
CITY OF CALISTOGA

MEMORANDUM

DATE: February 18, 2024

TO: Greg Desmond, Planning and Building Director
Lauren Clark, Permit Technician

FROM: Krystle Rizzi, Consultant Planner (M-Group)

SUBJECT: 33 Brannan Street
CEQA Section 15183 and 15332 Exemption Justification

The City of Calistoga has received a Design Review and a Tentative Map application for an 8-unit multifamily development (Project), located at 33 Brannan Street, Calistoga, Napa County, California (APN 011-050-023). As documented herein, the proposed Project meets the conditions for streamlined review pursuant to Section 15183 (Projects Consistent with A Community Plan Or Zoning) and a categorical exemption pursuant to Section 15332 (In-fill Development Projects) of the State California Environmental Quality Act (CEQA) Guidelines.

CEQA GUIDELINES SECTION 15183 APPLICABILITY

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provides a streamlined environmental review process and a statutory exemption for projects that are consistent with the densities established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified. As described in detail below, the proposed Project is consistent with the existing zoning designation for the site and with the City of Calistoga General Plan. The City of Calistoga General Plan EIR was certified by the City Council on October 3, 2023 (SCH No. 2003012009). Based on the project's consistency with existing zoning and the General Plan, and provided that the General Plan EIR was certified, the project qualifies for streamlined environmental review pursuant to Section 15183 of the CEQA Guidelines.

Zoning Consistency

The project site is zoned Multi-Family Residential/ Office (R-3) and is subject to the development standards for the R-3 district under Chapter 17.19 of the Calistoga Zoning Code. The intent of the R-3 Zoning District is to increase the diversity and affordability of the housing stock by providing housing close to downtown services and providing convenient access to professional office uses, while preserving the character of the existing neighborhoods. Multifamily dwellings are allowed by-right within the R-3 district.

The Project is subject to all applicable development standards established for the R-3 zoning district including setbacks, lot coverage, height, and usable open space, except where concessions and waivers have been granted consistent with State Density Bonus. In addition, the project is subject to Chapter 17.41 (Design Review) of the Zoning Ordinance, including compliance with the Findings set forth in Section 17.41.050. Since this project is proposing a subdivision of the existing property, it is also subject to Chapter

16.16 (Design and Improvement Standards) of the Calistoga Municipal Code, which outlines requirements for subdivision projects. As detailed in the staff report, the project is consistent with all applicable zoning regulations.

General Plan Consistency

General Plan Land Use Designation

The Project site is designated High Density Residential and Office per the General Plan. The High Density Residential and Office designation is generally adjacent to the downtown and provides for development of multi-family housing at densities of 10 to 20 dwelling units per acre. As proposed, the project will subdivide an existing 0.39-acre parcel into nine parcels, with eight parcels developed as multifamily rowhouses (townhomes) and a single parcel (Parcel A) developed with common areas for parking, circulation, and stormwater facilities. The overall density proposed by the project is 20 dwelling units per acre (8 du/0.39 ac = 20 du/ac) and as such the project is consistent with densities established by the General Plan.

The site is located within the Resort Character Area Overlay, which serves as the second most established entry to Calistoga. The Land Use Element of the General Plan states that the Resort Character Area is focused on reflecting a low intensity pattern with generously landscaped setbacks. One connectivity consideration for the Resort Character Area Overlay includes the provision of inviting and user-friendly pathways that lead to the downtown area. The multi-family residential Project meets this consideration as it proposes a new sidewalk along the Brannan Street frontage as well as landscaped areas along the project frontage and shared driveway, which serves as partial screening of parked vehicles, thereby providing an inviting pathway for pedestrians.

General Plan Policies

The project is consistent with the following General Plan policies.

Land Use Element

- P1.1-5 The City shall encourage infill development and development on land with necessary public infrastructure in place.
- P1.4-2 Development that meets performance standards for growth consistent with community character shall be given a high priority, including affordable housing, mixed-use projects, infill development and second units.
- P1.4-3 Generally, no more than ten market-rate units may be built in a single subdivision in any given year. Exceptions may be allowed for subdivisions that provide benefits to the city.
- P2.1-1 All new development in the city shall comply with the policies of the individual land use designations in Section C of this Land Use Element.
- P2.1-2 All new development on sites with overlay designations shall follow the overlay designation regulations in Section D of this Land Use Element to ensure that their development is in harmony with the surrounding environment.
- P3.1-1 New development shall be focused within the existing developed areas, and not at the city's periphery.
- P3.1-2 New development shall be designed so as to not adversely impact adjacent uses, particular those of lower intensities.
- P3.1-3 The approval of all development projects shall be coordinated with the provision of infrastructure and public services required to meet the needs of the development.

- P3.2-1 New development shall be designed to respect and enhance Calistoga's small-town rural character and the natural environment.
- P3.2-2 The use of "green construction" and land development techniques shall be encouraged as a means to reduce the environmental impacts of construction activity.
- A3.2-1 Use the design review process to ensure that development meets community concerns for visual and functional quality.

Community Identity Element

- P1.1-1 New development should be sensitive to surrounding architecture, landscaping, character and scale of existing buildings.
- P1.1-2 New development should use exterior materials that have traditionally been used in Calistoga.
- P1.1-3 New buildings shall have heights that avoid obtrusive breaks in the natural skyline.
- P1.1-4 New developments should provide accessible public and semi-public areas and efficient and inviting pedestrian and bicycle connections to existing Calistoga streets.
- P1.1-5 Neighborhood circulation patterns should encourage walking and cycling.
- P1.1-8 The considerations specified for each Character Area and Gateway overlay designation and each Entry Corridor overlay designation in the Land Use Element shall be followed.
- A1.1-1 Review development for characteristics that affect the image of the community including, but not limited to, landscape context, architecture, land uses, scale and intensity of uses relative to the historic standards.
- P1.3-1 All residential development shall protect the character of established neighborhoods in which the development is located.
- P1.3-2 Residents and property owners shall be required to maintain their properties in good condition.
- P1.3-3 All new development in residential areas shall be subject to design review.
- P1.3-4 Homes of modest size, built in proportion to their lots, shall be encouraged. Construction of oversized, bulky residential buildings should be avoided.
- P1.3-5 Design amenities shall be encouraged in new housing developments. Examples include:
- interconnected street layout
 - clustering of buildings
 - landscaping on each lot, with emphasis on native and drought-tolerant species
 - visual buffers
 - variation in architectural design
- P1.3-6 Multi-family structures and non-residential uses located adjacent to single-family properties shall incorporate adequate screening into project design to prevent view intrusion.
- P1.3-7 In new residential developments, the use of traditional site design and architectural elements such as a grid street layout, narrower streets, street trees, traditional house designs, reduced setbacks, and garages to the rear or sides of properties, shall be considered.
- P1.3-8 New neighborhoods shall promote human-scaled, comfortable and safe design, and incorporate pedestrian-oriented design features and connections to pedestrian/bikeways and site amenities.
- P1.3-9 The establishment of walled and gated communities is discouraged.
- P3.3-1 Adequate development opportunities shall be ensured while preserving historical quality.
- P3.4-1 As part of the development review process, assessment shall be required by appropriate professionals regarding the presence of archaeological and paleontological resources and the potential for adverse impacts on these resources.

- P3.4-2 Any archaeological or paleontological resources on private property shall be either preserved on their sites or adequately documented and conserved as a condition of removal.
- P3.4-4 If Native American artifacts are discovered on a site, representatives of the Native American community shall be consulted to ensure the respectful treatment of Native American sacred places.

Circulation Element

- A1.1-1 Collect a transportation impact fee from new development to pay for citywide transportation improvements.
- P1.3-2 New development shall provide sidewalks as needed to close gaps in the city's active transportation network. These gap closures may include off-site locations if the closure improves pedestrian connectivity from the new development to schools or other activity centers.
- P1.3-2 New development shall provide bicycle improvements called for in the Active Transportation Plan.
- A1.3-1 Require during the entitlement process that development projects conform to the plans and policies of the Circulation Element, including the construction of on- and off-site improvements and the payment of any transportation impact fee adopted by the City.

Housing Element

- P1.1-3 Encourage the development of housing where public services are available.
- P1.2-1 Make the best use of available housing sites when they are developed.
- P1.3-1 Ensure that new development does not outpace Calistoga's ability to provide services to meet the existing and future needs of its residents.
- P5.3-1 Encourage good design that incorporates and/or respects neighborhood and community characteristics.
- P8.1-1 Promote the use of energy conservation features in the design of new and remodeled residential structures.
- P8.1-2 Encourage sustainable design and construction practices in new residential development projects.
- A1.2-1 Encourage new residential development to be built with no less than 50 percent of the maximum number of dwelling units prescribed by the General Plan for specific properties, subject to conformance with the City's residential design guidelines and the General Plan's residential design policies.
- A4.4-1 Enforce State requirements for accessibility and adaptability in remodeled and new housing projects.
- A5.3-1 The City's residential design standards and the General Plan's Character Area Overlay Districts shall be considered in the review of proposed residential projects.

Infrastructure Element

- P1.1-2 The City shall not extend water infrastructure to new development areas until existing infrastructure is brought to adequate standards or unless such extensions contribute to infrastructure improvements.
- A1.2-1 Continue to implement the State Water Efficient Landscape Ordinance for projects involving new or substantially-rehabilitated landscaping.
- P1.3-1 The approval of new development shall be conditional on the availability of sufficient water for the project.

- P3.1-3 New development shall only be approved if there is sufficient capacity in the wastewater treatment system to serve the project.
- P3.1-2 Enforce the City code requiring all properties with plumbing, located within 200 feet of a wastewater sewer, to connect to the public sewer system.
- P5.3-2 New development shall be required to incorporate appropriate measures to minimize the impacts of stormwater runoff as specified in federal, state and regional regulations.
- A5.3-1 Require new development to install appropriate on- and off-site storm drainage improvements.
- A5.3-2 Require through the permit review process that post-construction peak runoff does not exceed pre-construction levels.
- A5.3-3 Require development to install bio-retention or other BASMAA-approved devices.

Public Services Element

- P2. New development projects shall pay a fair and equitable amount to offset the costs for expanded fire services they require.
- A1. Ensure through the development process that roadways are adequate in terms of width, radius and grade to facilitate access by City fire-fighting apparatus, while considering maintenance of Calistoga's small-town character.
- P3. New developments shall pay a fair and equitable amount to offset police service expansion that they require.

Open Space and Conservation Element

- P1.2-3 Prior to approving specific development plans on undeveloped parcels, biological and wetland assessments to determine the presence or absence of populations of special-status species, sensitive natural communities, and wetland resources shall be conducted. Assessments shall:
- Be conducted by qualified specialists in botany, wildlife biology and wetland ecology.
 - Include, as necessary, detailed field surveys conducted during the appropriate time of the year to permit detection of sensitive resources.
 - Produce mitigation plans for impacts to biological resources, as necessary. These mitigation plans should include wildlife preservation management plans, where necessary, including adequate mitigation for loss of wildlife habitat components that are critical to maintenance of special-status and other important species.
- A2.3-3 Implement water quality control measures as required by federal, State and regional regulatory agencies.
- P4.1-4 Require developers to provide land or in lieu fees for parks, as governed by the terms of the Quimby Act.
- P5.1-1 The City shall ensure that development safeguards scenic vistas and gateways and maintains the rural small-town character along specified roadways, including Silverado Trail and Lincoln Ave.
- P5.1-2 The planting and maintenance of street trees and use of landscaping elements shall be encouraged along public streets and thoroughfares.
- P6.1-5 The City shall minimize emissions from construction activities by implementing all feasible, cost effective measures to control dust and PM10, as defined by BAAQMD. These measures include clean-burning fuels and tuning engines to minimize pollution.

Noise Element

- P1.4-3 New development projects shall not be approved unless they are generally consistent with the Noise Compatibility Guidelines contained in Figure N-5.

Public Safety Element

- P1. All construction in Calistoga shall conform with the California Building Code, which specifies requirements for seismic design, foundations, and drainage.
- A1. As part of site planning review, a geologic/seismic report that includes analysis of soils, grading, erosion, and sediment control shall be required under any of the following circumstances:
- When warranted by the results of a geologic/seismic evaluation.
 - For new residential developments, roads or highways proposed to be located on parcels which contain identifiable landsliding or slumps.
 - For all proposed structures and facilities open to the public and serving 100 persons or more.
 - For projects proposed in hazardous geologic areas.

15183 Analysis

In approving a project meeting the conditions of CEQA Guidelines Section 15183, analysis of environmental impacts is limited to those impacts that (1) are peculiar to the project or site on which the project is located; (2) were not analyzed as significant effects in the prior EIR with which the project is consistent; (3) are potentially significant off-site and cumulative impacts that were not discussed in the prior EIR, and (4) are previously identified significant effects that are determined to have a more severe impact than discussed in the prior EIR.

The Project will not result in significant environmental effects peculiar to the Project or site where it is located. The site was previously used as a vineyard and is located within a developed urban context connected by roads and utilities and surrounded by established urban uses, including single-family, multifamily, and mobile home residences.

Environmental effects associated with General Plan buildout, including development of the site at the proposed density and intensity of the project were previously examined at a programmatic level in a certified EIR for the adopted General Plan. The Project would not contribute new significant effects that were not previously analyzed or could not be addressed through standard requirements for development.

Additionally, as a uniformly applied development standard, the Project will be subject to payment of all applicable development impact fees to meet demands for police, fire, cultural/recreational, city facilities, and transportation infrastructure. Through incorporation of the recommended conditions of approval and payment of development impact fees, impacts associated with development of the Project will be the same as previously identified in the General Plan EIR. Accordingly, the project will not result in impacts that are peculiar to the project or site on which the project is located; does not involve impacts that were not analyzed as significant effects in the prior EIR; will not result in impacts that are potentially significant off-site and cumulative impacts that were not discussed in the prior EIR, and will not result in impacts that new or more severe impacts as compared to those discussed in the prior EIR. Therefore, the project qualifies for streamlined review pursuant to Section 15183 of the CEQA Guidelines.

CEQA GUIDELINES SECTION 15332

California Public Resources Code Section 21084 and State CEQA Guidelines Section 15332 provide that listed classes of projects, including the Class 32 In-Fill Exemption, are determined not to have a significant effect on the environment.

The Project qualifies for a CEQA exemption under Section 15332 for the following reasons:

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

The Project site is designated High Density Residential (10-20 dwelling units per acre) and Office per the General Plan and zoned Multifamily Residential/Office (R-3) per the Zoning Code. The High Density Residential and Office designation applies to areas adjacent to the downtown and provides for the development of multifamily housing. The R-3 zoning district is intended to increase the diversity and affordability of the City's housing stock, with multifamily housing permitted by-right. The Project site is located on Brannan Street and is within the boundaries of the Resort Character Area Overlay. The Project supports this overlay designation by providing low intensity residential development and supporting vehicular, pedestrian, and bicycle connectivity. The Project proposes a shared driveway and a new sidewalk along the site's frontage. The site abuts existing residential uses including an existing single-family residential unit to the east and multifamily residential units to the south. The Project proposes to provide eight residential units (with one affordable at moderate-income level) on a 0.39-acre site. As proposed, the Project is consistent with the allowable land use and density for the site, which allows for 10-20 dwelling units per acre. Thus, the Project as proposed meets the provisions of the High Density Residential and Office Land Use General Plan land use designation and R-3 zoning set forth by the General Plan and Zoning Code.

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 approximately 0.39 acres in an area surrounded by existing residences. The Project site is currently undeveloped and was previously used as a vineyard. Thus, the proposed Project site is located on a site of no more than 5 acres and is substantially surrounded by established urban uses.

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

Pursuant to General Plan Policy P1.2-3, biological and wetland assessments are required to determine the presence or absence of biological resources prior to the approval of development on undeveloped parcels. In accordance with General Plan Policy P1.2-3, a Preliminary Site Assessment for biological resources was prepared by Northwest Biosurvey Environmental & Planning Services on December 29, 2023 for the project (Attachment A). As provided therein, the project site does not contain known populations of sensitive plant or wildlife species. The site is vacant and consists primarily of grass and forbs, which are regularly mowed. Though the assessment occurred outside of the blooming season for rare plants, due to the site's previous use as a vineyard as well as regular maintenance practices, it is unlikely that sensitive status plants would occur on the site. Additionally, the site has several non-native trees, specifically American sycamores (*Platanus occidentalis*) that are located along the Brannan Street frontage. Though no nests were found, there is potential for these trees to provide nesting habitat for raptors and other birds. Though nesting birds are not considered endangered, rare, or threatened,

these species are protected by the Federal Migratory Bird Treaty Act and the California Fish and Game Code (Sections 3503, 3503.5, 3513). As proposed, three Sycamore trees along the project site frontage will be removed to accommodate a new sidewalk which has the potential to result in impacts to nesting birds. As provided in the site assessment, it is recommended that removal of these trees occurs outside of the bird nesting season, which is between February 1st and August 31st. If tree removal cannot occur outside of the nesting season, a survey for nesting birds, conducted by a qualified biologist, shall precede tree removal. If nesting birds are found on the site, a suitable construction buffer shall be established and maintained until either the end of the nesting season or upon determination by a qualified biologist that fledging has occurred or that the nest has been abandoned. As detailed in the site assessment prepared for the Project, the site has been previously used as a vineyard, is regularly disturbed through mowing practices, is surrounded by urban uses, and as such does not contain suitable habitat for endangered, rare or threatened species.

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

Based on trip generation calculated for similar multifamily development projects, it is anticipated that the proposed project would generate approximately 59 daily trips, as well as 4 trips during the AM peak hour and 4 trips during the PM peak hour. Trip generation is based on estimates published by the Institute of Transportation Engineers (ITE) in *Trip Generation Manual*, 11th Edition, as shown in Table 1 below.

Table 1: Proposed Project Trip Generation Summary¹

Land Use	Units (du)	Daily		AM Peak Hour		PM Peak Hour	
		Rate (per ksf)	Trips	Rate (per ksf)	Trips	Rate (per ksf)	Trips
PROPOSED							
Multifamily Housing (low rise) (ITE 220)	8 du	6.74	54	0.40	4	0.51	4
NET NEW TRIPS							
Net New Trips			54		4		4

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.² As provided therein, projects meeting certain screening criteria can be considered to result in less than significant

¹ Institute of Transportation Engineers (ITE), Trip Generation Manual, 11th Edition, ITE LU 220 – Multifamily Housing (Low Rise) Not Close to Rail Transit.

² Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018.

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 – 80% below the countywide average vehicle miles per capita per day. Following OPR’s Technical Advisory, 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. Additionally, as demonstrated in Table 1, the project will result in fewer than 110 net new daily trips and can therefore be considered a small project. Due to the project’s location in a low VMT area and the minimal increase in daily, AM, and PM peak hour trips, VMT impacts of the project can be considered to be less than significant.

In addition, pursuant to Chapter 3.28 of the Calistoga Municipal Code, the Project 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 is within an urbanized area surrounded by roads (Silverado Trail N, Champagne N, Lincoln Avenue,) and residential use, which contribute to the ambient noise environment. Although the Project 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 of the Project 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 dB for interior noise level and a maximum of 60 dB for exterior noise level, especially when outdoor activities are important components of a project, such as with multi-family housing developments. Additionally, the Project will be required to comply with the regulations of Chapter 8.20 of the Calistoga Municipal Code to minimize temporary noise impacts during construction and to ensure the development would follow standards to minimize nuisances (e.g., construction activity prohibited hours) from noises – as with any use in the city.

The Project proposes residential development in a location adjacent to existing residential uses. The Project is consistent with the development type provided by the General Plan for the site, and the residential uses are 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 the comparable land use category is presented below:

Table 2: BAAQMD Screening Criteria

Land Use Type	Operational Screening Size	Construction Screening Size
Condo/townhouse	637	416
Source: Table 4-1, page 4-4 BAAQMD 2022 CEQA Guidelines, 2022 du= dwelling unit		

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 proposes the development of eight multi-family units, which is below the screening size for construction (416 dwelling units) and operation (637 dwelling units). Given that the proposed project size is well below the screening criteria, the Project does not trigger the need for a detailed assessment of the Project’s criteria air pollutant and precursor emissions. It can be determined that the proposed project will not result in significant effects related to air quality during project construction or operation. Additionally, during project construction activities, the project will be required to comply with conditions of approval requiring implementation of best management practices (BMPs) established by BAAQMD.

Water quality

The Project proposes site development that includes removal of existing vegetation onsite. New development will introduce new hardscape improvements including new buildings, access roads, sidewalks, and drive aisles, as well as pervious surfaces including landscaping, trees, and bio-retention areas. The Project will replace and improve the onsite storm drain system in accordance with the Bay Area Stormwater Management Agencies Association (BASMAA) stormwater regulation, which requires stormwater to enter bioretention areas for filtration and infiltration. The post-construction flowrate of stormwater cannot exceed the pre-construction flowrate. Based on a preliminary report of the Project site, the post-development peak flow rates will not exceed the pre-development peak flow rates for the 100-year, 24-hour storm event, upon completion of the Project’s detention pipe system and the bioretention basins. Prior to issuance of a certificate of occupancy, the City will confirm that 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 Chapter 19.05 of the Calistoga Municipal Code, 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 and uniformly applied development standards 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 Project site contains existing uses that are fully served by established utilities and public services. As proposed, the Project includes a six and four-inch sanitary sewer lateral, eight-inch storm drain laterals, and a 12-inch water line which will connect the project site to existing city infrastructure. Furthermore, the Project has been referred to various city departments including the Public Works Department and is subject to recommended conditions of approval and the payment of development impact fees. As such, the Project site is adequately served by all required utilities and public services and any increases in demands associated with the proposed project will be accommodate through conditions of approval imposed by the City and improvements funded in part by the payment of development impact fees.

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 Class 32 infill exemption.

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

Since the Project is located in an urbanized area surrounded by other residential uses, and has been previously anticipated by the General Plan, it is expected to be complimentary to the existing land 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 introduction of 8 residential units within an area with existing residential uses and is zoned to allow for multi-family development. The General Plan EIR identifies the site as grassland, which is a moderately significant biological resource at the site.³ However, based on the preliminary site assessment prepared for the Project, there are no known populations of sensitive plants or wildlife. Therefore, it is not expected that the Project would result in a significant effect on the environment due to unusual circumstance.

³ Figure 21 Biological Resources in the Planning Area. 2003 General Plan Draft EIR.

- 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 is identified as a scenic corridor by the City and has eligibility to become a State Scenic Highway. The Project site does not abut Lincoln Avenue, but the Project site currently can be viewed from Lincoln Avenue. Though the Project involves the removal of existing trees, there would be replacement trees and additional landscaping provided. Overall, the Project is consistent with the 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 8, 2024. The site is not identified as a contaminated or spill site, nor is it near an active contaminated or spill site.

- 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 General Plan Policy P.3.4-1. In accordance with the General Plan Policy P.3.4-1, a Cultural Resources Study prepared by Tom Origer & Associates provides an evaluation indicating that future development on the Project site would not adversely change the significance of a historical resource. The site is currently vacant and consists of grasses, forbs, and several non-native trees. A field survey of the Project site revealed the presence of a pre-historic artifact, however, the analysis concluded that this isolated artifact did not meet any of the California register eligibility criteria for listing as a historical resource. Based on the presence of this artifact as well as other site indicators and soils, the Study concluded that there is a moderate potential for the site to contain buried archaeological resources. As such, it is recommended that archaeological training sessions be provided to the construction crew prior to conducting ground-disturbing activities. Such trainings should be conducted by someone overseen by an archaeologist who meets the Secretary of Interiors Standards for Archaeology. Additionally, it is recommended that a member of the Native American community be invited to participate in the training session. On January 19, 2024, the City of Calistoga sent formal notification to Cachil Dehe Band of Wintun Indians, Cortina Rancheria – Kletsel Dehe Band of Wintun Indians, Guidiville Rancheria of California, Middletown Rancheria of Pomo Indians, Mishewal-Wappo Tribe of Alexander Valley, Pinoleville Pomo Nation, Yocha Dehe Wintun Nation consistent with Assembly Bill 52 (AB 52). On January 25, 2024, Middletown Rancheria requested to consult on the project, which included meeting staff on the project site and providing conditions of approval related to the protection of Tribal resources during project construction. These conditions of approval have been incorporated, and with inclusion, the Project will not result in a substantial adverse change in the significance of a historical resource, including Tribal cultural resources.

Recommended Environmental Conditions of Approval

Biological

1. It is recommended that removal of any trees occurs outside of the bird nesting season, which is between February 1st and August 31st. If tree removal cannot occur outside of the nesting season, a survey for nesting birds, conducted by a qualified biologist, shall precede tree removal. If nesting birds are found on the site, a suitable construction buffer shall be established and maintained until either the end of the nesting season or upon determination by a qualified biologist that fledging has occurred or that the nest has been abandoned.

Air Quality

2. The following BAAQMD Best Management Practices (BMPs) shall be implemented during project construction.
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt trackout 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.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 - All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
 - Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
 - Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

Tribal

3. The Project applicant must meet and confer with the Tribe, at least 45 days prior to commencing ground disturbance activities on the Project to address notification, protection, treatment, care and handling of tribal cultural resources potentially discovered or disturbed during ground disturbance activities of the Project. All potential cultural resources unearthed by Project activities shall be evaluated by the project Tribal Cultural Advisor. The Tribe must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection and/or treatment of tribal cultural resources to the extent permitted by law. If the resource is determined to be a tribal cultural resource of value to the Tribe, the Tribe will coordinate with the Project applicant to establish appropriate treatment and disposition of the resources with appropriate dignity which may include reburial or preservation of resources. The Project applicant must facilitate and ensure that the determination of treatment and disposition by the Tribe is followed to the extent permitted by law. No laboratory studies, scientific analysis, collection, curation, or video recording are permitted for tribal cultural resources without the prior written consent of the Tribe.

4. Prior to initial ground disturbance, the applicant shall retain a project Tribal Cultural Advisor designated by the Tribe, to direct all measures related to tribal cultural resources.
5. All on-site personnel of the Project shall receive adequate cultural resource sensitivity training approved by the project Tribal Cultural Advisor or his or her authorized designee prior to initiation of ground disturbance activities on the Project. The training must also address the potential for exposing subsurface resources and procedures if a potential resource is identified. The Project applicant will coordinate with the Tribe on the cultural resource sensitivity training.
6. Ground disturbing activities occurring in conjunction with the Project (including surveys, testing, concrete pilings, debris removal, rescrapes, punch lists, erosion control (mulching, waddles, hydroseeding, etc.), pot-holing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area) shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to the Tribe. The duration and timing of the monitoring will be determined by the project Tribal Cultural Advisor. If the project Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries.
7. The project Tribal Cultural Advisor and tribal monitor(s) may halt ground disturbance activities in the immediate area of discovery when known or suspected tribal cultural resources are identified until further evaluation can be made in determining their significance and appropriate treatment or disposition. There must be at minimum one tribal monitor for every separate area of ground disturbance activity that is at least 30 meters or 100 feet apart unless otherwise agreed upon in writing between the Tribe and applicant. Depending on the scope and schedule of ground disturbance activities of the Project (e.g., discoveries of cultural resources or simultaneous activities in multiple locations that requires multiple tribal monitors, etc.) additional tribal monitors may be required on-site. If additional tribal monitors are needed, the Tribe shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between the Tribe and applicant. The on-site tribal monitoring shall end when the ground disturbance activities are completed, or when the project Tribal Cultural Advisor have indicated that the site has a low potential for tribal cultural resources.

Attachments

- A. Biological Site Assessment, Northwest Biosurvey Environmental & Planning Services, December 29, 2023