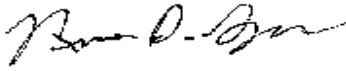


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Erik V. Lundquist, Senior Planner
DATE: October 1, 2013
SUBJECT: Pioneer Park Floodway Variance – 1308 Cedar Street

APPROVAL FOR FORWARDING:



Richard D. Spitler, City Manager

1
2 **ISSUE**

3 Consideration of a variance allowing the replacement of an existing gazebo and
 4 miscellaneous improvements within the floodway at 1308 Cedar Street (APN 011-223-
 5 003).

6 **RECOMMENDATION**

7 Adopt a Resolution approving a variance allowing the replacement of an existing
 8 gazebo and miscellaneous improvements within the floodway.

9 **PROJECT DESCRIPTION**

10 The Friends of Pioneer Park, a California non-profit corporation, has initiated a project
 11 to renovate Pioneer Park. The impetus for park improvements has been the aging
 12 gazebo, which is the focal point of the park. The existing gazebo is 14 feet in width and
 13 150 square feet. The Friends of Pioneer Park with Architect Thomas Stimpert's
 14 assistance assessed local needs and reviewed other gazebos to create the new gazebo
 15 design. The design objective was to create a somewhat larger gazebo with an open
 16 design and flat ceiling. There was also agreement that the design should be traditional
 17 and bear similarity to the existing gazebo.

18
19 The following are the primary design elements of the proposed gazebo:

- 20 • The gazebo will be generally sited in the same location as the existing gazebo.
- 21 • The gazebo will be built on a concrete foundation that will raise the construction
 22 elements off the ground approximately 18 inches, which would increase long
 23 term durability. The foundation will have a pad extending beyond the gazebo

24 itself approximately 4 feet which will provide more room for all uses, including
25 musical performances.
26

- 27 • The gazebo will be increased in size to 300 square feet and 20 feet in width,
28 which will also benefit its use for performances, graduations, art shows,
29 weddings, etc. With the surrounding pad, the gazebo will offer over 400 square
30 feet for functional use.
31
- 32 • The gazebo will be open on all sides, with no railings. This is also intended to
33 provide more flexibility in use. Two benches will be provided on opposite sides
34 and ADA access will be available from the river side.
35
- 36 • Construction materials will be superior to the existing gazebo. A steel frame will
37 provide rigidity, and pre-fabricated fiberglass posts will provide superior weather
38 resistance. The roof will be Grade A cedar shingles treated for fire resistance
39 and stained to resist mold.
40
- 41 • The existing finial atop the current gazebo will be re-used or replicated.
42
- 43 • The color scheme will be the same as the existing gazebo (white).
44

45 The Master Landscape Plan was developed by GSM Landscape Architects, Inc. with
46 oversight from Friends of Pioneer Park. The Master Plan calls for a modest renovation
47 of the park, while essentially maintaining the current layout and design.

- 48 • Open space will be relatively unchanged, but additional landscaping will be
49 added in some areas.
- 50 • Path surfacing will remain asphalt.
- 51 • The family picnic area will remain decomposed granite.
- 52 • A new planting area will better screen the restrooms from the rest of the park.
- 53 • ADA access will be provided to the gazebo.
- 54 • Some of the existing paths will be relocated to accommodate the new gazebo,
55 provide a better audience area for performances, and provide for the river bank
56 repairs proposed by the Napa County Flood Control District¹.
- 57 • Benches will be relocated to conform to the new paths.

¹ The Napa County Flood Control District is undertaking repairs to the riverbank. The riverbank repair project is in its initial planning stages but is anticipated not to have any impact on the proposed site improvements.

- 58 • Replacement lighting will be provided based upon a needs study. The existing 3-
59 ball light near the park entrance will be relocated near the drinking fountain by
60 the river bank.
- 61 • New fencing will be provided on the western park perimeter, along the river bank,
62 and around the play area.
- 63 • New plantings and small-scale trees will be added to accent existing
64 landscaping.

65
66 On August 28, 2013 the Planning Commission adopted Resolution PC 2013-24
67 approving design review DR 2013-8 allowing renovations to Pioneer Park including
68 replacement of the existing gazebo. The Planning Commission meeting minutes of
69 August 28, 2013 are attached to this report. With the Planning Commission's support
70 the project may now seek the City Council's consideration of a variance to allow the
71 replacement gazebo within the floodway.

72 **PURPOSE OF REVIEW AND DISCUSSION**

73 City of Calistoga floodplain management regulations (CMC Title 18) generally prohibit
74 substantial improvements and new construction within the regulatory floodway. All
75 projects in the regulatory floodway must undergo an encroachment review to determine
76 if the project will increase flood heights or cause increased flooding downstream. The
77 City Council is required to assess these project impacts on flooding through a variance
78 application.

79 As shown on the Flood Insurance Rate Map, dated September 26, 2008, the entire
80 property is located within the "Floodway" or "Regulatory Floodway." The floodway
81 includes the channel of the river or adjacent land areas reserved to discharge the base
82 flood without cumulatively increasing the water surface elevation more than one foot. In
83 this case, the property is in an area adjacent to the Napa River, not in the river channel.

84
85 Since the floodway can be an extremely hazardous area, new construction is prohibited
86 unless the City Council has issued a variance upon finding that the structure will not
87 affect the public health, safety and welfare. In approving variances, the City Council
88 must ensure that the purpose and intent of the Flood Management Ordinance has been
89 achieved, along with the:

- 90
91 1. Danger that materials may be swept onto other lands to the injury of others;
- 92 2. Danger of life and property due to flooding or erosion damage;

- 93 3. Susceptibility of the proposed facility and its contents to flood damage and
94 the effect of such damage on the existing individual owner and future owners
95 of the property;
- 96 4. Importance of the services provided by the proposed facility to the
97 community;
- 98 5. Necessity to the facility of a waterfront location, where applicable;
- 99 6. Availability of alternative locations for the proposed use which are not subject
100 to flooding or erosion damage;
- 101 7. Compatibility of the proposed use with existing and anticipated development;
- 102 8. Relationship of the proposed use to the comprehensive plan and floodplain
103 management program for that area;
- 104 9. Safety of access to the property in time of flood for ordinary and emergency
105 vehicles;
- 106 10. Expected heights, velocity, duration, rate of rise, and sediment transport of
107 the flood waters expected at the site; and
- 108 11. Costs of providing governmental services during and after flood conditions,
109 including maintenance and repair of public utilities and facilities such as
110 sewer, gas, electrical, and water system, and streets and bridges.

111
112 FEMA's reference material entitled *IS-9 Managing Floodplain Development through the*
113 *National Flood Insurance Program (NFIP)* provides guidance in determining if a project
114 would affect flood heights. As discussed in the material, all encroachments must be
115 certified by an engineer that there will be no rise in the flood heights except for small
116 projects. For small projects, the no rise determination may be conducted by the City
117 using logic. In this case, it is logical to determine that the proposed plantings, light
118 standards, ornamental fencing and at-grade pathways will not cause an adverse impact
119 on the flood flows since these features will not obstruct or divert flood flows resulting in
120 an increase in height above the current condition.

121
122 The replacement gazebo and its new foundation system will not affect flood waters
123 either. Much like the other improvements in the park, the gazebo and foundation system
124 are located in the upstream conveyance shadow of the neighboring property to the east.
125 Since the flood water is already flowing around the existing 8-foot solid wood board
126 fence and residence to the east, flood flow will not drastically change direction as a

127 result of the gazebo improvements. Additionally, the replacement gazebo's foundation
128 system will have a lower profile than the existing gazebo, allowing flood waters to
129 maintain a natural flow through the gazebo.

130
131 Furthermore, the scope of the project is minimal and the proposed improvements to the
132 park will not impact the health, safety and welfare of the community. Pioneer Park's
133 location near the Napa River is significant and its amenities cannot be easily relocated.
134 Pioneer Park has been in this location since the 1930's without adverse effect on the
135 floodway. New park benches, light standards, trash containers, BBQs and picnic tables
136 will all be securely affixed to at-grade concrete pads to prevent buoyance during a flood
137 event. The park use and improvements do not directly place individuals at risk of loss of
138 life or limb since park use is nil during storm events. The openness of the park and its
139 pathways provide access to the Napa River for emergency personnel. Based upon
140 these findings, the City Council may approve the requested variance since it has been
141 logically demonstrated that the encroachments would not affect flood water.

142

143 **ENVIRONMENTAL REVIEW**

144 This proposed action is exempt from the California Environmental Quality Act (CEQA)
145 under Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines.

146 **FISCAL IMPACT**

147 There is no direct budget implication in approving the floodway variance. It is anticipated
148 that the implementation of the park improvements will be funded with private funds. If
149 private funds are not available allocation of city funds may require future consideration
150 of the City Council through a budget adjustment process.

151

152 **ATTACHMENTS**

- 153 1. Resolution Approving a Floodway Variance
- 154 2. Vicinity Map
- 155 3. Pioneer Park Plan Set received July 16, 2013