

**CITY OF CALISTOGA
PLANNING COMMISSION**

RESOLUTION PC 2023-XX

**APPROVING DESIGN REVIEW DR 2021-3 FOR 15 SINGLE-FAMILY RESIDENCES
AT 2008 GRANT STREET (APN 011-010-033)**

WHEREAS, on February 8, 2021, the Planning and Building Department received an application from Civic Park Properties requesting a tentative map (TM 2021-1) and design review (DR 2021-3) approval to allow for the development of a residential subdivision consisting of 15 residential lots for single-family residences and 6 parcels to be utilized as open space and access at 2008 Grant Street (APN 011-010-033); and

WHEREAS, on February 7, 2022, public notice of the March 23, 2022, Planning Commission meeting to consider the request was published in the Calistoga Tribune, mailed to all property owners within 600 feet of the property at 2008 Grant Street in compliance with state and local law; and

WHEREAS, on February 7, 2022, public notice of the March 23, 2022, Planning Commission meeting to consider the request was posted on the City's website; and

WHEREAS, on March 11, 2022, public notice of the March 23, 2022, Planning Commission meeting to consider the request was published for a second time in the Calistoga Tribune; and

WHEREAS, on March 16, 2022, public notice of the March 23, 2022, Planning Commission meeting to consider the request was posted on the City's website and bulletin boards; and

WHEREAS, the Planning Commission considered the request at a public hearing on March 23, 2022. The Planning Commission received written and oral reports by the staff, and received public testimony, and voted to continue review of the project to a date uncertain; and

WHEREAS, on April 15, 2022, public notice of the April 27, 2022, Planning Commission meeting to consider the request was mailed to all property owners within 600 feet of the property at 2008 Grant Street in compliance with state and local law; and

WHEREAS, on April 15, 2022, public notice of the April 27, 2022, Planning Commission meeting to consider the request was posted on the City's website; and

WHEREAS, on April 15, 2022, public notice of the April 27, 2022, Planning Commission meeting to consider the request was published for a second time in the Calistoga Tribune; and

WHEREAS, on April 20, 2022, public notice of the April 27, 2022, Planning Commission meeting to consider the request was posted on the City's website and bulletin boards; and

WHEREAS, the Planning Commission received a presentation on proposed revisions to the tentative map at a public hearing on April 27, 2022. The Planning Commission received a written memorandum by the staff and a presentation by the applicant, received public testimony, and voted to continue review of the tentative map 2021-1 to a date certain of June 22, 2022, while deferring review of DR 2021-3 to a future date uncertain; and

WHEREAS, this action has been reviewed for compliance with the California Environmental Quality Act (CEQA), and an Initial Study/Mitigated Negative Declaration was prepared to analyze potential impacts; and

WHEREAS, in accordance with the CEQA (California Public Resources Code 21000 et. seq.), the Public Draft Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for a 30-day public review and comment period from February 7, 2022, to March 8, 2022; and

WHEREAS, though not required, public and agency comments received on the Public Draft IS/MND were responded to in a Response to Comments document dated March 2022, which was included in the March 23, 2022 Planning Commission Staff Report, Attachment 6 thereto; and

WHEREAS, subsequent refinements to the Project served to minimize the development footprint, reduce the volume of fill to be imported onsite, and preserve additional trees, relative to the analysis presented in the IS/MND, and therefore no new impacts or greater impacts would occur and no further revisions to the IS/MND are warranted; and

WHEREAS, on June 22, 2022, the Planning Commission considered the environmental review record, the requested entitlements and public comments at a public hearing, and adopted the Initial Study/Mitigated Negative Declaration and associated MMRP, and approved the Tentative Map Application (TM 2021-1); and

WHEREAS, on January 13, 2023, public notice of the January 25 2023, Planning Commission meeting to consider the Design Review request was published in the Calistoga Tribune; and

WHEREAS, on January 20, 2023, public notice of the January 25, 2023, Planning Commission meeting to consider the request was posted on the City's website and bulletin boards; and

WHEREAS, the Planning Commission pursuant to Chapter 17.41.050 has made the following design review findings for the project:

1. Is in accord with the General Plan and any applicable planned development.

Supporting Evidence: The project is consistent with the policies included in the General Plan. The site is under the Medium Density Residential Land Use Designation. The project provides dwelling units within the density established by its land use designation and would further the goals of the Housing Element to provide infill housing development.

2. Is in accord with all applicable provisions of the Zoning Code.

Supporting Evidence: The property is located within the R-1 One-Family Residential zoning district. The R-1 district allows for single-family residential development as a permitted use. The project complies with the requirements of the Municipal Code as conditioned.

3. Is consistent with any adopted design review guidelines to the extent possible.

Supporting Evidence: The project's design elements are consistent with Single Family Residential Design Guidelines as indicated in the Design Review Matrix, provided as Attachment 4 of the project's staff report.

4. Will not impair or interfere with the development, use or enjoyment of other property in the vicinity or the area.

Supporting Evidence: The project has been designed as a single-family residential subdivision in an area with other single-family residential uses. The project has been designed to meet development standards and includes larger setback distances from proposed residences to adjacent single-family properties than otherwise required. The site design includes fencing proposed along property lines and the planting or preservation of trees, where possible, to provide screening between properties.

THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that based on the above findings, the Planning Commission approves the subject Design Review Application (DR 2021-3), subject to the attached conditions of approval (Exhibit A) and MMRP (Exhibit B).

ADOPTED on January 25, 2023, by the following vote of the Calistoga Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

Timothy Wilkes, Chair

Resolution No. PC 2023-xx
2008 Grant Street Residential Subdivision
Design Review DR 2021-3
January 25, 2022
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ATTEST: _____
Jeff Mitchem, Secretary

Exhibit A

Conditions of Approval Design Review DR 2021-3

General

1. The improvements and uses hereby permitted shall substantially conform to the plans received as part of application DR 2021-3 by the Planning and Building Department, except as noted in the permit conditions.
2. The Planning and Building Director may approve minor amendments to this use permit provided that the permit is still in substantial conformance with the original approval.
3. The permit shall expire unless building permits required for construction of the buildings are issued by January 25, 2024, or substantial improvements have been made, unless a request for extension is received and approved by the City.
4. This approval does not abridge or supersede the regulatory powers or permit requirements of any federal, state, or local agency, special district or department which may retain regulatory or advisory function as specified by statute or ordinance. Permits shall be obtained as may be required from each authority.
5. All conditions associated with previous entitlements for the property shall remain in effect unless specifically modified by this approval.

Planning Department

6. The applicant shall implement mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) for 2008 Grant Street.
7. A final subdivision map, as defined in the State Subdivision Map Act shall be prepared by a licensed surveyor or civil engineer, showing all parcels, rights-of-way, and easement(s) shall be filed with the City Engineer and approved by City Council prior to recording with the County of Napa. Upon recording of the final subdivision map, the subdivision is valid.
8. Prior to the recording of the final map, the applicant shall prepare and record Covenants, Conditions, and Restrictions (CC&Rs) for the maintenance of open space, common areas, and infrastructure within the development. A homeowner's association shall oversee and manage the implementation of CC&Rs.
9. Prior to issuance of an Occupancy Permit for any individual home, the applicant / developer shall pay all applicable development impact fees associated with construction of that new residential unit.
10. Prior to any building permit issuance, the project shall be subject to payment of in-lieu fees to meet the inclusionary housing requirement under CMC Chapter 17.08.

11. During construction of the project, the contractor shall remain alert and immediately report any suspected oil, gas, or geothermal wells inside the proposed area of work to the California Geologic Energy Management Division (CalGEM) and the Calistoga Planning and Building Divisions.
12. Prior to construction, the applicant shall assess potential erosion between the drainage channel and the western property line and coordinate with property owners as necessary to correct erosion that may affect surrounding properties. The applicant shall obtain required permits for any needed remediation activities.
13. Prior to issuance of any occupancy permit, the applicant shall demonstrate compliance with all conditions of approval and the Mitigation Monitoring and Reporting Program associated with Planning Commission Resolution 2022-7 (approving Tentative Map TM 2021-1).

Building Department

14. The applicant shall obtain a grading and building permit for construction of the proposed project.
15. The project shall meet all requirements found in California Building Code (CBC) Chapter 11A Housing Accessibility. This may impact design, building heights, orientation, and planning of the site's accessible routes as well as the location of off-street parking which shall also comply with CBC Chapter 11A.

Mitigation Monitoring and Reporting Program

2008 Grant Street

APN 011-010-033

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>AESTHETICS</p> <p>AES-1: To prevent a potential conflict with the City's tree ordinance and minimize changes to the site's scenic quality due to tree removal, Mitigation Measures BIO-7 and BIO-8, set forth below shall be implemented.</p>	See BIO-7/BIO-8			
<p>AES-2 Prior to issuance of a building permit, the project applicant shall prepare, and the City shall review and approve a Code compliance lighting plan. The lighting plan shall demonstrate that new lighting fixtures are shielded and/or recessed to avoid light overspill, and that each light fixture is directed downward and away from adjoining properties and is consistent with the International Dark Sky Association model ordinance objectives by providing the minimum lighting level necessary for night-time safety, utility, security, productivity, enjoyment, and commerce and minimizing sky glow, light overspill and obtrusive lighting levels.</p>	Incorporate into project design and print on construction documents	Calistoga Planning and Building Department	Prior to issuance of a building permit	
<p>AIR QUALITY</p> <p>AQ-1: During all construction activities including demolition and ground disturbance activities, on and offsite, the contractor shall implement the latest BAAQMD recommended Best Management Practices (BMPs) to control for fugitive dust and exhaust as follows:</p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, 	Incorporate into project design and print on construction documents	Calistoga Planning and Building Department Project	Prior to issuance of a grading permit Ongoing	

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>graded areas, and unpaved access roads) shall be watered two times per day.</p> <ol style="list-style-type: none"> 2. All haul trucks transporting soil, sand, or other loose material shall be covered. 3. All visible mud and dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as practicable. Building pads shall be laid as soon as practicable after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper working condition prior to operation. 8. A publicly-visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be posted on the project site prior to the initiation of construction activities. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 	On-site observation	Applicant Contractor	throughout project construction	

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
BIOLOGICAL RESOURCES				
<p>BIO-1: Prior to the start of construction activities, a preconstruction survey of the potentially suitable habitat for the Western pond turtle (WPT), Red-bellied newt, and the California giant salamander shall be conducted by a qualified biologist. If individuals are identified, the biologist shall establish avoidance buffers, as feasible, allow for species to vacate work zone, or prepare and execute a species relocation plan to be reviewed and accepted by the CDFW. Once the work area has been surveyed and deemed clear of special status species, and prior to start of construction activities and under the supervision of a qualified biologist, wildlife exclusion fencing shall be installed along the onsite drainage feature, between the drainage feature and ground disturbing activities, to impede the migration of WPT, Red-bellied newt, and California giant salamander from entering the construction area, and where determined necessary by the qualified biologist. Exclusion fencing shall be buried at least 6-inches deep and routinely inspected and maintained throughout construction activities. Upon completion of construction activities and as directed by the qualified biologist, all construction exclusion fencing shall be removed.</p>	<p>Conduct a pre-construction survey by a qualified biologist</p> <p>The City shall be provided with the resume of the qualified biologist demonstrating detection experience</p> <p>If necessary, establish a protection buffer zone</p>	<p>Calistoga Planning and Building Department</p> <p>Project Applicant</p> <p>Contractor</p> <p>Qualified Biologist</p> <p>CDFW</p>	<p>Prior to construction activities</p> <p>Ongoing throughout project construction</p>	
<p>BIO-2: If use of pesticides are included as part of the construction activities or as part of the landscaping maintenance plan at operation, only approved pesticides shall be used. Spraying of insecticides shall be limited or refrained from use within the 25-foot setback area from the drainage feature. Improvement plan and construction drawing shall note the requirement for use of approved pesticides and preclusion of insecticides within 25-feet of the drainage feature. The CCR's recorded by the Home Owner's Association shall specify provisions for use of natural pesticides, compliance with application and quantifies for approved pesticide, and the preclusion of insecticides within the 25 foot riparian buffer. The Applicant shall submit CCR language regarding insecticide and pesticide use to the City for review and approved prior to recording. Additionally, the Final Landscaping Plan shall include bee</p>	<p>Incorporate into project design and print on construction documents</p> <p>Verify through review of CCRs</p>	<p>Calistoga Planning and Building Department</p> <p>Project Applicant/HOA</p> <p>Contractor</p>	<p>Prior to construction activities</p> <p>Ongoing throughout project construction</p> <p>Prior to issuance of occupancy</p>	

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>friendly planting species, known to benefit native bees which may include coyote brush, sage, and lupines.</p> <p>BIO-3: To avoid impacts to Pallid bat and Townsend's big-eared bat if present onsite, building removal shall only be conducted during seasonal periods of bat activity, between August 31 and October 15, when bats would be able to fly and feed independently, and between March 1 and April 1 to avoid hibernating bats, and prior to the formation of maternity colonies. A biologist, one with at least two years of experience surveying for bats, shall conduct a preconstruction survey (bat habitat assessment) of the manmade structures, including within rafters and attics, as well as trees that would be removed no more than 14 days prior to demolition or commencement of site improvement activities. If no special-status bats are found during the surveys, then the biologist shall provide a memo summarizing the results of the survey to the City, and construction activities may commence. If bat signs are observed, an emergence dusk survey shall be conducted. If bat roosts are found, then a plan shall be developed and implemented by the Project applicant for removal and exclusion, which plan shall be reviewed and accepted by the CDFW.</p> <p>If building removal must occur outside the seasonal activity periods (i.e., between October 16 and the end of February, or between April 2 and August 30), then a qualified biologist, shall conduct preconstruction surveys within 14 days of building demolition, and determine if there are young present (i.e., the biologist will determine if there are maternal roosts). If a maternity site is found, impacts to the maternity site shall be avoided by establishment of a fenced, non-disturbance buffer until the young have reached independence (i.e., are flying and feeding on their own) as determined by a qualified biologist. The size of the buffer zone shall be determined by a qualified biologist at the time of the surveys. If the qualified biologist finds evidence of roosting bats but not a maternity site with young, then a plan shall be developed for removal and exclusion, for review and acceptance by the CDFW. The biologist</p>	<p>Conduct a pre-construction survey by a qualified biologist</p> <p>Provide the city with the resume of the qualified biologist demonstrating roosting bat survey and detection experience</p> <p>On-site observation If necessary, establish a protection buffer zone</p>	<p>Calistoga Planning and Building Department</p> <p>Project Applicant</p> <p>Contractor</p> <p>Qualified Biologist</p> <p>CDFW</p>	<p>Prior to construction activities</p> <p>Provide the pre-construction survey to the city</p> <p>Ongoing throughout project construction</p>	

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>shall provide the City with a report detailing the results of the survey and any recommendations, as warranted, required for establishment of protective buffers for bat roosts, if identified. Recommendations shall be reviewed and accepted by the City and CDFW and implemented by the project biologist.</p> <p>Removal of trees with the potential to support special status bats shall be felled following a two-step process as recommended by the CDFW. Felled trees shall be left overnight prior to removal from the site or onsite shipping.</p> <p>BIO-4: To avoid and minimize potential impacts to nesting birds including passerines and raptors, the following measures shall be implemented:</p> <ol style="list-style-type: none"> 1. Grading or removal of potentially occupied habitat should be conducted outside the nesting season, which occurs between approximately February 1 through August 31. 2. If grading during the nesting season, generally February 1 through August 31 is infeasible and construction activities (e.g., demolition, tree removal, groundbreaking, or earthwork) must occur within the nesting season, a pre-construction nesting bird survey (migratory species, passerines and raptors) of the potentially occupied habitat (trees, structures, and ruderal habitat) within 500 feet of construction limits shall be performed by a qualified biologist no more than 7 days prior to the start of construction activities. If no nesting birds are observed, no further action is required, and grading shall occur within one week of the survey to prevent "take" of individual birds that could begin nesting after the survey. 3. If active bird nests (passerine and/or raptor) are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the occupied habitat until the young have fledged, as determined by a qualified biologist. <ol style="list-style-type: none"> a. The radius of the required buffer zone can vary depending on the 	<p>Conduct a pre-construction nesting bird survey by a qualified biologist if construction would occur during the bird nesting season</p> <p>The City shall be provided with the resume of the qualified biologist demonstrating nesting bird survey and detection experience</p> <p>The qualified biologist shall</p>	<p>Calistoga Planning and Building Department</p> <p>Project Applicant</p> <p>Contractor</p> <p>Qualified Biologist</p>	<p>Prior to construction activities</p> <p>Ongoing throughout project construction</p>	

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>species, (i.e., 75-100 feet for passerines and 200-500 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified biologist in consultation with the CDFW, as required.</p> <p>b. To delineate the buffer zone around the occupied habitat, appropriate construction fencing and exclusion signage shall be placed at the specified radius from the nest within which no machinery or workers shall intrude.</p> <p>c. Biological monitoring of active nests shall be conducted by a qualified biologist to ensure that nests are not disturbed and that buffers are appropriately adjusted by a qualified biologist as needed to avoid disturbance.</p> <p>d. No construction or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified ornithologist/biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid Project construction zones, or that the nesting cycle is otherwise completed.</p> <p>e. At the time the qualified biologist determines that the nesting cycle is complete, all buffer zone fencing shall be removed.</p> <p>4. Should construction activities cease for 7 days or more during the breeding season, surveys shall be repeated by a qualified biologist to ensure birds have not establishes nests during inactivity.</p>	<p>have minimum of 2 years experience implementing the CDFW 2012 survey methodology resulting in detections</p> <p>If necessary, establish a protection buffer zone</p>			
<p>BIO-5: During construction activities and specifically installation of the proposed free span bridge over the onsite drainage feature, direct and indirect impacts to the identified waters of the State shall be avoided through the bridge design (free span with abutments above the highwater mark and outside the top of bank and a minimum clearance of one-foot between the bottom of the bridge and the 100-year storm water surface elevation) and installation procedures (using properly</p>	<p>Incorporate into project design and print on construction documents</p>	<p>Calistoga Planning and Building Department Calistoga Public Works</p>	<p>Prior to construction activities Ongoing throughout project</p>	

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>maintained construction equipment, locating equipment as far as possible from the drainage feature, and conducted work during the dry season). Best management practices (BMPs) shall be installed prior to earth-work and installation of the bridge to protect the onsite drainage feature. Designated work areas shall be established by a qualified biologist to ensure that there are no inadvertent impacts to waters of the State, and to downstream receiving waters within the watershed. BMPs shall include use of properly maintained and inspected construction equipment, staging of equipment away from the drainage feature, use of orange construction fencing, silt fencing, wildlife friendly hay wattles (that is, no monofilament netting), and gravel wattles, as well as other protective measures installed between Project construction activities and the drainage feature.</p> <p>Orange construction fencing and other appropriate BMPs shall be installed along the eastern edge of the drainage feature, north of the proposed crossing and both east and west of the feature south of the crossing to protect the top of bank as well as the tree canopy of the drainage feature. Prior to the start of construction, a biological monitor shall inspect installation of BMPs to ensure that the drainage feature is adequately protected. BMPs shall thereafter be routinely inspected by the construction manager to ensure BMPs remain in place for the duration of the construction Project. Upon completion of Project construction all orange fencing shall be removed along with any temporary BMPs.</p>	<p>Verify through on-site observation</p>	<p>Department Project Applicant Contractor Registered Civil Engineer</p>	<p>construction Prior to issuance of occupancy</p>	
<p>BIO-6: In the event that the bridge design requires abutments located within the top of bank and/or removal of the existing culvert, or at the discretion of the regulatory agencies (CDFW and RWQCB), then the Project shall satisfy compensatory mitigation requirements for all temporary and permanent impacts including compliance with Section 401 of the Clean Water Act, through acquisition of a 401 Water Quality Certification issued by the RWQCB and/or Section 1602 of the Fish and Game Code, through acquisition of a Lake or Streambed Alteration</p>	<p>Incorporate into project design and print on construction documents Verify through on-site</p>	<p>Calistoga Planning and Building Department Calistoga Public Works Department</p>	<p>Prior to construction activities Ongoing throughout project construction</p>	

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>Agreement. The Applicant shall submit to the City proof that notification of the proposed construction action, tree removal and replacement planting plan, invasive species management plan, and ongoing maintenance plan for management of the drainage feature and the area within 25 feet of the top of bank, has been provided to the RWQCB and the CDFW, as required, and that compensatory mitigation, if required, has been reviewed and accepted by the regulatory agencies.</p> <p>BIO-7: To mitigate for the proposed removal of 90 protected trees, including 11 protected trees within the riparian buffer and 79 trees throughout the balance of the project site, the applicant shall prepare a Final Landscape Plan and a Tree Permit Application for review and acceptance by the City demonstrating a minimum replacement of 112 native trees within the riparian buffer and 237 replacement trees on the balance of the site or a monetary reimbursement equal to the cost of tree replacement and in conformance with Chapter 19.01. The applicant shall include the planting of appropriately sized trees as part of the Project's Final Landscaping Plan, in conformance with the City's Tree Ordinance, and CDFW replacement ratios for removal of riparian trees to offset removal of protected trees. All requirements and restrictions contained in Chapter 19.01 of the City's Municipal Code shall be met, including the incorporation of replacement trees for trees slated for removal, protection of trees to remain onsite (see BIO-8), as well as any recommendations of the Project arborist including those set forth in the Tree Protection Plan. The following provisions shall be implemented:</p> <p>a. The applicant shall prepare and submit a Tree Permit Application for review and acceptance by the City of Calistoga, at the discretion of the Director of Public Works. Tree replacement shall demonstrate the City's 3:1 replacement ratio and minimum container size of 24-gallons for replacement trees, unless otherwise accepted by the Director of Public Works. If onsite replacement planting is not feasible, the City, may</p>	<p>observation</p> <p>On-site observation</p> <p>Incorporate into project design and print on construction documents.</p>	<p>Project Applicant</p> <p>Contractor</p> <p>Registered Civil Engineer</p> <p>CDFW</p> <p>RWQCB</p> <p>Calistoga Planning and Building Department</p> <p>Calistoga Public Works Department</p> <p>Project Applicant</p> <p>Qualified Arborist</p>	<p>Prior to issuance of a demolition permit</p>	

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>accept a monetary reimbursement, at the Public Work Director’s discretion equal to the cost of replacement (Tree Mitigation deposits shall be a minimum of \$250.00 for each tree removed. Mitigation deposits on the protected Valley Oak shall be \$750.00 for each tree removed). The monetary reimbursement shall be used by the City to fund replacement planting at other locations within the City such as at public parks, along City right-of-way, and/or at other appropriate locations.</p> <p>b. Adherence to all recommendations identified in the Riparian Corridor Tree Removal & Mitigation Plan including meeting the CDFW recommended replanting ratios for removal of native oak trees (e.g., 4:1 for removal of oaks between 5 and 10 inches diameter breast height (DBH), 5:1 for removal of oaks between 10 and 15 inches DBH, and 10:1 for removal of oaks greater than 15 inches DBH). Refer the Riparian Corridor Tree Removal & Mitigation Plan to the CDFW for review and comment. The Applicant shall integrate all recommendations provided by the CDFW for riparian tree removal and replanting.</p> <p>c. Native tree replacement shall be sourced from local nurseries using best management practices to avoid the spread of Phytophthora sp., and/or shall be sourced from acorns found at the Project site, or other appropriate local acorn collection site. Prior to planting acorns found at the Project site, or locally, a qualified arborist shall ensure that acorns will not inadvertently spread Phytophthora sp (e.g., Phytophthora ramorum), which causes Sudden Oak Death.</p> <p>d. A minimum of 5 years of monitoring of all planted oak trees is required and replacement plantings shall achieve a minimum 80 percent survival by the end of the monitoring period. If planted oak trees are not achieving success criteria during any of the monitoring years, additional oaks shall be planted and monitored and maintained for 5 years to ensure they achieve the success criteria. Planted oaks shall be surrounded by cages if there is a potential for deer browse. Cages shall</p>				

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>be removed once oak trees are large enough to withstand deer browse. Watering and weeding around oak trees may be necessary to ensure their survival. The applicant shall consult with the Napa County Resource Conservation District, or qualified arborist, regarding caring for planted oak trees.</p> <p>BIO-8: Prior to issuance of a grading permit, the applicant shall incorporate the applicable recommended tree protection measures for trees that will be preserved onsite identified in the Project arborist report into a Tree Protection Plan prepared by a qualified arborist in accordance with Section 19.01.040E of the City's Municipal Code and submit the plan to the City for review and acceptance. The Protection Plan shall identify locations for the installation of temporary protective fencing surrounding protected trees to remain and specify restrictions for root cutting, tree trimming, trenching, irrigation, parking, staging of construction equipment, and other activities that might cause harm to protected trees. The Protection Plan including all recommendation of the Project Arborist shall be implemented by the applicant during all stages of construction.</p>	<p>Prepare and implement a Tree Protection Preservation Plan On-site observation</p>	<p>Calistoga Planning and Building Department Calistoga Public Works Department Project Applicant Qualified Arborist</p>	<p>Prior to issuance of a demolition and/or grading permit</p>	
<p>CULTURAL RESOURCES</p> <p>CUL-1: A professional archaeologist shall be onsite during initial ground disturbing activities to monitor potential uncovering of undiscovered archeological and tribal resources. The archaeologist shall have the authority to temporarily halt work upon discovery of potentially significant resources and earthwork within 100 feet of the discovery shall be immediately stopped until the archeologist inspects the resource, assess significance, consults with tribes and related parties, and provides recommendations on treatment of the discovery. The City shall be notified of any such discoveries and the Project applicant shall implement the recommendations of the archaeologist.</p>	<p>Incorporate into project design and print on construction documents On-site observation</p>	<p>Calistoga Planning and Building Department Project Applicant Contractor Qualified Archaeologist</p>	<p>Prior to issuance of a demolition and/or grading permit During ground disturbance activities</p>	

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>CUL-2: In the event that human remains are encountered within the Project Area during Project-related, ground-disturbing activities, all work must stop, and the County Coroner shall be immediately notified of the discovery. If the County coroner determines that remains are, or are believed to be Native American, then the Native American Heritage Commission (NAHC) must be contacted by the Coroner so that a “Most Likely Descendant” (MLD) can be designated to provide further recommendations regarding treatment of the remains. A Secretary of Interior-qualified Archaeologist shall evaluate the historical significance of the discovery, the potential for additional human remains to be present, and to provide further recommendations for treatment of the resource in accordance with the MLD recommendations and the Project applicant shall implement the recommendations of the archaeologist. Federal regulations require that Native American human remains, funerary objects, and object of cultural patrimony are handled consistent with the requirement of the Native American Graves Protection and Repatriation Act.</p>	<p>Incorporate into project design and print on construction documents</p> <p>On-site observation</p>	<p>Calistoga Planning and Building Department</p> <p>Project Applicant</p> <p>Contractor</p> <p>Qualified Archaeologist</p> <p>NAHC</p> <p>MLD</p> <p>County Coroner</p>	<p>Prior to issuance of a demolition and/or grading permit</p> <p>During ground disturbance activities</p>	
<p>GEOLOGY AND SOILS</p> <p>GEO-1: The Project applicant shall implement and comply with all applicable recommendations in the Geotechnical Study Report (RGH Consultants) prepared for the subject property, including seismic design for structures foundation support, retaining walls, slab-on-grade, utility trenches, pavement, geotechnical drainage, and maintenance. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical report have been incorporated into the design of the Project and to the satisfaction of the City of Calistoga’s Civil Engineer.</p>	<p>Incorporate into project design and print on construction documents</p>	<p>Calistoga Public Works Department/ City Engineer</p> <p>Project Applicant</p> <p>Geotechnical Consultant</p>	<p>Prior to issuance of a grading permit</p>	

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>GEO-2: Prior to issuance of a grading permit, an erosion control plan along with grading and drainage plans shall be submitted to the City's Planning and Building Department. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Calistoga's Stormwater Runoff Pollution Control Ordinance, Chapter 19.05 of the Calistoga Municipal Code. The erosion control plan shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during construction activity on the project site.</p> <p>GEO-3: In the event that paleontological resources, including individual fossils or assemblages of fossils, are encountered during construction activities all ground disturbing activities shall halt and a qualified paleontologist shall be procured to evaluate the discovery and make treatment recommendations. The Project applicant shall implement and comply with the recommendations of the paleontologist.</p>	<p>Incorporate into project design and print on construction documents</p> <p>Incorporate into project design and print on construction documents</p> <p>On-site observation</p>	<p>Calistoga Public Works Department/ City Engineer</p> <p>Project Applicant</p> <p>Registered civil engineer</p> <p>Calistoga Planning and Building Department</p> <p>Project Applicant</p> <p>Contractor</p> <p>Qualified Paleontologist</p>	<p>Prior to issuance of a grading permit</p> <p>Ongoing throughout project construction</p> <p>Ongoing throughout project construction</p>	
HAZARDS AND HAZARDOUS MATERIALS				
<p>HAZ-1: Prior to any activities involving the demolition of the existing buildings onsite, an asbestos survey adhering to sampling protocols outlined by the Asbestos Hazard Emergency Response Act (AHERA) and material sampling to determine lead-based paint presence shall be performed. Construction activities that disturb materials or paints containing any amount of lead and/or friable asbestos shall be subject to requirements of the Occupational Safety and Health Administration (OSHA) lead standard contained in 29 CFR 1910.1025 and 1926.62, AHERA requirements, and any other local, state, or federal regulations. In the event that such substances are found, the applicant will adhere to all</p>	<p>Prepare and submit survey for review and acceptance by the city</p> <p>On-site observation</p>	<p>Calistoga Planning and Building Department</p> <p>Calistoga Fire Department</p> <p>Project Applicant</p>	<p>Prior to construction activities</p> <p>Ongoing throughout project construction</p>	

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>requirements put forth by OSHA and other agencies regarding the treatment, handling, and disposal of these materials. The Project shall comply with all federal, state, and local regulations when conducting work on buildings and structures involving asbestos and lead paints. The applicant shall submit results of the surveys and/or evidence of proper disposal to the Calistoga Planning and Building Department.</p>		Contractor		
<p>HYDROLOGY AND WATER QUALITY</p> <p>HYDRO-1: In accordance with the National Pollution Discharge Elimination System regulation, the applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to construction. The SWPPP shall address erosion and sediment controls, proper storage of fuels, temporary erosion control including fiber rolls, staked straw bales, geofabric, and sandbags, and identification for use and cleanup of hazardous materials. Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures. A Notice of Intent, fees, and other documentation shall be filed with the Regional Water Quality Control Board.</p> <p>HYDRO-2: Should construction dewatering be required, the applicant shall either reuse the water on-site for dust control, compaction, or irrigation, retain the water on-site in a grassy or porous area to allow infiltration/evaporation, or obtain a permit to discharge construction water to a sanitary sewer or storm drain. Discharges to the sanitary sewer system shall require a one-time discharge permit from the City of Calistoga. Measures may include characterizing the discharge and ensuring filtering methods and monitoring to verify that the discharge is compliant with the City's local wastewater discharge requirements. Discharges to a storm drain shall be conducted in a manner that complies with the Regional Water</p>	<p>Prepare and submit SWPPP for review and acceptance by the city and RWQCB</p> <p>Incorporate into project design and print on construction documents</p>	<p>Calistoga Planning and Building Department</p> <p>Calistoga Public Works Department</p> <p>RWQCB</p> <p>Project Applicant</p>	<p>Prior to construction activities</p> <p>Ongoing throughout project construction</p>	<p>Ongoing throughout project construction</p>

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>Quality Control Board Waste Discharge Requirements for Low Threat Discharges to Surface Waters. In the event that groundwater is discharged to the storm drain system, the Applicant shall submit permit registration documents and develop a Best Management Practices/Pollution Prevention Plan to characterize the discharge and to identify specific BMPs, such as sediment and flow controls sufficient to prevent erosion and flooding downstream.</p> <p>HYDRO-3: A final stormwater control plan shall be prepared by the applicant and approved by the City prior to initiating construction activities. The permanent and operational runoff pollutant source control BMPs included in the project's final stormwater control plan shall be incorporated into construction plans and documents and implemented during construction and after project completion. The project's stormwater treatment and flow-control facilities shall be maintained in perpetuity.</p>	<p>inspections during grading to ensure measures are in place</p> <p>Incorporate into project design and print on construction documents</p>	<p>Calistoga Public Works Department</p> <p>Project Applicant</p>	<p>Prior to construction activities</p> <p>Ongoing throughout project construction</p>	
<p>NOISE</p> <p>NOI-1: The following Best Construction Management Practices shall be implemented to reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance:</p> <ol style="list-style-type: none"> 1. Construction hour/scheduling: <ol style="list-style-type: none"> a. Pursuant to Calistoga Municipal Code Section 8.20.025(A), construction activities for all phases of construction, including servicing of construction equipment, shall not occur on Sundays or between 7:00 p.m. and 7:00 a.m., any time during the week. b. Delivery of materials or equipment to the site and truck traffic coming to and from the site should not occur during the restricted hours specified above in 1a. 2. Construction Equipment Mufflers and Maintenance: All construction equipment powered by internal combustion engines shall be 	<p>Incorporate into project design and print on construction documents</p> <p>Assign a disturbance coordinator to respond to complaints and address noise concerns as they arise</p>	<p>Calistoga Planning and Building Department</p> <p>Project Applicant</p> <p>Contractor</p> <p>Disturbance Coordinator</p>	<p>Ongoing throughout project construction</p>	

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>properly muffled and maintained.</p> <ol style="list-style-type: none"> 3. Idling Prohibitions: All equipment and vehicles shall be turned off when not in use. Unnecessary idling of internal combustion engines shall be prohibited. 4. Equipment Location and Shielding: All stationary noise-generating construction equipment, such as air compressors, shall be located as far as practical from the adjacent residences. Such equipment shall be acoustically shielded when it must be located within 30 feet of adjacent residences. 5. Staging and Equipment Storage: Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors. 6. Equipment and Vehicle Movements: Project area and site access road speed limits shall be established by the contractor and verified by the site inspector and enforced during the construction period. 7. Schedule Notification: Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels. 8. Noise Disturbance Coordinator: The Project developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. This individual would most likely be the contractor or a contractor's representative. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. 				

Mitigation Measure	Implementing Procedure	Monitoring Responsibility	Monitoring Schedule	Verification
<p>NOI-2: The Project applicant shall implement the construction vibration control measures, as provided under the Construction Noise & Vibration Assessment, prepared by Bollard Acoustical Consultants, Inc, listed below:</p> <ol style="list-style-type: none"> 1. Vibration-Generating Equipment: Use of heavy vibration-generating construction equipment, such as large vibratory rollers, shall not be used within 30 feet of the nearest residences. The Project contractor shall use smaller vibratory rollers when compacting materials within the 30-foot setback distance. 2. Dropping of Equipment: Within 30 feet of existing residences, Project construction activities shall utilize alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects within these setback distances. 3. Heavy Equipment Operators: The contractor shall alert heavy equipment operators to sensitive adjacent structures (i.e., residences within 30 feet) so they can exercise caution. 	<p>Incorporate into project design and print on construction documents</p> <p>Assign a disturbance coordinator to respond to complaints and address noise concerns as they arise</p>	<p>Calistoga Planning and Building Department</p> <p>Project Applicant</p> <p>Contractor</p>	<p>Ongoing throughout project construction</p>	
<p>TRIBAL CULTURAL RESOURCES</p> <p>TCUL-1: To protect buried Tribal Cultural Resources that may be encountered during construction activities, the Project applicant shall implement Mitigation Measure CUL-1 above.</p>	<p>See CUL-1</p>			