

RESOLUTION NO. 2009-093**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION BASED ON THE INITIAL STUDY PREPARED FOR REVISIONS TO THE MASTER PLAN FOR LOGVY COMMUNITY PARK LOCATED AT 1745 WASHINGTON STREET (APNs 011-410-009 and 011-140-056) WITHIN THE PUBLIC / QUASI-PUBLIC ZONING DISTRICT**

WHEREAS, the City of Calistoga is proposing to revise the approved Master Plan for development of Logvy Community Park located at 1745 Washington Street within the "P", Public / Quasi-Public Zoning District (APNs 011-410-009 and 011-140-056); and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the City of Calistoga Planning and Building Department prepared an Initial Study that identified potentially significant impacts to aesthetics, air quality, archaeological resources, biological resources, geology and soils, noise, public services, traffic and water quality; and

WHEREAS, the Planning Commission considered the draft Initial Study and Mitigated Negative Declaration at its regular meeting on September 9, 2009, and, after receiving written and oral reports by the staff and public testimony, passed PC Resolution 2009-23 recommending that the City Council adopt the Mitigated Negative Declaration; and

WHEREAS, the City Council has reviewed and considered the draft Initial Study and Mitigated Negative at its regular meeting on October 6, 2009, and prior to taking action on the policy the Council received written and oral reports by the staff and received public testimony; and

WHEREAS, it has been determined in the Initial Study prepared for the Logvy Community Park Master Plan revision that, with incorporation of certain mitigation measures, the proposed Master Plan revisions will not have a significant effect on the environment and, therefore, a mitigated negative declaration can be adopted based on the following findings.

1. An Initial Study was prepared pursuant to the California Environmental Quality Act and has been considered as a result of this project and although the project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures to reduce all impacts to a level of insignificance or to avoid such impacts have been identified and will be incorporated into the project. A Mitigated Negative Declaration should therefore be prepared with the mitigation measures to be incorporated as Conditions of Approval in subsequent approvals of required entitlements and/or part of the design of future improvement plans.
2. As mitigated, this project will not result in any significant adverse environmental impacts. There is no evidence that this project will result in any adverse impacts to fish and wildlife habitat.

NOW, THEREFORE, BE IT RESOLVED that based on the above Findings, the City Council of the City of Calistoga hereby adopts a Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Plan including the following Mitigation Measures:

Aesthetics

AESTH-1 (Tree Removal and Replacement): For each tree protected under Title 19 of the Calistoga Municipal Code that is removed, three (3) new trees or one (1) 24-inch box size tree (3 tree equivalent) shall be planted on site. Replacement plantings shall occur as part of project construction in accordance with the schedule identified below:

Standard	24-Inch Box	Tree Mitigation	Master Plan Phase
5	6	23	Veteran's Memorial
10	2	16	Teen Center / Art Center Building
	2	6	Recreation Office / Program Building
	4	12	Pool Party Room
	5	15	Bocce Courts
	2	6	Sports Court / Fitness Building
21	3	30	Bike Path / Napa River Corridor Restoration.
Total Tree Mitigation: 108			

AESTH-2 (Tree Removal and Replacement): Prior to approval or installation of a project phase where trees will be removed and/or replacement trees are required to be planted, a Tree Removal and Replacement Plan shall be submitted for review and approval by the Public Works Department. All requirements and restrictions contained in Chapter 19.01 of the Calistoga Municipal Code (CMC) shall be complied with, including incorporation of replacement trees (as required in the table above) and recommendations of the Project Arborist into the project.

AESTH-3 (Lighting): All lighting shall be hooded, shielded and directed downward and shall be designed and equipped with motion detector switching and/or timers. All lighting fixtures shall be reviewed and approved by the Planning and Building Department prior to installation.

Air Quality

AQ-1 (Dust and Exhaust Control): Prior to construction, 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.

- 1) Exposed soils shall be watered periodically during construction, a minimum of three times 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.
- 2) During excavation activities, haul trucks used to transport soil shall utilize tarps or other similar covering devices to reduce dust emissions or maintain at least two feet of freeboard.

- 3) Grading and construction equipment operated during construction activities shall be properly muffled and maintained to minimize emissions. Equipment shall be turned off when not in use.
- 4) 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.
- 5) Enclose, cover, water three times daily or apply (non-toxic) soil binders to exposed stockpiles.
- 6) 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.
- 7) The Contractor shall designate a person with the authority to require increased watering to monitor the dust and erosion control program and provide name and phone number to the City of Calistoga prior to issuance of grading permits.

Biological Resources

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

BIO-2 (Non-Native Invasive Plant Species): Non-native invasive plant species shall be removed in the areas where existing perimeter fencing along the southerly portion of the site is being replaced or modified and revegetated with native trees, shrubs, and herbs to improve plant diversity and wildlife cover and foraging habitat. Monitoring and survival counts shall be conducted yearly by the Public Works Department for the first three years.

BIO-3 (Raptor Nesting): If project construction is to occur from February 1 through August 31 a qualified biologist shall conduct pre-construction surveys of all potential nesting habitats within 150 feet of project activities. If nesting birds are identified on the project site or within the surveyed area, a non-disturbance buffer (determined in coordination with the California Department of Fish and Game) shall be established around the nest tree during the breeding season or until the young have fledged. If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied, no further mitigation measures are required. Raptor or other bird nests initiated during construction are presumed to be unaffected and no buffer is necessary. However, the "take" of any individuals is prohibited.

BIO-4 (Wildlife Movement): The existing six (6) foot tall wire mesh fence presently located to the south and west of the pool facility and parking lot shall be replaced with a new fence or modified to allow for unobstructed migration and/or movement of wildlife in and out of the Napa River corridor. The design of the fencing shall be determined in coordination with the California Department of Fish and Game.

BIO-5 (Tree Protection): Any construction activity or development to be carried out within an area designated as a "Non-Intrusion Zone" shall be subject to review and approval by an Arborist.

BIO-6 (Tree Protection): Before the start of any on-site work, every tree within or immediately adjacent to the area of on-site work that is not designated for removal shall have a temporary protective fence installed around it at the outer margin of the root protection zone. The fence shall remain in place and be properly maintained for the duration of all work at the site.

BIO-7 (Tree Protection): Before the start of any work, an Arborist will establish a buffer zone around each existing/ protected native Oak tree. Plant species, requiring high amount irrigation, such as grass, will not be planted in this protective buffer zone to ensure that the oak trees are not subjected to overwatering.

BIO-8 (Tree Protection): The final alignment of the planned bicycle and pedestrian path along the Napa River shall be designed to avoid passing too close to the mainstem of any tree located in the vicinity of the pathway that has not been designated for removal. If surface roots are crossed, a slight rise in the path should be considered to avoid root loss. The percent incline or decline shall comply with the requirements of the City's Municipal Code.

BIO-9 (Tree Protection): All pruning should be performed by a certified arborist and overseen by the consulting arborist or a representative of the Public Works Department who is qualified to monitor pruning procedures. Pruning cuts and pruning applications shall comply with A300 Pruning Standards established by ANSI.

BIO-10 (Napa River Corridor): The City shall consult with the California Department of Fish and Game prior to approval or construction of any capital improvement within the theoretical top-of-bank of the Napa River (e.g., the area within a 2:1 slope from the toe-of-bank).

Cultural Resources

CR-1 (Archeological Resources): Regarding known deposits of archaeological artifacts, one of the following two measures will be taken prior to construction:

- (1) The Master Plan will be redesigned so that the project would completely avoid all archaeologically sensitive areas and none of the resources are disturbed or damaged through the construction or use of the proposed facilities.

OR

- (2) Excavation and recovery of prehistoric resources by qualified archaeological personnel will occur prior to construction of improvements contemplated in the revised Master Plan. All excavated resources will be moved to appropriate locations for preservation.

CR-2 (Archaeological Resource): Prior to the initiation of ground-disturbing activities, all construction personnel should be alerted to the possibility of buried cultural materials. Cultural

materials may include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Personnel should be instructed that upon discovery of buried cultural materials, work in the immediate vicinity of the find should cease and a qualified archaeologist should be contacted immediately.

CR-3 (Archaeological Resource): If previously unknown human remains are encountered during construction, the County Coroner and an appropriate representative of local Native American groups (or the Native American Heritage Commission) should be informed and consulted, as required by State law, for disposition of these remains in a dignified manner. A qualified archaeologist should be contacted to evaluate whether a cemetery, with scientific or historic value, has been uncovered. Development of any archaeological data recovery plan should involve the City, representation of the local Native American community, and a qualified archaeologist.

CR-4 (Archeological Resource): Prior to the initiation of ground-disturbing activities in the maintenance yard area (western portion) of the project site, a professional archaeologist shall be retained to conduct a more detailed survey of the area and develop appropriate plans for protecting potential archaeological resources and/or for mitigating impacts to potential archaeological resources in this area.

CR-5 (Archaeological Resource): Prior to the initiation of ground-disturbing activities in the eastern portion of the project site, a professional archaeologist shall be retained to observe all construction and/or ground disturbing activities in this area of the project site.

CR-6 (Archaeological Resource): An interpretive display shall be integrated into the site to educate visitors about the nature of archaeological artifacts found on the site, the nature of previous Native American use of the site, and the ways in which on-site resources were evaluated and preserved.

Geology & Soils

GEO-1 (Soils and Geology): Prior to the approval of future improvement plans, a geotechnical report shall be prepared and submitted. The recommendations of the geotechnical report shall be incorporated into the project design prior to issuance of grading or building permits for review and approval of the Public Works and Planning and Building Departments.

Hydrology & Water Quality

WQ-1 (Stormwater Quality): Prior to issuance of a grading or building permit, a stormwater drainage plan shall be prepared and implemented for each phase of construction in conformance with the National Pollution Discharge Elimination System and including Best Management Practices (BMP) as described in the California Stormwater BMP Handbook or equivalent.

WQ-2 (Drainage): Prior to grading permit issuance, the Public Works, Planning and Building Departments shall have reviewed and approved all drainage improvements. Said improvement plans shall be designed by a civil engineer and in accordance with the Napa County Design Criteria and any applicable adopted City standards. The capacity and condition of existing drainage facilities downstream of the development shall be analyzed and off-site drainage improvements shall be constructed as necessary. Site grading and drainage improvements shall be shown on the improvement plans.

WQ-3 (Pollution): Prior to approval of any project phase that includes construction of a parking area, the Public Works Department will evaluate alternatives for managing pollutants in surface water runoff from the proposed parking area (including those contained in the California Stormwater Best Management Practices Handbook) and identify appropriate management measures for implementation as part of the project.

WQ-4 (Pollution): No discharge of hazardous materials shall be allowed in ground or surface waters or on the land. All hazardous materials shall be stored and managed.

WQ-5 (Pollution): All drainage inlets shall be permanently marked "No Dumping-Flows to River".

Noise

N-1 (Construction Noise): Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays, and from 9:00 a.m. to 5:00 p.m. on Saturdays. No noise generating construction activities shall be permitted on Sundays or on holidays.

N-2 (Construction Noise): All internal combustion engine-driven equipment shall be equipped with mufflers which are in good condition and appropriate for the equipment.

N-3 (Construction Noise): "Quiet" models of air compressors and other stationary noise sources shall be used where the technology exists.

N-4 (Construction Noise): Stationary noise-generating equipment shall be located as far as possible from sensitive receptors when sensitive receptors adjoin are near a construction project area.

N-5 (Construction Noise): Unnecessary idling of internal combustion engine-driven equipment shall be prohibited.

N-6 (Construction Noise): A "noise disturbance coordinator" responsible for responding to local complaints about construction noise shall be designated. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures necessary to correct the problem. The telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

N-7 (Operational Noise): As development occurs and as determined to be necessary, noise studies will be completed to assess the degree of noise impact on surrounding uses. Recommendations of the study will be implemented to lower noise impacts to acceptable levels. Such measures may include the relocation of project facilities, fences or berms on-site, or retrofitting the adjacent buildings with double-glazed windows.

N-8 (Operational Noise): The design of future buildings shall be reviewed by a qualified acoustical consultant to confirm that all potentially significant sound transmission paths from the inside to the outside have been appropriately controlled, including windows, doors and ventilation systems.

Public Services

PSF-1 (Police Services): As the individual components of the project are constructed and come into use, the City will monitor the number of requests for police assistance or protection that are

attributable to the project. The City will respond to any increase in the demand for police services by adding appropriate resources as necessary.

Transportation/Traffic

CIR-1 (Level of Service): The City will study feasible alternatives for improving circulation conditions including signalization, intersection realignment, a roundabout and other alternatives as warranted at the Impacted Intersection of Lincoln Avenue and Foothill Boulevard.

CIR-2 (Intersection Design): The intersection of N. Oak Street and Washington Street shall be reconfigured to provide a standard tee intersection alignment, including removing the centerline striping through the intersection and installing stop signs to convert the intersection to all-way stop controls in order to reduce potential conflicts as park users enter and exit the project driveway.

CIR-3 (Pedestrian Crosswalks): Crosswalk markings shall be provided at the intersection of N. Oak Street and Washington Street.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Callstoga at a regular meeting held this 6th day of October, 2009, by the following vote:

**AYES: Vice Mayor Dunsford, Councilmembers Garcia, Kraus, Slusser,
and Mayor Gingles**


NOES: None

ABSTAIN/ABSENT: None



JACK GINGLES, Mayor

ATTEST:



SUSAN SNEDDON, City Clerk