

RESOLUTION 2012-__

A RESOLUTION OF THE CITY COUNCIL, COUNTY OF NAPA, STATE OF CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION BASED UPON AN INITIAL STUDY PREPARED FOR THE RESORT AT INDIAN SPRINGS EXPANSION PROJECT AT 1712 LINCOLN AVENUE (APN 011-340-019) WITHIN THE "CC-DD", COMMUNITY COMMERCIAL – DESIGN DISTRICT

1 **WHEREAS**, on July 15, 2011, an application was submitted by Paul
2 Coates, on behalf of Resort at Indian Springs, LLC, requesting a Development
3 Agreement associated with the approval of a Conditional Use Permit and Design
4 Review for the expansion of the Resort at Indian Springs by adding 75 guest
5 rooms (i.e. 9 8-unit bungalows and 3 cottage units), a restaurant, conference
6 facility (i.e. event building), gym & yoga studio and hotel registration building.
7 Landscaping, new parking areas, driveways and pedestrian pathways will also be
8 developed. On and off site water, sewer, recycled water and storm drainage
9 improvements will be installed to serve the project. The off site improvements will
10 include the construction of new sewer and storm drain lines across the adjoining
11 Gliderport property using a subgrade "jack and bore" method. The existing
12 tennis court, several out buildings, trees, and mud ponds will be demolished
13 and/or removed from the property to accommodate the expansion. The property
14 is located at 1712 Lincoln Avenue (APN 011-340-019); and
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16 **WHEREAS**, an Initial Study/Mitigation Negative Declaration (IS/MND) was
17 completed in accordance with applicable CEQA Guidelines, and on October 12,
18 2012, the IS/MND was circulated for public and agency review and comment.
19 Copies of the IS/MND were made available to the public at the Department of
20 Planning and Building on October 12, 2012, and the IS/MND was distributed to
21 interested parties and agencies. On October 12, 2012 and October 29, 2012, a
22 notice of the Planning Commission public hearing of November 14, 2012, to
23 review the IS/MND was published in the local newspaper; and
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25 **WHEREAS**, the Planning Commission has reviewed and considered the
26 Initial Study prepared for the Project at its regular meeting on November 14,
27 2012, and prior to taking action on the application, the Commission received
28 written and oral reports by the Staff, and received public testimony; After
29 considering the project, the Commission adopted Resolution 2012-25
30 recommending adoption of the draft Mitigated Negative Declaration based upon
31 findings presented in the Staff Report and subject to mitigation measures; and
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33 **WHEREAS**, the City Council has reviewed and considered the Draft Initial
34 Study/Mitigated Negative Declaration prepared for the Project at a regular
35 meeting on December 18, 2012, and prior to taking action on the application, the
36 Council received written and oral reports by the Staff, and received public
37 testimony; and

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39 **WHEREAS**, this Project, as mitigated, will not result in any significant
40 adverse environmental impacts; and

41
42 **WHEREAS**, that on the basis of the Initial Study prepared for the Project,
43 the construction and operation of the Project as requested by Resort at Indian
44 Springs, LLC will not have a significant effect on the environment and, therefore,
45 a mitigated negative declaration is adopted based on the following findings.

- 46
47 1. An Initial Study was prepared pursuant to the California Environmental
48 Quality Act and has been considered as a result of this project and
49 although the project could have a significant effect on the environment,
50 there will not be a significant effect in this case because mitigation
51 measures to reduce all impacts to a level of insignificance or to avoid such
52 impacts have been identified and agreed to by the applicant. A Mitigated
53 Negative Declaration should therefore be prepared with the mitigation
54 measures as adopted as Conditions of Approval.
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56 2. As mitigated this Project will not result in any significant adverse
57 environmental impacts. There is no evidence that this project will result in
58 any adverse impacts to fish and wildlife habitat.
59

60 **NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of
61 Calistoga that based on the above Findings, adopts a Mitigated Negative
62 Declaration, subject to the following Mitigation Measures:

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64 **AIR QUALITY**

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66 Mitigation Measure AIR-1: The contractor shall implement the following Best
67 Management Practices that are required of all projects:

- 68
69 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded
70 areas, and unpaved access roads) shall be watered two times per day.
71 2. All haul trucks transporting soil, sand, or other loose material off-site shall
72 be covered.
73 3. All visible mud or dirt track-out onto adjacent public roads shall be
74 removed using wet power vacuum street sweepers at least once per day.
75 The use of dry power sweeping is prohibited.
76 4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
77 5. All roadways, driveways, and sidewalks to be paved shall be completed as
78 soon as possible. Building pads shall be laid as soon as possible after
79 grading unless seeding or soil binders are used.
80 6. Idling times shall be minimized either by shutting equipment off when not
81 in use or reducing the maximum idling time to 5 minutes (as required by

- 82 the California airborne toxics control measure Title 13, Section 2485 of
83 California Code of Regulations [CCR]). Clear signage shall be provided for
84 construction workers at all access points.
- 85 7. All construction equipment shall be maintained and properly tuned in
86 accordance with manufacturer's specifications. All equipment shall be
87 checked by a certified mechanic and determined to be running in proper
88 condition prior to operation.
- 89 8. Avoid staging construction equipment adjacent to existing residences or
90 sensitive receptors.
- 91 9. Post a publicly visible sign with the telephone number and person to
92 contact at the Lead Agency regarding dust complaints. This person shall
93 respond and take corrective action within 48 hours. The Air District's
94 phone number shall also be visible to ensure compliance with applicable
95 regulations.
- 96 10. The contractor shall install temporary electrical service whenever possible
97 to avoid the need for independently powered equipment (e.g.
98 compressors).

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100 **BIOLOGICAL RESOURCES**

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102 Mitigation Measure BIO-1: The following mitigation measure applies to all offsite
103 utility alignments extending across the Gliderport property. All pipelines extended
104 across the Gliderport shall be constructed using subsurface jack and bore
105 methods. During high-pressure directional drilling, the following avoidance and
106 minimization measures shall be implemented:

- 107 1. Compliance with all applicable regulatory agency requirements.
- 108 2. The project applicant shall retain a qualified biologist to prepare and
109 submit a Jurisdictional Delineation to the appropriate resource agencies
110 for review and approval. Such agencies may include but are not limited to
111 the United States Army Corps of Engineers, the California Department of
112 Fish and Game, and the San Francisco Bay Regional Water Quality
113 Control Board. Should the approved Jurisdictional Delineation determine
114 that the offsite utility work would impact regulated resources, the applicant
115 shall obtain the necessary regulatory permits and mitigate impacts through
116 either (1) offsite restoration of features of equal or greater value or (2)
117 purchase of credits at an agency-approved mitigation bank in the region at
118 no less than a 1:1 ratio.
- 119 3. Existing trails and roads shall be used where and when feasible. Access
120 to the drill site shall avoid disturbance to sensitive plants and wetlands.
- 121 4. The drill path shall be designed to an appropriate depth to minimize the
122 risk of a frac-out. The drill entry and exit points shall be designed far
123 enough sensitive areas to avoid impacts..
- 124 5. Machinery shall be operated in non-sensitive areas.

- 125 6. Machinery shall arrive onsite in a clean condition and shall be maintained
126 free of fluid leaks. Equipment maintenance and fueling areas shall be
127 located at least 100 feet away from sensitive areas. Fueling shall occur
128 behind a containment barrier that will prevent any spilled or leaked fuel
129 from running into sensitive areas. All equipment servicing shall occur
130 within designated areas away from the sensitive areas. All motorized
131 equipment used during construction or demolition activities shall be
132 checked for oil, fuel, and coolant leaks prior to initiating work. Any
133 equipment found to be leaking fluids shall not be used in or within 100 feet
134 of sensitive areas.
- 135 7. Bore pits shall be located outside the drip line of trees rooted in the banks,
136 and no vegetation shall be removed without approval from a qualified
137 biologist.
- 138 8. A dugout/settling basin shall be constructed at the drilling exit site to
139 contain drilling mud and to prevent sediment from entering waterways. As
140 appropriate, silt fences or other effective sediment and erosion control
141 measures shall be used to prevent drilling mud from entering the
142 waterways. Excess drilling mud and other waste materials shall be
143 disposed at an adequately sized disposal facility located away from the
144 site to prevent these materials from entering the watercourse.
- 145 9. Construction activities shall be conducted during the dry season to
146 minimize potential transport of material from the project area downstream
147 during a frac-out.
- 148 10. The property shall be monitored by qualified personnel during drilling to
149 observe signs of surface migration (frac-out) of drilling mud.
- 150 11. An Emergency Frac-out Response and Contingency Plan shall be
151 prepared and approved by the applicable regulatory agencies (United
152 States Army Corps of Engineers, Regional Water Quality Control Board,
153 California Department of Fish and Game) prior to drilling. This plan shall
154 be implemented immediately in the event of a frac-out.
- 155

156 Mitigation Measure BIO-2: Preconstruction Nest Surveys and Construction
157 Exclusion Zones: If construction would take place outside of the nesting season
158 (September to January), then preconstruction nest surveys would not be
159 necessary. However, if construction would take place during the nesting season
160 (February-August), then preconstruction nest surveys shall be conducted as
161 follows in order to avoid any potential impacts to nesting birds.

- 162 1. Nest surveys shall be conducted no earlier than 14 days prior to tree
163 removal and/or breaking ground (surveys should be conducted a minimum
164 of 3 separate days during the 14 days prior to disturbance); and
- 165 2. In the event that nesting birds are found, the Project applicant should
166 consult with DFG and obtain approval for nest-protection buffers prior to
167 tree removal and/or ground disturbing activities; and

- 168 3. Nest protection buffers will remain in effect until the young have fledged.
169 All nest protection measures should apply to off-site impacts and within
170 300 feet of project activities. If a lapse in project-related work of 15 days
171 or longer occurs, another focused survey and if required, consultation with
172 DFG, will be required before project work can be reinitiated.
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174 Mitigation Measure BIO-3: Prior to ground disturbance activities that occur during
175 the breeding season for the pallid bat (October 15 through February 15), all
176 existing structures within project site and associated utility alignments shall be
177 surveyed for pallid bats and their roosts by a qualified biologist. If pallid bats or
178 their roost sites are found within the project site or associated utility alignments,
179 the following avoidance measures shall be implemented, at the discretion of a
180 qualified biologist:

- 181 1. Structures providing roost sites for this species must be avoided to the
182 maximum extent practicable.
183 2. If any breeding bats are discovered during construction, a biological
184 monitor shall survey the area where roosting bats were discovered. If bats
185 are observed nesting during the breeding season (between mid-October
186 and the end of June), the biological monitor shall establish an appropriate
187 no-work buffer around the nest or roost site for the duration of the
188 breeding season. If work must be conducted within the no-work buffer
189 during the breeding season, the biological monitor shall conduct a daytime
190 survey prior to construction to determine whether the bats are still present.
191 When the biological monitor determines that the bats are no longer
192 nesting, construction may commence within the no-work buffer.
193 3. All construction activity in the vicinity of an active roost must be limited to
194 daylight hours and lights will not be used around roost sites at night.
195 4. Demolition of any roost sites must be timed for the period when bats are
196 not present on the site.
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198 Mitigation Measure BIO-4: Prior to building permit issuance, a Tree Protection
199 and Replacement Plan consistent with Chapter 19.01 shall be reviewed and
200 approved by the Public Works Department. All requirements and restrictions
201 contained in Chapter 19.01 of the Calistoga Municipal Code (CMC) shall be
202 complied with, which shall incorporate replacement trees for those trees slated
203 for removal and shall include any recommendations of the Project Arborist.
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205 **CULTURAL RESOURCES**

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

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

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216 Mitigation Measure CR-2: If archaeological materials are encountered during
217 construction activities, the Contractor shall stop all work within a fifteen foot
218 radius of the discovery and notify the City Engineer of the discovery. The find
219 shall be inspected by a qualified archaeologist. The City shall ensure that the
220 construction contractor personnel are informed that collecting archaeological
221 materials discovered during construction is prohibited by law.

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

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232 Mitigation Measure CR-3: If human remains are encountered during construction
233 activities, there shall be no further excavation or disturbance of the remains, or
234 nearby area until the Napa County Coroner has made the necessary findings as
235 to origin, in accordance with Health and Safety Code 7050.5. In accordance with
236 Public Resources Code 5097.98 if the coroner believes the human remains to be
237 those of a Native American, he or she shall contact, by telephone within 24 hours
238 the Native American Heritage Commission. The Native American Heritage
239 Commission shall immediately notify the most likely descendent (MLD). The
240 descendent shall inspect the site of the discovery and may recommend the
241 means for treating or disposing, with appropriate dignity, the human remains and
242 any associated grave goods. The descendents shall complete their inspection
243 and make their recommendation within 48 hours of their notification by the Native
244 American Heritage Commission. The remains shall not be damaged or disturbed
245 by further development until the City has discussed and conferred with the MLD
246 regarding their recommendations.

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248 **GEOLOGY AND SOILS**

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

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1. Include an analysis of the expected ground motions at the site using accepted methodologies;

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2. Determine structural design requirements as prescribed by the most current version of the California Building Code and City of Calistoga;

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3. Determine the final design parameters for walls, foundations, foundation slabs, utilities, roadways, parking lots, sidewalks, and other surrounding improvements.

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

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GREENHOUSE GAS EMISSIONS

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Mitigation Measure GHG-1: The City shall require the contractor to implement the following performance based best management practices during construction as recommended by the Bay Area Air Quality Management District (2009 BAAQMD CEQA Air Quality Guidelines):

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1. Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet;

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2. Recycle at least 50 percent of construction waste or demolition materials.

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HAZARDS & HAZARDOUS MATERIALS

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Mitigation Measure HAZ-1: Prior to rental of the "Hill House", the driveway access shall be improved to accommodate emergency vehicle turnouts to the satisfaction of the Calistoga Fire Department.

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HYDROLOGY AND WATER QUALITY

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Mitigation Measure HYDRO-1: Prior to issuance of any building permit and/or commencement of geothermal water uses or operations, the Applicant shall develop and submit an Operations, Maintenance, and Monitoring Plan (OMMP) to the City of Calistoga. The OMMP shall be reviewed and approved by the City's Public Works Director prior to issuance of said permits and/or use of the facilities. The OMMP shall include a detailed description of the methods and procedures for monitoring, measuring, and reporting geothermal use on the project, in order to ensure that such use is consistent with the project description and Conditions of Approval.

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NOISE

Mitigation Measure NOISE-1: The applicant shall develop a construction mitigation plan subject to the City’s review and approval. The following conditions shall be incorporated into the mitigation plan to reduce construction noise impacts:

1. Muffle and maintain all equipment used on site. All internal combustion engine-driven equipment shall be fitted with mufflers, which are in good condition. Good mufflers shall result in non-impact tools generating a maximum noise level of 80 dB when measured at a distance of 50 feet.
2. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
3. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
4. Prohibit unnecessary idling of internal combustion engines.
5. Prohibit audible construction workers’ radios on adjoining properties.
6. Pursuant to the Municipal Code, restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday, and not at all on Sundays and holidays.
7. Allowable construction hours shall be posted clearly on a sign at each construction site.
8. Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. This individual would most likely be the contractor or a contractor’s representative. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. Implementation of the above measures will limit the overall noise level and duration of construction activities, while also giving any persons disturbed by occasional loud noises an identifiable method of recourse.

TRANSPORTATION AND TRAFFIC

341 Mitigation Measure TRANS-1: Prior to occupancy, traffic calming measures (e.g.
342 curb extension or pedestrian bulbout) shall be installed on the southern side of
343 Brannan Street at the corner of Lincoln Avenue subject to the review and
344 approval of the City.

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346 Mitigation Measure TRANS-2: Prior to occupancy, a crosswalk shall be installed
347 across Brannan Street at the intersection with SR 29 (Lincoln Avenue) and
348 pathway shall be constructed along the entire project frontage with SR 29
349 (Lincoln Avenue) subject to the review and approval of the City.

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351 Mitigation Measure TRANS-3: Prior to occupancy, a Class II bike lane shall be
352 provided along the project's frontage with SR 29 (Lincoln Avenue) subject to the
353 review and approval of the Planning and Building Department and Caltrans.
354 Construction of a multi use pathway (Class I) on site with a dedicated easement
355 for public access may serve as an acceptable alternative to a Class II bike lane in
356 the public right-of-way.

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358 Mitigation Measure TRANS-4: Prior to occupancy, bicycle racks shall be provided
359 to accommodate short-term bicycle parking needs subject to the review and
360 approval of the Planning and building Department.

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362 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of
363 Calistoga at a regular meeting held on the **18th day of December, 2012** by the
364 following vote:

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366 **AYES:**
367 **NOES:**
368 **ABSENT:**
369 **ABSTAIN:**

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CHRIS CANNING, Mayor

ATTEST: _____
AMANDA DAVIS, Deputy City Clerk