

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

Wednesday, May 14, 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 to order at 5:34 PM.

3
4 **A. ROLL CALL**

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

9
10 **B. PUBLIC COMMENTS**

11
12 **C. ADOPTION OF MEETING AGENDA**

13 **Chairman Manfredi** suggested moving New Business item H-1 (P 2008-02), forward to be heard
14 prior to the Public Hearing item G-1, ZO 2008-01. There was motion by **Vice-Chairman Creager**,
15 seconded by **Commissioner Bush** to approve the agenda with the recommended change.
16 **Motion carried: 3-0-2-0.**

17
18 **A. COMMUNICATIONS/CORRESPONDENCE**

19
20 **B. CONSENT CALENDAR**

21
22 **C. TOUR OF INSPECTION**

23
24 **H. NEW BUSINESS**

25
26 **1. Policy Interpretation (P 2008-02).** Determination of General Plan consistency for pursuing
27 revisions to the City’s Sphere of Influence with the Local Agency Formation Commission of Napa
28 County (LAFCO); and (2) Input and guidance on potential revisions to the Sphere of Influence
29 needed to serve planned public facility and service needs.

30
31 **Chairman Manfredi** announced the item and advised a presentation would be provided by staff
32 and then advised he will ask for a motion to continue this item to the May 28, 2008 meeting. After
33 Staff provides a report if persons would like to speak he will open discussion to the public.

34
35 **Director Gallina** interjected prior to presenting the report she wanted to acknowledge receipt of a
36 number of correspondence items and wanted to confirm receipt of either a fax, email or letter from
37 the following individuals for the record: Robin Kennedy, Manatt, Phelps and Phillips, LLP, Pauline

38 Tofanelli, Norma Tofanelli, Jeff Conley, Michele LeBlanc, Farella Braun and Martel LLP, Mary Sue
39 Frediani, Don Scott, Douglas Hayes, Ehren Jordan, Jennifer Williams, Kristin Casey, Paul G. Smith,
40 Fisher Vineyards, David Phinney, Larry Turley and Araujo Estate Wines. She further apologized the
41 office copier/fax machine had been out of service for the majority of the day and if we did not
42 acknowledge receipt of your letter please resend again tomorrow.

43
44 **Planner MacNab** acknowledged there had been a lot of community frustration, confusion and
45 concern, and apologized stating it was not the intent. He noted the purpose the public meeting is
46 to engage the public and notify the community at the earliest stage possible of a sensitive
47 discussion item. Planner MacNab initiated his presentation defining LAFCO as an independent
48 government agency formed by the State to facilitate orderly formation of local governments and
49 special districts as well as orderly changes of organization known as boundaries and to conduct
50 municipal service reviews. Continuing he reported that State Law requires review of local service
51 conditions and service areas (“Sphere of Influence”) every 5 years, and provides an opportunity
52 for the City to review and identify potential revisions. He provided a graphic of the city limits
53 identifying the interior city limits and sphere of influence, noting the sphere usually has area
54 outside the city limits, but for Calistoga they are they same.

55
56 **Planner MacNab** reported this process began earlier this year, stating the review presents an
57 opportunity for the City to express interest, if there is an interest, to identify short term interest for
58 the sole purpose of accommodating public facilities. He emphasized it is not for purposes of
59 accommodating new private development. He stated this item is not a formal proposal to expand
60 the city’s sphere at this time, and an inclusion in the sphere will not automatically trigger
61 annexation, noting any annexation would require additional public proceedings. He presented a
62 map titled “Potential Sphere Expansion Areas” and identified three potential public facility areas,
63 noting these are not new proposals and are identified in the City’s adopted 2003 General Plan
64 long range plan. Planner MacNab provided a summary of proposed corresponding facility needs
65 from the Staff Report, pages 4 through 8. In conclusion Staff was seeking discussion from the
66 Commission and the Public, with the question does the Commission concur the proposal is
67 consistent with the General Plan objective. There was no finalization or decision required, and
68 recommendations would be forwarded to City Council. The next steps following a City Council
69 determination is for the City to communicate its determination to LAFCO, and if “yes” it would
70 require CEQA review with General Plan amendment proceedings. All formal proceedings would
71 require additional public hearings.

72
73 **Chairman Manfredi** opened the public portion of the hearing at 5:55 PM, suggesting if the Public
74 Hearing is continued there may be interest in having an informal workshop specific to this topic to
75 answer questions, prior to our next regular meeting.

76
77 **Clarence Levisi**, 285 Silverado Road, stated what bothered him the most was the appearance of
78 a lack of communication and respect. Noting it was clear everything has been legal, but the
79 underlying issue should be retaining the character of the town as a small town community. He
80 stated it was fascinating no one could find the time to call citizens to ask “can we meet”, because
81 this change may affect you. The point is the people are being affected and deserve to be
82 contacted ahead of time, prior to sending a letter and stirring up the community. Holding this
83 discussion over would be very good.

84

85 **Kristin Casey**, 1132 Denise Drive, thanked staff for continuing to do the public notices even when
86 it is not legally required or a formal public hearing. She stated she is fully aware of the intentions
87 when they were working on the General Plan, because they chose to specifically limit the sphere
88 of influence to the City boundaries and this decision was based on protecting our small town
89 character and preserving the outlying agriculture. She noted the fact the sphere reaches beyond
90 the City borders, sets the stage. While it may not automatically trigger annexation, it does lead to
91 annexation. If agricultural land becomes subject to annexation, higher density and increased
92 growth could result. The LAFCO report items 2d, exhibit A, policies are restrictive, and limit new
93 growth and that is precisely why they left those areas within the County. Ms. Casey shared
94 concern a precedent would be set and trigger further expansion in later years. She stated it was
95 not clear why 47 acres are required for a reclamation pond and she was concerned about the long
96 time residents that could be subject to annexed property that could potentially turn into an eminent
97 domain issue at a later date.

98
99 **Frank Farrell**, attorney representing Fisher Vineyards which is within the proposed sphere of
100 influence. Mr. Farrell reported he had provided four letters into the official record and then
101 questioned if the suggested informal meeting would precede the continued agenda item. He also
102 asked for confirmation the continued item would be heard on May 28, 2008.

103
104 **Chairman Manfredi** replied the informal meeting would be scheduled before the date this item is
105 continued to and that date will probably be the meeting of May 28, 2008.

106
107 **Chris LaGraw**, Manatt, Phelps and Phillips, LLP, representing Ed Lantz, owner of all or part of the
108 parcel for the proposed Oat Hill Mine parking area. He noted their office had forwarded
109 communication related to this matter. For the record he stated his client wishes to cooperate and
110 doesn't oppose the sphere of influence process, but wants to make sure to establish meets and
111 bounds, before any formal action is taken.

112
113 **David Moon Wainwright**, 1210 Pine Street, stated he heard of the idea to expand the sphere to
114 the south toward Dunaweal, although not for commercial or private home development, but it
115 would be for public facilities, and he was confused and wanted to hear specifics on what the extra
116 land was needed for.

117
118 **Chris LaGraw** questioned how the notification for the informal meeting would be provided.

119
120 **Chairman Manfredi** advised this question would be answered following discussion.

121
122 **Fred Fisher**, 4771 Silverado Trail, stated he was totally shocked, to hear the presumption
123 expressed on the sphere of influence. He shared one question, was the Commission prepared to
124 reverse itself or were they already on an irreversible path.

125
126 **Jim Rose**, attorney and resident 1734 Emerald Ct, representing the Frediani family, stated he
127 understands the meeting will be continued to May 28th, but wanted to formerly request an
128 information session with staff to go over details regarding those particular properties affected so
129 property owners can have direct input and communication with staff and avoid misunderstandings.

130

131 **Greg Brown**, 3120 Old Toll Road, owner of T Vine Cellars, stated he has purchased fruit from
132 both the Tofanelli's and Fredianni's for years. He stated all possibilities of not annexing land
133 should be explored. The City should look at other options besides taking of vineyard/agricultural
134 land.

135
136 **Norma Tofanelli**, 1001 Dunaweal Lane, reminded 40 years ago the County faced opposition to
137 protect vineyards and the Ag preserve was passed. In her opinion the proposed sphere is the first
138 step of taking 60 acres of prime agricultural land. It was reported this would be the first taking
139 since the Ag Preserve was created.

140
141 **Diane Barrett**, 1667 Centennial, stated she had been on the Planning Commission in the past
142 and realizes emotion should not be a consideration. However, she had also been a part of when
143 the first General Plan went into effect and she wanted to report the Tofanelli, Levisi, and Frediani
144 families were very instrumental in shaping what is now Calistoga and they have a lot invested in
145 the community.

146
147 **Vince Tofanelli**, 17555 Ida Clayton Road, noted he had attended close to every meeting about
148 the recent sewer expansion and it was a shock to him that the City is already in need of more land
149 for sewer, because at that time they were advised the improvements would be sufficient for many
150 years.

151
152 **Chairman Manfredi** closed the public portion of the hearing at 6:20 PM, and asked Staff what
153 method of notification for the informational meeting would be appropriate.

154
155 **Director Gallina** reported there was a sign in sheet available at the rear of the room and for those
156 that have not submitted some form of correspondence please register so we can contact you.
157 Staff will investigate available time for use of the Community Center and other Staff commitments.
158 Once the time is determined notification will be mailed and also posted on the web calendar.

159
160 **Norma Tofanelli** asked for clarification when Chairman Manfredi stated he was closing the public
161 hearing, asking if he closed it or continued it.

162
163 **Chairman Manfredi** clarified we have to close the public discussion before we make our
164 determination.

165
166 There was motion by **Commissioner Bush**, seconded by **Vice-Chairman Creager** to continue
167 Policy Interpretation (P 2008-02). to the Planning Commission regular meeting of May 28th, 2008.
168 **Motion carried: 3-0-2-0.**

169
170 **Chairman Manfredi** called for a five minute recess at 6:20 PM for a comfort break.

171
172 **Chairman Manfredi** reconvened the meeting at 6:29 PM.

173
174 **G. PUBLIC HEARING**

175
176 **1. ZO 2008-01, DA 2007-02, TTM 2007-02, DR 2008-01.** Vineyard Oaks Subdivision –
177 Reconsideration of a Zoning Ordinance Text Amendment, Development Agreement, Tentative

178 Tract Map and Design Review, requested by Ed Nagel of BNK Investments, LLC, on behalf of the
179 property owners, Ira and Lois Carter and 1881 Mora Avenue, to amend Chapter 17.08 of the
180 Zoning Ordinance to provide an alternative means for residential projects to satisfy the affordable
181 housing requirements and to subdivide approximately 18 acres of land into 15 single-family lots.
182 The lots are approximately 1 acre in size. The subdivision includes a lot line adjustment with the
183 property to the east along Mora Avenue strictly for utility and emergency vehicle access. The
184 subject properties are addressed as 2400 Grant Street & 1881 Mora Avenue and located within
185 the RR - Rural Residential Zoning District. (APN 011-010-013 & 011-010-014 and 011-021-002).
186

187 **Chairman Manfredi** reported discussion would commence in the following order: a report from
188 Staff, a presentation by the applicant, and Commissioner questions. He would then open the
189 public hearing for all concerns and questions, and responses to these comments would be
190 provided after closing the hearing.
191

192 **Planner Lundquist** reported this item was referred back to the Planning Commission by the City
193 Council during their April 15, 2008 meeting. He then provided a background summary from the
194 Staff Report highlighting recent plan modifications as follows:

- 195 • Lot 15 building pad relocated 50' of side property line; and
 - 196 • Deletion of private driveway from Lot 14; and
 - 197 • Planted screening provided along private driveways;
 - 198 • Wetlands disqualified by the Army Corp of Engineers;
 - 199 • Revised roadway cross section submitted by applicant.
- 200

201 **Planner Lundquist** reported the General Plan EIR was prepared and certified in October 21,
202 2003. He reported the project meets the allowable density of the General Plan, and the potentially
203 significant impacts can be mitigated as outlined in the initial study. It was reported the Drainage
204 Report was prepared by Adobe Associates and the City's consulting engineer confirms the
205 adequacy of the report. Planner Lundquist provided an overview of what the drainage plan means
206 and how runoff will be conveyed. He reported the design would filter the water through bio swells
207 and it would then travel to hard pipe direct to a new outfall at the Garnett Creek Bridge. He noted
208 only a portion will be conveyed to Mora Avenue and travel through existing drainage facilities,
209 noting through modeling there is available freeboard to handle increased runoff.
210

211 **Planner Lundquist** provided detail of Biological Resources, including information on riparian
212 habitat, wetlands, critical habitat, tree removal and replacement. He reported residential design
213 on any lot within Rural Residential zoning district is subject to certain development standards, and
214 design review is only required for residential development exceeding 4000 square feet. He stated
215 that a Design Review Committee will be established that will be administered by the Architect,
216 who will review each residence to their Design Review Guidelines. He reported that the Planning
217 Commission may consider an alternative approach such as requiring design review no matter
218 what the size of the dwelling. It was noted that Staff had not recommended a specific height
219 requirement because it may reduce design flexibility.
220

221 **Planner Lundquist** continued with an overview of the roadways stating the proposal meets
222 design and engineering practices and incorporates drainage facilities to maintain the run off to
223 Garnett Creek. He identified the private driveways, noting they are not thoroughfares and are
224 meant only to handle residential and minimal guest traffic. Screening is to be provided along

225 those driveways to protect aesthetics, and the private maintenance agreements will function like
226 CC&R's for the life of the project. He reported there are environmental factors that prohibit
227 designing a pathway along the south of Grant Street as well as various right of way widths.
228

229 **Planner Lundquist** concluded by summarizing the project lighting and fencing details, reporting
230 that lights will be shielded and directed downward and equipped with motion detectors or timers
231 and that language has been incorporated that restricts front fencing to a maximum of four feet.
232 Staff thanked the developer and the public, noting through cooperation the Developer has
233 presented a fair project and he recommended approval.
234

235 **Rich Waller**, Shook and Waller provided a presentation identifying recent changes that included
236 an increased setback on lot 15, additional screening, evergreen shrubbery along rear driveway,
237 inclusion of a five foot buffer to insure no additional impact on Mora, and a lot footprint layout for
238 individual lots. It was noted a private design review process would be established to enforce
239 material selection, and massing appropriateness for the area, along with CC&R's to be provided
240 to further enforce the conditions. Concluding he reported all structures exceeding 4000 square
241 feet will require a formal design review with the Planning Commission.
242

243 **Vice-Chairman Creager** asked for an explanation of the bio swale on the south side to clarify the
244 effectiveness of the drainage. He reported the drainage system and design requirements were
245 designed to handle a 100 year storm event.
246

247 **Kevin Moss**, Adobe Associates identified that the Valencia Road section swale on the north side
248 would collect water coming from the north before it reaches the road. Water from the south
249 coming onto the road will only be that water sheet flowing from the back of the pathway.
250

251 **Vice-Chairman Creager** reported this was very professionally done and a state of the art plan,
252 noting an increase in flow less than 1% which exceeds the most restrictive storm water
253 regulations in affect in more urbanized areas. He reported he was impressed with the drainage
254 plan. Vice-Chairman Creager reported out of concern for those properties downstream he had
255 walked the stream channel, and noted we do have sensitive areas; however he believed the way
256 it will be handled will actually reduce existing effects on Mora Avenue.
257

258 **Chairman Manfredi** opened the public portion of the meeting at 7:12 PM.
259

260 Comments were provided by the following persons including **Greg Wedner**, 1702 Garnett Creek
261 Court.; **Shannon Connelly**, 2449 Grant Street; **Kurt Becker**, 1715 Michael Way; **Alice**
262 **Middleton**, 2087 Mora Avenue; and included the following
263

- 264 • The staff report concedes a new environmental review is required if there are significant
265 e`ffects, it further contains explanation on page 3 of 13, starting at line 79, regarding drainage and
266 the development of bio-swales to appropriate drainage inlets within the subdivision to be directed
267 under Grant Street to the outfall located in Garnett Creek. Mr. Wedner stated this is a significant
268 effect and impact and he believed should require a new EIR.
- 269 • Spoke out on the concern for loss of view shed with no concessions on lot 1 and 15, asking
270 what is restrictive about a 23.5 foot roof height. Mrs. Connelly recommended in the future the

271 structures should be required to go through formal design review. It was further stated tree's
272 should not block 50% of a view shed.

273 • A summary of information related to the projects processing of applications i.e. Growth
274 Management Allocations between 2005 – 2008, a Memorandum of Understanding and a
275 Development Agreement for the project was provided. Mr. Becker reported the allocations
276 granted in 2008 exceeded the growth percentage, and reported this violation of approval places a
277 huge burden on the already taxed water/sewer system, and this project should not be considered.
278 He further stated the California Water Resources Board is already concerned about how we
279 handle water in this town and this will enhance their concern.

280 • There was question regarding lot 8 asking what is the allowable setback requirement, noting
281 the footprint appeared to be on the edge of the lot very near the adjoining the property.

282
283 **Planner Lundquist** interjected reporting the standard Rural Residential setback was ten feet.

284
285 Comments resumed and included the following from **Tom Balcer**, 1705 Michael Way (speaking
286 for concerned citizens from Michael and Maggie Way); **Paul Holm**, 2551 Grant Street; **Diane**
287 **Barrett**, 1567 Centennial Circle; and **Lorraine Bianci**, 1712 Garnett Creek Court.

288
289 • The primary concern is all water coming from the area ends up at Maggie and Michael Way in
290 a creek, the water from access way is down stream from a sump that moves the water across the
291 water, and therefore all water will turn and go down Mora Avenue. It was reported there appears
292 to be a 3-4 foot slope, and the water in the back half will come down Mora. He referenced a
293 Study completed in 1991 and asked if there was a water shed study done for Maggie, Michael and
294 through the fairgrounds.

295 • Concern with bio swales, noting people tend to want to block them when they see water
296 flowing through their property. Please address this water system.

297 • Concerned about drainage. Mr. Holm has met with staff and with the developer twice.
298 However his property slopes down low and water comes up to his basement every year without
299 additional water.

300 • Are these buildings going to be single story or two story, and will granny units be allowed.

301 • How big will the culvert be and will the force of the water damage his property because of the
302 new outlet.

303 • Why was he required to lower the height of his building to a total height of 21 feet and 18
304 homes can be 30 feet high.

305 • During enforcement of CC&R's, what prevents someone from installing tin roofs?

306 • It is felt the General Plan did not adequately address this property because there are
307 significant affects particular to this property.

308 • Does Garnett Creek have the capacity to accommodate the water when the creek can't
309 support rain now, and what will happen with the additional water?

310 • Concern with the creek bank, Ms. Barrett spoke to the property owner to the south of her and
311 they were aware of the project but did not know about stormwater.

312 • Mrs. Barrett shared her concern with the fence on the north side of the project and with
313 potential drainage issues.

314 • Note since property is sold by lots, members (property owners association) can amend the
315 guidelines, so changes could occur without the knowledge of the surrounding community.

- 316 • All house plans should go through design review with the Planning Commission no matter how
317 many square feet.
318 • What happened to cluster homes and open spaces, the only open space appeared to be the
319 street, and the rest is personal property.
320 • What are the designated hours of construction?
321 • Looking at the site layout, how can protected trees be cut down. How do you replace a 50
322 year old tree?
323 • Considering the problem with erosion, run off and wild life habitat, Ms. Bianci was shocked this
324 would be processed without an Environmental Impact Report.
325

326 **Planner Lundquist** interjected reporting Construction hours are proposed as 7AM to 5 PM, five
327 days a week. The Municipal Code Standard allows for 7 AM to 7 PM six days a week
328

329 Comments resumed and included the following from **Jacque Lang**, 1969 Mora Avenue; **Kurt**
330 **Larecou**, 1707 Michael Way; **Connie Johnson**, 2001 Mora Avenue; and **Tom Meyer**, 2041 Mora
331 Avenue.
332

- 333 • Referencing behind lot 10, there was concern with tree removal and she requested the homes
334 be limited to single story.
335 • Concern for drainage and the allowed use of wells. Mrs. Lang stated she does not have City
336 water and they do not want to be impacted.
337 • Concern with the proposed road/driveway five feet from their fence, noting there seemed to be
338 twice as much paving as required for development and the existence of the road does not make
339 sense.
340 • Reference of the Planning Commission By Laws, Powers and Duties, item 7, Conduct studies
341 referred for matters to the City Council; item 8, implement and advise on project consistency.
342 Reference of the Environmental Quality Act, any citizen is there to protect the environmental
343 standards. It was stated there are a variety of impacts that render this project to have an EIR.
344 Noting the outfall into a steel head stream could be a potentially significant impact. Mr. Larecou
345 stated Fish and Game didn't comment on the project. He stated this is not exempt from CEQA,
346 and stated this is not what we need, and is not covered in the General Plan EIR.
347 • It was reported the Napa County Flood Control inspector had contacted owners of properties
348 that they think may flood.
349 • Clarification was provided stating the Mora Avenue property owners were never notified of
350 previous Planning Commission meetings
351 • The need for an EIR was questioned, asking how long ago was the General Plan EIR and is it
352 relevant to today.
353 • Concern for the proposed private drive, with Ms. Johnson stating they do not need to be
354 behind them, asphalt does not allow for percolation, and routinely they see neighboring yards
355 flooded. They do not need additional water and roadways contributing to this problem.
356 • Mitigation of flooding should be highest concern.
357 • Concern was voiced for potential issues i.e. discharge of aquifer, placement of asphalt, an
358 accidental spill on the roads.
359 • Concern for light and sound pollution, private roadways were not addressed.
360 • Animal habitats will be destroyed, and native Oak Trees should not be cut down because a
361 new planting is not acceptable.

- 362 • A meeting or meetings to discuss potential affects of the project was requested.
363 • An observation/suggestion was provided keynoting the parade of people are expressing fear.
364 Make fear go away with simple talk and full disclosure to lead to no flooding and no issues. Give
365 people full disclosure possibly with a more informal meeting to address concerns.
366

367 **Chairman Manfredi** closed the public portion of the meeting at 8:12 PM and called for a five
368 minute break.
369

370 **Chairman Manfredi** reconvened the meeting at 8:18 PM.
371

372 **Planner Lundquist** initiated discussion attempting to address CEQA, noting the General Plan is a
373 long range document. The General Plan EIR was certified and provided review of open space,
374 conservation, housing, agriculture, geologic and community. The CEQA process of this project
375 looked at the project specific impacts with initial study parameters asking us questions, and the
376 answers resulted in potential impacts and measures to reduce the impact to less. The same
377 reports are prepared and reviewed for a Mitigated Negative Declaration as those for an
378 Environmental Impact Report. The only difference is time constraints. Continuing Planner
379 Lundquist responded to the host of questions and concerns as follows:

380 • Wetlands Determinations were made through review of aerial photos, borings, soil, plant
381 specie and water. The Biologist and Army Corp both determined no jurisdictional wetlands on that
382 site.

383 • Drainage This project has incorporated new technology, preventing siltation erosion or
384 impediments that will harm waterways. This project helps to protect and sustain the valuable
385 resources.

386 • Setbacks/Building Heights Rural Residential zone setbacks are 20'- 10- 20'. This project has
387 gone beyond requirements to do their best to protect the interests of the adjoining properties.
388 Building height regulation measures from average natural grade to mid point of roof. Lots may
389 need pads when developed, the pad gets calculated into the maximum height. Variations on
390 slope accountability, average natural grade to mid point, and it meets current regulations. The
391 proposed guidelines reduce height while retaining some flexibility for various design features.
392 Restriction allows up to two stories with a restriction on height of 25 feet.

393 • Drainage Related to Unknown Outfall shall be contained in the public right of way, through the
394 bridge, to concrete abutment at the bridge on the down stream side, with energy dissipaters, and
395 no disruption of natural flow.

396 • Functions on Mora Avenue and how historic flows will be accommodated. This culvert will
397 help provide a flow direction for the water and ultimate design will reduce the amount.

398 • Napa Flood Control has been studying properties adjoining waterways to assess maintainance
399 issues. No mapping is occurring.

400 • Lighting will be bollard style on lots 11 - 13, it will provide minimal lighting standing about 3.5
401 feet tall.

402 • Habitat Deer and rodents have been identified a s present and they have not specifically been
403 identified for protection of their species. Species that are protected have not been identified as
404 present on this property.

405 • Fear of a New Project is understandable when one has not reviewed the piles of
406 documentation. This project has been scrutinized above and beyond and Staff continues to
407 recommend this project for approval.
408

409 **Vice-Chairman Creager** asked Staff to explain the process for allocation and report where we are
410 relative to the 1.35% growth.

411
412 Staff reported it was true the developer had tried to go through the allocation process a couple of
413 times and as a result of the number of applications received when we initially started the GMA
414 process and the previous years of no development we had received an excessive number of
415 applicants that met the guidelines. At the time the project did not fit within the development
416 objectives adopted for that year.

417
418 In 2006 the developer approached the City Council to proceed with a development agreement to
419 consider if the project would provide a special benefits, such as additional funds in excess of what
420 is required in affordable housing and off site improvements. After negotiating with the City
421 Manager this project was determined to have those special benefits, and the City Council
422 authorized an MOU which afforded them a promise for water and sewer. This project did fit within
423 the allowable allocations and was counted toward the 2007 growth cycle . The 1.35% per year
424 equals approximately 28 units or 73 persons, and provisions allow the council to increase the
425 annual 1.35% in a given year provided the combined average does not result over the allowable
426 average. It wasn't until the 2008 development year the City Council did go over the five year
427 period by 5.05 percent and that will have to be dealt with in the 2009 allocations.

428
429 **Vice-Chairman Creager** asked for clarification of allowable construction hours.

430
431 **Director Gallina** reported the Municipal Code allows from 7AM to 7 PM Monday through
432 Saturday, and for some projects we have allowed developers to have construction hours extended
433 beyond those hours for a short period of time.

434
435 **Vice-Chairman Creager** referenced roof height asking if it was possible for a few of the front end
436 lots to be conditioned to require a reduced height. He further asked if it was on the table for
437 consideration for the five foot setback at the rear driveways to be expanded.

438
439 **Planner Lundquist** reported there could be findings due to aesthetics to require a reduced height
440 on the front lots.

441
442 **Director Gallina** reported if the Planning Commission felt there was an adverse impact to the
443 adjoining properties they could ask the applicant to eliminate the driveways and put all the
444 driveways on front or you could ask for an additional setback.

445
446 **Vice-Chairman Creager** asked if it was within the Commissions discretion to determine how the
447 garbage/recycling service would service Valencia.

448
449 **Planner Lundquist** stated it was the intent to restrict collection from these driveways and staff
450 directed attention to the condition on Page 10 of 13.

451
452 **Vice-Chairman Creager** noted he had additional questions for the applicant regarding the wells
453 and hydrology.

454

455 **Commissioner Bush** noted most questions had been asked, but asked for clarification on the
456 EIR, asking for confirmation that no new information would be gained by having a new study.

457
458 **Planner Lundquist** stated technical studies have been completed that address the impacts. The
459 initial study concluded that the potentially significant impacts could be mitigated.

460
461 **Chairman Manfredi** asked about the tree's that are to be removed and replanted.

462
463 **Planner Lundquist** invited the arborist to come forward later to provide additional information.

464
465 **Vice-Chairman Creager** asked staff to confirm if they have notified Fish and Game and the other
466 agencies regarding natural resource impacts.

467
468 **Planner Lundquist** reported:

- 469
- 470 • agencies were notified during the conceptual review, and
 - 471 • notified again with the formal application intake, and
 - 472 • we also sent them two reiterations of the plan in attempt to gain comments, and
 - 473 • when we finalized and were ready and public noticed we sent all reports to the State Clearing
474 House, and
 - 475 • the State sends it again to all the State and Federal responsible agencies.

476 The only responses received were from the Army Corp of Engineers and the Toxic Substance
477 Control Department.

478 **Rich Waller** commented on the studies provided, noting those studies are the same studies that
479 would be obtained through an EIR. There is no new study or more expansive study that would be
480 required in terms of review. He further referenced the Fish and Game involvement reporting the
481 Negative Declaration does not preclude them from the process of Fish and Game for the outfall
482 with them or other various agencies as they move forward with the approval process.

483
484 **Mr. Waller** referenced a comment on the concept of open space stating they have taken a lot of
485 effort and care on the open space component, referencing lot 1 as an example, pointing out the
486 area that will be left as a natural area where there will be no structures of any kind allowed.
487 Related to the height request, they are willing to compromise and cap the total height on 1 to 23
488 feet, but on lot 15 there is an existing tree screen noting they already provide a comprehensive
489 screening of that view shed because of preserving trees so it was felt a reduction in height would
490 be considered excessive.

491
492 **James McNair**, Project Arborist, presented summary slides for viewing and reported examination
493 of every tree and tree cluster and had identified 197 trees and tree clusters, with 183 Valley Oaks
494 that included a wide age distribution. He noted an obvious historic impact, due to possible
495 mowing or grazing practices that had caused double or multiple trunks affecting the health of
496 trees. He identified trees requiring removal due to the building footprint and roadways, and an
497 additional seven due to poor condition, in addition cluster 46 was recommended for thinning. He
498 reported on the mitigation planting including Valley Oaks noting plantings will not be seedling
499 trees. Mr. McNair stated a huge effort has been given to protect the remaining trees and view
500 corridors.

501

502 **Kevin Moss** suggested drainage concerns seemed to include fear that the project will act like a
503 funnel. He provided the current drainage and post drainage drawings and stated no water will
504 flow from the project to a neighboring property.
505

506 **Vice-Chairman Creager** explained that detention and bio swales are not basic ditches although
507 they look very simple and noted it is remarkable how much detention allows for pollutant removal
508 from the run off, plus it has a secondary effect to slow the rate that water is discharged through
509 the creek. Plus he believed this will reduce the water that will go in the ditch and into the culvert.
510

511 **Kevin Moss** reported there is a ten year study on bio swales, with factual data that the pollutant
512 load is reduced by 85%, so it is a good way to scrub the water before it goes into the local water.
513

514 **Joey Gutierrez**, 1932 Mora, stated the water comes out and doesn't even reach Grant, because it
515 goes straight through the culvert and when the culvert is full it goes down the road. So if Michael
516 and Maggie are full then all the water will have to go by his property. He recommended someone
517 come take a look at it because he has spent at least four or five New Years sand bagging. If they
518 are going to build within the path it will go to Garnett and they already have problems too.
519

520 **Vice-Chairman Creager** reported it will go to a collection system that routes it to Valencia and
521 then via a culvert to Garnett Creek below the bridge and the rate it flows will actually be slower
522 that normal conveyance. The system actually retains the water longer than it would if it was
523 traveling under natural conveyance.
524

525 **Kevin Moss** reported the current flow goes unretarded, but the drainage system will channelize
526 the water into a trapezoidal channel and spread the water out and reduce the flow rate. He
527 reminded the storm drain system is designed for a 100 year water event.
528

529 **Kevin Moss** further explained when the water hits Garnett Creek it flows into a tributary area
530 adding roughly 30 acres (less than .5 percent). He reported he has met with Mr. Holmes, and he
531 does have a low area and with a cellar doorway five feet below the finished floor of the main
532 house, and there is an area that has required sandbagging as an infrequent event. His
533 observation is he may continue sandbagging, however there are other more permanent
534 ccorrections relatively inexpensive he could complete.
535

536 **Vice-Chairman Creager** asked how we can protect the integrity of the bio swales and address
537 any tendency for persons to alter personal property
538

539 **Planner Lundquist** stated they could incorporate a condition in the maintenance agreement to
540 prohibit and protect storm drainage and bio swales.
541

542 **Vice-Chairman Creager** asked the Engineer his opinion on how it will impact Mr. Holm's
543 property.
544

545 **Kevin Moss** stated there would be no significant additional threat.
546

547 **Paul Holms** stated it should be common sense there will be an impact if they are pumping right
548 on my property and the flooding has happened nearly every year already. He then asked where
549 the pipe will come out.
550

551 **Kevin Moss** reported the pipe will come in on the downstream half of the bridge, probably where
552 the bridge widened, at the newest half because it seems more structurally sound and will go
553 through down stream underneath the roadway, with no visual impact.
554

555 **Chairman Manfredi** noted the comments provided by Mr. Meyers were prudent and well stated
556 and thanked the audience for their comments concurring there had been good points brought up.
557 View shed – 23 height limit applicant ok
558

559 **Planner Lundquist** stated should the Commission decide to continue the item, he would
560 appreciate clear direction.
561

562 **Chairman Manfredi** provided the following directions:

- 563 • Lot 8 - increase the setback
- 564 • Design Review – it was likely that most homes within the development will probably be built
565 at over 4000 square feet, therefore it will almost be certain the majority will go through both
566 design reviews. It would not be fair to impose the restriction on houses under 4000 square
567 feet when review is not required in any other zoning.
- 568 • Granny units – will be allowed within the building area.
- 569 • work on the private drives with a bigger setback or they could disappear completely. You
570 could require two drives on Valencia and one on Hawthorne.
- 571 • Work hours should be cut short on Saturdays, maybe mid afternoon.
572

573 **Vice-Chairman Creager** suggested this hearing was a good example of a teachable moment,
574 and shared concern as to why the applicant didn't use cluster design. He recalled the
575 Commission did consider cluster design during previous review when the property was rezoned
576 several years ago, and what has happened is the developer has now brought back a project
577 utilizing the comments and guidelines we provided him with and it is not his fault. He stated we
578 have a General Plan recommending clusters and open space, but during review and public
579 comment we did not support that dynamic. It is not a one sided affair.
580

581 **Commissioner Bush** noted in general this is a terrific project, however she agreed a condition
582 should be included for lots 1 and 15 to be required to under go formal design review for
583 development; plus she wouldn't mind if the rear driveway along Mora were to disappear thus
584 creating much less pavement.
585

586 There was motion by **Vice-Chairman Creager**, seconded by **Chairman Manfredi** to continue
587 consideration of item ZO 2008-01, DA 2007-02, TTM 2007-02 and DR 2008-01 regarding
588 Vineyard Oaks to the next regular Planning Commission meeting of May 28. **Motion carried: 3-**
589 **0-2-0.**
590

591 I. MATTERS INITIATED BY COMMISSIONERS

592 J. DIRECTOR'S COMMENTS/PROJECT STATUS

593

594 **Director Gallina** reminded all the following day of May 15, 2008 was National Bike to work day
595 and encouraged all to come by the Calistoga Bike to Work Day energizer station, noting staff
596 would be manning the refreshment station from 6:30 AM to 9:30 AM.

597

598 **K. ADJOURNMENT**

599 There was motion by **Chairman Manfredi**, seconded by **Vice-Chairman Creager** to adjourn the
600 meeting. **Motion carried: 3-0-2-0.** The meeting adjourned at 9:37 PM.

601

602 The meeting adjourned to the next regular meeting of the Planning Commission scheduled for
603 Wednesday, May 28, 2008 at 5:30 PM.

604

605

606

607 Kathleen Guill,
608 Secretary to the Planning Commission

609

610

611