

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2012-09**

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION BASED ON AN INITIAL STUDY PREPARED FOR ZONING TEXT AMENDMENT (ZO 2011-003), DEVELOPMENT AGREEMENT (DA 2011-12), PRELIMINARY AND FINAL DEVELOPMENT PLAN (PD 2011-02), CONDITIONAL USE PERMIT (U 2011-14), DESIGN REVIEW (DR 2011-12), AND TENTATIVE CONDOMINIUM SUBDIVISION MAP (TTM 2011-01) LOCATED AT 400 SILVERADO TRAIL WITHIN THE PLANNED DEVELOPMENT (PD 1997-1) ZONING DISTRICT. (APN #S: 011-050-035; 011-050-036; 011-050-037; 011-050-039; & 011-050-040)**

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1           **WHEREAS**, Silver Rose Venture LLC is proposing to Demolish the  
2 existing 20 room resort and single family home and construct a new resort  
3 consisting of 85 guest rooms within 16 Villas, 110 seat restaurant, bar/lounge,  
4 spa, 10,000 case a year winery, and 21 single-family homes;

5  
6           **WHEREAS**, Silver Rose Venture LLC filed an application with the City of  
7 Calistoga for the purpose of planning and developing the Project;

8  
9           **WHEREAS**, An Initial Study/Mitigation Negative Declaration (IS/MND) was  
10 completed in accordance with applicable CEQA Guidelines, and on February 27,  
11 2012, the IS/MND was circulated for public and agency review and comment.  
12 Copies of the IS/MND were made available to the public at the Department of  
13 Planning and Building on February 27, 2012, and the IS/MND was distributed to  
14 interested parties and agencies. On March 16, 2012, a notice of the Planning  
15 Commission public hearing of March 28, 2012, to review the IS/MND was  
16 published in the local newspaper;

17  
18           **WHEREAS**, the Planning Commission has reviewed and considered the  
19 Initial Study prepared for the Project at its regular meetings on March 28, 2012,  
20 and April 18, 2012, and prior to taking action on the application, the Commission  
21 received written and oral reports by the Staff, and received public testimony;

22  
23           **WHEREAS**, this Project, as mitigated, will not result in any significant  
24 adverse environmental impacts; and

25  
26           **WHEREAS**, that on the basis of the Initial Study prepared for the Project,  
27 the construction and operation of the Project as requested by Silver Rose  
28 Venture LLC will not have a significant effect on the environment and, therefore,  
29 a mitigated negative declaration is adopted based on the following findings.

- 30  
31 1. An Initial Study was prepared pursuant to the California Environmental  
32 Quality Act and has been considered as a result of this project and

33 although the project could have a significant effect on the environment,  
34 there will not be a significant effect in this case because mitigation  
35 measures to reduce all impacts to a level of insignificance or to avoid such  
36 impacts have been identified and agreed to by the applicant. A Mitigated  
37 Negative Declaration should therefore be prepared with the mitigation  
38 measures as adopted as Conditions of Approval.

39  
40 2. As mitigated this Project will not result in any significant adverse  
41 environmental impacts. There is no evidence that this project will result in  
42 any adverse impacts to fish and wildlife habitat.

43  
44 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
45 Commission that based on the above Findings, the Planning Commission  
46 recommends that the City Council adopt a Mitigated Negative Declaration,  
47 subject to the following Mitigation Measures.

48  
49 **Mitigation Measure AIR-1: Dust and Exhaust Control**

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51 Implementation of the measures recommended by BAAQMD and listed below  
52 would reduce the air quality impacts associated with grading and new  
53 construction to a less than significant. The contractor shall implement the  
54 following Best Management Practices that are required of all projects:

55  
56 Mitigation Measures:

57  
58 1. Mitigation Measures AIR-1: Prior to building permit or grading permit issuance,  
59 the Applicant shall prepare and submit an Erosion and Sedimentation Control  
60 Plan that incorporates the following Best Management Practices with notes,  
61 details and or/ specifications subject to the review and approval of the Public  
62 Works and Planning and Building Departments.

63  
64 a) Exposed soils shall be watered periodically during construction, a minimum  
65 of twice daily. The frequency of watering shall be increased if wind speeds  
66 exceed 15 mph. Only on-site well water, purchased city potable water (if  
67 available and subject to the review and approval of the Director of Public  
68 Works) or reclaimed water shall be used for this purpose. Responsibility for  
69 watering shall include weekends and holidays when work is not in progress.

70  
71 b) During excavation activities, haul trucks used to transport soil shall utilize  
72 tarps or other similar covering devices to reduce dust emissions.

73  
74 c) Grading and construction equipment operated during construction activities  
75 shall be properly muffled and maintained to minimize emissions. Equipment  
76 shall be turned off when not in use.

77

- 78 d) Construction sites involving earthwork shall provide for a gravel pad area  
79 consisting of an impermeable liner and drain rock at the construction entrance  
80 to clean mud and debris from construction vehicles prior to entering the public  
81 roadways. Street surfaces in the vicinity of the project shall be routinely swept  
82 and cleaned of mud and dust carried onto the street by construction  
83 vehicles.  
84
- 85 e) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded  
86 areas, and unpaved access roads) shall be watered two times per day.  
87
- 88 f) Post-construction revegetation, repaving or soil stabilization of exposed soils  
89 shall be completed in a timely manner according to the approved Erosion and  
90 Sediment Control Plan and verified by City inspectors prior to acceptance of  
91 improvements or issuance of certificates of occupancy.  
92
- 93 g) The Developer shall designate a person with authority to require increased  
94 watering to monitor the dust and erosion control program and provide name  
95 and phone number to the City of Calistoga prior to issuance of grading  
96 permits.  
97
- 98 h) All vehicle speeds on unpaved roads shall be limited to 15 mph.  
99
- 100 i) All roadways, driveways, and sidewalks to be paved shall be completed as  
101 soon as possible. Building pads shall be laid as soon as possible after  
102 grading unless seeding or soil binders are used.  
103
- 104 j) Idling times shall be minimized either by shutting equipment off when not in  
105 use or reducing the maximum idling time to 5 minutes. Clear signage shall be  
106 provided for construction workers at all access points.  
107
- 108 k) Staging construction equipment in close proximity to the existing residences  
109 is prohibited.  
110
- 111 l) The contractor shall install temporary electrical service to avoid the need for  
112 independently powered equipment (e.g. compressors).  
113
- 114 A publicly visible sign with the telephone number and person to contact at the  
115 Lead Agency regarding dust complaints. This person shall respond a take  
116 corrective action within 48 Air Quality:  
117
- 118 m) hours. The Air District's phone number shall also be visible to ensure  
119 compliance with applicable regulations.  
120

121 With implementation of Mitigation Measure AIR-1 – Dust and Exhaust Control the  
122 impact from construction related emissions would be less than significant.

123 Operational related emissions would be limited to motor vehicles traveling to and  
124 from the project site for periodic inspection and maintenance. These emissions  
125 would be negligible and are considered less than significant.

126

127 Biological Resources:

128

129 **Mitigation Measure BIO-1: Preconstruction Nest Surveys and Construction**  
130 **Exclusion Zones.**

131

132 Mitigation Measure BIO-1: If construction would take place outside of the nesting  
133 season (August to February), then preconstruction nest surveys would not be  
134 necessary. However, if construction would take place during the nesting season  
135 (February-August), then preconstruction nest surveys shall be conducted as  
136 follows in order to avoid any potential impacts to nesting birds.

137

138 The Property Owner shall retain a qualified biologist to conduct preconstruction  
139 nesting surveys within two weeks prior to the start of construction. If raptors or  
140 special-status birds are nesting within 200 feet of the project site, a minimum  
141 200-foot non-disturbance buffer shall be established around the nest site. If a  
142 non-special-status bird that is subject to the Migratory Bird Treaty is identified  
143 nesting on the project site or within 50 feet of the project site, a non-disturbance  
144 buffer of 50 feet shall be established around the nest site. The 200-foot nesting  
145 buffer may be modified to a minimum of 100 foot if a qualified biologist  
146 determines that the nesting birds are acclimated to human disturbance. Any  
147 reduction in the buffer size would require routine monitoring by a qualified  
148 biologist until such time that young fledge (leave the nest).

149

150 **Mitigation Measure BIO-2: Tree Protection Plan**

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

158

159 Cultural Resources:

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161 **Mitigation CR-1: Construction Monitoring**

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163 Mitigation Measure CR-1: During ground disturbing activities a qualified cultural  
164 resource consultant shall be present to monitor the site and activities. If  
165 archaeological, historical, paleontological resources or other human remains are  
166 encountered, all construction activity in the affected area shall cease and no  
167 materials shall be removed until the qualified professional surveys the site and

168 mitigation measures can be proposed by the qualified professional to the  
169 satisfaction of the Planning Division for approval and subsequent implementation  
170 by the Applicant as provided in CR-2.

171

172 **Mitigation CR-2: Treatment of Archaeological Resources Discovered**  
173 **During Construction**

174

175 *Mitigation Measure CR-2:* If archaeological materials are encountered during  
176 construction activities, the Contractor shall stop all work within a fifteen foot  
177 radius of the discovery and notify the City Engineer of the discovery. The find  
178 shall be inspected by a qualified archaeologist. The City shall ensure that the  
179 construction contractor personnel are informed that collecting archaeological  
180 materials discovered during construction is prohibited by law.

181

182 If the archaeologist determines that the find is potentially significant (e.g., meets  
183 the definition of historic resource or unique archaeological resource), all work  
184 must be stopped in the immediate vicinity to allow the archaeologist to  
185 recommend appropriate treatment. Such treatment could include modifying the  
186 project to allow the materials to be left in place, or undertaking data recovery of  
187 the materials in accordance with standard archaeological methods if such data  
188 recovery would not result in further erosion or collapse of the slope as  
189 determined by the City Engineer.

190

191 **Mitigation CR-3: Treatment of Human Remains, Associated Grave Goods,**  
192 **or Items of Cultural Patrimony**

193

194 Mitigation Measure CR-3: If human remains are encountered during construction  
195 activities, there shall be no further excavation or disturbance of the remains, or  
196 nearby area until the Napa County Coroner has made the necessary findings as  
197 to origin, in accordance with Health and Safety Code 7050.5. In accordance with  
198 Public Resources Code 5097.98 if the coroner believes the human remains to be  
199 those of a Native American, he or she shall contact, by telephone within 24 hours  
200 the Native American Heritage Commission. The Native American Heritage  
201 Commission shall immediately notify the most likely descendent (MLD). The  
202 descendent shall inspect the site of the discovery and may recommend the  
203 means for treating or disposing, with appropriate dignity, the human remains and  
204 any associated grave goods. The descendants shall complete their inspection  
205 and make their recommendation within 48 hours of their notification by the Native  
206 American Heritage Commission. The remains shall not be damaged or disturbed  
207 by further development until the City has discussed and conferred with the MLD  
208 regarding their recommendations.

209

210

211 Noise:

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

218  
219 Mitigation Measure N-2: Construction travel shall be managed to minimize noise  
220 levels consistent with the City's Construction Ordinance.

221  
222 Mitigation Measure N-3: Construction activities shall be limited to the hours of 7  
223 AM and 7 PM Monday through Saturday consistent with the City's construction  
224 ordinance.

225  
226 Mitigation Measure N-4: Construction restriction shall be posted on-site for the  
227 duration of construction.

228  
229 **PASSED, APPROVED, AND ADOPTED** on April 18, 2012, by the  
230 following vote of the Calistoga Planning Commission:

231  
232 AYES:  
233 NOES:  
234 ABSENT:  
235 ABSTAIN:

236  
237  
238  
239

\_\_\_\_\_  
JEFF MANFREDI, Chairman

240  
241  
242  
243

ATTEST: \_\_\_\_\_  
KENNETH G. MACNAB, Secretary to the Planning Commission