

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION NO. 2014-__**

**ADOPTING A MITIGATED NEGATIVE DECLARATION FOR PARCEL MAP PM
2013-1 DIVIDING THE PROPERTY COMMONLY REFERRED TO AS ASSESSOR
PARCEL NUMBER 011-351-007, INTO 3 PARCELS**

1
2 **WHEREAS**, on October 8, 2013, the property owners submitted a parcel map to
3 divide the property commonly referred to as Assessor Parcel Number 011-351-007, into
4 3 parcels; and

5 **WHEREAS**, in accordance with the California Environmental Quality Act (CEQA),
6 the City of Calistoga, Planning and Building Department prepared an initial study/CEQA
7 checklist, which identified potentially significant impacts to aesthetics, air quality,
8 biological resources, cultural resources, geology/soils, hydrology/water quality, noise,
9 utilities/service systems and mandatory findings of significance; and

10 **WHEREAS**, the property owners have agreed to incorporate mitigation
11 measures; therefore, the proposed project as amended by mitigation measures would
12 not have a significant adverse impact on the environment; and

13 **WHEREAS**, the Planning Commission reviewed mitigated negative declaration
14 prepared for the project during a public hearing on February 26, 2014. During its
15 review, the Planning Commission considered the public record, including the staff
16 report, findings, and written materials and testimony presented by the property owners
17 and the public during the hearing; and

18 **WHEREAS**, that on the basis of the initial study prepared for the project the
19 Planning Commission has determined that the parcel map will not have a significant
20 effect on the environment based on the finding that the project, with the incorporation of
21 mitigation measures, will not have a significant adverse impact on the environment; and

22 **NOW, THEREFORE, BE IT RESOLVED**, based on the above findings, the
23 Planning Commission hereby adopts the mitigated negative declaration, subject to the
24 following mitigation measures and monitoring and reporting program.

25 **AESTHETICS**

26 Mitigation Measure AES-1: Any new construction or additions on the property formerly
27 referred to as APN 011-351-007 shall be subject to an administrative design review
28 approval pursuant to Chapter 17.06 of the Calistoga Municipal Code, unless the
29 Planning Commission's review is deemed necessary. Each design review application
30 shall be accompanied by a completed application on application forms provided by the
31 City, and appropriate filing fees. The form and contents of the design review
32 applications shall conform to the Declaration of Restrictions for Parcels in the White
33 Subdivision, the Zoning Code, and the General Plan, and shall contain the information
34 requirements of the City of Calistoga Planning and Building Department in effect at the
35 time the application is filed.

37 **AIR QUALITY**

38 Mitigation Measures AIR-1: Prior to building permit or grading permit issuance, the
39 applicant shall prepare and submit an Erosion and Sedimentation Control Plan that
40 incorporates the following Best Management Practices with notes, details and or/
41 specifications subject to the review and approval of the Public Works and Planning and
42 Building Departments.

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

68 **BIOLOGICAL RESOURCES**

69 Mitigation Measure BIO-1:

- 70 1. A qualified biologist shall conduct a habitat assessment for potentially-suitable
71 bat habitat within six months of project activities.
- 72 2. If the habitat assessment reveals suitable bat habitat, tree trimming, or removal
73 shall only be conducted under supervision of a qualified biologist during seasonal
74 periods of bat activity (August 31 through October 15, when young would be self-
75 sufficiently volant and prior to hibernation, and March 1 to April 15 to avoid
76 hibernating bats and prior to formation of maternity colonies).
- 77 3. To reduce the use of suitable habitat features by bats, tree trimming or removal
78 shall occur in a two-phased removal system conducted over two consecutive

79 days. In the afternoon of the first day, tree limbs and branches shall be removed
80 by a tree cutter using chainsaws only. Tree limbs with cavities, crevices and
81 deep bark fissures shall be avoided, and only branches or limbs without those
82 features shall be removed. Exterior areas of buildings shall be removed or
83 demolished, but roof tops and overhanging exterior structures that may provide
84 habitat shall be left in place. On the second day, the entire tree may be removed.

85 Mitigation Measure BIO-2: If construction takes place during the nesting season
86 (February-August), pre-construction nest surveys shall be conducted as follows in order
87 to avoid any potential impacts to nesting birds.

- 88 1. Nest surveys shall be conducted no earlier than 14 days prior to tree removal
89 and/or breaking ground. Surveys shall be conducted a minimum of 3 separate
90 days during the 14 days prior to disturbance and shall include an area within 300
91 feet of project activities.
- 92 2. In the event that nesting birds are found, the project manager shall consult with
93 the California Department of Fish and Wildlife and obtain approval for nest-
94 protection buffers prior to tree removal and/or ground-disturbing activities.
- 95 3. Nest-protection buffers shall remain in effect until the young have fledged.
- 96 4. All nest-protection measures shall apply to off-site impacts and within 300 feet of
97 project activities.
- 98 5. If a lapse in project-related work of 15 days or longer occurs, another focused
99 survey shall be conducted, and if required, consultation with DFW, before project
100 work is reinitiated.

101 Mitigation Measure BIO-3: Prior to issuance of a building or grading permits, a Tree
102 Protection and Replacement Plan consistent with Calistoga Municipal Code Chapter
103 19.01 shall be reviewed and approved by the Public Works Department. All
104 requirements and restrictions contained in Chapter 19.01 shall be complied with,
105 including the incorporation of replacement trees for those trees slated for removal per
106 the Declaration of Restrictions for the Parcels in the White Subdivision Project, as well
107 as any recommendations of the project arborist. The replacement trees shall be native
108 indigenous species that are 24-inch box or larger.

109 **CULTURAL RESOURCES**

110 Mitigation Measure CR-1:

- 111 1. During ground-disturbing activities, a qualified cultural resource consultant shall
112 be present to monitor the site and activities.
- 113 2. If archaeological, historical, paleontological resources or other human remains
114 are encountered, all construction activity in the affected area shall cease and no
115 materials shall be removed until the qualified professional surveys the site and
116 mitigation measures can be proposed by the qualified professional to the
117 satisfaction of the Planning Division for approval and subsequent implementation
118 as provided in Mitigation Measure CR-2.

120 Mitigation Measure CR-2:

- 121 1. Construction contractor personnel shall be informed that collecting
122 archaeological materials discovered during construction is prohibited by law.
- 123 2. If archaeological materials are encountered during construction activities, all work
124 within a fifteen foot radius of the discovery shall stop and the Planning Division
125 shall be notified of the discovery. The find shall be inspected by a qualified
126 archaeologist. If the archaeologist determines that the find is potentially
127 significant (e.g., meets the definition of historic resource or unique archaeological
128 resource), the archaeologist shall recommend appropriate treatment.

129 Mitigation Measure CR-3:

- 130 1. If human remains are encountered during construction activities, there shall be
131 no further excavation or disturbance of the remains or nearby area until the Napa
132 County Coroner has made the necessary findings as to origin.
- 133 2. If the Coroner believes the human remains to be those of a Native American, he
134 or she shall contact, by telephone within 24 hours the Native American Heritage
135 Commission.

136 **GEOLOGY AND SOILS**

137 Mitigation Measure GEO-1: Prior to the issuance of a grading or building permit for any
138 portion of the project site, a final design-level geotechnical, geologic and seismic
139 hazards investigation prepared by a qualified geotechnical engineer and certified
140 engineering geologist, and that complies with all applicable state and local code
141 requirements, shall be submitted to the Planning and Building Department.

142 The final design-level geotechnical investigation shall:

- 143 1. Include an analysis of the expected ground motions at the site using accepted
144 methodologies
- 145 2. Determine structural design requirements as prescribed by the most current
146 version of the California Building Code
- 147 3. Determine the final design parameters for walls, foundations, foundation slabs,
148 utilities, parking lots, sidewalks, and other surrounding improvements.

149 **HYDROLOGY AND WATER QUALITY**

150 Mitigation Measure HYD-1: Prior to issuance of a grading or building permit, the permit
151 holder shall submit a stormwater drainage plan for approval by the Planning and Building
152 Department in conformity with the National Pollution Discharge Elimination System and
153 including Best Management Practices (BMP) as described in the California Stormwater
154 BMP Handbook or equivalent.

155 **NOISE**

156 Mitigation Measure NOISE-1: Each building permit for construction of a residence on
157 the site shall be accompanied by a construction noise mitigation plan subject to the
158 City's review and approval. The following conditions shall be incorporated into the
159 mitigation plan to reduce construction noise impacts:

- 160 1. Muffle and maintain all equipment used on site. All internal combustion engine-
161 driven equipment shall be fitted with mufflers, which are in good condition. Good
162 mufflers shall result in non-impact tools generating a maximum noise level of 80
163 dB when measured at a distance of 50 feet.
- 164 2. Utilize "quiet" models of air compressors and other stationary noise sources
165 where technology exists.
- 166 3. Locate stationary noise-generating equipment as far as possible from sensitive
167 receptors when sensitive receptors adjoin or are near a construction project area.
- 168 4. Prohibit unnecessary idling of internal combustion engines.
- 169 5. Prohibit audible construction workers' radios on adjoining properties.
- 170 6. Pursuant to the Municipal Code, restrict noise-generating activities at the
171 construction site or in areas adjacent to the construction site to the hours
172 between 7:00 a.m. and 7:00 p.m., Monday through Saturday, and not at all on
173 Sundays and holidays.
- 174 7. Allowable construction hours shall be posted clearly on a sign at the construction
175 site.
- 176 8. Designate a "noise disturbance coordinator" who is responsible for responding to
177 any local complaints about construction noise. The disturbance coordinator shall
178 determine the cause of the noise complaint (e.g., starting too early, bad muffler)
179 and require that reasonable measures warranted to correct the problem be
180 implemented. Conspicuously post a telephone number for the disturbance
181 coordinator at the construction site.

182
183 PASSED AND ADOPTED by the Planning Commission of the City of Calistoga at
184 a regular meeting held this 26th day of February 2014, by the following vote:

185
186 AYES:
187 NOES:
188 ABSENT:
189 ABSTAIN:

190
191 _____
192 JEFF MANFREDI, CHAIR
193

194 ATTEST:

195
196
197 _____
198 LYNN GOLDBERG
199 Planning Commission Secretary