

CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION NO. 2016-1

**ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE CALISTOGA  
SENIOR APARTMENTS PROJECT AT 611 WASHINGTON STREET**

1           **WHEREAS**, the Corporation for Better Housing has submitted a design review  
2 application (DR 2015-10) for the construction of 30 apartments and related  
3 improvements at 611 Washington Street (APN 011-260-027); and

4           **WHEREAS**, in accordance with the California Environmental Quality Act (CEQA),  
5 the City of Calistoga Planning and Building Department prepared an Initial Study that  
6 identified potentially-significant, project-related impacts to air quality, biological  
7 resources, cultural resources, geology/soils, hydrology/water quality and noise; and

8           **WHEREAS**, the applicant has agreed to incorporate mitigation measures that  
9 would reduce these impacts to a less-than-significant level; therefore, the proposed  
10 project as amended by these mitigation measures would not have a significant adverse  
11 impact on the environment; and

12           **WHEREAS**, the Planning Commission reviewed the mitigated negative  
13 declaration during a public hearing on January 13, 2016 and considered the public  
14 record, including the written and oral staff reports, written materials and testimony  
15 presented during the hearing.

16           **NOW, THEREFORE, BE IT RESOLVED**, that based on the above findings, the  
17 Planning Commission hereby determines that with the incorporation of the mitigation  
18 measures attached hereto as Exhibit A, the Calistoga Senior Apartments Project will not  
19 have a significant effect on the environment and, therefore, a Mitigated Negative  
20 Declaration should be adopted.

**APPROVED AND ADOPTED** by the City of Calistoga Planning Commission at a  
meeting held the **13th day of January 2016**, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:   Coates

\_\_\_\_\_  
, Chair

ATTEST:

\_\_\_\_\_  
Lynn Goldberg, Secretary

Exhibit A

21 The monitoring of all mitigation measures shall be the responsibility of the Planning and Building  
22 Department.

23 **Mitigation Measure AIR-1: Dust and Exhaust Control During Construction**

24 The following best management practices shall be implemented during project construction:

- 25 1. Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas and unpaved  
26 access roads) shall be watered as needed to control dust.
- 27 2. Haul trucks transporting soil, sand, and other loose material off-site shall be covered.
- 28 3. Visible mud and dirt tracked onto adjacent public roads shall be removed using wet power  
29 vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- 30 4. Vehicle speeds on unpaved roads shall be limited to 15 mph.
- 31 5. Roadways, driveways and sidewalks shall be paved as soon as possible. Building pads  
32 shall be laid as soon as possible after grading unless seeding or soil binders are used.
- 33 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing  
34 the maximum idling time to five minutes. Clear signage to this effect shall be provided to all  
35 project construction workers.
- 36 7. Construction equipment shall be maintained and properly tuned in accordance with  
37 manufacturer's specifications. Equipment shall be checked by a certified mechanic and  
38 determined to be running in proper condition prior to operation.
- 39 8. Construction equipment shall not be staged adjacent to existing residences or other  
40 sensitive receptors to the extent feasible.
- 41 9. A publicly-visible sign shall be posted containing the telephone number and name of the  
42 project construction manager as a contact regarding dust complaints. This person shall  
43 respond and take corrective action within 48 hours after receiving a complaint. The Bay  
44 Area Air Quality Management District's phone number shall also be included.
- 45 10. Temporary electrical service shall be installed during construction whenever possible to  
46 avoid the need for independently-powered equipment.

47 **Mitigation Measure BIO-1: Department of Fish and Wildlife Permits**

48 Prior to the issuance of building permits, the project applicant shall apply to the California  
49 Department of Fish and Wildlife for permits to enhance the riparian zone as shown on the  
50 Preliminary Landscape Plan prepared by Susan E. McEowen dated November 9, 2015.

51 **Mitigation Measure BIO-2: Pre-construction Nest Survey and Nest Avoidance**

52 If construction takes place during the nesting season (February-August), pre-construction nest  
53 surveys shall be conducted as follows in order to avoid any potential impacts to nesting birds.

- 54 1. Nest surveys shall be conducted no earlier than 14 days prior to tree removal and/or  
55 breaking ground. Surveys shall be conducted a minimum of 3 separate days during the 14  
56 days prior to disturbance and shall include an area within 300 feet of project activities.
- 57 2. In the event that nesting birds are found, the project manager shall consult with the  
58 California Department of Fish and Wildlife and obtain approval for nest-protection buffers  
59 prior to tree removal and/or ground-disturbing activities.
- 60 3. Nest-protection buffers shall remain in effect until the young have fledged.

- 61 4. All nest-protection measures shall apply to off-site impacts and within 300 feet of project  
62 activities.
- 63 5. If a lapse in project-related work of 15 days or longer occurs, another focused survey shall  
64 be conducted, and if required, consultation with DFW, before project work is reinitiated.

65 **Mitigation Measure BIO-3: Pre-construction Pallid Bat Surveys**

- 66 1. A qualified biologist shall conduct a habitat assessment for potentially-suitable bat habitat  
67 within six months of project activities.
- 68 2. If the habitat assessment reveals suitable bat habitat, tree trimming, tree removal and/or  
69 building demolition shall only be conducted under supervision of a qualified biologist during  
70 seasonal periods of bat activity (August 31 through October 15, when young would be self-  
71 sufficiently volant and prior to hibernation, and March 1 to April 15 to avoid hibernating bats  
72 and prior to formation of maternity colonies).
- 73 3. To reduce the use of suitable habitat features by bats, trees and building demolition shall  
74 occur in a two-phased removal system conducted over two consecutive days. In the  
75 afternoon of the first day, tree limbs and branches shall be removed by a tree cutter using  
76 chainsaws only. Tree limbs with cavities, crevices and deep bark fissures shall be avoided,  
77 and only branches or limbs without those features shall be removed. Exterior areas of  
78 buildings shall be removed or demolished, but roof tops and overhanging exterior structures  
79 that may provide habitat shall be left in place. On the second day, the entire tree or structure  
80 may be removed.

81 **Mitigation Measure BIO-4: Tree Replacement Plan**

82 Prior to issuance of a building or grading permit for the project, a Tree Replacement Plan shall  
83 be reviewed and approved by the Public Works Department with consultation from the California  
84 Department of Fish and Wildlife. All requirements and restrictions contained in Chapter 19.01  
85 shall be complied with, including the incorporation of replacement trees for those trees slated for  
86 removal, as well as any recommendations of the project arborist.

87 **Mitigation Measure CR-1: Construction Monitoring**

- 88 1. During ground-disturbing activities, a qualified cultural resource consultant shall be present  
89 to monitor the site and activities.
- 90 2. If archaeological, historical, paleontological resources or human remains are encountered,  
91 all construction activity in the affected area shall cease and no materials shall be removed  
92 until the qualified professional surveys the site and mitigation measures can be proposed by  
93 the qualified professional to the satisfaction of the Planning Division for approval and  
94 subsequent implementation as provided in Mitigation Measure CR-2.

95 **Mitigation Measure CR-2: Treatment of Archaeological Resources Discovered During**  
96 **Construction**

- 97 1. Construction contractor personnel shall be informed that collecting archaeological materials  
98 discovered during construction is prohibited by law.
- 99 2. If archaeological materials are encountered during construction activities, all work within a  
100 fifteen foot radius of the discovery shall stop and the City Engineer shall be notified of the  
101 discovery.
- 102 3. The find shall be inspected by a qualified archaeologist. If the archaeologist determines that  
103 the find is potentially significant (e.g., meets the definition of historic resource or unique  
104 archaeological resource), the archaeologist shall recommend appropriate treatment.

105 **Mitigation Measure CR-3: Treatment of Human Remains**

106 If human remains or potential human remains are observed during construction, work in the  
107 vicinity of the remains shall cease, and they shall be treated in accordance with the provisions of  
108 State Health and Safety Code Section 7050.5. The protection of human remains shall follow  
109 California Public Resources Codes, Sections 5097.94, 5097.98 and 5097.99.

110 **Mitigation Measure GEO-1: Design Level Geotechnical Report**

111 Prior to the issuance of a grading or building permit for any portion of the project site, a final  
112 design-level geotechnical, geologic and seismic hazards investigation prepared by a qualified  
113 geotechnical engineer and certified engineering geologist, and that complies with all applicable  
114 state and local code requirements shall be submitted to the Planning and Building Department.

115 The final design-level geotechnical investigation shall:

- 116 1. Include an analysis of the expected ground motions at the site using accepted  
117 methodologies
- 118 2. Determine structural design requirements as prescribed by the most current version of the  
119 California Building Code
- 120 3. Determine the final design parameters for walls, foundations, foundation slabs, utilities,  
121 parking lots, sidewalks, and other surrounding improvements.

122 **Mitigation Measure GEO-2: Geotechnical Monitoring**

123 A qualified geotechnical engineer shall be present on the project site during excavation, grading,  
124 and general site preparation activities to ensure the implementation of the geotechnical  
125 mitigations contained in the final design-level geotechnical investigation.

126 **Mitigation Measure HYD-1: Stormwater Control Plan**

127 The permanent and operational runoff pollutant source control BMPs included in the project's  
128 final stormwater control plan shall be incorporated into construction plans and documents and  
129 implemented during construction and after project completion.

130 **Mitigation Measure HYD-2: Stormwater Facility Maintenance**

131 The project's stormwater treatment and flow-control facilities shall be maintained as provided in  
132 the project's final stormwater control plan.

133 **Mitigation Measure NOISE-1: Construction Noise Plan**

134 The applicant shall develop a construction noise mitigation plan subject to the City's review and  
135 approval. The following conditions shall be incorporated into the mitigation plan to reduce  
136 construction noise impacts:

- 137 1. Muffle and maintain all equipment used on site. All internal combustion engine-driven  
138 equipment shall be fitted with mufflers that are in good condition. Equip non-impact tools  
139 with mufflers that allow a maximum noise level of 80 dB when measured at a distance of 50  
140 feet.
- 141 2. Utilize "quiet" models of air compressors and other stationary noise sources where  
142 technology exists.
- 143 3. Locate stationary noise-generating equipment as far as possible from sensitive receptors.
- 144 4. Prohibit unnecessary idling of internal combustion engines.
- 145 5. Prohibit construction worker electronic devices from being audible beyond the limits of the  
146 construction site.

- 147 6. Restrict noise-generating activities at the construction site to the hours between 7:00 a.m.  
148 and 7:00 p.m., Monday through Saturday, and prohibit noise-generating activities on  
149 Sundays and holidays.
- 150 7. Designate a "noise disturbance coordinator" who is responsible for responding to any local  
151 complaints about construction noise. The disturbance coordinator shall determine the cause  
152 of the noise complaint (e.g., starting too early, bad muffler) and require that reasonable  
153 measures warranted to correct the problem be implemented. Conspicuously post a  
154 telephone number for the disturbance coordinator at the construction site.
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