

RESOLUTION NO. 2008-

A RESOLUTION OF THE CITY OF CALISTOGA CITY COUNCIL ADOPTING A MITIGATED NEGATIVE DECLARATION BASED ON AN INITIAL STUDY PREPARED FOR THE MOYE WINERY PROJECT LOCATED AT 2280 GREENWOOD AVENUE WITHIN THE "RR", RURAL RESIDENTIAL ZONING DISTRICT. (APN 011-351-017)

1 **WHEREAS**, Matthew and Adrian Moye, have submitted a request to allow the
2 development of a large scale winery with an annual production of up to 4,000 cases of
3 wine. The proposed winery structure will be located near the existing residence and will
4 be approximately 4,714 square feet in size and approximately 23'-6" in height, as
5 measured from the average natural grade to the midpoint of the roof. An exception to
6 the water connection requirements is also being requested to allow the use of ground
7 water rather than City water;

8
9 **WHEREAS**, the Planning Commission has reviewed and considered the Initial
10 Study prepared for the project at its regular meeting on August 27, 2008 and prior to
11 taking action on the application, the Commission received written and oral reports by the
12 Staff, and received public testimony;

13
14 **WHEREAS**, the City Council has reviewed and considered the Initial Study
15 prepared for the project at its regular meeting on September 16, 2008 and during its
16 review the Council considered the public record of the August 27, 2008 Planning
17 Commission meeting, including staff report, findings, minutes, and written materials and
18 testimony presented by the applicant and the public during the hearing;

19
20 **WHEREAS**, in accordance with the California Environmental Quality Act (CEQA),
21 the City of Calistoga, Planning and Building Department prepared an Initial Study/CEQA
22 Checklist, which identified potentially significant impacts to air quality, cultural resources,
23 geology/soils, hydrology/water quality, noise and utilities/service systems;

24
25 **WHEREAS**, this project, as mitigated, will not result in any significant adverse
26 environmental impacts; and

27
28 **WHEREAS**, that on the basis of the Initial Study prepared for the Moye Winery
29 Project as requested by Matthew and Adrian Moye, on behalf of property owners, will not
30 have a significant effect on the environment and, therefore, a mitigated negative
31 declaration is adopted based on the following findings.

- 32
33 1. An Initial Study was prepared pursuant to the California Environmental Quality
34 Act and has been considered as a result of this project and although the project
35 could have a significant effect on the environment, there will not be a significant
36 effect in this case because mitigation measures to reduce all impacts to a level of
37 insignificance or to avoid such impacts have been identified and agreed to by the
38 applicant. A Mitigated Negative Declaration should therefore be prepared with
39 the mitigation measures as adopted as Conditions of Approval.
40
41 2. As mitigated this project will not result in any significant adverse environmental
42 impacts. There is no evidence that this project will result in any adverse impacts to
43 fish and wildlife habitat.
44

45 3. The proximity of the project to SR128/Petrified Forest Road and/or SR 29/128
46 intersections (through several connections and other intersections) does not
47 provide a nexus to warrant mitigation. Furthermore, the General Plan Update
48 EIR and the Overriding Consideration adopted as part of the Palisades Resort
49 and Spa found that mitigations measures to improve the peak-hour LOS at these
50 intersection would potentially involve the installation of a traffic signal, along with
51 reconfiguration of the intersections, and that those improvements would change
52 the character of the town and would require acquisition of property. As such the
53 City accepts the current LOS and finds that this project will not have a poetically
54 significant effect on state highway facilities.
55

56 **NOW, THEREFORE, BE IT RESOLVED** that the City Council finds that based
57 on the above Findings, the City council adopts a Mitigated Negative Declaration, subject
58 to the following Mitigation Measures:
59

60 Air Quality:
61

62 Mitigation AQ-1: Prior to building permit or grading permit issuance, the applicant shall
63 incorporate the following Best Management Practices into the construction and
64 improvement plans and clearly indicate these provisions in the specifications upon
65 review and approval of the Public Works and Planning and Building Departments. The
66 construction contractor shall incorporate these measures into an Erosion and Sediment
67 Control Plan to limit fugitive dust and exhaust emissions during construction.
68

- 69 a) Exposed soils shall be watered periodically during construction, a minimum of
70 twice daily. The frequency of watering shall be increased if wind speeds exceed
71 15 mph. Only on-site well water, purchased city water or reclaimed water shall be
72 used for this purpose. Responsibility for watering shall include weekends and
73 holidays when work is not in progress.
74
- 75 b) During excavation activities, haul trucks used to transport soil shall utilize tarps or
76 other similar covering devices to reduce dust emissions.
77
- 78 c) Grading and construction equipment operated during construction activities shall
79 be properly muffled and maintained to minimize emissions. Equipment shall be
80 turned off when not in use.
81
- 82 d) Construction sites involving earthwork shall provide for a gravel pad area
83 consisting of an impermeable liner and drain rock at the construction entrance to
84 clean mud and debris from construction vehicles prior to entering the public
85 roadways. Street surfaces in the vicinity of the project shall be routinely swept
86 and cleaned of mud and dust carried onto the street by construction vehicles.
87
- 88 e) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed
89 stockpiles (dirt, sand, etc.).
90
- 91 f) Post-construction revegetation, repaving or soil stabilization of exposed soils
92 shall be completed in a timely manner according to the approved Erosion and
93 Sediment Control Plan and verified by City inspectors prior to acceptance of
94 improvements or issuance of certificates of occupancy.
95

- 96 g) The Developer shall designate a person with authority to require increased
97 watering to monitor the dust and erosion control program and provide name and
98 phone number to the City of Calistoga prior to issuance of grading permits.
99

100 Cultural Resources:

101
102 Mitigation CR.1: Prior to the initiation of construction or ground-disturbing activities, all
103 construction personnel should be alerted to the possibility of buried cultural remains (i.e.,
104 prehistoric and/or historic resources). Personnel should be instructed that upon
105 discovery of buried cultural materials, work in the immediate vicinity of the find should
106 cease and a qualified archaeologist should be contacted immediately.
107

108 Mitigation CR.2: If archaeological, historical, paleontological resources or other human
109 remains are encountered, all construction activity in the affected area shall cease and no
110 materials shall be removed until a qualified professional surveys the site and mitigation
111 measures can be proposed by the qualified professional to the satisfaction of the
112 Planning Division for approval and subsequent implementation by the permit holder.
113

114 Geology and Soils:

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116 Mitigation Geo.1: Prior to building permit issuance, a septic system permit shall be
117 reviewed and approved by County of Napa Environmental Management Division.
118

119 Hydrology & Water Quality:

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121 Mitigation WQ.1: Prior to building permit issuance, the Public Works, Planning and
122 Building Departments shall have reviewed and approved all drainage improvements.
123 Said improvement plans shall be designed by a civil engineer and in accordance with the
124 Napa County Design Criteria and any applicable adopted City standards such as Best
125 Management Practices (BMP) described in the California Stormwater BMP Handbook,
126 including, but not limited to, sheet flow from pavement into vegetated drainage swales. The
127 capacity and condition of existing drainage facilities downstream of the development
128 shall be analyzed and off-site drainage improvements shall be constructed as
129 necessary. Site grading and drainage improvements shall be shown on the
130 improvement plans.
131

132 Noise:

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134 Mitigation Measure N-1: The applicant shall develop a construction management plan to
135 reduce traffic congestion during project construction, including staging areas on the
136 project site and truck movements delivering and/or exporting fill material. Approval of
137 the plan shall be required from the City prior to issuance of any grading permit.
138

139 Mitigation Measure N-2: Construction travel shall be managed to minimize noise levels
140 consistent with the City's Construction Ordinance.
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142 Mitigation Measure N-3: Construction activities shall be limited to the hours of 7 AM and
143 7 PM Monday through Saturday consistent with the City's construction ordinance.
144
145
146

147 Utilities / Service Systems:

148
149 Mitigation Utilities 1: Prior to building permit issuance, the Public Works, Planning and
150 Building Departments shall have reviewed and approved all drainage improvements.
151 Said improvement plans shall be designed by a civil engineer and in accordance with the
152 Napa County Design Criteria and any applicable adopted City standards such as Best
153 Management Practices (BMP) described in the California Stormwater BMP Handbook,
154 including, but not limited to, sheet flow from pavement into vegetated drainage swales. The
155 capacity and condition of existing drainage facilities downstream of the development
156 shall be analyzed and off-site drainage improvements shall be constructed as
157 necessary. Site grading and drainage improvements shall be shown on the
158 improvement plans.

159
160 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of
161 Calistoga at a regular meeting held this **16th day of September 2008**, by the following
162 vote:

163
164 **AYES:**
165 **NOES:**
166 **ABSENT/ABSTAIN:**

167
168
169 **JACK GINGLES, Mayor**

170
171 **ATTEST:** _____
172 **SUSAN SNEDDON, City Clerk**