

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2008-45**

**A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION BASED ON THE INITIAL STUDY PREPARED FOR THE CALISTOGA VILLAGE INN AND SPA REDEVELOPMENT PROJECT LOCATED AT 1880 LINCOLN AVENUE (APN 011-050-041) WITHIN THE COMMUNITY COMMERCIAL – DESIGN DISTRICT.**

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1           **WHEREAS**, Jagdish Patel, on behalf of Silverado Lodging Co., LLC is proposing  
2 redevelopment of the 5.17 acre property; including demolition of the existing uses and  
3 structures, and the redevelopment and operation of an 80 unit visitor accommodation,  
4 spa, restaurant and conference center totaling 82,933 square feet all on the property  
5 located at 1880 Lincoln Avenue within the “CC-DD”, Community Commercial - Design  
6 District (APN 011-050-041);  
7

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

13           **WHEREAS**, in accordance with the California Environmental Quality Act (CEQA),  
14 the City of Calistoga, Planning and Building Department prepared an Initial Study/CEQA  
15 Checklist, which identified potentially significant impacts to aesthetics, air quality,  
16 biological resources, cultural resources, geology/soils, hydrology/water quality, noise,  
17 public services, recreation, transportation/traffic and utilities/service systems;  
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19           **WHEREAS**, this project, as mitigated, will not result in any significant adverse  
20 environmental impacts; and  
21

22           **WHEREAS**, that on the basis of the Initial Study prepared for the project the  
23 construction and operation of the redeveloped Calistoga Village Inn and Spa as  
24 requested by Jagdish Patel, on behalf of the property owners Silverado Lodging Co.,  
25 LLC will not have a significant effect on the environment and, therefore, a mitigated  
26 negative declaration is adopted based on the following findings.  
27

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

40           **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
41 Commission that based on the above Findings, the Planning Commission adopts a  
42 Mitigated Negative Declaration, subject to the following Mitigation Measures.  
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44 Aesthetics

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46 Mitigation Measure Aesthetics-1: Prior to building permit issuance, a Lighting Plan shall  
47 be submitted in conjunction with the building permit(s) consistent with the Benya Lighting  
48 Design Report dated December 7, 2007 subject to the review and approval of the  
49 Planning and Building Director.

50

51 Air Quality:

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53 Mitigation Measure AQ-1: Prior to building permit or grading permit issuance, the  
54 Applicant shall prepare and submit an Erosion and Sedimentation Control Plan that  
55 incorporates the following Best Management Practices with notes, details and or/  
56 specifications subject to the review and approval of the Public Works and Planning and  
57 Building Directors.

58

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

65

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

68

69 c) Grading and construction equipment operated during construction activities shall be  
70 properly mufflered and maintained to minimize emissions. Equipment shall be turned  
71 off when not in use.

72

73 d) Construction sites involving earthwork shall provide for a gravel pad area consisting of  
74 an impermeable liner and drain rock at the construction entrance to clean mud and  
75 debris from construction vehicles prior to entering the public roadways. Street  
76 surfaces in the vicinity of the project shall be routinely swept and cleaned of mud and  
77 dust carried onto the street by construction vehicles.

78

79 e) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed  
80 stockpiles (dirt, sand, etc.).

81

82 f) Post-construction revegetation, repaving or soil stabilization of exposed soils shall be  
83 completed in a timely manner according to the approved Erosion and Sediment  
84 Control Plan and verified by City inspectors prior to acceptance of improvements or  
85 issuance of certificates of occupancy.

86

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

90

91 Biological Resources:

92

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

103  
104 Mitigation Measure Bio-2: To avoid impacts to the aquatic environments adjacent and  
105 down stream of the project site, proper erosion control and other water quality Best  
106 Management Practices (BMPs) should be implemented to avoid sedimentation and  
107 disturbance into the downstream aquatic habitats.

108  
109 Mitigation Measure Bio-3: Prior to grading and/or building permit issuance, a Tree  
110 Removal and Replacement Plan consistent with the Arborist's Report dated June 18,  
111 2007, and as amended November 7, 2007, shall be reviewed and approved by the  
112 Public Works and Planning and Building Directors.

113

114 Cultural Resources:

115

116 Mitigation Measure CR.1: Prior to building or grading, a qualified archaeologist shall be  
117 retained to monitor all ground disturbing activities including but not limited to trenching,  
118 excavation and grading. The archaeologist need not be present for demolition of  
119 structures but s/he shall be present when the foundations are removed. Once substantial  
120 areas of existing resort infrastructure have been removed exposing the ground,  
121 archaeologist shall conduct limited testing of selected areas to ascertain if (1) an  
122 archaeological site exists and (2) if it has depositional integrity. Limited testing may  
123 include use of traditional excavation units, shovels test probes, hand or mechanical  
124 augering, mechanical trenching, or other technique. Limited testing is limited in that the  
125 goal is to determine if an archaeological deposit is present and if it has the necessary  
126 physical integrity to be eligible for inclusion on the California Register. If no  
127 archaeological deposit is found, or, if such a deposit exists but lacks physical integrity,  
128 then the archaeologist shall continue to monitor ground disturbing activities as  
129 necessary. If a physically intact archaeological deposit is indentified, the archaeologist  
130 shall determine its physical limits and depth and, the nature of the assemblage of  
131 cultural materials therein.

132

133 Once these parameters are identified, the archaeologist shall (a) work with the project  
134 applicant to avoid the archaeological deposit, or, if avoidance is not feasible, (b) prepare  
135 an excavation plan that has at its goal collection of a sample of the cultural materials that  
136 characterize the archaeological deposit. If an archaeological deposit is found that  
137 compares with one identified by Bieling (1986), then a data recovery plan could include  
138 selective screening of mechanically excavated sediments and collection of discovered  
139 cultural materials. A more substantial deposit would require greater effort using  
140 traditional archaeological recovery methods. The excavation plan shall be submitted to  
141 the City of Calistoga for review and approval, and absent local technical guidelines, all

142 procedures shall adhere to 48 FR 44716 (Secretary of the Interior's Standards and  
143 Guidelines for Historical Preservation).

144  
145 Mitigation Measure CR.2: If archaeological, historical, paleontological resources or other  
146 human remains are encountered, all construction activity in the affected area shall cease  
147 and no materials shall be removed until a qualified professional surveys the site and  
148 mitigation measures can be proposed by the qualified professional to the satisfaction of  
149 the Planning Division for approval and subsequent implementation by the Applicant.

150  
151 Geology and Soils:

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

157  
158 Mitigation Measure Geo 2: Prior to building or grading, a final design-level geotechnical  
159 report, with consideration of recommendations from the Giblin Associates Soils  
160 Investigation Report, shall be prepared and submitted to the City for review and  
161 approval. The recommendations of the final geotechnical report shall be incorporated  
162 into the project design prior to issuance of grading or building permits for review and  
163 approval of the Public Works and Planning and Building Departments.

164  
165 Hydrology & Water Quality:

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167 Mitigation Measure WQ-1: Prior to grading and/or building permit issuance, the applicant  
168 shall submit engineered drainage plans and design calculations consistent with the  
169 Hydrological Analysis prepared by Riechers Spence & Associates dated January 25,  
170 2008 subject to the review and approval of the City Engineer.

171  
172 Mitigation Measure WQ-2: Prior to occupancy, the culvert located approximately 170 feet  
173 south of the property which drains under Lincoln Avenue shall be cleaned to insure the  
174 full capacity of the culvert will be able to convey stormwater runoff.

175  
176 Mitigation Measure WQ-3: Prior to occupancy, the Developer shall enter into a  
177 maintenance agreement and participate in annual cost of maintaining the ditch located at  
178 the northerly and easterly property boundaries of Calistoga Springs and Chateau  
179 Calistoga Mobile Home Parks.

180  
181 Mitigation Measure WQ.4: All drainage inlets shall be permanently marked "No  
182 Dumping-Flows to River".

183  
184 Mitigation WQ.5: Prior to building or grading permit issuance, verification shall be  
185 provided indicating that a permit has been obtained or a Notice of Intent (NOI) has been  
186 filed with the California Regional Water Quality Control Board for a General Permit to  
187 Discharge Storm Water Associated with Construction Activity subject to the review and  
188 approval of the Planning and Building Department.

189

190 Mitigation Measure WQ.6: No discharge of hazardous materials shall be allowed in  
191 ground or surface waters or on the land. All hazardous materials shall be stored,  
192 managed, and disposed of, off site, in a lawful manner.  
193

194 Mitigation Measure WQ.7: Prior to abandonment, drilling and/or commencement of any  
195 geothermal production wells and/or injection wells, all required permits from the  
196 Department of Conservation, Division of Oil, Gas and Geothermal Resources, California  
197 Regional Water Quality Control Board and the Napa County Environmental Management  
198 Department shall be obtained by the Applicant and evidence of such permit(s) shall be  
199 submitted to the Director of the Planning and Building Department. Prior to occupancy,  
200 the pre-existing wells shall be abandoned or permanently capped subject to the review  
201 and approval of the City of Calistoga and the Napa County Environmental Management.  
202

203 Mitigation Measure WQ.8: Prior to utilizing geothermal water in any of the pools or spas,  
204 the Applicant shall submit a bacteriological test to the County of Napa Department of  
205 Environmental Management. The test shall show results satisfactory and acceptable to  
206 Environmental Management. A copy of the bacteriological test and evidence of  
207 clearance by the Department of Environmental Management shall be submitted to the  
208 Director of the Planning and Building Department prior to the commencement of use of  
209 geothermal or mineral water.  
210

211 Noise:  
212

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

218 Mitigation Measure N-2: Construction activities shall be limited to the hours of 8 AM and  
219 6 PM Monday through Saturday, unless otherwise authorized by the Planning and  
220 Building Department.  
221

222 Public Services:  
223

224 Mitigation Measure PS-1: Prior to building permit issuance, the "Public Safety", "School"  
225 and "Quality of Life" Development Impact Fees shall be paid subject to the review and  
226 approval of the Planning and Building Director.  
227

228 Recreation:  
229

230 Mitigation Measure Rec-1: Prior to building permit issuance, the "Quality of Life"  
231 Development Impact Fee shall be paid subject to the review and approval of the  
232 Planning and Building Director.  
233

234 Transportation/Traffic:  
235

236 Mitigation Measure TRAF-1: Prior to building permit or grading permit issuance,  
237 Improvement Plans shall be approved and an Encroachment Permit shall be obtained

238 from the Department of Public Works and Caltrans for required upgrades to Lincoln  
239 Avenue.

240  
241 Mitigation Measure TRAF-2: Prior to building permit issuance, Improvement Plans shall  
242 be prepared and submitted indicating the development of a Class I, bike path along the  
243 eastern property boundary subject to the review and approval of the Public Works  
244 Director.

245  
246 Mitigation Measure TRAF-3: Prior to commencement of construction and issuance of  
247 building permits, Improvement Plans indicating temporary emergency access and  
248 permanent access at the project site shall be approved by the City.

249  
250 Mitigation Measure TRAF-4: Prior to building permit issuance, the Special Impact Fee  
251 for the Silverado Trail/Lake Street/Lincoln Avenue intersection shall be paid.

252  
253 Utilities & Service Systems:

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

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265 Mitigation Measure Utilities 2: Prior to grading and/or building permit issuance, the  
266 applicant shall submit engineered drainage plans and design calculations consistent with  
267 the Hydrological Analysis prepared by Riechers Spence & Associates dated January 25,  
268 2008 subject to the review and approval of the City Engineer.

269  
270 Mitigation Measure Utilities 3: Prior to building permit issuance, Improvement Plans shall  
271 be prepared and submitted to the Planning and Building Department, along with the  
272 Public Works Department, indicating the development of a new sewer line and sewer  
273 bypass line extending from Lincoln Avenue at Stevenson to connect to Washington  
274 Street at either Gerard, Franklin or Anna Streets subject to the review and approval of  
275 the Public Works Department.

276  
277 Mitigation Measure Utilities 4: Prior to building permit issuance, Improvement Plans shall  
278 be prepared and submitted to the Planning and Building Department, along with the  
279 Public Works Department, indicating the development of a reclaimed water line  
280 extending down Lincoln Avenue across the property's frontage subject to the review and  
281 approval of the Public Works Department.

282  
283 Mitigation Measure Utilities 5: Prior to building permit issuance, the applicant shall  
284 purchase additional water and wastewater resources, as indicated in the approved water  
285 and wastewater study, subject to the ordinances in place at the time of Building Permit

286 issuance. A reduced amount of resources shall only be approved upon the review and  
287 approval of the Public Works Department.

288

289 **PASSED, APPROVED, AND ADOPTED** on November 12, 2008, by the  
290 following vote of the Calistoga Planning Commission:

291

292 AYES:

293 NOES:

294 ABSENT/ABSTAIN:

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298

299

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

300

301

302

303

ATTEST: \_\_\_\_\_

304

Kathleen Guill

305

Secretary to the Planning Commission