

**CITY OF CALISTOGA
PLANNING COMMISSION
REGULAR MEETING MINUTES EXCERPT
May 28, 2008**

1
2 **ROLL CALL**

3 **Present:** Chairman Jeff Manfredi, Vice-Chairman Clayton Creager, Commissioner Carol
4 Bush, and Commissioner Kite. **Absent:** Commissioner Paul Coates. Staff: Charlene
5 Gallina, Planning and Building Director, Ken MacNab, Senior Planner, Erik Lundquist,
6 Associate Planner, Dan Takasugi, Public Works Director, and Kathleen Guill, Planning
7 Commission Secretary.

8
9 **G. PUBLIC HEARINGS**

10
11 **2. ZO 2008-01, DA 2007-02, TTM 2007-02, DR 2008-01. Vineyard Oaks Subdivision**
12 – Referral from the City Council regarding review of a Zoning Ordinance Text
13 Amendment (ZO 2008-01), Development Agreement (DA 2007-02), Tentative Tract Map
14 (TTM 2007-02) and Design Review (DR 2008-01) requested by Ed Nagel of BNK
15 Investments, LLC, on behalf of the property owners, Ira and Lois Carter and 1881 Mora
16 Avenue, to amend Chapter 17.08 of the Zoning Ordinance to provide an alternative
17 means for residential projects to satisfy the affordable housing requirements and to
18 subdivide approximately 18 acres of land into 15 single-family lots. The lots are
19 approximately 1 acre in size. The subdivision includes a lot line adjustment with the
20 property to the east along Mora Avenue strictly for utility and emergency vehicle access.
21 The subject properties are addressed as 2400 Grant Street & 1881 Mora Avenue and
22 located within the RR - Rural Residential Zoning District. (APN 011-010-013 & 011-010-
23 014 and 011-021-002)

24 *(This matter was continued from the Planning Commission Meeting of May 14, 2008.)*

25
26 **Associate Planner Lundquist** provided a brief historic summary from the staff report
27 noting based upon the comments and concerns heard during the May 14, 2008
28 Planning Commission had directed Staff to investigate the appropriateness of the
29 following:

- 30 • Increasing the side yard setback on lot 8; and
31 • restricting the allowable height of lot 1 to 23 feet to the peak of the roof;
32 • restricting construction hours; and
33 • applying a Design Review requirement to Lot 1 and Lot 15; and
34 • reducing or eliminating the private driveways.

35
36 **Associate Planner Lundquist** reported the applicant has consented to reducing
37 construction hours to Monday – Friday, 7:00 AM to 7:00 PM, including a condition to
38 provide for design review for lots 1 and 15, and was agreeable to eliminating the private
39 driveways, with the exception of Lot 10. Noting the Rural Residential Zoning District
40 requires a 10 foot side yard setback and there are no residential structures located on
41 the contiguous parcel that would be substantially impacted by the proximity of a
42 residence 10 feet from the property boundary. However relocating the driveway from
43 the rear to the front will provide an opportunity to meet the standard required setback.
44 Staff concluded reporting overall the proposed project as presented and modified to

REGULAR MEETING MINUTES EXCERPT

May 28, 2008

Page 2 of 10

45 date is a good project and he therefore recommended approval based on the staff
46 report and testimony.

47

48 **Rich Waller**, Shook and Waller and representing BNK, thanked the Commission for
49 their clear and specific direction during the previous meeting. He reported he believed
50 the concerns had adequately been addressed and he provided the new revised site
51 plans asking for the Planning Commissions approval. He noted his whole team was
52 available for specific questions if needed.

53

54 **Kurt Becker**, 1715 Michael Way, stated he did not understand because during the
55 previous meeting it had been reported the Growth Management Allocations had been
56 exceeded and there is no water available for this project. He stated in his opinion it is a
57 waste of staff time and that the Staff Report sounds like staff works for the Developer.

58

59 **Director Gallina** clarified that during the last meeting she reported in the initial 2005
60 Growth Management applications the project application was denied as the proposal
61 did not meet the primary application objectives, in 2007 the City Council had approved
62 a Memorandum of Understanding (MOU) for this project, and due to the MOU it was
63 put into the cycle for a reserved allocation and counted within allocation reports. It is
64 correct the 2008 cycle exceeded anticipated allocations. Director Gallina noted she
65 would be happy to schedule an appointment to meet with Mr. Becker to review
66 allocation records.

67

68 **Kurt Becker** stated the City is 114% over in allocations, repeating this project was not
69 included and we are over in the entire five year cycle.

70

71 **Director Gallina** reported recent report by Public Works has also indicated we have
72 sufficient wastewater capacity.

73

74 **Chairman Manfredi** reminded Mr. Becker that staff is happy to meet with him to
75 continue this discussion. With continued objection by Mr. Becker Chairman Manfredi
76 stated Mr. Becker was out of order and directed him to sit down.

77

78 **Tom Balsler**, Michael Way, reported he was primarily concerned about the drainage.
79 He questioned if the water coming into this property was studied along with where the
80 drainage would disperse from the project. He asked if we know how much water will
81 come into the swales. He shared concern that the swales will require maintenance and
82 property owners will need to keep them clean.

83

84 **Lorraine Bianci**, 1712 Garnett Creek Ct., stated the developer Ed Nagel had visited
85 and answered many of her questions. She shared her remaining concern of what will
86 be done with Grant Street and would it be repaired.

87

88 **Paul Holm**, 2551 Grant Street, asked exactly what he could expect the drainage pipe
89 to look like. He still had concerns environmentally for the old oak trees. He also asked

REGULAR MEETING MINUTES EXCERPT

May 28, 2008

Page 3 of 10

90 why not require an EIR for exact determination of what impact there will be on his
91 property. He shared his problem with the creek cresting onto his property and the
92 consultant inspected and confirmed there is an existing problem. He stated he was
93 also curious why there was not equal application with the law. His project was
94 conditioned the peak could not exceed 21 feet. Now 18 buildings are being considered
95 at 35 feet, and it is ok. During review of his proposed berm the City required a full
96 water study for his little berm. He stated he does not oppose development in general,
97 but there were some real issues here.

98

99 **Diane Barrett**, 2517 Grant St, wanted to reiterate her concerns about the volume and
100 velocity of water coming out at the creek and going past their properties. She stated it
101 should be common sense that this will have some impact. Potential erosion of the bank
102 and flooding of properties. Ms. Barrett questioned how the creek bank was studied,
103 noting it is already impacted with impediments such as large trees and a fence falling
104 on the north-west bank. Should she assume that when the studies were done on the
105 flow of water consideration was given as to what is in the creek bank?

106

107 **Jackie Lake** reported most of her questions have been addressed, however water and
108 drainage is still a major concern. She appreciated the driveway access, building height
109 and construction hours being addressed

110

111 **Kurt Larecou** provided a blank 32 page Fish and Game application to staff and
112 advised every project located on a water way required review by Fish and Game. Mr.
113 Larecou also provided a document to Chairman Manfredi (attachment 1) and provided
114 a brief review of the pages highlighting the following:

115

116 • He identified the yellow area on page one as the Vineyard Oaks project.
117 • Referencing page 2, dated 10/01/07 stated this was the report used by staff for
118 completion of the Mitigated Negative Declaration, noting in his opinion the
coefficient is supposed to be accumulative and is marginal.

119

120 • He provided the Manning coefficient, reporting this is the standard used by
government and counties.

121

122 • He stated the project study seemed to only consider down 75 feet and that was not
adequate for any determination.

123

124 • Mr. Larecou provided photo's of the stream bed, the bridge abutment with a vertical
crack and leaning on the wing wall, the bridge cobble rock abutment, etc. He
125 stated with these items the Negative Declaration is questionable.

126

127 • He shared his concerns on the wetlands and the seasonal timing the geo services
test pits were completed (08/15/07), and stated the habitat should be embraced as
128 open space.

129

130 • He shared concern with reported no impact on trees.
131 Mr. Larecou recommended the project go back, complete an EIR and allow the
opportunity for the public to provide comment in writing.

132

133 **Connie Johnson**, 2001 Mora Avenue, reported she met with Ed Nagel and Rich
134 Waller. She stated she was impressed they came and met to go over the project with

REGULAR MEETING MINUTES EXCERPT

May 28, 2008

Page 4 of 10

135 her and she was thrilled the driveway proposed in the backyard is gone. Referencing
136 Resolution PC 2008-17, Mitigation AQ-1, a) (line 67) *a) Exposed soils shall be watered*
137 *periodically during construction, a minimum of twice daily. The frequency of watering*
138 *shall be increased if wind speeds exceed 15 mph. Only on-site well water, purchased*
139 *city water or reclaimed water shall be used for this purpose. Responsibility for watering*
140 *shall include weekends and holidays when work is not in progress.*

141 Ms. Johnson questioned watering and asked if there was or would be a well on site.
142 She further asked if they will have a fence around the construction to block dirt blowing
143 into her house and especially her pool. Referencing Resolution PC 2008-17, page 4 of
144 6, line 141, Mitigation Bio-5 related to nesting birds, and bats. She stated she truly
145 hoped they would be looking for nests because she knows there are nests there.
146

147 **Chairman Manfredi** closed the public portion of discussion at 6:20 PM.
148

149 **Planner Lundquist** provided the following in response to comments:

- 150 • Yes, offsite water was accounted for in the drainage study.
- 151 • Property owner maintenance of swales will be required through established
152 conditions of approval and recorded agreements.
- 153 • Second units are allowed but need to be within approved building envelopes
- 154 • Construction hours will be limited to Monday – Friday, 7 AM to 7 PM
- 155 • All homes over 4000 square feet will be required to go to the Planning Commission
156 for Design Review.
- 157 • All homes will be required to go through Design Review with the project Architect.
- 158 • Monies (\$200,000) for Grant Street improvements will be designated specific to the
159 improvement from Mora to the Grant Street Bridge.

160
161 **Commissioner Kite** asked what the recourse would be if a property owner failed to
162 maintain the swales.
163

164 **Planner Lundquist** reported the City has an established code enforcement program
165 that is initiated with a letter to the property owner to identify an issue exists and
166 requests compliance. If there is no compliance there is civil recourse as well as
167 administrative abatement through the City Council, along with potential fine assessment
168 on property. There is recourse.
169

170 **Vice-Chairman Creager** asked if the trees along the fence will remain. Also asking
171 what was the estimated length of time it will take the developer to complete the basic
172 infrastructure and where will the drainage outfall will actually be located.
173

174 **Planner Lundquist** reported the trees along the fence will be remaining. Further
175 noting the developer has two years to vest their entitlements.
176

177 **Rich Waller** reported once they commence work the standard range to complete
178 infrastructure is six months to one year, including infrastructure, streets, sidewalks and
179 lots. He advised the outfall should be placed in the downstream portion of the

REGULAR MEETING MINUTES EXCERPT

May 28, 2008

Page 5 of 10

180 abutment and will be designed with no pipe sticking out and tucked under bridge
181 including a coring feature.

182

183 **Director Gallina** reminded other development agreement funding approved by the City
184 Council included money for recreational improvements and the affordable housing
185 program.

186

187 **Commissioner Creager** acknowledged the public concern for the systemic condition of
188 the bridge.

189

190 **Planner Lundquist** reported an engineer will be providing structural design and the
191 City Engineer will have final review to assure safety.

192

193 **Commissioner Kite** acknowledged for confirmation that nothing will be done to the
194 bridge that will cause the bridge to weaken.

195

196 **Planner Lundquist** resumed his response to the public as follows:

- 197 • Everyone in each zone is subject to the same height limitations and subject to the
198 same design review requirements. In Mr. Holmes case the determination to reduce
199 the height was established so the application could be administratively reviewed
200 and approved, precluding the applicant from coming before the Planning
201 Commission for design review.
- 202 • Investigation of reported upcoming Flood Control District inspections by the County.
203 County has provided clarification stating the survey is asking if property owners see
204 items that need to be maintained. They reported problems previously with trespass
205 issues. The creek bed has been looked at for ultimate impacts, along with studies
206 of the existing stream channels.

207

208 **Commissioner Kite** reminded people are worried because there have been existing
209 flood problems in the area. He questioned are we confident the studies confirm there
210 will be no worsening of the flooding and possibly some improvements.

211

212 **Planner Lundquist** stated the localized flooding has been recognized and the data
213 supports there will be no dramatic increase. Of course it is a change, however the
214 change will not result in a dramatic increase.

215

216 **Commissioner Kite** noted for those that have experienced flooding this will not solve
217 their existing flooding, and again questioned absent anything else, the studies are done
218 and this is fine.

219

220 **Planner Lundquist** noted for those that have experienced flooding there are grants
221 that can be applied for individually to correct existing problems.

222

223 **Kevin Moss**, Adobe Associates, provided a summary referencing the preliminary
224 Drainage Report advising a conservative rational method was used. He further

REGULAR MEETING MINUTES EXCERPT

May 28, 2008

Page 6 of 10

225 confirmed the study definitely went beyond the suggested 75 feet, studying from Grant
226 Street, Garnett Creek, and down Napa River to the outfall at Oak Street. Resource
227 data was compiled from FEMA studies, regional studies, Cal Fed, and cross section
228 data based on several iterations were reviewed by licensed surveyors, with a
229 conclusion of refined methods for diversion of the water into Garnett Creek and
230 discharged at the bridge location. Addressing the impact to the water surface Mr. Moss
231 reported that Mr. Holms does have a low lying area along the bank and there is
232 evidence the property already experiences flooding and water in the basement. He
233 reported the stoop of the entrance is 5-6 ft below floor elevation, however other than
234 sandbagging there has been no further efforts by the property owner to mitigate his
235 problem. Mr. Moss further noted the mitigation measures of this project will be
236 reducing the existing drainage impacts to neighbors on Michael Way to almost an
237 immeasurable degree.

238

239 **Commissioner Kite** questioned the potential impact during a normal storm event.

240

241 **Kevin Moss** reported prior to any consideration of this project the creek could rise 12 to
242 15 feet during a storm event. We are cutting surface run off from Mora area and
243 directing it to the creek and data indicates the anticipated increase should not exceed
244 an additional 1/4 inch. He further advised the intention is for the outfall to minimize the
245 impact to the bridge by going into the headwall, with a secondary wing wall option, the
246 determination will be based on the analysis of the structure. Continuing referencing
247 Regional Water Quality Control Board permits Mr. Moss stated all permits will be
248 required and copies provided to Public Works prior to the developer commencing with
249 the project.

250

251 **Lucy McMillan**, Biological Consultant for the project referenced the form provided to
252 Staff by Mr. Larecou, advising a Streambed Alteration Agreement is only completed
253 once there is a CEQA document and only if there is substantial modification to a creek
254 bed or bank, and at that time proper notification would be required. That notification
255 then goes to Fish and Game and they would make their determination. Before they can
256 issue an agreement either a Mitigated Negative Declaration, an EIR, or a Negative
257 Declaration is needed unless it is for an emergency repair. Referencing the wetland
258 issue she provided a summary of her initial evaluation performed in June 2007,
259 examining soils, plants, and hydrology, determining primarily seasonal wetlands and
260 prepared a second evaluation in October along with a review of historic aerial
261 photography to identify wetland signatures, with no strong indicators. Concluding in
262 February 2008, conducting a jurisdictional wetlands evaluation, again with no
263 hydrologic or vegetative indications.

264

265 **Chairman Manfredi** asked if there would be mitigation for bird and bat nests

266

267 **Lucy McMillan** reported nesting bird surveys should be conducted 30 days before
268 construction. Bat nest surveys should be accomplished during March to August. A
269 preconstruction survey will be necessary.

REGULAR MEETING MINUTES EXCERPT

May 28, 2008

Page 7 of 10

270

271 **Commissioner Kite** questioned the use of well water for dust control and if there was a
272 potential impact on existing wells in the area.

273

274 **Planner Lundquist** reported a condition is included that the developer shall provide
275 onsite water and obtain necessary permits to use reclaimed water. He reported there is
276 no well on site.

277

278 **Kevin Moss** responded related to ground water quality and well production. Reporting
279 with surface grading contamination of ground water is rare when using best
280 management practices. He would not anticipate any contaminants during construction.
281 No impact to water quality.

282

283 The public portion of the hearing was reopened.

284

285 **Paul Holm** asked what recourse does he have if it is determined the water does come
286 out in front of his property.

287

288 **Chairman Manfredi** stated it they could include a condition for additional review.

289

290 **Lorraine Bianci** asked if all the plans for homes within the subdivision will be reviewed
291 by the Planning Commission and requested work construction be limited to 8:00 AM to
292 5:00 PM.

293

294 **Chairman Manfredi** confirmed in accordance with the existing City Ordinance, review
295 would only be required in the event the dwelling exceeded 4000 Sq.Ft.

296

297 **Planner Lundquist** reported normal construction hours were from 7:00 AM to 7:00 PM.

298

299 **Diane Barrett** still had question on the volume and velocity of the water noting she
300 understood there could be a ¼ rise in creek, however she understood Mr. Moss to say
301 the drainage would improve on Michael Way, but with a detriment to other properties.

302

303 **Tom Balsler** asked if there was a blockage at bio swales, where would the water go,
304 noting an obstruction could be caused by a simple load of dirt.

305

306 **Kurt Larecou** reviewed areas of drainage, including Garnett Creek Court, and Mora.
307 He noted water currently comes down Mora and the house built on Mora at Grant
308 Street has flooding now with any rainfall. He further noted the bridge is currently in
309 pretty bad shape, and questioned if a performance bond would be required for the
310 developer to put in a new bridge. He suggested more input was needed on drainage
311 and biological impacts and shared concern for Valley Oak, trees. He again stated the
312 project needs a full EIR and should just start review of the project over.

313

REGULAR MEETING MINUTES EXCERPT

May 28, 2008

Page 8 of 10

314 **Connie Johnson**, 2001 Mora Avenue, suggested the Planning Commission clarify bird
315 surveys to be required prior to construction and that no wells should ever be drilled.
316

317 **Bob Fiddaman**, 1700 Mora, stated he was in support of this project, noting the project
318 has improved due to recent reviews and public input. He stated he understands there
319 is a lot of concern, however he believed both the developer and the Planning
320 Commission has gone to great lengths to ease concerns and provided a lot of changes
321 to satisfy neighbor preferences. He suggested that is why there are many neighbors
322 that were not in attendance because those persons that are neutral don't show up. So
323 the result is hearing only a negative side. If one was to look at a balanced picture, you
324 would hear this is a pretty good project. He further noted he did not understand why
325 folks located on his side of the project were so concerned about drainage, because the
326 potential flooding will be improved not made worse. Considering the patience and
327 efforts to satisfy concerns he believed it is time to approve the project.
328

329 **Rich Waller** provided a brief description of the tentative map process noting it will
330 followed by final map hearings, again allowing the public to address any outstanding
331 concerns.
332

333 Chairman Manfredi again questioned the allowed construction work hour.
334

335 **Planner Lundquist** reported the City ordinance allows everyone to perform
336 construction from 7:00 AM to 7:0 PM, Monday through Friday, and the developer has
337 agreed not to work on Saturdays.
338

339 **Vice-Chairman Creager** asked the engineer to provide clarification on how the
340 infiltration systems work.
341

342 **Kevin Moss** stated the purpose of a trapezoidal ditch with three to one slopes was the
343 water spreads out and velocity is greatly reduced. There is less erosion and it
344 suspends the solids in the water allowing a chance to settle out and percolate more
345 quickly for ground water recharge.
346

347 **Vice-Chairman Creager** asked if the engineered nature is that it delivers at a slower
348 rate to Garnett Creek.
349

350 **Kevin Moss** confirmed that is part of the reduced impact.
351

352 **Commissioner Bush** asked if the system works as well with high rain in a short period.
353

354 **Kevin Moss** reported the system is designed for a 100 year storm and intensity high
355 enough to handle a very rare storm event.
356

357 **Commissioner Kite** reminded all systems break down in abnormal situations.
358

REGULAR MEETING MINUTES EXCERPT

May 28, 2008

Page 9 of 10

359 **Vice-Chairman Creager** requested information on the structural status of this bridge.

360

361 **Dan Takasugi**, Director of Public Works and City Engineer stated all five bridges are
362 evaluated by Cal Trans engineers, reports for this bridge indicate the bridge is not in
363 best condition but rated as fair. The developer will be required to provide further detail
364 on the structural integrity to confirm it will not be compromised.

365

366 **Commissioner Bush** suggested changing construction hours from 8:00 AM to 6:00
367 PM,

368

369 **Commissioner Kite** suggested waiting to see if there is a problem allowing the
370 construction window to be used intelligently from 7:00 AM to 7:00 PM. Chairman
371 Manfredi and Vice-Chairman Creager agreed.

372

373 **Chairman Manfredi** confirmed the following conditions resulting from discussion:

374

- 375 • Construction hours shall be from 7:00 AM to 7:00 PM
- 376 • Design review shall be required for lot 1 and not lot 15

377

378 There was motion by **Commissioner Kite**, seconded by **Vice-Chairman Creager** to
379 adopt Planning Commission Resolution PC 2008-17 upholding Resolution PC 2008-06
380 recommending to the City Council adoption of a Mitigated Negative Declaration based
381 on an Initial Study prepared for the Vineyard Oaks Subdivision incorporating the
382 findings and mitigation measures as provided in the resolution. **Motion carried: 4-0-**
383 **1-0.**

384

385 There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Kite** to
386 adopt Planning Commission Resolution PC 2008-18 upholding Resolution PC 2008-07
387 recommending to the City Council approval of a Zoning Ordinance Text Amendment
388 (ZO 2008-01) amending Chapter 17.08 to provide an alternative means for residential
389 projects to satisfy the affordable housing requirements and incorporating the findings as
390 provided in the resolution. **Motion carried: 4-0-1-0**

391

392 There was motion by **Chairman Manfredi**, seconded by **Vice-Chairman Creager** to
393 adopt Planning Commission Resolution PC 2008-19 upholding Resolution PC 2008-08
394 recommending to the City Council approval of Development Agreement (DA 2007-02)
395 incorporating the findings as provided in the resolution. **Motion carried: 4-0-1-0.**

396

397 There was motion by **Commissioner Bush**, seconded by **Vice-Chairman Creager** to
398 adopt Planning Commission Resolution PC 2008-20 upholding Resolution PC 2008-09
399 recommending to the City Council approval of a Tentative Subdivision Map (TTM 2007-
400 01) incorporating the findings and subject to conditions of approval as provided in the
401 resolution. **Motion carried: 4-0-1-0.**

402

REGULAR MEETING MINUTES EXCERPT

May 28, 2008

Page 10 of 10

403 There was motion by **Commissioner Kite**, seconded by **Chairman Manfredi** to adopt
404 Planning Commission Resolution PC 2008-21 upholding Resolution PC 2008-10
405 recommending to the City Council approval of Design Review (DR 2008-01) for the
406 project incorporating the findings and subject to conditions of approval as amended.

407 **Motion carried: 4-0-1-0.**

408

409

410

411 Kathleen Guill

412 Planning Commission Secretary

413

414 Attachments