

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2009-23**

**A RESOLUTION FORWARDING A RECOMMENDATION TO THE CITY COUNCIL  
FOR THE ADOPTION OF 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.**

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1           **WHEREAS**, the City of Calistoga is proposing to revise the approved Master  
2 Plan for development of Logvy Community Park located at 1745 Washington Street  
3 within the "P", Public / Quasi-Public Zoning District (APNs 011-410-009 and 011-140-  
4 056); and  
5

6           **WHEREAS**, in accordance with the California Environmental Quality Act (CEQA),  
7 the City of Calistoga Planning and Building Department prepared an Initial Study that  
8 identified potentially significant impacts to aesthetics, air quality, archaeological  
9 resources, biological resources, geology and soils, noise, public services, traffic and  
10 water quality; and  
11

12           **WHEREAS**, the Planning Commission has reviewed and considered the Initial  
13 Study prepared for the project at its regular meeting on September 9, 2009, and prior to  
14 taking action on the application, the Commission received written and oral reports by the  
15 Staff, and received public testimony;  
16

17           **WHEREAS**, it has been determined in the Initial Study prepared for the Logvy  
18 Community Park Master Plan revision that, with incorporation of certain mitigation  
19 measures, the proposed Master Plan revisions will not have a significant effect on the  
20 environment and, therefore, a mitigated negative declaration can be adopted based on  
21 the following findings.  
22

- 23           1.       An Initial Study was prepared pursuant to the California Environmental Quality  
24 Act and has been considered as a result of this project and although the project  
25 could have a significant effect on the environment, there will not be a significant  
26 effect in this case because mitigation measures to reduce all impacts to a level of  
27 insignificance or to avoid such impacts have been identified and will be  
28 incorporated into the project. A Mitigated Negative Declaration should therefore  
29 be prepared with the mitigation measures to be incorporated as Conditions of  
30 Approval in subsequent approvals of required entitlements and/or part of the  
31 design of future improvement plans.  
32
- 33           2.       As mitigated this project will not result in any significant adverse environmental  
34 impacts. There is no evidence that this project will result in any adverse impacts to  
35 fish and wildlife habitat.  
36

37           **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
38 Commission that based on the above Findings, the Planning Commission recommends  
39 that the City Council adopts a Mitigated Negative Declaration and Mitigation, Monitoring  
40 and Reporting Plan including the following Mitigation Measures:  
41  
42

43 Aesthetics

44  
 45 AESTH-1 (Tree Removal and Replacement): For each tree protected under Title 19 of the  
 46 Calistoga Municipal Code that is removed, three (3) new trees or one (1) 24-inch box size  
 47 tree (3 tree equivalent) shall be planted on site. Replacement plantings shall occur as part  
 48 of project construction in accordance with the schedule identified below:  
 49

| 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 |             |                 |  |

50  
 51 AESTH-2 (Tree Removal and Replacement): Prior to approval or installation of a project  
 52 phase where trees will be removed and/or replacement trees are required to be planted,  
 53 a Tree Removal and Replacement Plan shall be submitted for review and approval by  
 54 the Public Works Department. All requirements and restrictions contained in Chapter  
 55 19.01 of the Calistoga Municipal Code (CMC) shall be complied with, including  
 56 incorporation of replacement trees (as required in the table above) and  
 57 recommendations of the Project Arborist into the project.  
 58

59 AESTH-3 (Lighting): All lighting shall be hooded, shielded and directed downward and  
 60 shall be designed and equipped with motion detector switching and/or timers. All lighting  
 61 fixtures shall be reviewed and approved by the Planning and Building Department prior  
 62 to installation.  
 63

64 Air Quality

65  
 66 AQ-1 (Dust and Exhaust Control): Prior to construction, the applicant shall incorporate  
 67 the following Best Management Practices into the construction and improvement plans  
 68 and clearly indicate these provisions in the specifications upon review and approval of  
 69 the Public Works and Planning and Building Departments. The construction contractor  
 70 shall incorporate these measures into an Erosion and Sediment Control Plan to limit  
 71 fugitive dust and exhaust emissions during construction.  
 72

- 73 1) Exposed soils shall be watered periodically during construction, a minimum of  
 74 three times daily. The frequency of watering shall be increased if wind speeds  
 75 exceed 15 mph. Only on-site well water, purchased city water or reclaimed water

- 76 shall be used for this purpose. Responsibility for watering shall include weekends  
77 and holidays when work is not in progress.  
78  
79 2) During excavation activities, haul trucks used to transport soil shall utilize tarps or  
80 other similar covering devices to reduce dust emissions or maintain at least two  
81 feet of freeboard.  
82  
83 3) Grading and construction equipment operated during construction activities shall  
84 be properly muffled and maintained to minimize emissions. Equipment shall be  
85 turned off when not in use.  
86  
87 4) Construction sites involving earthwork shall provide for a gravel pad area  
88 consisting of an impermeable liner and drain rock at the construction entrance to  
89 clean mud and debris from construction vehicles prior to entering the public  
90 roadways. Street surfaces in the vicinity of the project shall be routinely swept  
91 and cleaned of mud and dust carried onto the street by construction vehicles.  
92  
93 5) Enclose, cover, water three times daily or apply (non-toxic) soil binders to  
94 exposed stockpiles.  
95  
96 6) Post-construction revegetation, repaving or soil stabilization of exposed soils shall  
97 be completed in a timely manner according to the approved Erosion and  
98 Sediment Control Plan and verified by City inspectors prior to acceptance of  
99 improvements or issuance of certificates of occupancy.  
100  
101 7) The Contractor shall designate a person with the authority to require increased  
102 watering to monitor the dust and erosion control program and provide name and  
103 phone number to the City of Calistoga prior to issuance of grading permits.  
104

#### 105 Biological Resources

106  
107 BIO-1 (Special Status Species): Prior to construction activities within 150 feet of trees  
108 potentially supporting special-status bats, a qualified bat biologist will survey for special-  
109 status bats. If no evidence of bats is present, no further mitigation is required. If evidence  
110 of bats is observed a no-disturbance buffer acceptable in size to the CDFG will be  
111 created around active bat roosts during the breeding season (March 15-August 15). Bat  
112 roosts initiated during construction are presumed to be unaffected, and no buffer is  
113 necessary. However, "take" of individuals is prohibited. In addition, removal of trees  
114 showing evidence of bat activity will occur during the period least likely to impact bats, as  
115 determined by a qualified bat biologist, generally between February 15 and October 15  
116 for winter hibernacula and between August 15 and March 1 for maternity roosts. If  
117 exclusion is necessary to prevent indirect impacts to bats from construction noise and  
118 human activity adjacent to trees showing evidence of bat activity, these activities shall be  
119 conducted during these periods as well.  
120

121 BIO-2 (Non-Native Invasive Plant Species): Non-native invasive plant species shall be  
122 removed in the areas where existing perimeter fencing along the southerly portion of the  
123 site is being replaced or modified and revegetated with native trees, shrubs, and herbs  
124 to improve plant diversity and wildlife cover and foraging habitat. Monitoring and survival

Resolution No. PC 2009-23  
Logvy Community Park Master Plan Revision  
Mitigated Negative Declaration  
Page 4 of 8

125 counts shall be conducted yearly by the Public Works Department for the first three  
126 years.

127

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

138

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

144

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

148

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

154

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

159

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

166

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

171

172

173

174 Cultural Resources

175

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

178

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

182

183 OR

184

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

189

190 CR-2 (Archaeological Resource): Prior to the initiation of ground-disturbing activities, all  
191 construction personnel should be alerted to the possibility of buried cultural materials.  
192 Cultural materials may include chert or obsidian flakes, projectile points, mortars, and  
193 pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock,  
194 or human burials. Personnel should be instructed that upon discovery of buried cultural  
195 materials, work in the immediate vicinity of the find should cease and a qualified  
196 archaeologist should be contacted immediately.

197

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

206

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

212

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

216

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

221

222

223 Geology & Soils

224

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

230

231 Hydrology & Water Quality

232

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

238

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

246

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

252

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

255

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

258

259 Noise

260

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

264

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

267

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

270

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

274  
275 N-5 (Construction Noise): Unnecessary idling of internal combustion engine-driven  
276 equipment shall be prohibited.

277  
278 N-6 (Construction Noise): A “noise disturbance coordinator” responsible for responding  
279 to local complaints about construction noise shall be designated. The disturbance  
280 coordinator would determine the cause of the noise complaints (e.g., starting too early,  
281 bad muffler, etc.) and institute reasonable measures necessary to correct the problem.  
282 The telephone number for the disturbance coordinator shall be conspicuously posted at  
283 the construction site.

284  
285 N-7 (Operational Noise): As development occurs and as determined to be necessary,  
286 noise studies will be completed to assess the degree of noise impact on surrounding  
287 uses. Recommendations of the study will be implemented to lower noise impacts to  
288 acceptable levels. Such measures may include the relocation of project facilities, fences  
289 or berms on-site, or retro-fitting the adjacent buildings with double-glazed windows.

290  
291 N-8 (Operational Noise): The design of future buildings shall be reviewed by a qualified  
292 acoustical consultant to confirm that all potentially significant sound transmission paths  
293 from the inside to the outside have been appropriately controlled, including windows,  
294 doors and ventilation systems.

295  
296 Public Services

297  
298 PSF-1 (Police Services): As the individual components of the project are constructed  
299 and come into use, the City will monitor the number of requests for police assistance or  
300 protection that are attributable to the project. The City will respond to any increase in the  
301 demand for police services by adding appropriate resources as necessary.

302  
303 Transportation/Traffic

304  
305 CIR-1 (Level of Service): The City will study feasible alternatives for improving circulation  
306 conditions including signalization, intersection realignment, a roundabout and other  
307 alternatives as warranted at the impacted intersection of Lincoln Avenue and Foothill  
308 Boulevard.

309  
310 CIR-2 (Intersection Design): The intersection of N. Oak Street and Washington Street  
311 shall be reconfigured to provide a standard tee intersection alignment, including  
312 removing the centerline striping through the intersection and installing stop signs to  
313 convert the intersection to all-way stop controls in order to reduce potential conflicts as  
314 park users enter and exit the project driveway.

315  
316 CIR-3 (Pedestrian Crosswalks): Crosswalk markings shall be provided at the  
317 intersection of N. Oak Street and Washington Street.

318

Resolution No. PC 2009-23  
Logvy Community Park Master Plan Revision  
Mitigated Negative Declaration  
Page 8 of 8

319                   **PASSED, APPROVED, AND ADOPTED** on September 9, 2009, by the following  
320 vote of the Calistoga Planning Commission:

321  
322 AYES:

323  
324 NOES:

325  
326 ABSENT/ABSTAIN:

327

328

329

330

331

\_\_\_\_\_  
JEFF MANFREDI, Chairman

332

333

334

335

ATTEST: \_\_\_\_\_

336

Kathleen Guill

337

Secretary to the Planning Commission