

CITY OF CALISTOGA

MEMORANDUM

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DATE: March 13, 2024

TO: Sandra Meyer, Interim Planning & Building Director
Mike Janusek, AICP, Consultant Planner (M-Group)

FROM: Laylonni Laster, Consultant Environmental Planner (M-Group)

SUBJECT: Tentative Map for 1857 Money Lane (TM 2022-2)
Class 32 In-Fill Exemption Justification

The City of Calistoga has received a development application for a Tentative Map for the proposed Money Lane Subdivision (project), located at 1857 Money Lane, Calistoga, Napa County, California. As documented herein, the proposed project meets the eligibility criteria of the In-Fill Development Project exemption pursuant to Section 15332 of the State California Environmental Quality Act (CEQA) Guidelines. Specifically, the project qualifies for a CEQA exemption for the following reasons:

- The project is consistent with the City of Calistoga General Plan land use designation, complies with the established zoning regulations, and is a permitted use;
- The project is located within City limits on a site that is less than 5 acres and is substantially surrounded by established urban uses;
- The site does not contain habitat for endangered, rare or threatened species;
- The project would not result in any significant effects relating to traffic, noise, air quality, or water quality;
- The project is adequately served by all required utilities and public services; and
- There are no exceptions that would preclude application of the exemption.

a) The project is consistent with the applicable General Plan Designation, applicable policies and applicable zoning designation and regulations.

The project site is designated Low Density Residential (1-4 units dwelling units per acre) per the Calistoga General Plan and zoned One-Family Residential combined with the Planned Development district (R-1-10-PD) under Chapters 17.16 and 17.24 of the Calistoga Municipal Code (CMC). The Low Density Residential designation applies to the areas located on the outskirts of the City that provide a transition between the Rural Residential areas and the densely populated areas closer to downtown Calistoga. The R-1-10 zoning designation is intended to support the development of single-family and special needs residential uses along with compatible accessory uses. The project site is located at 1857 Money Lane, approximately 0.25 miles southwest of the Lake County Highway (State Route 29). The

site is in a transitional neighborhood between the commercial areas to the east and rural residential areas to the west. The site currently consists of two single-family residences, a barn and supporting structures. As such, the site is consistent with the General Plan land use designation and its zoning district. The project proposes a six-lot subdivision, which consists of lots ranging from 12,678 square feet (0.29 acres) to 19,639 square feet (0.45 acres). The project will retain the two existing single-family residences, demolish an existing barn, and will include site improvements such as an access driveway and utility connections. The project does not propose any residential development; however, the project site will be mass graded to create building pads for four anticipated single-family residences. Future residential development would be subject to Design Review pursuant to CMC Chapter 17.41 and the development standards provided in CMC Chapters 17.16 and 17.24. Therefore, the project is consistent with the Low Density Residential General Plan Land Use Designation and R-1-10-PD zoning.

b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by Urban Uses.

The project site consists of an approximately 2.14-acre parcel and is currently developed with two single-family residences, a barn, a carport, sheds and other accessory structures, and a swimming pool. The site is within an urban environment surrounded by existing single-family residences to the east and south and multi-family residences to the west. To the north, across Money Lane, is a single-family residence and a vacant property with a Low Density Residential General Plan Land Use Designation and R-1-10-PD zoning. The project will provide an 18-foot-wide half-street public frontage improvement to Money Lane, which is designated as a Collector Street by the General Plan. Thus, the proposed project site is located on a site of no more than 5 acres and is substantially surrounded by urban uses.

c) The project site has no value as habitat for endangered, rare or threatened species.

The proposed project is located on a site that has been affected by human presence, with existing development and use by prior occupants. It is located in a largely urban context, with residential development and roadways in its proximity. Features on the site do not present value as significant habitats for special status species due to its use and surroundings; and features that may potentially be used as habitat for species are typical of developed areas (e.g., trees and underused buildings). In accordance with General Plan Policy P1.2-3, a Habitat Assessment for biological resources prepared October 13, 2022, by Wildlife Research Associates evaluated potential impacts to special status species that may potentially occur on the project site. As provided therein, the project site consists of two vegetation communities and provides wildlife habitat through landscaping, individual trees, and anthropogenic structures. Most of the property is landscaped with non-native trees, shrubs, and cacti; and the assessment indicated there are no special status vegetation communities or special status plants on the site. The assessment also evaluated the potential occurrence of special status species on the site. The project proposes the removal of 62 existing protected trees, multiple sheds, and a barn, which may serve as suitable habitat for nesting birds, nesting raptors, and roosting bats. To verify that such species are not present at the time of removal or disturbance of features that may serve as potential habitats, the assessment establishes recommendations for surveys and measures to avoid or minimize potential impacts. Recommendations of the assessment are incorporated into the conditions of approval (COA) for the project. As such, in order to avoid or minimize impacts to nesting birds and/or raptors and

roosting bats, detailed measures shall be followed as conditioned. Overall, the site is not habitat of particular value to special status species; and any potential impacts can be avoided or minimized.

d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

The following discussion describes the project as it relates to traffic, noise, air quality and water quality concerns:

- **Traffic**

The City of Calistoga has not yet adopted local vehicle miles traveled (VMT) thresholds and as such, analysis of VMT impacts follows guidance published by the Office of Planning and Research (OPR) in the Technical Advisory on Evaluating Transportation Impacts in CEQA.¹ As provided therein, projects meeting certain screening criteria can be considered to result in less than significant transportation impacts, including projects generating fewer than 110 trips per day, residential and office projects in a low VMT area, projects near transit stations, and projects providing affordable housing.

As shown on the Solano Napa Activity-Based, Traffic Analysis Zone VMT 2015 map, the site is located within an area that is 50 – 85% of the countywide average vehicle miles travelled per capita per day. Following OPR’s Technical Advisory, foreseeable residential development at the project site would have a less than significant impact as the site is located in an area where average daily per capita VMT is at least 15 percent below the countywide average. Due to the project’s location in a low VMT area, VMT impacts of the project and foreseeable residential development can be considered to be less than significant.

In addition, pursuant to CMC Chapter 3.28, the project and any foreseeable residential development on the project site will be subject to transportation development impact fees that are intended to cover new development’s share of the costs associated with providing infrastructure necessary to accommodate the increase in traffic associated with new development. Therefore, the project will not result in significant impacts related to traffic.

- **Noise**

The project site is within an urbanized residential area bordered by Money Lane and surrounded by residential uses, which contributes to the ambient noise environment. The project does not propose residential development; however, it is reasonably foreseeable that four single-family residences will be developed. Though foreseeable residential development would generate noise associated with typical uses of a residential development, including the voices of residents, vehicular use, and landscaping maintenance, noise levels as a result are not expected to result in an increase that would exceed the City’s noise standards established by the Calistoga Municipal Code and General Plan.

The General Plan Noise Element provides that a 60 dB exterior noise level is normally acceptable for residential uses and up to 75 dB would be conditionally acceptable. General Plan Mitigation Monitoring program N-1a requires new residential projects to meet the noise level standards of a maximum of 45

¹ Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018.

dB for interior noise level and a maximum of 60 dB for exterior noise level. The project proposes the demolition of existing structures and site improvements. Such project activities will be required to comply with the regulations of CMC Chapter 8.20 to minimize temporary noise impacts and would be required to follow standards to minimize nuisances (e.g., construction activity prohibited hours) from noises – as with any use in the city.

The project would retain its existing residential use and would remain consistent with the development type provided by the General Plan. Reasonably foreseeable residential development will be subject to the noise standards established in the municipal code. Therefore, the project would not result in significant effects related to noise.

- **Air Quality**

The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines provide preliminary screening for a lead agency to consider in making a conservative determination of a project’s potential impacts on air quality based on proposed land use (i.e. residential, commercial, industrial, etc.). Projects that are below the screening criteria are reasonably expected to result in less than significant impacts to air quality since pollutant emissions would be minimal and as such, preparation of a quantitative analysis is not needed. The screening level criteria for reasonably foreseeable single-family residential development is presented below:

Table 1: BAAQMD Screening Criteria

Land Use Type	Operational Screening Size	Construction Screening Size
Single-Family Housing	421	254
Source: Table 4-1, page 4-4 BAAQMD 2022 CEQA Guidelines, 2022 du= dwelling unit; ksf= thousand square feet		

Table 2 shows the screening size for construction and operation. When projects exceed the BAAQMD screening criteria, a detailed assessment of the project’s criteria air pollutant and precursor impacts would be warranted to determine if the project would result in significant impacts related to air quality. The project does not propose new residential development; however, there will be mass grading for building pads of four residential lots. Considering implementation of reasonably foreseeable development of four single-family residences, there would be a total of six single-family residences on the subject site. Future anticipated development would be below the screening size for construction (254 dwelling units) and operation (421 dwelling units). Given that future development would be well below the screening criteria, it would not trigger the need for a detailed assessment of criteria air pollutant and precursor emissions. Because the proposed project would retain the two existing single-family residences and does not propose residential development, the proposed project will not result in significant effects related to air quality during project construction or operation. Though the project proposes site improvements, such construction activities will be required to comply with conditions of approval requiring implementation of best management practices (BMPs) established by BAAQMD.

- **Water quality**

The site currently consists of several trees, a hobby vineyard, and some natural vegetation. The site contains 8,845 square feet of impervious surfaces and existing drainage sheet flows from the site in a

southerly direction toward a detention basin and offsite drainage improvements. The project proposes a bioretention facility that will be located on two proposed lots and a city storm drain system that will be located along the westerly property line. The bioretention area will be constructed and designed in accordance with the criteria in the Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual. The City will confirm that the stormwater improvements introduced by the project meet BASMAA regulation. Therefore, at operation, the project will not result in water quality impacts due to stormwater runoff.

In accordance with CMC Chapter 19.05, the project will be subject to implementation of appropriate BMPs to prevent the discharge of construction sediments, wastes or contaminants from construction materials, tools, and equipment from entering a City storm drain or watercourse. As provided in the Stormwater Runoff Pollution Control Ordinance, erosion control BMPs may include scheduling and timing of grading activities, timely revegetation, and erosion control blankets. Sediment control may include detention facilities to reduce entry of suspended sediment and installation construction entrances that prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include designated washout areas or facilities, control of waste materials, tarping of materials, and proper management of sanitary facilities. Therefore, compliance with existing regulations will ensure that construction activities do not impact water quality.

- e) The project has been reviewed by City Staff, and can be adequately served by all required utilities and public services.***

The subject site has an existing septic system and well shed that are to be removed under the proposed project. The project is located within city limits and would be served by the City's public services. The project proposes the installation of water, sewer, and storm drain infrastructure, which would be connected to the City's utility systems. The proposed utility improvements and installations have been reviewed and approved by the Public Works Department.

Exception to Exemptions

It has been further considered whether the project is subject to any of the exceptions outlined in CEQA Guidelines Section 15300.2. An exemption would be prohibited pursuant to Section 15300.2 if any of the following circumstances are found to exist:

- a) For certain classes of projects (Classes 3, 4, 5, 6 and 11) due to location where the project may impact an environmental resource or hazardous or critical concern;***

Section 15300.2(a) does not apply to the infill exemption.

- b) When the cumulative impact of successive projects of the same type in the same place, over time, is significant.***

The project proposes the subdivision of an existing property, demolition of accessory structures, and site improvements such as an access road and the installation of utilities. The project plans to retain two existing single-family homes and as such is expected to maintain its complimentary use to the existing surrounding land use. Foreseeable development of four single-family residences would also be complementary to the residential area in which the property is located and would be subject to future

Design Review pursuant to CMC Chapter 17.41. As such, the project would be complimentary to the existing residential use and there is no expectation that the project will contribute to cumulative impacts.

c) *Where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

There is no expectation that the project would have a significant effect on the environment resulting from unusual circumstances. The proposed project involves the subdivision of an existing lot, the demolition of accessory structures, and improvements such as an access road and the installation of utilities. The project site has been previously developed and would retain its existing use. Foreseeable development of four single-family residences would be consistent with the existing use and would be subject to development review prior to project implementation. Additionally, the project site has no geothermal features or volcanic ash deposits as demonstrated in the geotechnical report, prepared January 15, 2024, by Miller Pacific Engineering Group. Therefore, no significant effects generated by the presence of unusual circumstances would result from the proposed project.

d) *Where the project may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway;*

The project is not located in the vicinity of a State Scenic Highway. Lincoln Avenue, which leads into State Highway 29, is identified as a scenic corridor by the City and has eligibility to become a State Scenic Highway. The project site does not abut this highway, and it is not clearly visible from the highway as it is almost a quarter mile in distance. The project would retain some of the existing trees that would serve to screen the project site. The scale of development would be limited to the requirements set forth in the Low Density Residential General Plan designation and R-1-10 zoning, including maximum height and allowed uses. Overall, the project is consistent with its surrounding residential character and would not result in damage to scenic resources within a highway officially designated as a state scenic resource.

e) *Where the project is located on a state designated hazardous waste site; and*

The Envirostor and Geotracker databases were referenced on February 9, 2024. The site is not identified as a contaminated or spill site, nor is it near an active contaminated or spill site. A closed LUST Cleanup Site was identified 0.28 miles east of the project site at 2082 Lake County Highway. Additionally, a school site investigation 0.19 miles southeast of the project site at 1834 Money Lane requires no further action. A Phase I, prepared January 27, 2023, by CREtelligent, conducted for the project site revealed that the subject property is listed on the HHSS database due to a 1,000-gallon farm use motor vehicle diesel fuel tank installed in 1980 and last used in 1981. Additionally, the report indicated that the property is listed on the HIST TANK database for one tank, which is presumed to be the same as the one found on the HHSS database. The report indicated that the property is listed on the UST SWEEPS database for a 1,000-gallon diesel UST that was installed in 1985, which has a current status of active; however, environmental data indicates that no agricultural use USTs or hazardous material releases are located within 1,500 feet of the subject property. The Phase I concluded that the subject site has no recognized environmental conditions, historical recognized environmental conditions, controlled recognized environmental conditions, de minimis conditions, or Business Environmental Risks. Given

these conditions of the proposed project site, there would be no potential for exposure due to contamination.

f) Where the project may cause a substantial adverse change in the significance of a historical resource.

The project is anticipated by the General Plan and is subject to comply with the General Plan Policy P.3.4-1. In accordance with General Plan Policy P3.4-1, an archaeological evaluation was conducted on the project site by Alta Archaeological Consulting, dated June 15, 2023. The archaeological evaluation concluded that the project site (archaeological site P-28-00623) has a small parse artifact assemblage that consists of obsidian (flakes, bifaces, and points) and faunal remains (bone and marine shell). The evaluation determined that the project site does not contain significant intact archaeological deposits and that the site has been extensively disturbed by historic and modern use. Under Public Resources Code Section 5024, the proposed project site is considered *not significant* and therefore is not eligible for listing on the California Register of Historic Resources (CRHR). Per the archaeological evaluation, in the event that any human remains or associated funerary objects are discovered during project implementation, potentially damaging activities in the vicinity of the subject remains will be stopped immediately and a physical structure (e.g., exclusionary fencing) will be erected to prohibit potentially damaging activities from occurring within 50 feet of the find. In accordance with the California Native American Graves Protection and Repatriation Act, and the California Health and Safety Code (Section 7050.5), the Napa County coroner will be contacted immediately. As provided by Public Resources Code (Section 5097.98) the Most Likely Descendant (MLD) will work with the County of Mendocino and the Professional Archaeologist to develop a program for proper treatment of the remains. Potentially disturbing activities in the area will only resume after proper treatment of the materials has been achieved. All parties to the action are strongly advised to treat the remains and tribal representatives with the appropriate dignity and respect. On January 10, 2023, the City of Calistoga sent formal notification to Mishewal-Wappo Tribe of Alexander Valley, Pinoleville Pomo Nation, Cloverdale Rancheria of Pomo Indians, Dry Creek Rancheria of Pomo Indians, Lytton Rancheria, and Middletown Rancheria of Pomo Indians consistent with Assembly Bill 52 (AB 52). The Mishewal - Wappo Tribe of Alexander Valley requested to consult on the project, and after consultation with the City and review of cultural reports, did not have any comments or conditions for the project.

Additionally, a Historic Resource Evaluation (HRE) by Evans & De Shazo was prepared on December 10, 2021. The site contains two existing structures greater than 45 years old, a 1924 house and a ca. 1955 barn, both of which have been significantly altered. The HRE determined that the built environment resources within the project site do not meet the eligibility requirements for listing on the CRHR. While the 1924 house is designed in the Craftsman architectural style, the house does not exhibit enough character-defining features for listing. Based on the HRE, the built environment resources within the project site are not currently listed on any national, state, or local register of historic resources. As such, the proposed project will not result in a substantial adverse change in the significance of a historical resource.