

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2008-06**

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT 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 MORE AVENUE WITHIN THE "RR", RURAL RESIDENTIAL ZONING DISTRICT. (APNS: 011-010-013, -014 & 011-021-002)

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

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8 **WHEREAS**, the Planning Commission has reviewed and considered the Initial
9 Study prepared for the project at its regular meeting on March 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;

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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, and
17 noise;

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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 Vineyard Oaks
23 Subdivision project as requested by BNK, LLC, on behalf of property owners, will not
24 have a significant effect on the environment and, therefore, a mitigated negative
25 declaration is adopted based on the following findings.

- 26
27 1. An Initial Study was prepared pursuant to the California Environmental Quality
28 Act and has been considered as a result of this project and although the project
29 could have a significant effect on the environment, there will not be a significant
30 effect in this case because mitigation measures to reduce all impacts to a level of
31 insignificance or to avoid such impacts have been identified and agreed to by the
32 applicant. A Mitigated Negative Declaration should therefore be prepared with
33 the mitigation measures as adopted as Conditions of Approval.
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35 2. As mitigated this project will not result in any significant adverse environmental
36 impacts. There is no evidence that this project will result in any adverse impacts to
37 fish and wildlife habitat.

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NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that based on the above Findings, the Planning Commission recommends that the City Council adopt 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.

- 87 g) The Developer shall designate a person with authority to require increased
88 watering to monitor the dust and erosion control program and provide name and
89 phone number to the City of Calistoga prior to issuance of grading permits.
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91 Mitigation AQ-2: Prior to occupancy, wood burning fireplaces, wood stoves and outdoor
92 stoves/cooking centers shall require the use of natural gas or Environmental Protection
93 Agency certified fireplaces in order to reduce any potential emissions.
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95 Biological Resources:
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97 Mitigation Bio-1: Prior to grading and/or building permit issuance, a Tree Removal and
98 Replacement Plan consistent with the approved Tree Mitigation Plan dated December
99 16, 2007 shall be reviewed and approved by the Public Works Department in
100 conjunction with the Planning and Building Department. All requirements and restrictions
101 contained in Chapter 19.01 of the Calistoga Municipal Code (CMC) shall be complied
102 with, which shall incorporate replacement trees for those trees slated for removal and
103 shall include any recommendations of the Project Arborist into the project.
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105 Mitigation Bio-2: Before any site work is commenced, including grading and/or
106 trenching), a six-foot chain link fence shall be installed at the drip line (but no closer than
107 6 feet to any trunk) of the oak trees to be preserved. Drip line is defined as the point
108 where the distance from the edge of the tree canopy to the trunk is the greatest. This
109 radius shall be used in establishing the perimeter of the exclusion fencing. Fencing
110 materials shall be highly visible and sturdy such as a portable cyclone fence or
111 comparable fencing material. Signs shall be posted on fencing prohibiting parking of
112 vehicles or storage of materials within the trees' drip line. Fencing shall remain in place
113 until all construction work is complete. Four to six inches of mulch shall be placed
114 around the perimeter of the trees when the project landscape is installed. If any ground
115 disturbing activities are required within the dripline of the trees, an on-site qualified
116 arborist shall monitor the work.
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118 Mitigation Bio-3: Prior to the issuance of building permits, the project applicant shall
119 apply to the U. S. Army Corps of Engineers, California Department of Fish and Game
120 and the San Francisco Bay Regional Water Quality Control Board for permits under the
121 Clean Water Act. For unavoidable impacts to existing resources, the applicant shall
122 implement on-site mitigation and on-going monitoring. Mitigation shall include
123 enhancement and creation of on-site wetland habitat at a ratio of 2:1 for impacts to
124 wetlands. Impacts to "other waters of the U.S." shall be mitigated at a ratio of 1:1 for in-
125 kind enhancement of waters and 2:1 for out-of-kind creation of wetlands.
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127 Mitigation Bio-4: Non-native invasive plant species shall be removed from the
128 project site and revegetated with native trees, shrubs, and herbs to improve plant
129 diversity and wildlife cover and foraging habitat. The applicant shall be responsible for
130 the maintenance, monitoring and funding of a three-year establishment period. Photo
131 monitoring and survival counts shall be conducted yearly and submitted to the City's
132 Planning Department for the first three years.
133

134 Mitigation Bio-5: If project construction is to occur from February 1 through August 31 a
135 qualified biologist shall conduct pre-construction surveys of all potential nesting habitats
136 within 500 feet of project activities. If nesting birds are identified on the project site or

137 within the surveyed area, a non-disturbance buffer (determined in coordination with the
138 California Department of Fish and Game) shall be established around the nest tree
139 during the breeding season or until the young have fledged. If preconstruction surveys
140 indicate that nests are inactive or potential habitat is unoccupied, no further mitigation
141 measures are required. Raptor or other bird nests initiated during construction are
142 presumed to be unaffected and no buffer is necessary. However, the “take” of any
143 individuals is prohibited.

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145 Mitigation Bio-6: Prior to construction activities within 500 feet of trees potentially
146 supporting special-status bats, a qualified bat biologist will survey for special-status bats.
147 If no evidence of bats is present, no further mitigation is required. If evidence of bats is
148 observed a no-disturbance buffer acceptable in size to the CDFG will be created around
149 active bat roosts during the breeding season (March 15-August 15). Bat roosts initiated
150 during construction are presumed to be unaffected, and no buffer is necessary.
151 However, “take” of individuals is prohibited. In addition, removal of trees showing
152 evidence of bat activity will occur during the period least likely to impact bats, as
153 determined by a qualified bat biologist, generally between February 15 and October 15
154 for winter hibernacula and between August 15 and March 1 for maternity roosts. If
155 exclusion is necessary to prevent indirect impacts to bats from construction noise and
156 human activity adjacent to trees showing evidence of bat activity, these activities shall be
157 conducted during these periods as well.

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159 Cultural Resources:

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

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

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173 Geology and Soils:

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

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

187 Hydrology & Water Quality:

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

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198 Mitigation WQ-2: Prior to grading and/or building permit issuance, the applicant shall
199 submit finalized engineered drainage plans and design calculations for the City
200 Engineer's review and approval.

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

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

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211 Mitigation WQ-5: No discharge of hazardous materials shall be allowed in ground or
212 surface waters or on the land. All hazardous materials shall be stored and managed.

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214 Mitigation WQ-6: Prior to issuance of a grading or building permit, the permit holder shall
215 submit a stormwater drainage plan for approval by the Department of Public Works in
216 conformity with the National Pollution Discharge Elimination System and including Best
217 Management Practices (BMP) as described in the California Stormwater BMP Handbook or
218 equivalent, such as sheet flow from pavement into vegetated drainage swales.

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220 Noise:

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

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

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

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

235

236 **PASSED, APPROVED, AND ADOPTED** on March 12, 2008, by the following
237 vote of the Calistoga Planning Commission:

238

239 AYES:

240 NOES:

241 ABSENT/ABSTAIN:

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JEFF MANFREDI, Chairman

246 ATTEST: _____

247 Kathleen Guill

248 Secretary to the Planning Commission