CITY OF CALISTOGA
STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, SENIOR PLANNER

MEETING DATE: AUGUST 14, 2013

SUBJECT: AT&T FOUNDATION REPAIR PROJECT (CUP 2009-3)
1310 LINCOLN AVENUE APN 0011-231-004

ITEM

Consideration of a Conditional Use Permit request to allow the stabilization of the equipment building by installing helical anchors and constructing a grade/beam retaining wall along the south side of the AT&T building located at 1310 Lincoln Avenue.

PROJECT SETTING

The project site is adjacent and just downstream of the Lincoln Avenue Bridge (SR 29) on the north side of the Napa River. The AT&T building is situated along the northern edge of the property line and adjacent to a neighboring building. A diesel generator is located on a concrete slab in the eastern portion of the site, behind the AT&T building. The southern edge of the site steeply slopes from the pad grade down approximately 20 feet to the Napa River, which runs generally from west to east. The river bank is moderately to densely vegetated with mature trees, shrubs and weeds. The AT&T building footprint covers most of the flat-lying portion of the site. Concrete flatwork and asphaltic-concrete pavement covers the southerly portion of the site between the building and the edge of the river bank. An approximately 3-foot tall by 25-foot long cast-in-place concrete retaining wall was situated in the southeast corner of the site. The concrete wall is constructed with cyclone fencing along the top. Several down spouts are situated along the southern wall of the building and drained over the edge of the slope.

The AT&T building was originally constructed pre-1950, with building additions in 1950, 1963 and 1974, and renovations to the original building in 1977. The interior floor slab and walls have undergone differential movement, with the floor slab of the AT&T building settling approximately 1 to 2 inches along the southern portion (Earthtec 2008). Cracks on the interior walls and the roof cause leaks during rainstorms, and extensional cracks up to several inches wide were observed in the asphaltic-concrete pavement near the retaining wall and close to the generator pad (Earthtec 2008). Additionally, the retaining wall in the southwest corner of the site is partially overturned and cracked and the footings are partially undermined. Several trees along the riverbank have rotated

about their bases indicating on-going slope movement, or soil creep. Concentrated drainage from the pad area had eroded several areas of the riverbank. Field and laboratory tests show that the loose fill and native clayey silt and sands materials below the pavement surface are weak and unstable in the slope area.

PROJECT DESCRIPTION

AT&T submitted a Conditional Use Permit (U 2009-03) application on April 10, 2009 to allow the stabilization of the building by installing helical anchors (tiebacks) and constructing a grade/beam retaining wall along the south side of the building. CMC Section 19.08.090 establishes that the Planning Commission may allow structural projects within the stream setback area. Lionakis, the owner's architectural firm, has prepared a design that indicates the stabilization components and a pathway.

In more, detail, the proposed remedy for the erosional problems and the unstable soil is to densify the soil by "compaction grouting" (Earthtec 2008). This densification process generally creates competent bearing material from the loose soils and subsequently stabilizes the soil from future failures. The compaction grouting involves the injection of a soil/cement/water/grout mixture into the loose soils. The pressure-injected grout mixture displaces water/air, fills voids, and encapsulates the less dense material.

To mitigate damage to the building from soil movements, the geotechnical consultants recommended a retaining wall supported on helical anchors (Earthtec 2008). The Chance Helical Pier® system will be used for the retaining wall to increase bearing capacity improvement in conjunction with the compaction grouting. Chance Helical Pier® elements are constructed by screwing a helical anchor into the soil. With this method, a grade beam is anticipated for transfer of loads between bearing elements and no slope setbacks are deemed necessary (Earthtec 2008).

Once the foundation repair and bank support is complete, the City of Calistoga will install a pathway by generally affixing decking to the new grade beam providing pedestrian connectivity from Lincoln Avenue to the east side public parking area. The path will include a 6-foot fence along the AT&T building to provide security and a guard rail on the riverside of the path.

The construction area and disturbance will be kept to a minimum to avoid impacts to the slopes and riparian habitat above the Napa River. The retaining wall and the City-installed pathway would be constructed as close to the existing building as possible. Approximately three weeks will be required for helical system installation, and total construction time for both the retaining wall is anticipated to be approximately three months. The City of Calistoga anticipates installation of the pathway one to two years following completion of AT&T's work, upon securing funding. In conjunction with the pathway installation, the City Manager may accept an offer of land dedication for the pathway area and river channel and convey the appropriate easement back to AT&T for the maintenance of their foundation systems. No further public review of the pathway

will occur since Section 19.08.070 CMC(D)(7) allows the construction of nonmotorized vehicular and pedestrian trails within the stream setback.

ANALYSIS

A. General Plan Consistency

Land Use Element: The property is located in the Downtown Commercial land use designation and Downtown Historic District Character Area overlay designation. The Character Area overlay designation envisions showcasing the Napa River through the development of a promenade that would service as a convenient and attractive accessway from public parking areas to the downtown, as directed in the policies below:

> *Expand commercial/office development and/or parking at the Fire Station parking lot area and require improvements along the river frontage to facilitate development of a river promenade (GP LU-38, bullet 5).*
>
> *Enhance pedestrian connections by preserving and creating accessways from Lincoln Avenue to the Sharpsteen/Police Station Plaza, First Street, Fire Station parking lot, Gerrard Street and Elm Street (LU-43, bullet 5).*
>
> *When appropriate, enhance pedestrian connections to and along the Napa River with the goal of creating a river promenade (LU-43, last bullet).*

Opens Space and Conservation Element: Calistoga's General Plan promotes public accessibility to the Napa River and to its tributary creeks while ensuring that increased public access is managed so as to protect these areas from adverse environmental impacts such as erosion or water pollution (Open Space Objective OSC-4.4, Action A.2).

Circulation Element: Figure CIR-3 of the General Plan indicates a Class I Bike Path along the Napa River. As such, accepting the offer of land dedication from AT&T and seeking funding to develop a pathway along the Napa River is consistent with the General Plan.

B. Municipal Code Compliance

Floodplain Management Ordinance

The City of Calistoga Floodplain Management Ordinance requires any proposed construction within the floodplain of a river to obtain a development permit and to demonstrate that the project will not result in an adverse effect on its carry capacity.

While no hydraulic analysis has been completed specifically for the project, a hydraulic study was conducted for a similar project up stream of the site to determine existing channel capacities of Napa River and potential impacts of improvements on the 100-year flood elevations (Questa Engineering Corp. 2003). Based upon this analysis, the project will only result in a minor increase in the depth. The increase will not increase

the base flood elevation more than one foot, which would be considered an adverse effect.

Conservation Regulations

Improvements are proposed within the 35-foot stream setback required per CMC Section 19.08.070(B) to preserve natural resources. The Planning Commission, pursuant to CMC Section 19.08.090, may allow with a use permit improvements within the stream setback upon making the required findings. Staff believes that the proposed pier and grade beam foundation system and anchors are appropriate, which minimize cut and fill and the need for retaining walls.

C. Protected Trees

The table below lists all trees over three inches in diameter at breast height (DBH) that occur in the project area, including trees that occur within 30 feet of the proposed work area boundary. The City of Calistoga Tree Preservation Ordinance protects all trees 12 inches DBH or greater, any native oak 6 inches or greater and any Valley Oak. The California Department of Fish and Wildlife typically requires mitigation for all trees greater than three inches DBH if they occur within the stream zone.

List of Native and Non-native Trees over 3 inches Diameter in the Project Area

Tree Ref. No.	Tree Species and Common Name	Diameter-at-breast-height*	How potentially affected?
1	Valley oak *(Quercus lobata)* - native	7"	Preserved (with BMPs)
2	Black locust *(Robinia pseudo-acacia)* – non-native	5"	Preserved (with BMPs)
3	Valley oak *(Quercus lobata)* - native	22"	Preserved (with BMPs)
4	White alder (*Alnus rhombifolia*) - native	11"	Preserved (with BMPs)
5	White alder (*Alnus rhombifolia*) - native	12"	Preserved (with BMPs)
6	White alder (*Alnus rhombifolia*) - native	9"	Preserved (with BMPs)
7	White alder (*Alnus rhombifolia*) - native	9"	Preserved (with BMPs)
8 (2 trees)	White alder (*Alnus rhombifolia*) - native	3", 4" *(cluster of 2 trees)*	Preserved (with BMPs)
9	White mulberry (*Morus alba*) - non-native	4"	Pruned
10	Oregon ash (*Fraxinus latifolia*) - native	17", 14", 12"	Pruned
11	Arroyo willow (*Salix lasiolepis*) - native	15"	Removed
12	White mulberry (*Morus alba*) - non-native	15", 6", 6"	Pruned
13	White alder (*Alnus rhombifolia*) - native	3"	Preserved (with BMPs)
14	Black locust *(Robinia pseudo-acacia)* – non-native	13"	Pruned
15	White mulberry (*Morus alba*) - non-native	7"	Pruned
16	California bay (*Umbellularia californica*) - native	3", 3"	Pruned

(2 trees)		*(cluster of 2 trees)*	
17 (2 trees)	White alder (*Alnus rhombifolia*) - native	4", 8", 3" *(cluster of 2 trees)*	Preserved (with BMPs)
18	White mulberry (*Morus alba*) - non-native	9", 7"	Pruned
19	Oregon ash (*Fraxinus latifolia*) - native	3"	Preserved (with BMPs)
20	CA Wild Grape (*Vitis californica)* – native *(large woody vine >15 ft high)*	4", 5"	Preserved (with BMPs)
21	Fremont cottonwood (*Populus fremontii*) -native	44"	Preserved (with BMPs)
22	Black locust *(Robinia pseudo-acacia*) – non-native	11"	Preserved (with BMPs)
23	Arroyo willow (*Salix lasiolepis*) - native	10", 10"	Preserved (with BMPs)
24	Valley oak *(Quercus lobata)* - native	8"	Preserved (with BMPs)
25	Tree-of-heaven (*Ailanthus altissimus*) – non-native	19"	Pruned
26	Coast live oak (*Quercus agrifolia*) – native	18"	Preserved (with BMPs)

**more than one value indicates multiple trunks*

Six trees over 3 inches DBH would be permanently removed, including 2 native trees (arroyo willow and California bay) and 4 non-native trees (black locust, tree-of-heaven and white mulberry). A few trees might need to be pruned during construction. No white alder or other riparian trees directly influenced by the river would be affected; only upland trees above the 100-year floodplain would be affected. The arroyo willow that would be removed occurs at the top of the bank, approximately 12 vertical and horizontal feet from ordinary high water, at the toe of the existing retaining wall. The non-native tree species to be removed are considered invasives in wildland settings (CalIPC 2006) but they nevertheless provide shade, bank stabilization, habitat function and values in the project area.

Indirect impacts to 20 additional trees may occur because ground-disturbing work may take place within the dripline of these trees, and a few might require pruning. Excavation and soil compaction or cut and fill construction around the roots of some older or larger trees can cause substantial damage to the root system, although young trees are more tolerant of such disturbance. Placing fill, particularly compacted fill and paving, within the drip line of a mature tree can restrict or prohibit the exchange of gases—roots must receive adequate oxygen and not be subjected to buildups of carbon dioxide and other toxic gases (Harris 1983). Even loose fills placed in the root zone interfere with the movement of water, leading to root and crown rot. Lowering the soil level under a tree canopy can seriously damage roots and may even impair the stability of a tree (Harris 1983). Lowering the grade on one side of a tree at the drip line removes approximately 15 percent of the root system but can be compensated for in a healthy or stable tree (Harris 1983). Excavating back to within half the distance from the

trunk to the drip line would remove about 30 percent of the root system, seriously impairing tree stability and the ability to obtain moisture and nutrients.

Although the number of trees removed or potentially impacted is small, the loss of trees in a riparian corridor is in conflict with local plan policies and state laws governing the protection of streams and associated habitat, and contributes incrementally to the overall loss of habitat from past, present, and anticipated future projects along the Napa River. The loss of trees will be addressed through compliance with the tree preservation ordinance, compensatory mitigation and restoration. These measures include replacing non-natives with natives, removing giant reeds, leaving the largest trunks of felled trees on the ground, and promoting crown-sprouting of trees that are temporarily impacted. These measures will be described in more detail in a Tree Protection and Replacement Plan that will be prepared for this project.

FINDINGS

To reduce repetition, all of the necessary findings to approve the conditional use permit application are contained in the draft resolution.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA), the City of Calistoga Planning and Building Department prepared an Initial Study/Mitigated Negative Declaration for the project. Potentially significant impacts to air quality, biological resources, cultural resources, greenhouse gas emissions, noise and utilities / service systems were identified. The applicant has agreed to incorporate mitigation measures into the project to offset these impacts; therefore, the Planning and Building Department determined that the proposed project as amended by mitigation measures would not have a significant adverse impact on the environment.

The Initial Study/Mitigated Negative Declaration was sent to the State Clearinghouse for distribution to state agencies. A Notice of Intent to Adopt a Mitigated Negative Declaration was sent to adjoining properties and a Notice of Public Hearing were sent to all property owners within 300 feet of the subject site. The notice advised of the public comment period and also advised that additional comments would be taken at the public hearing. Prior to any project approvals, the Planning Commission will need to adopt the Mitigated Negative Declaration. CEQA requires the lead agency to consider the environmental document in conjunction with the comments received. If the comments contain substantial evidence supporting a fair argument that the project may actually produce significant environmental impacts, the lead agency must find a way to mitigate the impacts to a level of insignificance, and then recirculate a revised proposed negative declaration or prepare an EIR.

The City has received one comment letter from the California Department of Fish and Wildlife (CDFW) dated July 23, 2013. In its letter the agency expressed concerns regarding 1) the introduction of public access in the riparian corridor, 2) adequate tree protection, 3) bird nesting buffers, and 4) potential impacts on the Swainson's hawk.

CDFW believes that the pathway will have a long term negative effect on the riparian corridor due to "prolonged exposure to deleterious debris, increased dispersal of invasive species, and disturbance to reproductive success" resulting from public access. Contrary to CDFW, Staff finds that these effects are not anticipated above and beyond what currently exists because the public is already present in the area. The project site is located in an urbanized area. Located across from the project on the south side of the Napa River is the Calistoga Inn, which has an outdoor dining patio at the river's edge. East of the project site is a public parking lot and to the west of the project site is Lincoln Avenue (State Route 29). Therefore, the project area is already exposed to public activity. Additionally it should be noted that the primary purpose of this project is to stabilize the river bank and support the existing building. To achieve consistency with the General Plan, a pathway has been incorporated into the design in a manner that does not create additional impacts above and beyond those anticipated by the installation of the building's structure supports. The proposed project will result in the stabilization of the bank and removal of nonnative invasive species, which is an overall benefit to the river channel.

As suggested by CDFW, Mitigation Measures BIO-3 and BIO-6 have been amended to address adequate tree protection and bird nesting buffers, as follows:

> ***Mitigation Measure BIO-3: Preconstruction Nest Surveys and Construction Exclusion Zones.***
> *Mitigation Measure BIO-3: If construction would take place outside of the nesting season (August to January), then preconstruction nest surveys would not be necessary. However, if construction would take place during the nesting season (February-July), then preconstruction nest surveys shall be conducted as follows in order to avoid any potential impacts to nesting birds.*
>
> *The Property Owner shall retain a qualified biologist to conduct preconstruction nesting surveys within two weeks days prior to the start of construction. If raptors or special-status birds are nesting within 200 feet of the project site, a ~~minimum 200-foot~~ non-disturbance buffer shall be established around the nest site as deemed necessary by the qualified biologist in consultation with the California Department of Fish and Wildlife. If a non-special-status bird that is subject to the Migratory Bird Treaty is identified nesting on the project site or within 50 feet of the project site, a non-disturbance buffer of 50 feet shall be established around the nest site. The 200-foot nesting buffer may be modified to a minimum of 100 foot if a qualified biologist determines that the nesting birds are acclimated to human disturbance. Any reduction in the buffer size would require routine monitoring by a qualified biologist until such time that young fledge (leave the nest).*

Mitigation Measure BIO-6: Tree Protection Plan

Mitigation Measure BIO-6: Prior to building permit issuance, a Tree Protection and Replacement Plan consistent with Chapter 19.01 shall be reviewed and approved by the Public Works Department. All existing trees within the riparian area adjacent to the project site, except for two native trees (arrow willow and bay tree) and four non-native trees (black locust, tree of heaven and white mulberry) shall be protected and preserved. 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. To the maximum extent practicable off site mitigation shall include the planting of replacement trees along the river bank near the Maxfield Pedestrian/Bicycle bridge for erosion protection subject the review and approval of the City of Calistoga Public Works Department and California Department of Fish and Wildlife~~Game~~(CDFW). A final project review letter including recommendations for future on-site enhancement opportunities shall be submitted to CDFW by the certified arborist within 30 days of project completion.

The project site is not within the breeding range or migration path of the Swainson's hawk, which is listed as a threatened species in California. Breeding of the Swainson's hawk generally occurs in the in the Central Valley (i.e., Yolo, Solano, Sacramento and San Joaquin County) and migrate to South America in the winter. Although, two nesting territories have been established in Napa County[1] the likelihood of nesting to occur on the project site or vicinity is low due to the urbanized condition and lack of tall conifer trees. Nesting sites in Calistoga are more likely to occur in the rural agricultural areas or forested hillside located toward the periphery of town in close proximity to more suitable foraging habitat. However, to prevent unforeseen impacts to the Swaison's hawk Mitigation Measure BIO-3 will mitigated in potential impact to the species.

None of the corrections or clarifications to the Draft Initial Study/Mitigated Negative Declaration identified above constitutes "substantial revision" pursuant to Section 15073.5 of the CEQA Guidelines. As a result, a recirculation of the Draft Initial Study/Mitigated Negative Declaration is not required.

RECOMMENDATIONS

A. Adopt a Mitigated Negative Declaration

B. Approve the conditional use permit application with conditions.

ATTACHMENTS

1. Vicinity Map

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[1] *Administrative Draft Solano Multispecies Habitat Conservation Plan* prepared by LSA Associates, Inc. for Solano County Water Agency, April 2009

2. Draft Mitigated Negative Declaration Resolution
3. Draft Conditional Use Permit Resolution
4. California Department of Fish and Wildlife letter dated July 23, 2013
5. Project Plans
6. Figure 3, Location of Waters of the U.S. and Trees in the Project Area (Bio Study)

Initial Study/Mitigated Negative Declaration technical appendices are available upon request at the Planning and Building Department, 1232 Washington Street, City of Calistoga. Please be advised that these documents have been distributed to the Planning Commission in advance of this meeting.

NOTE: Calistoga Municipal Code provides for a ten (10) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the City Council may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the tenth calendar day following the Commission's final determination.