diversity and
136 wildlife cover and foraging habitat. The applicant shall be responsible for the
137 maintenance, monitoring and funding of a three-year establishment period. Photo
138 monitoring and survival counts shall be conducted yearly and submitted to the City's
139 Planning Department for the first three years.

140

141 Mitigation Bio-5: If project construction is to occur from February 1 through August 31 a
142 qualified biologist shall conduct pre-construction surveys of all potential nesting habitats
143 within 500 feet of project activities. If nesting birds are identified on the project site or
144 within the surveyed area, a non-disturbance buffer (determined in coordination with the
145 California Department of Fish and Game) shall be established around the nest tree
146 during the breeding season or until the young have fledged. If preconstruction surveys
147 indicate that nests are inactive or potential habitat is unoccupied, no further mitigation
148 measures are required. Raptor or other bird nests initiated during construction are
149 presumed to be unaffected and no buffer is necessary. However, the "take" of any
150 individuals is prohibited.

151
152 Mitigation Bio-6: Prior to construction activities within 500 feet of trees potentially
153 supporting special-status bats, a qualified bat biologist will survey for special-status bats.
154 If no evidence of bats is present, no further mitigation is required. If evidence of bats is
155 observed a no-disturbance buffer acceptable in size to the CDFG will be created around
156 active bat roosts during the breeding season (March 15-August 15). Bat roosts initiated
157 during construction are presumed to be unaffected, and no buffer is necessary.
158 However, "take" of individuals is prohibited. In addition, removal of trees showing
159 evidence of bat activity will occur during the period least likely to impact bats, as
160 determined by a qualified bat biologist, generally between February 15 and October 15
161 for winter hibernacula and between August 15 and March 1 for maternity roosts. If
162 exclusion is necessary to prevent indirect impacts to bats from construction noise and
163 human activity adjacent to trees showing evidence of bat activity, these activities shall be
164 conducted during these periods as well.

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166 Cultural Resources:

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168 Mitigation CR-1: Prior to the initiation of construction or ground-disturbing activities, all
169 construction personnel should be alerted to the possibility of buried cultural remains (i.e.,
170 prehistoric and/or historic resources). Personnel should be instructed that upon
171 discovery of buried cultural materials, work in the immediate vicinity of the find should
172 cease and a qualified archaeologist should be contacted immediately.

173
174 Mitigation CR-2: If archaeological, historical, paleontological resources or other human
175 remains are encountered, all construction activity in the affected area shall cease and no
176 materials shall be removed until a qualified professional surveys the site and mitigation
177 measures can be proposed by the qualified professional to the satisfaction of the
178 Planning Division for approval and subsequent implementation by the permit holder.

179
180 Geology and Soils:

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182 Mitigation Geo-1: Prior to the issuance of grading permits, the developer shall prepare a
183 storm water pollution prevention plan (SWPPP), consistent with the State Water
184 Resources Control Board NPDES requirements. The SWPPP shall be submitted to the
185 City Engineer for review and approval.

186
187 Mitigation Geo-2: Prior to the approval of the improvement plans and/or final map, a final
188 design-level geotechnical report, with consideration of recommendations from the
189 Geoservices Group, shall be prepared and submitted to the City for review and approval.

190 The recommendations of the final geotechnical report shall be incorporated into the
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191 project design prior to issuance of grading or building permits for review and approval of
192 the Public Works and Planning and Building Departments.

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Hydrology & Water Quality:

196 Mitigation WQ-1: Prior to Final Map approval or grading permit issuance, the Public
197 Works, Planning and Building Departments shall have reviewed and approved all
198 drainage improvements. Said improvement plans shall be designed by a civil engineer
199 and in accordance with the Napa County Design Criteria and any applicable adopted
200 City standards. The capacity and condition of existing drainage facilities downstream of
201 the development shall be analyzed and off-site drainage improvements shall be
202 constructed as necessary. Site grading and drainage improvements shall be shown on
203 the improvement plans.

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Mitigation WQ-2: Prior to grading and/or building permit issuance, the applicant shall
submit finalized engineered drainage plans and design calculations for the City
Engineer's review and approval.

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Mitigation WQ-3: All drainage inlets shall be permanently marked "No Dumping-Flows to
River".

212 Mitigation WQ-4: Prior to building or grading permit issuance, verification shall be
213 provided indicating that a permit has been obtained or a Notice of Intent (NOI) has been
214 filed with the California Regional Water Quality Control Board for a General Permit to
215 Discharge Storm Water Associated with Construction Activity subject to the review and
216 approval of the Planning and Building Department.

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Mitigation WQ-5: No discharge of hazardous materials shall be allowed in ground or
surface waters or on the land. All hazardous materials shall be stored and managed.

221 Mitigation WQ-6: Prior to issuance of a grading or building permit, the permit holder shall
222 submit a stormwater drainage plan for approval by the Department of Public Works in
223 conformity with the National Pollution Discharge Elimination System and including Best
224 Management Practices (BMP) as described in the California Stormwater BMP Handbook or
225 equivalent, such as sheet flow from pavement into vegetated drainage swales.

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Noise:

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229 Mitigation N-1: The applicant shall develop a construction management plan to reduce
230 traffic congestion during project construction, including staging areas on the project site
231 and truck movements delivering and/or exporting fill material. Approval of the plan shall
232 be required from the City prior to issuance of any grading permit.

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Mitigation N-2: Construction travel shall be managed to minimize noise levels consistent
with the City's Construction Ordinance.

237 Mitigation N-3: Construction activities shall be limited to the hours of 7 AM and 7 PM
238 Monday through Friday.
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240 Mitigation N-4: Construction restriction shall be posted on-site for the duration of
241 construction.

242

243 **PASSED, APPROVED, AND ADOPTED** on May 28, 2008, by the following vote
244 of the Calistoga Planning Commission:

245

246 AYES:

247 NOES:

248 ABSENT/ABSTAIN:

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250

251

JEFF MANFREDI, Chairman

252

253 ATTEST: _____

254

Kathleen Guill

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Secretary to the Planning Commission