

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Dan Takasugi, Public Works Director / City Engineer
DATE: February 17, 2009
SUBJECT: Consideration of a Resolution Authorizing a Non-Routine Encroachment for an Ornamental Steel Fence at 1314 Lillie St.

APPROVAL FOR FORWARDING:


James C. McCann, City Manager

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ISSUE: Consideration of a Resolution authorizing a non-routine encroachment for an ornamental steel fence at 1314 Lillie Street (APN 011-180-010).

RECOMMENDATION: Adopt resolution with conditions.

BACKGROUND/DISCUSSION: In late 2003, the City Council directed the Public Works Director to prepare an amendment to Chapter 12.08 of the Calistoga Municipal Code, to allow citizens to petition the City for long term, private use encroachment permits. On July 6, 2004, the City Council approved an ordinance amending C.M.C., Section 12.08 to create both routine and non-routine encroachment permits.

Examples of routine encroachment permits include work for installations that by their very nature are fitting and appropriate for public rights-of-way, such as the installation of a driveway apron or other street appurtenances, as well as certain utilities. Routine encroachments also include temporary short-term uses such construction staging areas or placement of dumpsters to accommodate work on adjoining private property.

Examples of non-routine encroachment permits include installations of private walls, fences, decks, balconies or architectural projections, or other use of the public right-of-way that substantially changes the condition or appearance of that portion of the public property right-of-way. Non-routine permits require Council approval.

The Public Works Department has received an application for a non-routine encroachment permit to allow the construction of a 4.5 foot high ornamental steel fence in the public right of Way, at 1314 Lillie which includes both the Lillie and the School

27 Street frontage. The proposed location of the fence is at the back of the curb, and the
28 proposed ornamental steel fence (see attached design), replaces a 4 foot high wood
29 fence which existed previously in the same location.

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31 Calistoga Municipal Code, Chapter 17.52, (attached), calls for corner lots to have a 30 x
32 30 foot corner cut off line for any fence exceeding 2.5 feet in height, to allow for
33 increased visibility. The Public Works and Building & Planning Directors believe that the
34 open design of the proposed fence will allow adequate visibility.

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36 Staff makes the following findings:

- 37
- 38 1. While the proposed fence exceeds the legal height requirements, the design of
39 the fence does not constitute a visual barrier at the corner of Lillie and School
40 streets.
 - 41 2. The encumbered area of Right of Way is not anticipated for use by the City.

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44 Staff recommends approval of the non-routine encroachment permit with the following
45 conditions to be included in the permit:

- 46
- 47 1. "If it is determined in the future that the City is in need of that portion of the public
48 right-of-way that is utilized for the fence, then the property owner shall be
49 required to remove the fence, at their expense, within 14 days of notification."
 - 50 2. All landscaping which falls within the 30 foot corner cutoff area (refer to C.M.C.
51 Chapter 17.52, Section 030 (Corner Cutoff Area), shall be maintained so that its
52 height does not exceed 2.5 feet.

53
54 The encroachment permit, if approved, will be recorded with the Napa County
55 Recorder's Office to serve as notice of conditions to successors in interest or any
56 interested person.

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58 **FISCAL IMPACT:** Mr. Jim Butts posted a \$500.00 deposit with the City at the time of
59 application. Staff time to process the non-routine encroachment permit will be charged
60 against this deposit and the remaining funds returned to the applicant. There will be no
61 fiscal impact to the City.

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63 **ATTACHMENTS:**

- 64
- 65 1. Resolution
 - 66 2. Application and Attachments

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**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING A NON-ROUTINE
ENCROACHMENT PERMIT FOR AN ORNAMENTAL STEEL FENCE AT 1314 LILLIE
STREET (APN 011-180-010), CALISTOGA**

WHEREAS, the Calistoga Municipal Code Section 12.08 allows for the issuance of non-routine encroachment permits for the construction of walls and fences within the public right-of-way; and

WHEREAS, an application for a non-routine encroachment has been received for the construction of a ornamental steel fence at 1314 Lillie Street (APN 011-180-010); and

WHEREAS, the proposed ornamental steel fence meets City guidelines, in so far as height and corner sight lines; and the intent of the Calistoga Municipal Code with respects to corner visibility; and

WHEREAS, the encroachment permit will be recorded with the Napa County Recorder's office as notice of conditions to successors in interest or any interested person.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Calistoga authorizes the issuance of a non-routine encroachment permit for the construction of an ornamental steel fence at 1314 Lillie Street (APN 011-180-010), subject to the following conditions:

1. If it is determined in the future, that the City is in need of that portion of the public right-of-way that is utilized for the wall/fence, then the property owner shall be required to remove the wall/fence, at their expense, within 14 days of notification.
2. All landscaping within the 30 foot corner cut off area as defined in the Calistoga Municipal Code section 17.52 exhibit B, shall be maintained at a height not to exceed 2.5 feet (trees excepted)

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this 17th day of February, 2009, by the following vote:

**AYES:
NOES:
ABSTAIN/ABSENT:**

JACK GINGLES, Mayor

ATTEST:

SUSAN SNEDDON, City Clerk

REC'D DEC 22 2008

Mr. Bill Don

FILE COPY

< Calistoga Public Works - Encroachment Permit Application >

For Review

Non-routine: 114 Washington Street, Calistoga CA 94515 - P: 707-942-2828 F: 707-942-9472

Applicant Name: PAUL COATES (Const. FOR JIM BUTTS)
Address: PO. Box 1006 CALISTOGA CA
Phone: 942 5268 Contractor Lic. #505964 Class: B
Fax #: 942 5288
CELL #: 974 9909 Contact Person: PAUL COATES
Email Address: (Helpful) M COATES @ SOUNC.NET

Please read/fill in this application in its entirety. Questions: Call Public Works at (707) 942-2828.

Work Start Date: ASAP after Approval
Completion Date:

Work Location Address: LILLIE ST
Property Owner Name: JIM BUTTS

Type of Work to be Performed (Attach required plans/specs or diagram of proposed work)

REPLACE WOOD FENCE WITH OPEN IRON FENCING.

If the permitted work is not completed by the completion date, an authorization for an extension is mandatory or a new permit will be required

With Permit approval and to defray the costs of inspection, the permittee shall pay to the City a FEE equal to five (5%) percent of the estimated cost of work as determined by the Department of Public Works. In addition, an administrative fee of twenty-five (\$25) dollars shall be charged.

Estimated Cost of Work: \$1200 (5% Fee Imposed)
5% Inspection Fee: To be Determined (if inspections are required)
Administrative Fee: \$25
Total Due: \$500 Dev. Deposit Due
Payment Only Upon Approval

Approval contingent upon proof of the required insurance certifications, separate additionally insured endorsements and proof of a City Business License.

Staff Initials: [Signature] DATE Received: 12/29/09

General Ljib. > 2/17/09

Add'l Insured > 2/17/09

Worker's Comp. [Signature]

Homeowner's Liability > n/a

City Bus. Lic. > PAUL COO.

Special Public Works Requirements (Finalized PERMIT Required PRIOR to the Start of Work, which includes all the necessary backup insurances and proof of a city business license)

With this Application, please submit the following if you are a Company/Contractor: 1) Proof /Copy of General Liability insurance with a, 2) Separate Endorsement naming the "City of Calistoga" as the Additionally Insured. 3) Proof/Copy of Workman's Comp. 4) Proof/Copy of Calistoga City Business License.

For Homeowner's as Applicants, please submit Proof/Copy of your Homeowner's Liability Insurance for the worksite address.

The APPLICANT agrees to save, indemnify and hold harmless the City of Calistoga or its representatives from all liabilities imposed by law by reason of injury to or death of any person or persons or damage to property which may arise out of the work covered when permitted and does agree to defend the City in any claim or action asserting such liability. Signing this application or starting any work heretofore, shall constitute acceptance and agreement to all of the conditions and requirements when work's permitted and the ordinance and specifications authorizing issuance of such a permit. When approved, the permittee is responsible for adhering to all General Permit Rules and Requirements on Page 2 of the final permit.

SIGNATURE OF APPLICANT: Paul Coates
DATE: 12-22-08

APPL. Reviewed by: APPL. Approved by: Field Inspected by
Date: Date: Date:

2 of 5

PAUL COATES CONSTRUCTION, INC.

P. O. Box 1006, Calistoga, CA 94515

707-942-5268 Fax 707-942-5288

License #505964

Paul cell - 974-9909

REC'D DEC 22 2008

December 17, 2008

Bill McBride
City of Calistoga
414 Washington Street
Calistoga, CA 94515

RE: *NON-Routine* Encroachment Permit - 1314 Lillie Street, Calistoga, CA

Dear Mr. McBride:

I am requesting on behalf of the property owners at 1314 Lillie Street, a non-routine encroachment permit for City Municipal Code 12.08.070.

The purpose of this permit request is to allow homeowner to replace said wood fence with open iron fencing, which creates a safe sight line for traffic and pedestrians.

Please see attached plot plan and fence detail.

Thank you.

Sincerely,



Paul Coates

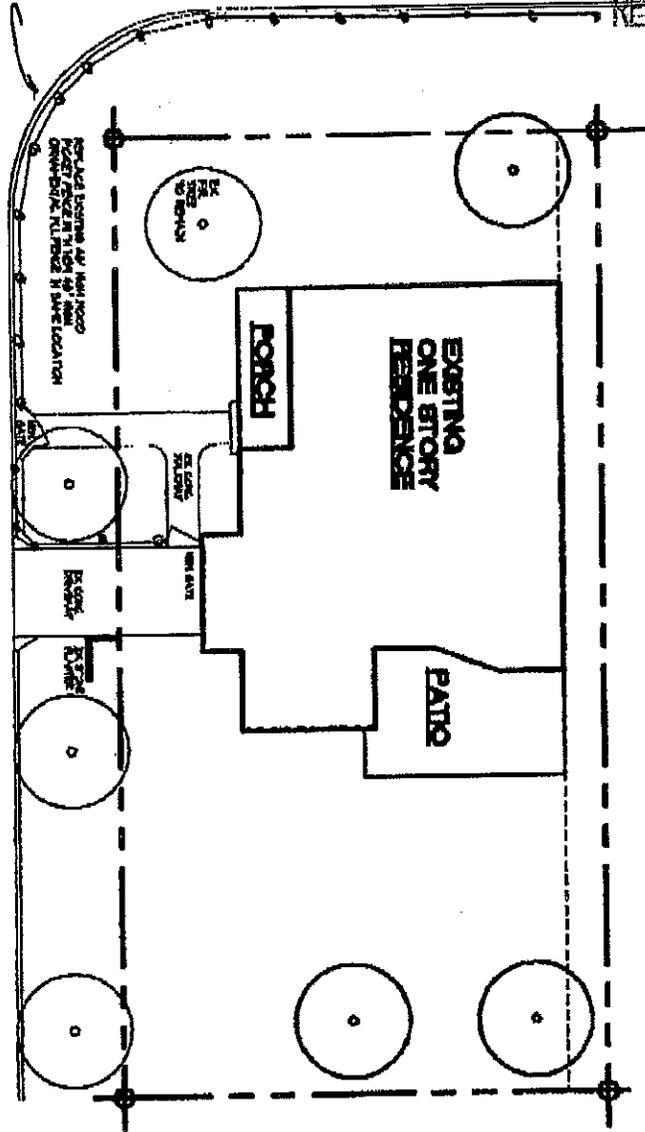
SCHOOL STREET

REC'D DEC 22 2008

SEE ATTACHED
SPEC

1314 LILLIE STREET

SITE PLAN



ADDITION TO RESIDENCE FOR
NEW KITCHEN & BUTTS
 DETAIL FROM
 GENERAL PLAN
 OF THE CITY OF
 SAN JOSE
 2008.1.14

