

**CITY OF CALISTOGA  
PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**Wednesday, May 28, 2008  
5:30 PM  
Calistoga Community Center  
1307 Washington St., Calistoga, CA**

**Chairman Jeff Manfredi  
Vice- Chairman Clayton Creager  
Commissioner Carol Bush  
Commissioner Paul Coates  
Commissioner Nicholas Kite**

**“California Courts have consistently upheld that development is a privilege, not a right.”**

Among the most cited cases for this proposition are Associated Home Builders, Inc. v. City of Walnut Creek, 4 Cal.3d633 (1971) (no right to subdivide), and Trent Meredith, Inc. v. City of Oxnard, 114 Cal. App. 3d 317 (1981) (development is a privilege).

1  
2 **Chairman Manfredi** called the meeting at 5:38 PM  
3

4 | **ROLL CALL**

5 **Present:** Chairman Jeff Manfredi, Vice-Chairman Clayton Creager, Commissioner Carol Bush,  
6 and Commissioner Kite. **Absent:** Commissioner Paul Coates. Staff: Charlene Gallina, Planning  
7 and Building Director, Ken MacNab, Senior Planner, Erik Lundquist, Associate Planner, Dan  
8 Takasugi, Public Works Director, and Kathleen Guill, Planning Commission Secretary.  
9

10 **B. PUBLIC COMMENTS**

11 **Kristin Casey**, 1132 Denise Drive, shared her dismay that City Council was holding their Goals  
12 and Objectives meeting simultaneously with the Planning Commission meeting when she had  
13 interest in both meetings. Since Council would be discussing the goals for the future of Calistoga  
14 she would not be staying to hear or speak on the Planning issues of the evening, however she  
15 wanted to thank the Planning Commissioners for their participation on the Commission and for  
16 their continued consideration not to propose expansion of the sphere of influence. She noted the  
17 public has allowed a vacuum by absence, and she is fully aware of so many hours spent in  
18 preparing and reviewing of projects. She excused herself stating she would be attending the  
19 Council meeting at Solage.  
20

21 **C. ADOPTION OF MEETING AGENDA**  
22

23 There was motion by **Chairman Manfredi**, seconded by **Commissioner Kite** to amend the  
24 agenda hearing Public Hearing Item G-2 Vineyard Oaks, then General Business item H-1, Sphere  
25 of Influence, return to Public Hearing item G-1, MacPhail Tentative Parcel Map, then go back to  
26 New Business item H-2, completing all remaining items in natural order. **Motion carried. 4-0-1-0.**  
27

28 **D. COMMUNICATIONS/CORRESPONDENCE**

29 **Director Gallina** reported receipt of Agenda related correspondence provided after distribution of  
30 the City of Calistoga Planning Commission Packet as follows:

- 31 • Email received 05/27/08 from Colin MacPhail
  - 32 • Fax/letter received 05/23/08 from Manatt, Phelps and Phillips
  - 33 • Letter received 05/23/08 from James R. Rose
  - 34 • Fax/Letter received 05/28/08 from Dickenson, Peatman & Fogarty
  - 35 • Fax/Letter Received 05/28/08 from Napa County Farm Bureau
- 36

37 **Director Gallina** advised it has been reported that cell phones may be what has caused some  
38 interference in previous recordings of the meetings and asked all persons to turn off their cell  
39 phones.

40

41 **E. CONSENT CALENDAR**

42

43 **F. TOUR OF INSPECTION**

44

45 **G. PUBLIC HEARINGS**

46

47 **2. ZO 2008-01, DA 2007-02, TTM 2007-02, DR 2008-01. Vineyard Oaks Subdivision –**

48 Referral from the City Council regarding review of a Zoning Ordinance Text Amendment (ZO  
49 2008-01), Development Agreement (DA 2007-02), Tentative Tract Map (TTM 2007-02) and  
50 Design Review (DR 2008-01) requested by Ed Nagel of BNK Investments, LLC, on behalf of the  
51 property owners, Ira and Lois Carter and 1881 Mora Avenue, to amend Chapter 17.08 of the  
52 Zoning Ordinance to provide an alternative means for residential projects to satisfy the affordable  
53 housing requirements and to subdivide approximately 18 acres of land into 15 single-family lots.  
54 The lots are approximately 1 acre in size. The subdivision includes a lot line adjustment with the  
55 property to the east along Mora Avenue strictly for utility and emergency vehicle access. The  
56 subject properties are addressed as 2400 Grant Street & 1881 Mora Avenue and located within  
57 the RR - Rural Residential Zoning District. (APN 011-010-013 & 011-010-014 and 011-021-002)

58 *(This matter was continued from the Planning Commission Meeting of May 14, 2008.)*  
59

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

- 63 • Increasing the side yard setback on lot 8; and
- 64 • restricting the allowable height of lot 1 to 23 feet to the peak of the roof;
- 65 • restricting construction hours; and
- 66 • applying a Design Review requirement to Lot 1 and Lot 15; and
- 67 • reducing or eliminating the private driveways.

68

69 **Associate Planner Lundquist** reported the applicant has consented to reducing construction  
70 hours to Monday – Friday, 7:00 AM to 7:00 PM, restricting the building height of lot 1 to 23 feet  
71 from the average natural grade to the peak of the roof, and was agreeable to eliminating the  
72 private driveways from lots 8 and 9. With respect to lot 8, the Rural Residential Zoning District  
73 requires a 10 foot side yard setback and there are no residential structures located on the  
74 contiguous parcel that would be substantially impacted by the proximity of a residence 10 feet  
75 from the property boundary. However relocating the driveway from the rear to the front will  
76 provide an opportunity to exceed the required setback. Staff concluded by reporting that the  
77 overall project, as presented and modified to date, is a good project and he therefore  
78 recommended approval based on the staff report and testimony.

79

80 **Rich Waller**, Shook and Waller and representing BNK, thanked the Commission for their clear  
81 and specific direction during the previous meeting. He reported that he believed the concerns  
82 had adequately been addressed and provided a revised site plan asking for the Planning  
83 Commissions approval. He noted his whole team was available for specific questions if needed.

84

85 **Kurt Becker**, 1715 Michael Way, stated he did not understand why the project was even being  
86 discussed since during the previous meeting it had been reported the Growth Management  
87 Allocations had been exceeded and there is no water available for this project. He stated in his  
88 opinion it is a waste of staff time and that the Staff Report sounds like staff works for the  
89 Developer.

90  
91 **Director Gallina** clarified that during the last meeting she reported that the project's 2006  
92 Growth Management application was denied since the proposal did not meet the development  
93 objectives, however, in 2007 the City Council entered into a Memorandum of Understanding  
94 (MOU) for this project. As a result of the MOU, the project was put into the cycle for a 2007  
95 reserved allocation and counted within allocation reports. It is correct the 2008 cycle exceeded  
96 anticipated allocations. Director Gallina noted she would be happy to schedule an appointment  
97 to meet with Mr. Becker to review allocation records.

98  
99 **Kurt Becker** stated the City is 114% over in allocations, repeating this project was not included  
100 and we are over in the entire five year cycle.

101  
102 **Director Gallina** reported recent report by Public Works has also indicated we have sufficient  
103 wastewater capacity.

104  
105 **Chairman Manfredi** reminded Mr. Becker that staff is happy to meet with him to continue this  
106 discussion. With continued objection by Mr. Becker Chairman Manfredi stated Mr. Becker was  
107 out of order and directed him to sit down.

108  
109 **Tom Balcer**, Michael Way, reported he was primarily concerned about the drainage. He  
110 questioned if the water coming into this property was studied along with where the drainage  
111 would disperse from the project. He asked if we know how much water will come into the  
112 swales. He shared concern that the swales will require maintenance and property owners will  
113 need to keep them clean.

114  
115 **Lorraine Bianci**, 1712 Garnett Creek Ct., stated the developer Ed Nagel had visited and  
116 answered many of her questions. She shared her remaining concern of what will be done with  
117 Grant Street and would it be repaired.

118  
119 **Paul Holm**, 2551 Grant Street, asked exactly what he could expect the drainage pipe to look  
120 like. He still had concerns environmentally for the old oak trees. He also asked why not require  
121 an EIR for exact determination of what impact there will be on his property. He shared his  
122 problem with the creek cresting onto his property and the consultant inspected and confirmed  
123 there is an existing problem. He stated he was also curious why there was not equal application  
124 with the law. His project was conditioned the peak could not exceed 21 feet. Now 18 buildings  
125 are being considered at 35 feet, and it is ok. During review of his proposed berm the City  
126 required a full water study for his little berm. He stated he does not oppose development in  
127 general, but there were some real issues here.

128  
129 **Diane Barrett**, 2517 Grant St, wanted to reiterate her concerns about the volume and velocity of  
130 water coming out at the creek and going past their properties. She stated it should be common  
131 sense that this will have some impact. Potential erosion of the bank and flooding of properties.  
132 Ms. Barrett questioned how the creek bank was studied, noting it is already impacted with  
133 impediments such as large trees and a fence falling on the north-west bank. Should she assume

134 that when the studies were done on the flow of water consideration was given as to what is in the  
135 creek bank?  
136

137 **Jackie Lake** reported most of her questions have been addressed, however water and drainage  
138 is still a major concern. She appreciated the driveway access, building height and construction  
139 hours being addressed  
140

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

- 145 • He identified the yellow area on page one as the Vineyard Oaks project.
- 146 • Referencing page 2, dated 10/01/07 stated this was the report used by staff for completion of  
147 the Mitigated Negative Declaration, noting in his opinion the coefficient is supposed to be  
148 accumulative and is marginal.
- 149 • He provided the Manning coefficient, reporting this is the standard used by government and  
150 counties.
- 151 • He stated the project study seemed to only consider down 75 feet and that was not adequate  
152 for any determination.
- 153 • Mr. Larecou provided photo's of the stream bed, the bridge abutment with a vertical crack and  
154 leaning on the wing wall, the bridge cobble rock abutment, etc. He stated with these items  
155 the Negative Declaration is questionable.
- 156 • He shared his concerns on the wetlands and the seasonal timing the geo services test pits  
157 were completed (08/15/07), and stated the habitat should be embraced as open space.
- 158 • He shared concern with reported no impact on trees.

159 Mr. Larecou recommended the project go back, complete an EIR and allow the opportunity for  
160 the public to provide comment in writing.  
161

162 **Connie Johnson**, 2001 Mora Avenue, reported she met with Ed Nagel and Rich Waller. She  
163 stated she was impressed they came and met to go over the project with her and she was thrilled  
164 the driveway proposed in the backyard is gone. Referencing Resolution PC 2008-17, Mitigation  
165 AQ-1, a) (line 67) *a) Exposed soils shall be watered periodically during construction, a minimum  
166 of twice daily. The frequency of watering shall be increased if wind speeds exceed 15 mph.  
167 Only on-site well water, purchased city water or reclaimed water shall be used for this purpose.  
168 Responsibility for watering shall include weekends and holidays when work is not in progress.*

169 Ms. Johnson questioned watering and asked if there was or would be a well on site. She further  
170 asked if they will have a fence around the construction to block dirt blowing into her house and  
171 especially her pool. Referencing Resolution PC 2008-17, page 4 of 6, line 141, Mitigation Bio-5  
172 related to nesting birds, and bats. She stated she truly hoped they would be looking for nests  
173 because she knows there are nests there.  
174

175 **Chairman Manfredi** closed the public portion of discussion at 6:20 PM.  
176

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

- 178 • Yes, offsite water was accounted for in the drainage study.
- 179 • Property owner maintenance of swales will be required through established conditions of  
180 approval and recorded agreements.
- 181 • Second units are allowed but need to be within approved building envelopes
- 182 • Construction hours will be limited to Monday – Friday, 7 AM to 7 PM

- 183 • All homes over 4000 square feet will be required to go to the Planning Commission for  
184 Design Review.  
185 • All homes will be required to go through Design Review with the project Architect.  
186 • Monies (\$200,000) for Grant Street improvements will be designated specific to the  
187 improvement from Mora to the Grant Street Bridge.

188  
189 **Commissioner Kite** asked what the recourse would be if a property owner failed to maintain the  
190 swales.

191  
192 **Planner Lundquist** reported the City has an established code enforcement program that is  
193 initiated with a letter to the property owner to identify an issue exists and requests compliance. If  
194 there is no compliance there is civil recourse as well as administrative abatement through the  
195 City Council, along with potential fine assessment on property. There is recourse.

196  
197 **Vice-Chairman Creager** asked if the trees along the fence will remain. Also asking what was  
198 the estimated length of time it will take the developer to complete the basic infrastructure and  
199 where will the drainage outfall will actually be located.

200  
201 **Planner Lundquist** reported the trees along the fence will be remaining. Further noting the  
202 developer has two years to vest their entitlements.

203  
204 **Rich Waller** reported once they commence work the standard range to complete infrastructure is  
205 six months to one year, including infrastructure, streets, sidewalks and lots. He advised the  
206 outfall should be placed in the downstream portion of the abutment and will be designed with no  
207 pipe sticking out and tucked under bridge including a coring feature.

208  
209 **Director Gallina** reminded that the other development agreement funding will be allocated by  
210 the City Council for recreational improvements and the affordable housing program.

211  
212 **Commissioner Creager** acknowledged the public concern for the systemic condition of the  
213 bridge.

214  
215 **Planner Lundquist** reported an engineer will be providing structural design and the City  
216 Engineer will have final review to assure safety.

217  
218 **Commissioner Kite** acknowledged for confirmation that nothing will be done to the bridge that  
219 will cause the bridge to weaken.

220  
221 **Planner Lundquist** resumed his response to public comments as follows:

- 222 • Everyone in each residential zoning district is subject to the same height limitations and  
223 subject to the same design review requirements. In Mr. Holmes case he agreed to reduce  
224 the height so the application could be administratively reviewed and approved, precluding the  
225 applicant from coming before the Planning Commission for design review.  
226 • Investigation of reported upcoming Flood Control District inspections by the County. County  
227 has provided clarification stating the survey is asking if property owners see items that need  
228 to be maintained. They reported problems previously with trespass issues. Mapping  
229 revisions will not occur as a result of these field assessments.

231 **Commissioner Kite** reminded people are worried because there have been existing flood  
232 problems in the area. He questioned whether staff is confident that the studies confirm there will  
233 be no worsening of the flooding and possibly some improvements.  
234

235 **Planner Lundquist** stated the localized flooding has been recognized and the data supports  
236 there will be no dramatic increase. Of course it is a change, however the change will not result in  
237 a significant impact.  
238

239 **Commissioner Kite** noted for those that have experienced flooding this will not solve their  
240 existing flooding, and again questioned absent anything else, the studies are done and this is  
241 fine.  
242

243 **Planner Lundquist** noted for those that have experienced flooding there are grants that can be  
244 applied for individually to correct existing problems.  
245

246 **Kevin Moss**, Adobe Associates, provided a summary referencing the preliminary Drainage  
247 Report advising a conservative rational method was used. He further confirmed the study  
248 definitely went beyond the suggested 75 feet, studying from Grant Street, Garnett Creek, and  
249 down Napa River to the outfall at Oak Street. Resource data was compiled from FEMA studies,  
250 regional studies, Cal Fed, and cross section data based on several iterations were reviewed by  
251 licensed surveyors, with a conclusion of refined methods for diversion of the water into Garnett  
252 Creek and discharged at the bridge location. Addressing the impact to the water surface Mr.  
253 Moss reported that Mr. Holms does have a low lying area along the bank and there is evidence  
254 the property already experiences flooding and water in the basement. He reported the stoop of  
255 the entrance is 5-6 ft below floor elevation, however other than sandbagging there has been no  
256 further efforts by the property owner to mitigate his problem. Mr. Moss further noted the  
257 mitigation measures of this project will be reducing the existing drainage impacts to neighbors on  
258 Michael Way to almost an immeasurable degree.  
259

260 **Commissioner Kite** questioned the potential impact during a normal storm event.  
261

262 **Kevin Moss** reported prior to any consideration of this project the creek could rise 12 to 15 feet  
263 during a storm event. We are cutting surface run off from Mora area and directing it to the creek  
264 and data indicates the anticipated increase should not exceed an additional 1/4 inch. He further  
265 advised the intention is for the outfall to minimize the impact to the bridge by going into the  
266 headwall, with a secondary wing wall option, the determination will be based on the analysis of  
267 the structure. Continuing referencing Regional Water Quality Control Board permits Mr. Moss  
268 stated all permits will be required and copies provided to Public Works prior to the developer  
269 commencing with the project.  
270

271 **Lucy McMillan**, Biological Consultant for the project referenced the form provided to Staff by Mr.  
272 Larecou, advising a Streambed Alteration Agreement is only completed once there is a CEQA  
273 document and only if there is substantial modification to a creek bed or bank, and at that time  
274 proper notification would be required. That notification then goes to Fish and Game and they  
275 would make their determination. Before they can issue an agreement either a Mitigated  
276 Negative Declaration, an EIR, or a Negative Declaration is needed unless it is for an emergency  
277 repair. Referencing the wetland issue she provided a summary of her initial evaluation  
278 performed in June 2007, examining soils, plants, and hydrology, determining primarily seasonal  
279 wetlands and prepared a second evaluation in October along with a review of historic aerial

280 photography to identify wetland signatures, with no strong indicators. Concluding in February  
281 2008, conducting a jurisdictional wetlands evaluation, again with no hydrologic or vegetative  
282 indications.

283

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

285

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

289

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

292

293 **Planner Lundquist** reported a condition is included that the developer shall provide onsite water  
294 and obtain necessary permits to use reclaimed water. He reported that the on site well will not  
295 be used.

296

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

300

301 The public portion of the hearing was reopened.

302

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

305

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

307

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

310

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

313

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

315

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

319

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

322

323 **Kurt Larecou** reviewed areas of drainage, including Garnett Creek Court, and Mora. He noted  
324 water currently comes down Mora and the house built on Mora at Grant Street has flooding now  
325 with any rainfall. He further noted the bridge is currently in pretty bad shape, and questioned if a  
326 performance bond would be required for the developer to put in a new bridge. He suggested  
327 more input was needed on drainage and biological impacts and shared concern for Valley Oak,

328 trees. He again stated the project needs a full EIR and should just start review of the project  
329 over.

330

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

333

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

344

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

347

348 Chairman Manfredi again questioned the allowed construction work hour.

349

350 **Planner Lundquist** reported the City ordinance allows everyone to perform construction from  
351 7:00 AM to 7:0 PM, Monday through Friday, and the developer has agreed not to work on  
352 Saturdays.

353

354 **Vice-Chairman Creager** asked the engineer to provide clarification on how the infiltration  
355 systems work.

356

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

360

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

363

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

365

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

367

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

370

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

372

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

374

375 **Dan Takasugi**, Director of Public Works and City Engineer stated all five bridges are evaluated  
376 by Cal Trans engineers, reports indicate this bridge is rated as fair. The developer will be  
377 required to provide further detail on the structural integrity to confirm it will not be compromised.  
378

379 **Commissioner Bush** suggested changing construction hours from 8:00 AM to 6:00 PM,  
380

381 **Commissioner Kite** suggested waiting to see if there is a problem allowing the construction  
382 window to be used intelligently from 7:00 AM to 7:00 PM. Chairman Manfredi and Vice-  
383 Chairman Creager agreed.  
384

385 **Chairman Manfredi** confirmed the following conditions resulting from discussion:  
386

- 387 • Construction hours shall be from 7:00 AM to 7:00 PM
- 388 • Design review shall be required for lot 1 and not lot 15  
389

390 There was motion by **Commissioner Kite**, seconded by **Vice-Chairman Creager** to adopt  
391 Planning Commission Resolution PC 2008-17 upholding Resolution PC 2008-06 recommending  
392 to the City Council adoption of a Mitigated Negative Declaration based on an Initial Study  
393 prepared for the Vineyard Oaks Subdivision incorporating the findings and mitigation measures  
394 as provided in the resolution. **Motion carried: 4-0-1-0.**  
395

396 There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Kite** to adopt  
397 Planning Commission Resolution PC 2008-18 upholding Resolution PC 2008-07 recommending  
398 to the City Council approval of a Zoning Ordinance Text Amendment (ZO 2008-01) amending  
399 Chapter 17.08 to provide an alternative means for residential projects to satisfy the affordable  
400 housing requirements and incorporating the findings as provided in the resolution. **Motion**  
401 **carried: 4-0-1-0**  
402

403 There was motion by **Chairman Manfredi**, seconded by **Vice-Chairman Creager** to adopt  
404 Planning Commission Resolution PC 2008-19 upholding Resolution PC 2008-08 recommending  
405 to the City Council approval of Development Agreement (DA 2007-02) incorporating the findings  
406 as provided in the resolution. **Motion carried: 4-0-1-0.**  
407

408 There was motion by **Commissioner Bush**, seconded by **Vice-Chairman Creager** to adopt  
409 Planning Commission Resolution PC 2008-20 upholding Resolution PC 2008-09 recommending  
410 to the City Council approval of a Tentative Subdivision Map (TTM 2007-01) incorporating the  
411 findings and subject to conditions of approval as provided in the resolution. **Motion carried: 4-**  
412 **0-1-0.**  
413

414 There was motion by **Commissioner Kite**, seconded by **Chairman Manfredi** to adopt Planning  
415 Commission Resolution PC 2008-21 upholding Resolution PC 2008-10 recommending to the  
416 City Council approval of Design Review (DR 2008-01) for the project incorporating the findings  
417 and subject to conditions of approval as amended. **Motion carried: 4-0-1-0.**  
418

419 **Chairman Manfredi called** for a brief ten minute recess at 7:42 PM  
420

421 **Chairman Manfredi reconvened** the meeting at 7:53 PM.  
422  
423

424 **H. NEW BUSINESS**

425

426 **1. Policy Interpretation (P 2008-02).** Determination of General Plan consistency for pursuing  
427 revisions to the City's Sphere of Influence with the Local Agency Formation Commission of Napa  
428 County (LAFCO); and (2) Input and guidance on potential revisions to the Sphere of Influence  
429 needed to serve planned public facility and service needs. *(This matter was continued from the*  
430 *Planning Commission Meeting of May 14, 2008.)*

431

432 **Planner MacNab** provided a recommendation for the Planning Commission to recommend to the  
433 City Council not to forward a proposal to expand the sphere of influence and complete formal  
434 correspondence accordingly.

435

436 **Norma Tofanelli**, 1001 Dunaweal and 1076 Dunaweal Lane (her mothers home) thanked the  
437 Planning Commission for granting a continuance noting they appreciated the study session. Ms.  
438 Tofanelli supported staffs recommendation with a request for one addition. She provided the  
439 following recommendation for a language change to add the following: *"and will not encroach*  
440 *upon Napa County Agricultural Preserve lands."* (attachment)

441

442 **Rob Fisher**, 477 Silverado Trail stated he appreciated the revised Staff recommendation, but  
443 suggested it would seem appropriate to include basic findings that lead to this conclusion and to  
444 assure the recommendation is consistent with the forthcoming Urban Design Plan.

445

446 **Robin Kennedy**, Manatt, Phelps and Phillips, LLP, representing Ed Lantz, reporting Mr. Lantz  
447 owns 100 acres to the north east. She provided a presentation (attachment) which included the  
448 Morgan Map which identified the area was originally designated as part of this town. Her client  
449 was hopeful the vote related to the possible expansion at the base of Oat Hill Mine Road could be  
450 postponed until issues currently in litigation with Napa County could be clarified

451

452 **Rex Stults** stated he was a strong supporter of the Ag Preserve.

453

454 **Peter Nissan**, Napa County Farm Bureau, provided a letter for the record sharing their intent for  
455 long term protection of the Ag Preserve (attachment).

456

457 **Chairman Manfredi** concurred with staffs recommendation to recommend Council send a letter  
458 that will enforce this way of thinking and was in agreement with adding the language to the  
459 recommendation.

460

461 **Commissioner Kite** stated the wording was redundant, but he did not find it objectionable.

462

463 **Vice-Chairman Creager** questioned if this sentence would create any issues with Mr. Lantz and  
464 his property.

465

466 **Planner MacNab** stated he supported this sentiment, although we cannot commit to the final City  
467 Council actions.

468

469 **Director Gallina** reported this item will go to Council Tuesday, June 3, noting the staff report will  
470 be available on our web site commencing on the Saturday prior no later than 12:00 Noon.

471

472

473 **G. PUBLIC HEARINGS (Continued)**

474 **1. PM 2006-01(E).** Reconsideration of Resolution 2008-14 adopted on April 9, 2008 approving a  
475 time extension request for a previously approved Tentative Parcel Map (PM 2006-01 – MacPhail).  
476 The property is located at 1716 Foothill Boulevard (APN 011-192-016). This proposed action is  
477 exempt from the California Environmental Quality Act (CEQA) under Section 15315 of the CEQA  
478 Guidelines.

479 **Planner MacNab** reported the applicant requested reconsideration of Resolution 2008-14  
480 because of an issue with condition No. 4. He reported this condition was imposed to allow the  
481 owner to independently enter into a “buyout” agreement with Ms. Cooper as an alternative to the  
482 pending City administered reimbursement program and so he would formally be exempted from  
483 the pending reimbursement agreement. The applicant shared three concerns (see Staff Report,  
484 page 3 of 5 1) the manner in which the condition was imposed; 2) the new condition may  
485 inadvertently put Kathleen Cooper in a stronger negotiating position; and 3) the imposition of this  
486 condition may result in the owner paying more than their fair share costs (or costs if they had  
487 constructed the half-street improvements themselves). Planner MacNab stated the City has  
488 estimated the owner’s reimbursement fair share will be approximately \$66,400, and only includes  
489 reasonable and relevant construction costs for construction.

490  
491 **Director Takasugi** reported based on his knowledge of the costs he did not anticipate a  
492 significant change in the amount if any.

493  
494 **Vice-Chairman Creager** asked how many additional possible contributors could become  
495 involved.

496  
497 **Director Takasugi** stated he didn’t have the information with him, but he assured he has taken  
498 the exact number of parcels to be affected and the exact lineal footage frontage for the  
499 determination of each fair share. Mrs. Cooper expended \$363,938.36 for improvements and she  
500 will be absorbing \$128k for her fair share. If the neighboring properties are not developed within  
501 the next ten years Kathy Cooper will not be reimbursed any amount.

502  
503 **Commissioner Kite** asked with such an improvement agreement would an applicant be required  
504 to provide a full bonding. Noting the new condition was not substantially different than the old  
505 condition and asked if the road had not already been built would the applicant have had to enter  
506 into an agreement.

507  
508 **Director Takasugi** confirmed bonding would have been required and the applicant would have  
509 had to enter into an agreement.

510  
511 **Collin MacPhail**, 1716 Foothill Boulevard stated he had a problem with the wording and he is not  
512 convinced the financial obligation would have been the same. If this was presented as an  
513 opportunity because of the Kathy Cooper element then we will likely end up financially paying the  
514 same, but we wouldn’t have had to do anything with the Gold Street access. The wording is quite  
515 different, and we still have questions on the other work we were required to do, like putting in an  
516 extra sewer line. Mr. MacPhail stated they feel if they deal with Kathy Cooper they will not get  
517 recompense. They would like to work directly with the City and they are very comfortable with the  
518 original language.

519  
520 **Chairman Manfredi** asked if the game had been changed from the original condition was set.

521 **Planner MacNab** stated it is difficult to speculate what might have been. The intent of the  
522 condition is Mr. MacPhail is responsible to participate in the improvements financially.

523

524 **Vice-Chairman Creager** acknowledged that with any development in the area the access road  
525 would have been required to go through. If Mr. MacPhail would have come in first the street  
526 would still have been required to be put in to have access.

527

528 **Director Takasugi** stated at the time improvements were put in there was no knowledge the  
529 MacPhail property was going to be subdivided.

530

531 **Collin MacPhail** stated when the road was put in he had specifically asked to for an opportunity  
532 to put in sewer and water.

533

534 **Planner MacNab** reported during work in 2005 there was not a formal parcel map application.

535

536 **Director Gallina** reported the MacPhail parcel map had been part of the first 2005 allocation  
537 applications and was denied, but we new there was a map proposal out there. He resubmitted in  
538 2006 to get his allocation.

539

540 **Planner MacNab** re-emphasized that the condition does not require Mr. MacPhail to negotiate  
541 with Kathy Cooper, and he can raise issues with Director Takasugi or the City Council when the  
542 amount is formalized by Council.

543

544 **Colin MacPhail** noted he understood, however if that is the only reason then why not extend the  
545 map with the existing wording.

546

547 **Chairman Manfredi** stated he was inclined to allow the extension with the original set of  
548 conditions, requiring a bond and Mr. MacPhail dealing with the City.

549

550 **Vice-Chairman Creager** noted he would like to hear from staff regarding improvements and value  
551 added. He asked what we loose by using the older language.

552

553 **Director Takasugi** stated he had no problem with dealing directly with Mr. MacPhail and posting  
554 of a bond for those improvements, however the final amount will likely stay the same.

555

556 **Commissioner Kite** was agreeable as long as staff is comfortable with the terms.

557

558 **Commissioner Bush** concurred.

559

560 **Colin MacPhail** stated he has dealt with City staff and finds it more comfortable.

561

562 **Director Gallina** suggested the Commission could make a motion to modify the adopted PC  
563 Resolution to eliminate condition #4.

564

565 There was motion by **Chairman Manfredi**, seconded by **Vice-Chairman Creager** to take no  
566 further action on this matter with the exception of eliminating condition #4, Resolution PC 2008-14  
567 shall stand as approved on April 9, 2008. **Motion carried: 4-0-0-1.**

568

569 **2. Policy Interpretation (P 2008-03):** Determination of project conformance with Mitigation  
570 Measure "VISUAL-1" of the previously certified Environmental Impact Report for the Calistoga  
571 Water Tank Project located on Mt. Washington (APN 011-050-033) in the "PD", Planned  
572 Development Zoning District.

573

574 **Planner MacNab** reported over ten years ago the City identified the need to construct a new tank  
575 in the city to address water needs. City Council has identified Mt. Washington as the location; the  
576 EIR was adopted with mitigation measures. Prior to approval by City Council the Planning  
577 Commission must review the proposed final design to consider the potential visual impacts to  
578 assure they have been appropriately mitigated.

579

580 **Civil Engineer Smith** reported the project is extremely important for the City to fulfill the  
581 mitigation obligation and he requested support. He reported outreach with neighbors with no  
582 significant concerns expressed.

583

584 **Ken Bernard**, Tetra Tech provided a presentation of the design process noting specific concern  
585 for aesthetics. He noted the top of tank needs to float with the Fiege Canyon tank and he was  
586 unable to alter that. He identified the Fiege tank as a tall tank. The tank design was designed  
587 with a large diameter so it would not have to go higher. He provided review of grading stating it  
588 was hoped they could completely bury the tank, but that would have required a rock fill, so the top  
589 of tank is exposed. It was reported the existing access road would not be altered except to be  
590 little wider for Fire Department access. Staff agreed an 11 foot road would be adequate and that  
591 would reduce the required height of the retaining wall.

592

593 **Jennifer Chandler**, Chandler and Chandler Landscape Architects, provided a landscape  
594 presentation reporting a natural site planting design using all native plants. She summarized the  
595 site would be seeded with grass and a wild flower mixture, also planting Madrones, Pines, Firs  
596 and Live Oaks, Black Oaks and Valley Oaks, planting like for like. She reported nothing would be  
597 changing the visual texture and all plants would be on a five year irrigation system to stimulate  
598 growth. There would also be planting to block visibility of the retaining wall.

599

600 **Vice-Chairman Creager** referenced the planting materials and asked why they were using  
601 Ponderosa Pine.

602

603 **Ms. Chandler** reported planting both Gray and Ponderosa Pine as well as Douglas Fir.

604

605 **Vice-Chairman Creager** stated he was glad they were creating a dense planting, but asked if it  
606 will be more dense than what you would find now.

607

608 **Ms. Chandler** reported it was not changing.

609

610 **Commissioner Kite** asked if there were any egregious views.

611

612 **Civil Engineer Smith** reported the view presented in the packet was the most severe.

613

614 **Commissioner Kite** asked if the wall would be the geo type where you can plant into the wall.

615

616 **Civil Engineer Smith** stated those walls would have more disturbance up the wall due to the lean  
617 of 1 in 8 that is required. He reported it will be a highly engineered road for lifeline pipeline and he

618 pointed out a flat area with no trees shown, noting it was left available to be ready in the future  
619 and it would not be visible from the valley floor.

620  
621 **Commissioner Bush** stated she thought it looked really good.

622  
623 **Joe Briggs**, 333 Silverado Trail, stated he was an immediately adjacent neighbor to the  
624 Washington site and noted he had not been contacted by anyone. The only apparent issue  
625 seemed to be consideration that is a gateway to the City. The view coming up Silverado Trail is  
626 something we need to take a serious look at. Otherwise, everything else looks pretty good. He  
627 wanted to know with the top taken off the mountain what it would look like in three to ten years.

628  
629 **Planner MacNab** responded to Mr. Briggs reporting he had called the number we have on file and  
630 had spoke to the wife. She had stated that she did not receive the notice, but she would have Mr.  
631 Briggs call if he had questions.

632  
633 **Commissioner Kite** reminded that public officials cannot over communicate.

634  
635 **Chairman Manfredi** asked if someone could describe what it will look like in the first five years.

636  
637 **Ms. Chandler** reported the simulated display is designed to be five years post construction with a  
638 five foot growth. It was noted there will be loss of height at the top of the hill.

639  
640 **Civil Engineer Smith** reported review included line of sight on Silverado Trail from an angle  
641 located near the Frediani property, and he believed the entry will have a shielded view that will be  
642 improved with the mitigation planting.

643  
644 **Vice-Chairman Creager** questioned how many truck loads may be trucked in a day.

645  
646 **Civil Engineer Smith** reported there will be many thousands of yards of soil to be removed over  
647 the course of time and it will be many hundred truckloads. He reminded they are cutting out a  
648 bowl at the top of the hill and that requires heavy earth work.

649  
650 **Vice-Chairman Creager** asked about possible construction work hour issues.

651  
652 **Civil Engineer Smith** reported the adopted Mitigation Measures allow for construction to start at  
653 7:30 AM, and he has spoken with Solage to make them aware.

654  
655 **Vice-Chairman Creager** asked if there was any way to simulate the traffic noise to determine the  
656 magnitude of the impact.

657  
658 **Civil Engineer Smith** reported one noise mitigation measure included limiting vehicle idling for  
659 not more than specific period of time, but we do still realize this will create some temporary  
660 construction impacts.

661  
662 **Commissioner Kite** asked if we will be able to stage backfill on top of the hill.

663  
664 **Civil Engineer Smith** reported there is limited space for staging.

665

666 **Commissioner Kite** stated he new there was a trade off, but we should know what it means in  
667 truck traffic and the impact to the community.

668  
669 **Civil Engineer Smith** noted we were trying to provide the contractor enough space to be able to  
670 maintain the work within the disturbed area.

671  
672 **Ken Bernard** stated the contractor will leave as much dirt at the top as possible.

673  
674 There was motion by **Commissioner Bush**, seconded by **Vice-Chairman Creager** to adopt  
675 Planning Commission Resolution PC 2008-22 finding that the proposed final design of the Mt.  
676 Washington water tank project satisfies Mitigation Measure "VISUAL-1" of the previously Certified  
677 Environmental Impact Report for the Calistoga Water Tank Project. **Motion carried: 4-0-0-1.**

678  
679 **I. MATTERS INITIATED BY COMMISSIONERS**

680  
681 **J. DIRECTOR'S COMMENTS/PROJECT STATUS**

682  
683 1. Urban Design Plan Status Update

684  
685 **Director Gallina** reported the City Manager has forwarded a memorandum to the Council  
686 advising the Urban Design Plan will be available the week of June 16. The Committee and staff  
687 are busily working on the final edit of the plan. An introduction and background will be scheduled  
688 to bring all Commissioners up to speed.

689  
690 2. Growth Summit Invitation – June 13, 2008

691  
692 **Director Gallina** reviewed the information provided to the Commission including the invitation  
693 from County NCTPA requesting attendance to attend the Growth Summit to be held at Napa High  
694 School on June 13, 2008. She highly encouraged Commissioners mark their calendars to attend  
695 if possible. Please advise staff of your availability to attend as soon as possible.

696  
697 **K. ADJOURNMENT**

698 There was motion by **Chairman Manfredi**, seconded by **Vice-Chairman Creager** to adjourn the  
699 meeting. **Motion carried: 4-0-0-1.** The meeting adjourned at 9:10 PM.

700  
701 The next regular meeting of the Planning Commission is scheduled for Wednesday, June 11,  
702 2008 at 5:30 PM.

703  
704 \_\_\_\_\_  
705 Kathleen Guill,  
706 Secretary to the Planning Commission

707  
708 Attachments