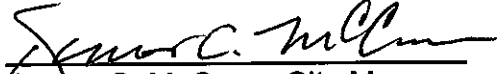


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council Members
FROM: Erik V. Lundquist, Associate Planner
VIA: Charlene Gallina, Director of Planning and Building
DATE: June 3, 2008
SUBJECT: VINEYARD OAKS SUBDIVISION: 2400 Grant Street and 1881 Mora Avenue (APN 011-010-013 & 014 AND 011-021-002)

APPROVAL FOR FORWARDING:


James C. McCann, City Manager

ISSUE:

1
2
3 Consideration of a Zoning Ordinance Text Amendment (to provide an alternative
4 means for residential projects to satisfy the affordable housing requirements),
5 Development Agreement, Tentative Subdivision Map and Design Review
6 requested by Ed Nagel of BNK Investments, LLC, on behalf of the property
7 owners, Ira and Lois Carter to subdivide approximately 18 acres at 2400 Grant
8 Street into 15 single-family lots.

9
10 **RECOMMENDATION:**

- 11
12 A. Adopt a Resolution approving a Mitigated Negative Declaration based on
13 an Initial Study.
14
15 B. Introduce Ordinance and waive the first reading approving a Zoning Text
16 Amendment.
17
18 C. Adopt a Resolution approving a Tentative Subdivision Map.
19
20 D. Adopt a Resolution approving Design Review for the project.
21
22 E. Introduce Ordinance waiving the first reading approving a Development
23 Agreement.
24

25 **BACKGROUND:**

26
27 On March 12, 2008 the Planning Commission forwarded this project to the City
28 Council with a recommendation of approval. On April 15, 2008 the City Council
29 considered this matter and referred it back to the Planning Commission for
30 further discussion. Subsequently, the Planning Commission heard this project
31 again during their meetings of May 14, 2008 and May 28, 2008 and upheld their
32 previous actions and forwarded a recommendation of approval back to the City
33 Council, with some modifications to the conditions of approval.

34
35 **DISCUSSION:**

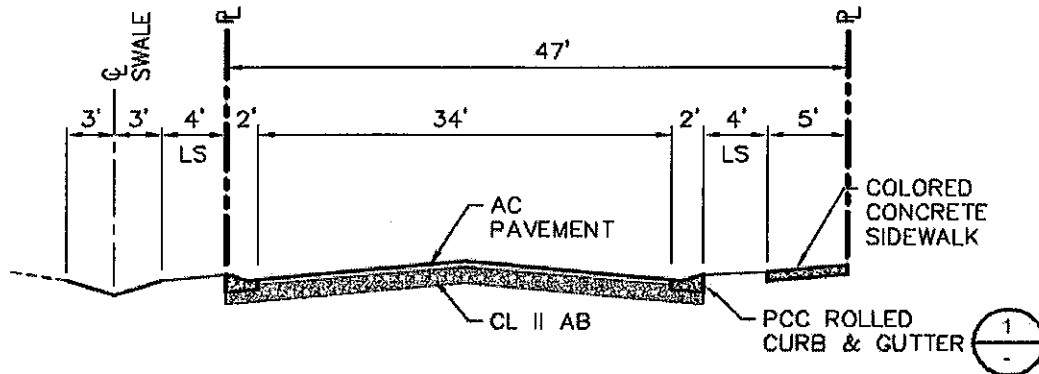
36
37 On May 14, 2008 and May 28, 2008, the Planning Commission reconsidered
38 their previous actions with primary attention given to the environmental review
39 process, drainage, biological resources, trees, residential design, roadways,
40 lighting and fencing. Based upon reports from staff, the applicant and the
41 applicant's representatives and the oral and written comments received from the
42 public, the Planning Commission unanimously recommended to the City Council
43 approval of the project, with minor modifications to their previously recommended
44 Subdivision Map and Design Review conditions of approval. The Planning
45 Commission's modifications address ultimate roadway configurations, residential
46 design, drainage, lighting and fencing as described herein.

47
48 A. **Roadways and Private Driveways:**

49
50 The applicant presented an alternative design for Valencia Lane to the Planning
51 Commission during their meetings of May 14, and May 28, 2008. The alternative
52 design proposed by the applicant is as follows:

53
54 *Valencia Lane shall be designed with a 47-foot roadway cross-section, which*
55 *shall include two 10-foot wide travel ways, two 7-foot wide parking strips, two 2-*
56 *foot rolled curbs, a 4-foot landscape strip on the eastern side and a 5-foot wide*
57 *colored concrete pathway only on the eastern side. The concrete pathway shall*
58 *not extend beyond Hawthorne Place. A natural drainage ditch or swale shall be*
59 *developed on the western most side.*

60
61 This alternative design includes a colored concrete pathway (labeled sidewalk in
62 the figure) connecting Grant Street to Mora Avenue, incorporating rolled curbs to
63 control drainage and constructing drainage swales on the western side of
64 Valencia Lane with planting strips on the eastern side, as seen in the exhibit to
65 follow.



A **VALENCIA LANE - RURAL SECTION**
NTS

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DEVELOPERS ALTERNATE PROPOSAL

The Planning Commission has reviewed this alternative proposal and finds that it is designed to the relative scale and rural character desired for this part of Calistoga. The Planning Commission also found that the colored concrete pathway and rolled curbs are satisfactory to meet the needs of pedestrians while accommodating parking and drainage. As such the Planning Commission has incorporated the following condition into the Subdivision Map Resolution (No. 22f):

"The developer shall submit street improvement plans addressing on site and off site improvements for review and approval by the Public Works Department, as follows.

North Half of Grant Street:

The north half of Grant Street shall be designed with a 24-foot half-width roadway cross-section, which shall include a 12-foot wide travel way and "natural setting".

South Half of Grant Street

The Applicant shall execute a financially secured deferred improvement agreement for the design and construction of a pathway on the south side of Grant Street opposite of the project's frontage consistent with 12.04.130 of the Calistoga Municipal Code subject to the review and approval of the City Engineer.

Valencia Lane:

Valencia Lane shall be designed with a 47-foot roadway cross-section, which shall include two 10-foot wide travel ways, two 7-foot wide parking strips, two 2-foot rolled curbs, a 4-foot landscape strip on the eastern side and a 5-foot wide

100 *colored concrete pathway only on the eastern side. The concrete pathway shall*
101 *not extend beyond Hawthorne Place. A natural drainage ditch or swale shall be*
102 *developed on the western most side.*

103
104 *Raised curbs around tree circles should be designed for heavy moving van*
105 *truckloads, due to restricted turning radius around these circles.*

106
107 Hawthorne Place:

108
109 *Hawthorne Place shall be designed with a 22-foot half-width roadway cross-*
110 *section, which shall include an 11-foot wide travel way, 2-foot rolled curbs, 4.5-*
111 *foot wide landscape strip and a 5-foot wide pathway constructed of colored*
112 *concrete."*

113
114 In addition, the Planning Commission has reviewed the feasibility of constructing
115 a pathway on the south side of Grant Street and has found that right-of-way
116 issues and environmental factors exist. As a result, the Planning Commission
117 recommends that the applicant be required to execute a financially secured
118 deferred improvement agreement for the pathway to allow the improvements to
119 be made when these issues are resolved.

120
121 With respect to the private driveways, on May 22, 2008 a revised Tentative
122 Subdivision Map was received from the applicant proposing reductions to the
123 private driveways including the elimination of driveway access to Lot 8, 9 and 14,
124 which will be accessed via Valencia Lane. Driveway access to Lot 10 could not
125 be relocated due to the proposed roadway curvature and potential impacts to
126 trees. As such, Lot 10 through 13 will maintain private driveway access via
127 Hawthorn Place. Lots 11 through 13 will share a driveway access off the
128 southern side of Hawthorn Place and Lot 10 will be accessed via the northern
129 side. Both the Planning Commission and the neighboring residents were
130 satisfied with this redesign. Please note that a condition has been placed on the
131 project requiring all garbage collection to be picked up from the curbside of
132 Valencia Lane and Hawthorne Place per Condition No. 12 of the Design Review
133 Resolution.

134
135 B. Residential Design:

136
137 The Developer has prepared Design Review Guidelines in which each lot within
138 the subdivision will be required to comply. As proposed, these Guidelines will be
139 enforced by the Design Review Committee (DRC) of Howard Backen & Gillam
140 Architects. This authority will be mandated through Article VII, Architectural
141 Review and Use Restrictions contained in the *Vineyard Oaks Subdivision Private*
142 *Roadway Easement, Maintenance Agreement and Design Review Committee,*
143 *which will function much like CC & R's. The City will also be responsible for*
144 *enforcing these design guidelines per Condition No. 4 of the Design Review*
145 *Resolution, which states:*

- 146
147 4. *Development on the resulting lots shall be in accordance with the*
148 *Design Review Guidelines prepared by Architect Howard Backen*
149 *dated _____, 2008, unless otherwise authorized by the*
150 *Planning and Building Director and/or the Planning Commission.*
151 *All residential developments and ancillary developments shall be*
152 *located within the approved building envelopes as generally shown*
153 *on the Tentative Subdivision Map dated _____, 2008.*
154 *Building envelopes shall be shown on the Final Map with reference*
155 *to the Design Review Guidelines.*

156
157 In addition, the Planning Commission recommended the following condition of
158 approval (Condition No. 14 of the Design Review Resolution) requiring Design
159 Review by the Planning Commission for Lot 1 to insure privacy, views, and
160 proper massing for adjacent properties as follows:

161
162 *“Any future new construction, exterior alterations, expansion or*
163 *other new construction on Lot 1 shall be subject to Design Review*
164 *approval pursuant to Chapter 17.06 of the Calistoga Municipal*
165 *Code. The purpose of this review is to insure privacy, views and*
166 *proper massing for adjacent properties. Each Design Review*
167 *Application shall be accompanied by a completed application on*
168 *application forms provided by the City, and appropriate filing fees.*
169 *The form and contents of the Design Review applications shall*
170 *conform to the Design Review Guidelines, Zoning District, and*
171 *General Plan and shall contain the information requirements of the*
172 *City of Calistoga Planning and Building Department in effect at the*
173 *time the application is filed.”*

174
175 Furthermore, the Commission has also recommended that Lot 15 have a side
176 yard setback of 50 feet and Lot 1 be restricted to a height of 23 feet to the peak
177 of the roof. Conditions 9 and 13 of the Design Review Resolution have been
178 added to incorporate these requirements.

179
180 C. Drainage:

181
182 The proposed drainage system and its impacts were discussed during each of
183 the previous Planning Commission meetings. After receiving reports from staff,
184 the applicant, and the applicant's engineer and hearing oral and written testimony
185 from the public, the Planning Commission accepted the evaluation and findings
186 of the project engineer concluding that Garnett Creek has the capacity to accept
187 the storm water runoff from the proposed Subdivision during a 100-year storm
188 event. Furthermore, as a result of the diversion of storm water to Garnett Creek
189 rather than directly to the Napa River, the amount of storm water occurring in the

190 pre-construction condition along Mora Avenue will be substantially reduced in the
191 post-construction condition thereby improving storm drainage flow and reducing
192 localized drainage problems. Moreover, the Planning Commission found that the
193 diversion of run-off to Garnett Creek will have negligible impacts to increased
194 flooding of the property downstream of the outfall.

195
196 D. Lighting:

197
198 The amount and intensity of light that the proposed subdivision would generate in
199 this area and the need for protection of Calistoga's "Dark Skies" were concerns
200 raised during the previous Planning Commission meetings. The proposed
201 project will involve the installation of streetlights along the proposed internal
202 street alignment, spaced according to City standards. Additional new lighting
203 would be installed on proposed residences and associated common areas.
204 Although new lighting would be established by the project, the lighting would be
205 located in an area that is intended for rural residential use; potential lighting
206 would be consistent with the lighting level in similar types of residential
207 developments in the vicinity and the lighting will be hooded, shielded and
208 directed downward. In addition, local building and energy codes will require the
209 installation of timers and/or motion sensors that will reduce any potential adverse
210 impacts caused from this lighting. Staff also recommends the inclusion of the
211 following condition of approval into the Design Review Resolution (No. 11).

212
213 *"The existing street light located on the telephone pole at the*
214 *project's frontage shall be removed."*

215
216 F. Fencing:

217
218 Concerns expressed during the Planning Commission meetings regarding the
219 potential height of fencing along the property's Grant Street frontage resulted in
220 the Commission recommending the addition of a condition of approval to the
221 Design Review limiting fencing, as follows:

222
223 *"Fencing or hedging in excess of 4 feet shall be prohibited within 30 feet of*
224 *any property line having frontage along a public roadway, including the*
225 *proposed rock wall along the Grant Street frontage. Solid wood fencing*
226 *up to 6 feet may be authorized in the rear and side yards and within the*
227 *established building envelopes."*

228
229 **ENVIRONMENTAL REVIEW:**

230
231 An EIR was prepared and certified for the General Plan Update on October 21,
232 2003, which largely examined the property. The California Environmental Quality
233 Act (CEQA) mandates that projects, which are consistent with the development

234 density of the zoning and established general plan policies for which an EIR was
235 certified, shall not require additional environmental review, except as might be
236 necessary to examine whether there are project-specific significant effects which
237 are peculiar to the project (Section 15183 CEQA Guidelines). Therefore, since
238 this project meets the density of zoning district and complies with the General
239 Plan policies, Staff proceeded forward with the preparation of an Initial Study that
240 looked at those effects peculiar to the project. Based upon the Initial Study it was
241 found that: (1) there is no substantial evidence, in light of the whole record, that
242 the project may have a significant effect on the environment; and (2) the Initial
243 Study identified potentially significant effects related to aesthetics, air quality,
244 biological resources, cultural resources, geological, hydrological and noise
245 impacts, but revisions to the project agreed to prior to public review avoid such
246 significant effects, and reduced them to a less-than-significant level; and there is
247 no substantial evidence that the revised project would result in a significant
248 environmental effect. As such, the Planning Commission has recommended
249 adoption of a mitigated negative declaration based upon the aforementioned
250 findings.

251

252 **CONCLUSION:**

253

254 In conclusion, staff finds that this project has been well prepared by the applicant
255 and adequately addresses issues that have been previously generated by staff,
256 the Commission and the general public. It should be noted that speakers at the
257 Commission and Council public hearings have expressed project support with
258 selected concern regarding project details. In review of this project, staff finds
259 that it is consistent with General Plan policies and Municipal Code provisions.
260 Furthermore, environmental issues have been thoroughly evaluated by objective
261 and capable professionals, and in review of their findings and recommendations
262 staff finds them to be acceptable. With respect to the Development Agreement
263 provisions, staff finds that this project will be a significantly benefit to the
264 community. Overall, staff finds that the proposed project, as presented and
265 modified to date, is a good project for the community, and once constructed, will
266 improve local drainage problems. Furthermore, it is staff's opinion that the
267 developer has done a good job in addressing issues and responding to
268 suggestions of the City and public concerns.

269

270 **FISCAL IMPACT:**

271

272 Staff time, attorney services, preparation of all environmental documentation, and
273 direct expenses associated with the processing of this project have been offset
274 by the applicant through application processing fees. Long-term economic
275 benefits to the City of Calistoga associated with development of the proposed
276 project in terms of increased revenue production (i.e. property tax) are
277 anticipated to exceed \$75,000 annually.

278
279 Attached to this staff report is a brief summary of some of the important
280 provisions of the proposed Development Agreement and development impact
281 fees (Attachment 7). Among other promises, the developer agrees to pay all
282 development fees and permit costs in full and provide the following:

- 283
- 284 • Pay all relevant development impact fees (water and sewer connection,
285 public safety, etc.) approximately \$605,000.
 - 286 • A \$600,000 in-lieu fee to the City's Affordable Housing Trust Fund.
 - 287 • An additional \$800,000 for recreational and cultural facilities, which
288 combined with the required "quality of life" fee, will total \$845,000.
 - 289 • Reimbursement of City completed Grant Street improvements from Mora
290 Avenue to Garnett Creek Court estimated at \$200,000

291
292 **ATTACHMENTS:**

- 293
- 294 1. Revised Tentative Map received March 22, 2008
 - 295 2. Draft Resolution approving a Mitigated Negative Declaration
 - 296 3. Draft Ordinance Zoning Text Amendment (ZO 2008-01)
 - 297 4. Draft Resolution approving a Tentative Subdivision Map (TTM 2007-02)
 - 298 5. Draft Resolution approving Design Review (DR 2008-01)
 - 299 6. Draft Ordinance approving a Development Agreement (DA 2007-02)
 - 300 7. Executive Summary and Development Agreement
 - 301 8. Abbreviated Planning Commission Staff Reports dated May 14, 2008 and
302 May 28, 2008.

303
304 (Initial Study and Draft Mitigated Negative Declaration available upon request)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL, COUNTY OF NAPA, STATE OF CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION BASED ON AN INITIAL STUDY PREPARED FOR THE VINEYARD OAKS SUBDIVISION PROJECT [ZONING ORDINANCE TEXT AMENDMENT (ZO 2008-01), DEVELOPMENT AGREEMENT (DA 2007-02), TENTATIVE SUBDIVISION MAP (TTM 2007-02) AND DESIGN REVIEW (DR 2008-01)] LOCATED AT 2400 GRANT STREET AND 1881 MORA AVENUE WITHIN THE "RR", RURAL RESIDENTIAL ZONING DISTRICT. (APNS: 011-010-013, -014 & 011-021-002)

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

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the City of Calistoga, Planning and Building Department prepared an Initial Study/CEQA Checklist, which identified potentially significant impacts to aesthetics, air quality, biological resources, cultural resources, geology/soils, hydrology/water quality, and noise;

WHEREAS, the Planning Commission has reviewed and considered the Initial Study prepared for the project at its regular meeting on March 12, 2008, May 14, 2008 and May 28, 2008 and prior to taking action on the application, the Commission received written and oral reports by the Staff, and received public testimony;

WHEREAS, the City Council has reviewed and considered the Draft Initial Study/Mitigated Negative Declaration prepared for the Project at its regular meeting on April 15, 2008 and June 3, 2008, and prior to taking action on the application, the Council received written and oral reports by the Staff, and received public testimony; and

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

1. An Initial Study was prepared pursuant to the California Environmental Quality Act and has been considered as a result of this project and although the project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures to reduce all impacts to a level of insignificance or to avoid such impacts have been identified and agreed to by the applicant. A Mitigated Negative Declaration should therefore be prepared with the mitigation measures as adopted as Conditions of Approval.
2. As mitigated this project will not result in any significant adverse environmental impacts. There is no evidence that this project will result in any adverse impacts to fish and wildlife habitat.

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga that the City Council adopts a Mitigated Negative Declaration, subject to the following Mitigation Measures.

Aesthetics:

Mitigation Aesthetics-1: Prior to building permit issuance or Improvement Plans, all lighting shall hooded, shielded and directed downward and shall be designed and equipped with motion detector switching and/or timers upon review and approval of the Planning and Building Department.

Air Quality:

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

- a) Exposed soils shall be watered periodically during construction, a minimum of twice daily. The frequency of watering shall be increased if wind speeds exceed 15 mph. Only on-site well water, purchased city water or reclaimed water shall be used for this purpose. Responsibility for watering shall include weekends and holidays when work is not in progress.
- b) During excavation activities, haul trucks used to transport soil shall utilize tarps or other similar covering devices to reduce dust emissions.
- c) Grading and construction equipment operated during construction activities shall be properly mufflered and maintained to minimize emissions. Equipment shall be turned off when not in use.
- d) Construction sites involving earthwork shall provide for a gravel pad area consisting of an impermeable liner and drain rock at the construction entrance to clean mud and debris from construction vehicles prior to entering the public roadways. Street surfaces in the vicinity of the project shall be routinely swept and cleaned of mud and dust carried onto the street by construction vehicles.
- e) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- f) Post-construction revegetation, repaving or soil stabilization of exposed soils shall be completed in a timely manner according to the approved Erosion and Sediment Control Plan and verified by City inspectors prior to acceptance of improvements or issuance of certificates of occupancy.
- g) The Developer shall designate a person with authority to require increased watering to monitor the dust and erosion control program and provide name and phone number to the City of Calistoga prior to issuance of grading permits.

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

Biological Resources:

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

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

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

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

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

Mitigation Bio-6: Prior to construction activities within 500 feet of trees potentially supporting special-status bats, a qualified bat biologist will survey for special-status bats. If no evidence of bats is present, no further mitigation is required. If evidence of bats is observed a no-disturbance buffer acceptable in size to the CDFG will be created around active bat roosts during the breeding season (March 15-August 15). Bat roosts initiated during construction are presumed to be unaffected, and no buffer is necessary. However, "take" of individuals is prohibited. In addition, removal of trees showing evidence of bat activity will occur during the period least likely to impact bats, as determined by a qualified bat biologist, generally between February 15 and October 15 for winter hibernacula and between August 15 and March 1 for maternity roosts. If exclusion is necessary to prevent indirect

impacts to bats from construction noise and human activity adjacent to trees showing evidence of bat activity, these activities shall be conducted during these periods as well.

Cultural Resources:

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

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

Geology and Soils:

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

Mitigation Geo-2: Prior to the approval of the improvement plans and/or final map, a final design-level geotechnical report, with consideration of recommendations from the Geoservices Group, shall be prepared and submitted to the City for review and approval. The recommendations of the final geotechnical report shall be incorporated into the project design prior to issuance of grading or building permits for review and approval of the Public Works and Planning and Building Departments.

Hydrology & Water Quality:

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

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.

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

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

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.

Mitigation WQ-6: Prior to issuance of a grading or building permit, the permit holder shall submit a stormwater drainage plan for approval by the Department of Public Works in conformity with the National

Pollution Discharge Elimination System and including Best Management Practices (BMP) as described in the California Stormwater BMP Handbook or equivalent, such as sheet flow from pavement into vegetated drainage swales.

Noise:

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

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

Mitigation N-3: Construction activities shall be limited to the hours of 7 AM and 7 PM Monday through Friday. Should substantiated noise complaints be received the Planning and Building Director may implement greater restriction on construction activities.

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this 3rd day of June, 2008, by the following vote:

JACK GINGLES, Mayor

ATTEST:

SUSAN SNEDDON, City Clerk