


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Dan Takasugi, Public Works Director / City Engineer
DATE: October 20, 2009
SUBJECT: Consideration of a Resolution Authorizing a Non-Routine Encroachment for an Ornamental Steel Fence at 41 Arch Way

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 41 Arch Way (APN's 011-071-005 (41 Arch), 011-071-004 and 011-071-006).

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-foot high ornamental steel fence in

27 the public right-of-way, at 41 Arch Way. The proposed location of the fence is five (5')
28 feet behind the curb.

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30 Staff makes the following findings:

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- 32 1. The proposed fence meets the legal height requirements.
- 33 2. The encumbered area of right-of-way is not anticipated for use by the City.

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

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- 38 1. The fence shall be placed behind the existing road signs.
- 39 2. The four (4') foot walkway gate shall be centered in front of the existing water
40 meter and shall remain unlocked at all times.
- 41 3. If it is determined in the future that the City is in need of that portion of the public
42 right-of-way that is utilized for the fence, then the property owner shall be
43 required to remove the fence, at their expense, within 14 days of notification.
- 44 4. All shrubbery within the public right-of-way shall continue to be pruned to less
45 than four and one half (4.5) feet.

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

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51 **FISCAL IMPACT:** Patrick (and Norma Jean) Killeen posted a \$500.00 deposit with the
52 City at the time of application. Staff time to process the non-routine encroachment
53 permit will be charged against this deposit and the remaining funds returned to the
54 applicant. There will be no fiscal impact to the City.

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56 **ATTACHMENTS:**

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- 58 1. Resolution
- 59 2. Application and Attachments

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3 **RESOLUTION 2009 -**
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5 **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,**
6 **COUNTY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING A NON-ROUTINE**
7 **ENCROACHMENT PERMIT FOR AN ORNAMENTAL STEEL FENCE AT 41 ARCH**
8 **WAY (APN's 011-071-005 (41 Arch), 011-071-004 and 011-071-006)**
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10 **WHEREAS**, the Calistoga Municipal Code Section 12.08 allows for the issuance
11 of non-routine encroachment permits for the construction of walls and fences within the
12 public right-of-way; and
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14 **WHEREAS**, an application for a non-routine encroachment has been received
15 for the construction of an ornamental steel fence at 41 Arch Way (APN's 011-071-005
16 (41 Arch), 011-071-004 and 011-071-006); and
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18 **WHEREAS**, the proposed ornamental steel fence meets City guidelines, in so far
19 as height; and
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21 **WHEREAS**, the encroachment permit will be recorded with the Napa County
22 Recorder's office as notice of conditions to successors in interest or any interested
23 person.
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25 **NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of
26 Calistoga authorizes the issuance of a non-routine encroachment permit for the
27 construction of an ornamental steel fence at 41 Arch Way (APN's 011-071-005 (41
28 Arch), 011-071-004 and 011-071-006) subject to the following conditions:
29

- 30 1. The fence shall be placed behind the existing road signs.
31 2. The four (4') foot walkway gate shall be centered in front of the existing water
32 meter and shall remain unlocked at all times.
33 3. If it is determined in the future that the City is in need of that portion of the public
34 right-of-way that is utilized for the fence, then the property owner shall be
35 required to remove the fence, at their expense, within 14 days of notification.
36 4. All shrubbery within the public right-of-way shall continue to be pruned to less
37 than four and one half (4.5) feet.
38

39 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga
40 at a regular meeting held this **20th day of October, 2009**, by the following vote:
41

42 **AYES:**

43 **NOES:**

44 **ABSTAIN/ABSENT:**
45

46 _____
JACK GINGLES, Mayor

47 **ATTEST:**

48 _____
49 **SUSAN SNEDDON, City Clerk**

PAUL COATES CONSTRUCTION, INC.

P. O. Box 1006, Calistoga, CA 94515
707-942-5268 Fax 707-942-5288
License #505964

September 15, 2009

Bill McBride
City of Calistoga
1232 Washington Street
Calistoga, CA 94515

RE: Killeen, 41 Arch Way, Calistoga, CA

Dear Mr. McBride:

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

The purpose of this request is to allow the home owners to construct a metal fence to prevent the public from stealing fruit from their trees, and allowing their pets to relieve themselves on a daily basis in their front yard.

This home sits in the middle of three lots all owned by the same family. The two surrounding lots have orchards that extend out to the street. They have owned this home for three generations and pick the fruit annually for canning. Due to the continuing theft and trespassing, the family is in need of a fence along the frontage of their property to prevent the

This fencing would be consistent with the neighborhood. There are no existi

I have enclosed the fence elevation and questions, please give me a call.

Sincerely,


Paul Coates

cc: Pat Killeen

encs. 2

*Considering
Ltr of opp
1 Reso
2 app + attached*

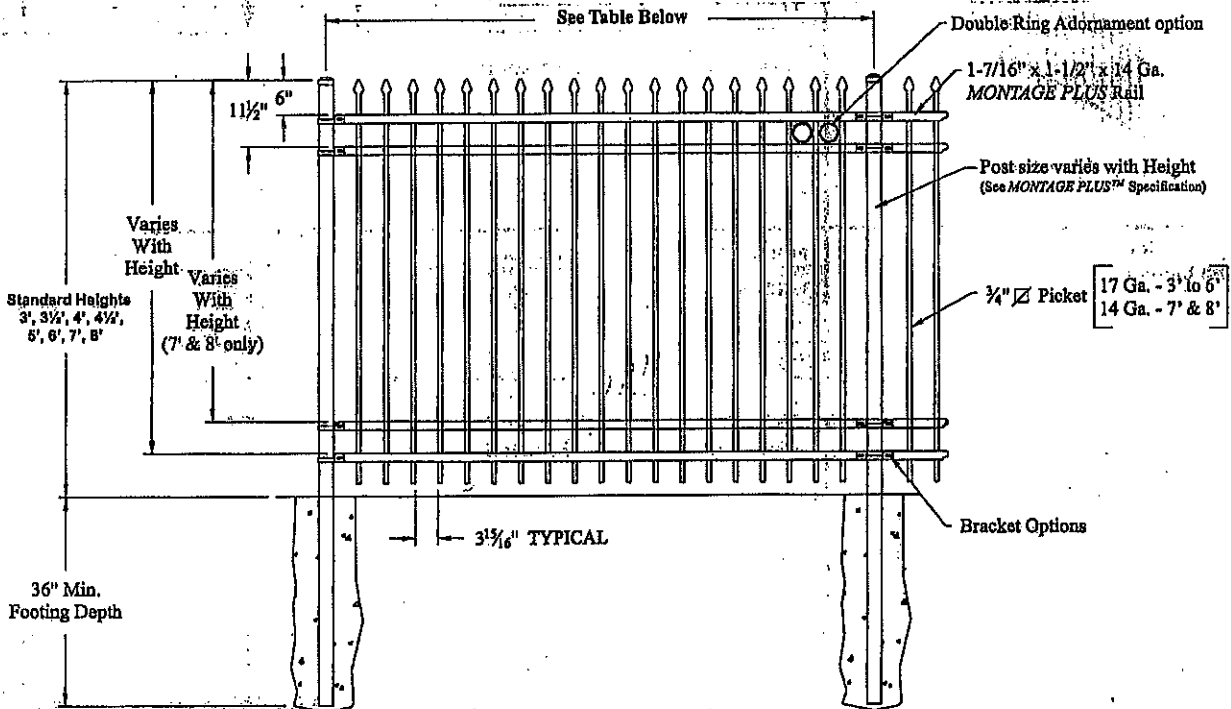
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MONTAGE PLUS ATF® WELDED COMMERCIAL ORNAMENTAL FENCE

As stated in the SALES POLICY (Page XII) in the front of this catalog, MONTAGE PLUS is a product sold to stocking distributors in high volume quantities subject to SPECIAL ORDERING POLICIES. Direct buyers should contact their Ameristar Sales Representative for the applicable special ordering policies.

TYPICAL PANEL DRAWING (Classic Style shown; Genesis, Majestic and Invincible also available)



Recommended Brackets for Montage Plus Posts

Span	For INVINCIBLE® 8" Nominal (90.445" Rail)		For CLASSIC, MAJESTIC & GENESIS 8" Nominal (91.25" Rail)					
	2-1/2"	3"	2-1/2"	2-1/2"	2-1/2"	3"	2-1/2"	3"
Bracket Type	Montage Plus Invincible Flat Mount (BB118)		Montage Plus Universal Boulevard (BB112)	Montage Plus Lias Boulevard (BB114)	Montage Plus Flat Mount (BB111)		Montage Plus Swivel (BB113)	
Post Settings & 1/2" O.C.	94"	94-1/2"	95-1/2"	95-1/2"	95-1/2"	96"	95-1/2" *	96" *

* Note: When using swivel brackets on either or both ends of a panel installation, care must be taken to ensure the spacing between post & adjoining pickets meets applicable codes. This may require trimming one or both ends of the panel as needed.

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PROTECTION



UNIQUE PROFUSION WELDING PROCESS
PATENT D466,620 6,811,145 7,071,439

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