

Note: Modifications made post circulation of the Initial Study / Mitigated Negative Declaration are shown in ~~strikethrough~~ and underline

CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION NO. 2013-__

ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE FOUNDATION REPAIR / HILLSIDE SUPPORT AND PATHWAY PROJECT AT 1310 LINCOLN AVENUE.

1
2 **WHEREAS**, on April 10, 2009 the applicant submitted a conditional use
3 permit application to allow the stabilization of the equipment building by installing
4 helical anchors and constructing a grade/beam retaining wall along the south
5 side of the structure located at 1310 Lincoln Avenue (APN 011-231-004) within
6 the Downtown Commercial – Design District; and

7
8 **WHEREAS**, on October 2, 2012 the City Council directed the City Manager
9 to move forward with an offer of land dedication and conveyance of the
10 appropriate easement back to AT&T at the completion of the stabilization work
11 allowing the City to install a pathway; and

12
13 **WHEREAS**, in accordance with the California Environmental Quality Act
14 (CEQA), the City of Calistoga, Planning and Building Department prepared an
15 Initial Study/Mitigated Negative Declaration, which identified potentially significant
16 impacts to air quality, biological resources, cultural resources, greenhouse gas
17 emissions, noise and utilities / service systems; and

18
19 **WHEREAS**, the applicant has agreed to incorporate the mitigation
20 measures; therefore, the proposed project as amended by mitigation measures
21 would not have a significant adverse impact on the environment; and

22
23 **WHEREAS**, the Planning Commission reviewed the mitigated negative
24 declaration prepared for the project during a public hearing on August 14, 2013.
25 During its review, the Planning Commission considered the public record,
26 including the staff report, findings, and written materials and testimony presented
27 by the applicant and the public during the hearing; and

28
29 **WHEREAS**, that on the basis of the Initial Study prepared for the project
30 the Planning Commission has determined that with the incorporation of mitigation
31 measures the Foundation Repair / Hillside Support and Pathway Project will not
32 have a significant effect on the environment and, therefore, a Mitigated Negative
33 Declaration should be adopted based on the finding that the project will not have
34 a significant adverse impact on the environment.

35
36 **NOW, THEREFORE, BE IT RESOLVED**, based on the above findings,
37 the Planning Commission hereby adopts the Mitigated Negative Declaration,
38 subject to the following Mitigation Measures and Monitoring Program:

39 **AIR QUALITY**

40
41 **Mitigation Measure AIR-1: Dust and Exhaust Control**

42 Prior to building permit or grading permit issuance, the Applicant shall prepare
43 and submit an Erosion and Sedimentation Control Plan that incorporates the
44 following Best Management Practices with notes, details and/or specifications
45 subject to the review and approval of the Public Works and Planning and Building
46 Departments.

- 47
- 48 a) Exposed soils shall be watered periodically during construction, a minimum of
49 twice daily. The frequency of watering shall be increased if wind speeds
50 exceed 15 mph. Only on-site well water, purchased city potable water (if
51 available and subject to the review and approval of the Director of Public
52 Works) or reclaimed water shall be used for this purpose. Responsibility for
53 watering shall include weekends and holidays when work is not in progress.
54
 - 55 b) During excavation activities, haul trucks used to transport soil shall utilize
56 tarps or other similar covering devices to reduce dust emissions.
57
 - 58 c) Grading and construction equipment operated during construction activities
59 shall be properly muffled and maintained to minimize emissions. Equipment
60 shall be turned off when not in use.
61
 - 62 d) Construction sites involving earthwork shall provide for a gravel pad area
63 consisting of an impermeable liner and drain rock at the construction entrance
64 to clean mud and debris from construction vehicles prior to entering the public
65 roadways. Street surfaces in the vicinity of the project shall be routinely swept
66 and cleaned of mud and dust carried onto the street by construction vehicles.
67
 - 68 e) Enclose, cover, water twice daily or apply non-toxic soil binders to exposed
69 stockpiles (dirt, sand, etc.).
70
 - 71 f) Post-construction revegetation, repaving or soil stabilization of exposed soils
72 shall be completed in a timely manner according to the approved Erosion and
73 Sediment Control Plan and verified by City inspectors prior to acceptance of
74 improvements or issuance of certificates of occupancy.
75
 - 76 g) The Developer shall designate a person with authority to require increased
77 watering to monitor the dust and erosion control program and provide their
78 name and phone number to the City of Calistoga prior to issuance of grading
79 permits.
80
81

82 **BIOLOGICAL RESOURCES**

83
84 **Mitigation Measure BIO-1: Establish Environmentally Sensitive Areas to**
85 **Protect the Napa River and Riparian Habitat**

86 Prior to construction, grading, or vegetation removal, establish the river and its
87 floodplain as Environmentally Sensitive Areas (ESA) during construction. Work
88 shall not begin until the ESAs are delineated on the ground with orange safety
89 netting under supervision of a qualified biologist. The ESA fences shall remain in
90 place for the entire duration of construction. No earth-moving activities, vegetation
91 removal, vehicles, heavy equipment, or other construction shall be permitted within
92 the ESAs.

93
94 **Mitigation Measure BIO-2: Protect Salmonids**

95 To reduce the likelihood of adverse impacts on salmonids that use the Napa
96 River corridor, in-channel construction shall be limited to the dry season (April 15
97 to October 15). If necessary, upstream passage for salmonids shall be provided
98 through or around construction sites from September 1 through October 15. The
99 determination of the need to provide passage shall be based on the occurrence
100 of more than 25 adult Chinook salmon or steelhead, on flow conditions, and on a
101 cooperative assessment of passage needs by the City, County, NMFS, and DFG.

102
103 In the event of in-channel activity, the project must provide for diversion of flow
104 around the work area during work, and the relocation of salmonids present in the
105 work area under the supervision of a qualified fisheries biologist. Implementation
106 of this measure along with Mitigation Measures BIO-1 and BIO-2, impacts to
107 salmonids, special-status aquatic species, and nesting birds would be reduced to
108 less than significant through avoidance, revegetation, and compensation where
109 necessary.

110
111 **Mitigation Measure BIO-3: Preconstruction Nest Surveys and Construction**
112 **Exclusion Zones.**

113 If construction would take place outside of the nesting season (August to
114 January), then preconstruction nest surveys would not be necessary. However, if
115 construction would take place during the nesting season (February-July), then
116 preconstruction nest surveys shall be conducted as follows in order to avoid any
117 potential impacts to nesting birds.

118
119 The Property Owner shall retain a qualified biologist to conduct preconstruction
120 nesting surveys within two weeks days prior to the start of construction. If raptors
121 or special-status birds are nesting within 200 feet of the project site, a ~~minimum~~
122 ~~200-foot~~ non-disturbance buffer shall be established around the nest site as
123 deemed necessary by the qualified biologist in consultation with the California
124 Department of Fish and Wildlife. If a non-special-status bird that is subject to the
125 Migratory Bird Treaty is identified nesting on the project site or within 50 feet of
126 the project site, a non-disturbance buffer of 50 feet shall be established around

127 the nest site. The 200-foot nesting buffer may be modified to a minimum of 100
128 foot if a qualified biologist determines that the nesting birds are acclimated to
129 human disturbance. Any reduction in the buffer size would require routine
130 monitoring by a qualified biologist until such time that young fledge (leave the
131 nest).

132

133 **Mitigation Measure BIO-4: Preconstruction Pallid Bat Surveys**

134 A qualified biologist shall conduct a habitat assessment for potentially suitable
135 bat habitat within six months of Project activities. If the habitat assessment
136 reveals suitable bat habitat, tree trimming, tree removal and/or building
137 demolition should only be conducted under supervision of a qualified biologist
138 during seasonal periods of bat activity (August 31 through October 15, when
139 young would be self-sufficiently volant and prior to hibernation, and March 1 to
140 April 15 to avoid hibernating bats and prior to formation of maternity colonies).
141 To reduce the use of suitable habitat features by bats, trees and building
142 demolition should occur in a two-phased removal system conducted over two
143 consecutive days. In the afternoon of the first day, tree limbs and branches
144 would be removed by a tree cutter using chainsaws only. Tree limbs with
145 cavities, crevices and deep bark fissures should be avoided, and only branches
146 or limbs without those features would be removed. Exterior areas of buildings
147 should be removed or demolished, but roof tops and overhanging exterior
148 structures that may provide habitat should be left in place. On the second day,
149 the entire tree or structure would be removed.

150

151 **Mitigation Measure BIO-5. Avoid, Repair, and Revegetate Riparian and**
152 **Aquatic Habitat**

153 To the extent possible, the Property Owner shall avoid and minimize impacts to
154 riverine and aquatic habitat through the following actions:

- 155 • Avoid impacts to riparian trees and riparian habitat to the extent feasible.
- 156 • Remove sediments and foreign materials deposited by construction
157 activities from the riparian and riverine habitat.
- 158 • Restore disturbed waters to original contour and hydrologic condition.
- 159 • Reestablish riparian vegetation using native seed stock, container plants,
160 and/or cuttings collected from as close to the impact vicinity as possible.
- 161 • Implement stream bank stabilization measures such as placement of
162 willow wattles and covering disturbed stream banks with a biodegradable
163 fiber (jute) cloth, coconut fiber rolls, or another similar erosion control
164 fabric.
- 165
- 166 • Spread a cover of straw, rice straw if available, over disturbed soils and
167 work into soil. Apply an organically based tackifier on disturbed areas, if
168 necessary, to reduce air and water erosion of soils.

- Plants shall be installed, maintained and replaced such that 70 percent of the design plant density is present on the five-year anniversary of plant installation.

Mitigation Measure BIO-6: Tree Protection Plan

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 WildlifeGame(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.

CULTURAL RESOURCES

Mitigation CR-1: Treatment of Archaeological Resources Discovered During Construction

If archaeological materials are encountered during construction activities, the Contractor shall stop all work within a fifteen foot radius of the discovery and notify the City Engineer of the discovery. The find shall be inspected by a qualified archaeologist. The City shall ensure that the construction contractor personnel are informed that collecting archaeological materials discovered during construction is prohibited by law.

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

211 **Mitigation CR-2: Treatment of Human Remains, Associated Grave Goods,**
212 **or Items of Cultural Patrimony**

213 If human remains are encountered during construction activities, there shall be
214 no further excavation or disturbance of the remains, or nearby area until the
215 Napa County Coroner has made the necessary findings as to origin, in
216 accordance with Health and Safety Code 7050.5. In accordance with Public
217 Resources Code 5097.98 if the coroner believes the human remains to be those
218 of a Native American, he or she shall contact, by telephone within 24 hours the
219 Native American Heritage Commission. The Native American Heritage
220 Commission shall immediately notify the most likely descendent (MLD). The
221 descendent shall inspect the site of the discovery and may recommend the
222 means for treating or disposing, with appropriate dignity, the human remains and
223 any associated grave goods. The descendants shall complete their inspection
224 and make their recommendation within 48 hours of their notification by the Native
225 American Heritage Commission. The remains shall not be damaged or disturbed
226 by further development until the City has discussed and conferred with the MLD
227 regarding their recommendations.

228

229 **GREENHOUSE GAS EMISSIONS**

230

231 **Mitigation Measure GHG-1: Reduce Greenhouse Gases**

232 The contractor shall implement the following performance-based best
233 management practices during construction as recommended by the Bay Area Air
234 Quality Management District (2009 BAAQMD CEQA Air Quality Guidelines):

- 235 • Alternative-fueled (e.g., biodiesel, electric) construction
236 vehicles/equipment of at least 15 percent of the fleet;
- 237 • Recycle at least 50 percent of construction waste or demolition materials.

238

239 **NOISE**

240

241 **Mitigation Measure NOI-1: Equipment Noise Controls**

242 The Property Owner and its contractor shall control equipment noise, including
243 any construction staging areas. Measures may include, but not be limited to:

244

- 245 • The operation hours of heavy equipment shall be limited to Monday
246 through Friday from 8:00 am to 11:30 am, unless otherwise allowed by the
247 Planning and Building Department.
- 248 • Newer equipment with improved noise muffling shall be used to the extent
249 feasible and manufacturers' recommended noise abatement measures,
250 such as mufflers, engine covers, and engine vibration isolators shall be
251 intact and operational.

- 252 • Construction equipment shall be inspected weekly to ensure proper
253 maintenance and presence of noise control devices (e.g., mufflers and
254 shrouding, etc.).
- 255 • Wherever possible, hydraulic tools shall be used instead of pneumatic
256 impact tools.

257
258 **UTILITIES AND SERVICE SYSTEMS**

259
260 **Mitigation Measure UTIL-1: Reuse of Excavated Non-Hazardous Soil**

261 The contractor shall use reuse sites to dispose of excavated soil/streambed
262 materials to the extent feasible to reduce the amount of soil disposed of at a
263 landfill.

264
265 **APPROVED AND ADOPTED** by the Planning Commission of the City of
266 Calistoga at a regular meeting held this 14th day of August 2013, by the following
267 vote:

268
269
270 **AYES:**

271 **NOES:**

272 **ABSENT:**

273 **ABSTAIN:**

274
275
276
277 _____
278 JEFF MANFREDI, Chairman

279
280 **ATTEST:**

281
282
283 _____
284 LYNN GOLDBERG, Planning Commission Secretary