

RESOLUTION NO. 2011- _____

RESOLUTION OF THE CITY OF CALISTOGA CITY COUNCIL GRANTING AN APPEAL (A 2011-02) AND ALLOWING THE ELIMINATING AND CONVERSION OF THE OWNER/MANAGER'S UNIT TO ADDITIONAL GUEST UNIT ASSOCIATED WITH THE ESTABLISHED BED AND BREAKFAST FACILITY LOCATED AT 1805 FOOTHILL BOULEVARD (APN 011-290-029) WITHIN THE "R-1-10", SINGLE FAMILY RESIDENTIAL DISTRICT.

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3 **WHEREAS**, On October 11, 2010 an application was received from the property owner,
4 Richard Pielstick, requesting authorization to expand his existing 6-unit bed and breakfast facility to 8-
5 units by converting the existing detached owner/managers unit and attached media/massage room to
6 guest units. An additional request is being sought to allow an exception to the parking location
7 requirements in order to authorize a nonconforming parking space constructed by a previous owner
8 located in the front and side yard setbacks near the driveway entry; and
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10 **WHEREAS**, the Planning Commission considered the requests at its regular meeting of
11 November 10, 2010, December 8, 2010 and January 12, 2011; and
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13 **WHEREAS**, on December 8, 2010 the Planning Commission directed staff to separate the
14 Owner's request into distinct components; one addressing the increase from six to seven guest units
15 (Resolution PC 2011-02) and another to address the elimination and conversion of the
16 owner/manager's unit to an additional bed and breakfast guest unit (Resolution PC 2011-03); and
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18 **WHEREAS**, On January 12, 2011 the Planning Commission considered the matter and prior
19 to taking action on the application, the Planning Commission received written and oral reports by the
20 staff, and received public testimony; and
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22 **WHEREAS**, on January 12, 2011 the Planning Commission adopted Resolution PC 2011-02
23 approving an increase from 6 to 7 units and Resolution PC 2011-03 denying the elimination of the on
24 site manager; and
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26 **WHEREAS**, on January 24, 2011, Ric Pielstick and Chan McBride filed an appeal of the
27 Planning Commission's action to deny their request to eliminate the on site manager's unit; and to the
28 City Council; and
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30 **WHEREAS**, the City Council reviewed the request for an appeal at its regularly scheduled
31 meeting of February 15, 2011, and took action to schedule a public hearing to consider the appeal at
32 its regularly scheduled meeting of March 15, 2011; and
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34 **WHEREAS**, a public notice of the City Council public hearing of March 15, 2011, to consider
35 appeal of the Planning Commission's decision to approve an amendment to Conditional Use Permit
36 U 84-14 was published in the local newspaper, sent to neighboring property owners and interested
37 persons, and posted on the City's web site; and
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39 **WHEREAS**, the City Council reviewed the appeal during its regularly scheduled meeting on
40 March 15, 2010. During its review the Council considered the public record of the December 8, 2010
41 and January 12, 2011, Planning Commission meetings (the November 10, 2010 meeting continued
42 without discussion), including the staff report, findings, minutes, and written materials presented by
43 the appellant(s); and
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45 **WHEREAS**, this action has been reviewed for compliance with the California Environmental
46 Quality Act (CEQA) and is exempt from the requirements of the CEQA pursuant to Section 15332 of
47 the CEQA guidelines; and

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WHEREAS, pursuant to Section 17.35.040(C)(4) of the Calistoga Municipal Code, the City Council finds that special circumstances exist in order to request the elimination and conversion of the owner/manager's unit to an additional guest unit associated with the previously approved bed and breakfast facility, now "Chanric Inn"; and

WHEREAS, the City Council, pursuant to Chapter 17.40, has made the following Conditional Use Permit findings for the project:

1. The proposed development, together with any provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan and other applicable provisions of the Zoning Code including the finding that the use as proposed is consistent with the historic, rural, small-town atmosphere of Calistoga;

FINDING: The property has been used for a bed and breakfast inn for at least 27 years. The additional guest room will be within a detached residential second unit, and no alterations to the exterior are proposed. In accordance with General Plan policies, the project will be operated so as to be compatible with adjacent residential uses, periodic inspections will be conducted to ensure compliance with conditions of approval, and no net loss of housing will occur over the long term since the residential use will re-establish should the use ever cease.

2. The site is physically suitable for the type and density of development;

FINDING: As determined by the City Council during its initial review of the original use permit, the site is physically suitable for the use. There is sufficient landscaping and open space on all sides of the property. The intensity of the use is not such that would adversely affect the residential neighborhood.

3. The proposed development has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the project will not result in detrimental or adverse impacts upon the public resources, wildlife or public health, safety and welfare;

FINDING: This project is exempt from CEQA under Section 15332

4. Approval of the use permit application will not cause adverse impacts to maintaining an adequate supply of public water and an adequate capacity at the wastewater treatment facility;

FINDING: The City's water system and wastewater treatment facility is adequate to serve this project, no additional impact is anticipated.

5. Approval of the use permit application shall not cause the extension of service mains greater than 500 feet;

FINDING: Approval of this use permit application shall not cause the extension of service mains greater than 500 feet.

94 6. An allocation for water and/or wastewater service pursuant to Chapter 13.16 CMC (Resource
95 Management System) shall be made prior to project approval. Said allocation shall be valid for
96 one year and shall not be subject to renewal.
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98 FINDING: The property has sufficient water and wastewater resources allocation to support
99 the proposed use. No further allocation is warranted.
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101 7. The proposed development presents a scale and design which are in harmony with the
102 historical and small-town character of Calistoga;
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104 FINDING: The bed and breakfast inn use occurs within an existing single-family dwelling and
105 detached residential second unit located on the property; no exterior changes are proposed.
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107 8. The proposed development is consistent with and will enhance Calistoga's history of
108 independent, unique, and single location businesses, thus contributing to the uniqueness of
109 the town, which is necessary to maintain a viable visitor industry in Calistoga and to preserve
110 its economy; and
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112 FINDING: The small-scale bed and breakfast inn is independently owned and operated.
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114 9. The proposed development complements and enhances the architectural integrity and eclectic
115 combination of architectural styles of Calistoga.
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117 FINDING: The bed and breakfast inn is within an existing gothic Revival style single-family
118 dwelling and detached California style bungalow; no exterior changes to the dwellings are
119 proposed.
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121 **NOW, THEREFORE, BE IT RESOLVED,** that the City of Calistoga City Council hereby grants
122 the Appeal (A 2011-02) granting the elimination and conversion of the on site owner/manager's unit to
123 a guest unit on the grounds that the project meets all of the necessary findings for approval pursuant to
124 Section 17.40.070 of the Calistoga Municipal Code, subject to the following conditions of approval:
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126 1 The use hereby permitted shall substantially conform to the project description submitted by the
127 applicant and the site plan received October 11, 2010, except as noted in the permit conditions.
128 This use permit allows the elimination and conversion of the site owner/manager's unit to an
129 additional guest unit associated with the previously approved bed and breakfast facility, now
130 "Chanric Inn".
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132 The conditions listed below are particularly pertinent to this conditional use permit amendment
133 and shall not be construed to permit violation of other laws and policies not so listed. In
134 addition, all other previously approved permits and conditions of approval (i.e. Use Permit 83-
135 8, Variance V 83-1 and Use Permit 84-4) shall remain valid under the provisions and duration
136 of this permit unless modified herein.
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138 2 This permit shall be null and void if not used within a one year period, or if the use is abandoned
139 for a period of one hundred and eighty (180) days. This permit shall be valid until it expires or is
140 revoked pursuant to the terms of this permit and/or Chapter 17.40 of the Calistoga Municipal

- 141 Code. Minor modifications which do not increase environmental impacts may be approved in
142 writing by the Planning and Building Manager.
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- 144 3 The Planning Commission may revoke the use permit pursuant to Section 17.40 of the
145 Calistoga Municipal Code in the future if the Commission finds that the use to which the permit
146 is put is detrimental to the health, safety, comfort or welfare of the public, or causes a
147 nuisance.
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- 149 4 The owner(s) shall permit the City of Calistoga or representative(s) or designee(s) to make
150 periodic inspections at any reasonable time deemed necessary in order to assure that the
151 activity being performed under authority of this permit is in accordance with the terms and
152 conditions prescribed herein.
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- 154 5 This use permit does not abridge or supercede the regulatory powers or permit requirements
155 of any federal, state or local agency, special district or department which may retain regulatory
156 or advisory function as specified by statute or ordinance. The applicant shall obtain permits as
157 may be required from each agency.
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- 159 6 Prior to elimination and conversion of the on site manager's unit, an inspection of the Building
160 Division and Fire Department shall be obtained. Prior to inspection all appropriate fees shall be
161 paid.
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- 163 7 This Conditional Use Permit shall be administratively reviewed every (3) months during the
164 first year (and on a semi-annual basis thereafter) to determine whether the use has resulted in
165 a detrimental or adverse impact to the surrounding neighborhood. A report of staff's
166 investigation shall be submitted via memorandum to the Planning Commission. Should it be
167 determined that violation of the Conditions of this Use Permit have occurred or there is
168 evidence of impact on the surrounding neighborhood, staff shall bring the Use Permit back to
169 the Planning Commission for reconsideration. In the event ownership change(s), the use shall
170 be administratively reviewed every (3) months during the first year of ownership and on a
171 semi-annual basis thereafter.
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- 173 8 Prior to elimination and conversion of the on site manager's unit, the applicant shall submit for
174 review and approval by the Planning & Building Director the proposed Chanric Inn's Guest
175 Rules and Regulations and posting area locations, including but not limited to, the hours of use
176 for the common areas, designated guest and staff parking spaces, and manager and
177 emergency contact information. The Pool area usage shall be prohibited between the hours of
178 10 pm and 8 am. Signage shall be installed prohibiting smoking in pool area and breakfast
179 patio area. Additionally, the policies will inform guests that parking is prohibited in front of
180 adjoining properties. Upon approval, such rules and regulations shall be posted for guest
181 viewing.
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- 183 9 Within six months of approval, an audit shall be conducted of all applicable financial/rental
184 records to determine if the appropriate transient occupancy tax has been paid subject to the
185 determination of the Planning and Building and Administrative Departments. This audit shall
186 be funded by the property owner and should evidence be found that additional taxes are due

187 to the City for any historically suspected illegal rental room(s), the funds shall be paid in full,
188 with a penalty assessed pursuant to Section 3.16.070 CMC, within one year of use permit
189 approval. If no, discrepancies are found nothing further would be required of the
190 owner/operator.
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192 10. Prior to elimination and conversion of the on site manager, large rocks shall be installed along
193 the easement driveway on 1801 Foothill Boulevard subject to the review and approval of the
194 Planning and Building Department, in consultation with the applicable property owner(s).

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196 11. Prior to elimination and conversion of the on site manager, a sign shall be installed below the
197 stop sign at the easement egress that cautions drivers to on coming vehicles at 1801 Foothill
198 Boulevard subject to the review and approval of the Planning and Building Department, in
199 consultation with the applicable property owner(s).

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201 12. Prior to elimination and conversion of the on site manager, illuminated address signage shall
202 be installed at 1801 and 1805 Foothill Boulevard subject to the review and approval of the
203 Planning and Building Department, in consultation with the applicable property owner(s).

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205 13. Prior to elimination and conversion of the on site manager, private driveway signage shall be
206 installed near driveway entry at 1801 Foothill Boulevard subject to the review and approval of
207 the Planning and Building Department, in consultation with the applicable property owner(s).

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210 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of Calistoga at a
211 regular meeting held this 15 day of March, 2011, by the following vote:

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213 AYES:
214 NOES:
215 ABSTAIN/ABSENT:

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218 _____
219 JACK GINGLES, Mayor

219 ATTEST:
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221 _____
222 SU SNEDDON, City Clerk