

**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

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