

## RESOLUTION 2009-XX

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3 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF**  
4 **NAPA, STATE OF CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION**  
5 **BASED ON THE INITIAL STUDY PREPARED FOR REVISIONS TO THE MASTER PLAN**  
6 **FOR LOGVY COMMUNITY PARK LOCATED AT 1745 WASHINGTON STREET (APNs**  
7 **011-410-009 and 011-140-056) WITHIN THE PUBLIC / QUASI-PUBLIC ZONING DISTRICT**  
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10 **WHEREAS**, the City of Calistoga is proposing to revise the approved Master Plan for  
11 development of Logvy Community Park located at 1745 Washington Street within the "P",  
12 Public / Quasi-Public Zoning District (APNs 011-410-009 and 011-140-056); and  
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14 **WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), the  
15 City of Calistoga Planning and Building Department prepared an Initial Study that identified  
16 potentially significant impacts to aesthetics, air quality, archaeological resources, biological  
17 resources, geology and soils, noise, public services, traffic and water quality; and  
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19 **WHEREAS**, the Planning Commission considered the draft Initial Study and Mitigated  
20 Negative Declaration at its regular meeting on September 9, 2009, and, after receiving written  
21 and oral reports by the staff and public testimony, passed PC Resolution 2009-23  
22 recommending that the City Council adopt the Mitigated Negative Declaration; and  
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24 **WHEREAS**, the City Council has reviewed and considered the draft Initial Study and  
25 Mitigated Negative at its regular meeting on October 6, 2009, and prior to taking action on  
26 the policy the Council received written and oral reports by the staff and received public  
27 testimony; and  
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29 **WHEREAS**, it has been determined in the Initial Study prepared for the Logvy  
30 Community Park Master Plan revision that, with incorporation of certain mitigation  
31 measures, the proposed Master Plan revisions will not have a significant effect on the  
32 environment and, therefore, a mitigated negative declaration can be adopted based on the  
33 following findings.  
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- 35 1. An Initial Study was prepared pursuant to the California Environmental Quality Act  
36 and has been considered as a result of this project and although the project could  
37 have a significant effect on the environment, there will not be a significant effect in  
38 this case because mitigation measures to reduce all impacts to a level of  
39 insignificance or to avoid such impacts have been identified and will be incorporated  
40 into the project. A Mitigated Negative Declaration should therefore be prepared with  
41 the mitigation measures to be incorporated as Conditions of Approval in subsequent  
42 approvals of required entitlements and/or part of the design of future improvement  
43 plans.  
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- 45 2. As mitigated, this project will not result in any significant adverse environmental  
46 impacts. There is no evidence that this project will result in any adverse impacts to fish  
47 and wildlife habitat.  
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49 **NOW, THEREFORE, BE IT RESOLVED** that based on the above Findings, the City  
50 Council of the City of Calistoga hereby adopts a Mitigated Negative Declaration and  
51 Mitigation, Monitoring and Reporting Plan including the following Mitigation Measures:  
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55 Aesthetics

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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			

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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.

- 91 2) During excavation activities, haul trucks used to transport soil shall utilize tarps or  
92 other similar covering devices to reduce dust emissions or maintain at least two feet  
93 of freeboard.  
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- 95 3) Grading and construction equipment operated during construction activities shall be  
96 properly muffled and maintained to minimize emissions. Equipment shall be turned  
97 off when not in use.  
98
- 99 4) Construction sites involving earthwork shall provide for a gravel pad area consisting of  
100 an impermeable liner and drain rock at the construction entrance to clean mud and  
101 debris from construction vehicles prior to entering the public roadways. Street  
102 surfaces in the vicinity of the project shall be routinely swept and cleaned of mud and  
103 dust carried onto the street by construction vehicles.  
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- 105 5) Enclose, cover, water three times daily or apply (non-toxic) soil binders to exposed  
106 stockpiles.  
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- 108 6) Post-construction revegetation, repaving or soil stabilization of exposed soils shall be  
109 completed in a timely manner according to the approved Erosion and Sediment  
110 Control Plan and verified by City inspectors prior to acceptance of improvements or  
111 issuance of certificates of occupancy.  
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- 113 7) The Contractor shall designate a person with the authority to require increased  
114 watering to monitor the dust and erosion control program and provide name and  
115 phone number to the City of Calistoga prior to issuance of grading permits.  
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117 Biological Resources  
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119 BIO-1 (Special Status Species): Prior to construction activities within 150 feet of trees  
120 potentially supporting special-status bats, a qualified bat biologist will survey for special-  
121 status bats. If no evidence of bats is present, no further mitigation is required. If evidence of  
122 bats is observed a no-disturbance buffer acceptable in size to the CDFG will be created  
123 around active bat roosts during the breeding season (March 15-August 15). Bat roosts  
124 initiated during construction are presumed to be unaffected, and no buffer is necessary.  
125 However, "take" of individuals is prohibited. In addition, removal of trees showing evidence  
126 of bat activity will occur during the period least likely to impact bats, as determined by a  
127 qualified bat biologist, generally between February 15 and October 15 for winter hibernacula  
128 and between August 15 and March 1 for maternity roosts. If exclusion is necessary to  
129 prevent indirect impacts to bats from construction noise and human activity adjacent to trees  
130 showing evidence of bat activity, these activities shall be conducted during these periods as  
131 well.  
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133 BIO-2 (Non-Native Invasive Plant Species): Non-native invasive plant species shall be  
134 removed in the areas where existing perimeter fencing along the southerly portion of the site  
135 is being replaced or modified and revegetated with native trees, shrubs, and herbs to  
136 improve plant diversity and wildlife cover and foraging habitat. Monitoring and survival  
137 counts shall be conducted yearly by the Public Works Department for the first three years.

138 BIO-3 (Raptor Nesting): If project construction is to occur from February 1 through August  
139 31 a qualified biologist shall conduct pre-construction surveys of all potential nesting  
140 habitats within 150 feet of project activities. If nesting birds are identified on the project site  
141 or within the surveyed area, a non-disturbance buffer (determined in coordination with the

142 California Department of Fish and Game) shall be established around the nest tree during  
143 the breeding season or until the young have fledged. If preconstruction surveys indicate that  
144 nests are inactive or potential habitat is unoccupied, no further mitigation measures are  
145 required. Raptor or other bird nests initiated during construction are presumed to be  
146 unaffected and no buffer is necessary. However, the “take” of any individuals is prohibited.  
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148 BIO-4 (Wildlife Movement): The existing six (6) foot tall wire mesh fence presently located  
149 to the south and west of the pool facility and parking lot shall be replaced with a new fence  
150 or modified to allow for unobstructed migration and/or movement of wildlife in and out of the  
151 Napa River corridor. The design of the fencing shall be determined in coordination with the  
152 California Department of Fish and Game.  
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154 BIO-5 (Tree Protection): Any construction activity or development to be carried out within an  
155 area designated as a “Non-Intrusion Zone” shall be subject to review and approval by an  
156 Arborist.  
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158 BIO-6 (Tree Protection): Before the start of any on-site work, every tree within or immediately  
159 adjacent to the area of on-site work that is not designated for removal shall have a temporary  
160 protective fence installed around it at the outer margin of the root protection zone. The fence  
161 shall remain in place and be properly maintained for the duration of all work at the site.  
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163 BIO-7 (Tree Protection): Before the start of any work, an Arborist will establish a buffer zone  
164 around each existing/ protected native Oak tree. Plant species, requiring high amount  
165 irrigation, such as grass, will not be planted in this protective buffer zone to ensure that the  
166 oak trees are not subjected to overwatering.  
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168 BIO-8 (Tree Protection): The final alignment of the planned bicycle and pedestrian path along  
169 the Napa River shall be designed to avoid passing too close to the mainstem of any tree  
170 located in the vicinity of the pathway that has not been designated for removal. If surface roots  
171 are crossed, a slight rise in the path should be considered to avoid root loss. The percent  
172 incline or decline shall comply with the requirements of the City’s Municipal Code.  
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174 BIO-9 (Tree Protection): All pruning should be performed by a certified arborist and  
175 overseen by the consulting arborist or a representative of the Public Works Department who  
176 is qualified to monitor pruning procedures. Pruning cuts and pruning applications shall  
177 comply with A300 Pruning Standards established by ANSI.  
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179 BIO-10 (Napa River Corridor): The City shall consult with the California Department of Fish  
180 and Game prior to approval or construction of any capital improvement within the theoretical  
181 top-of-bank of the Napa River (e.g., the area within a 2:1 slope from the toe-of-bank).  
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### 183 Cultural Resources 184

185 CR-1 (Archeological Resources): Regarding known deposits of archaeological artifacts, one  
186 of the following two measures will be taken prior to construction:  
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- 188 (1) The Master Plan will be redesigned so that the project would completely avoid all  
189 archaeologically sensitive areas and none of the resources are disturbed or  
190 damaged through the construction or use of the proposed facilities.  
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- (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.

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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.

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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.

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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.

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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.

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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.

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### Geology & Soils

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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.

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### Hydrology & Water Quality

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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

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244 Management Practices (BMP) as described in the California Stormwater BMP Handbook or  
245 equivalent.

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

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

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

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

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267 Noise

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

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

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

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

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

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

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293 N-7 (Operational Noise): As development occurs and as determined to be necessary, noise  
294 studies will be completed to assess the degree of noise impact on surrounding uses.

295 Recommendations of the study will be implemented to lower noise impacts to acceptable  
296 levels. Such measures may include the relocation of project facilities, fences or berms on-  
297 site, or retro-fitting the adjacent buildings with double-glazed windows.

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

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304 Public Services

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

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311 Transportation/Traffic

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

317  
318 CIR-2 (Intersection Design): The intersection of N. Oak Street and Washington Street shall  
319 be reconfigured to provide a standard tee intersection alignment, including removing the  
320 centerline striping through the intersection and installing stop signs to convert the  
321 intersection to all-way stop controls in order to reduce potential conflicts as park users enter  
322 and exit the project driveway.

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

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327 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of Calistoga  
328 at a regular meeting held this \_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

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330 **AYES:**  
331 **NOES:**  
332 **ABSENT/ABSTAIN:**

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335 JACK GINGLES, Mayor

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337 **ATTEST:** \_\_\_\_\_  
338 SU SNEDDON,  
339 City Clerk

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