

City of Calistoga

copy of the City's Municipal Code excerpt regarding appeals and the appeals procedure summary is attached.

- The fee to file an appeal is \$200.00 and must accompany this form.
- Appeals must be filed with the City Clerk within ten (10) calendar days of the action.
- Appeals must address issues raised or decisions made.
- In order for your appeal to be determined to be complete this form must be filled out entirely.

Appellant Information (Please Print)		
Appellant Name JOAN CAPUTI, et al		
Appellant Address 1605 WASHINGTON STREET	City CALISTOGA	State/Zip Code CALIFORNIA 94515
Appellant Phone 707-942-6968	Fax 707-942-0775	Email
Representative Address	City	State/Zip Code
Representative Phone	Fax	Email

I/We the undersigned do hereby appeal the decision of the:

<input checked="" type="checkbox"/> Planning Commission RESOLUTION PC 2011-02	<input type="checkbox"/> Board of Appeals
<input type="checkbox"/> Department Director or Department Staff	<input type="checkbox"/> Other _____

Regarding: **CHANRIC INN CONDITIONAL USE PERMIT AMENDMENT U-2010-09**
(Title of project or application)

Located at: **1805 FOOTHILL BLVD. • CALISTOGA, CA 94515**
(Address)

Made on: **1/12/11**
(Date decision was made)

CITY OF CALISTOGA

I/We hereby declare that I/We are eligible to file an appeal because:
(Refer to Chapter 1.20 of the Calistoga Municipal Code, Appeals – reverse side)

JAN 24 2011

We are aggrieved parties under Calistoga Municipal Code 1.20.030 A.8

CITY MANAGER

The facts of the case and basis for the appeal are: (Additional sheets may be attached)
Attached

I/We request that the City Council take the following specific action(s): (Additional sheets may be attached)
Attached

Signed: _____ **Caputi** _____ **1/24/11** _____
 (Signature) (Date)

(Signature)
Jeanette Dudson
(Signature)
2273 Grant St.

(Date)
1-24-11
(Date)

(OVER)

APPEALS TO THE CITY COUNCIL
CALISTOGA MUNICIPAL CODE SECTION 1.20.030

1.20.030 Appeals to the Council.

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- D. Amounts Owed.** Any amount found to be due to the City shall be immediately due and payable upon the service of notice of the findings of the Council.

(Signature)
Rae Beer
(Signature)

(Date)
1-24-11
(Date)

2424 Janis Way (OVER)
Calistoga, CA 94515

APPEALS TO THE CITY COUNCIL

CALISTOGA MUNICIPAL CODE SECTION 1.20.030

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(Signature)
Mary H. Brown
(Signature)

(Date)
1-24-11
(Date)

1205 Willow St.
Calistoga, CA
94515

(OVER)

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(Signature)
Norma J. Tofanelli
(Signature)
NORMA J. TOFANELLI
1001 DUNAWEAR
CALISTOGA 942-4641

(OVER)

(Date)
24.11
(Date)

APPEALS TO THE CITY COUNCIL

CALISTOGA MUNICIPAL CODE SECTION 1.20.030

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(Signature)
(Signature)

(Date)
1.29.11
(Date)

1205 WILLOW ST.
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94575

(OVER)

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Appeal of Resolution PC 2011-02

Facts of the case and basis for appeal:

Despite public concern, on 1/12/11 the Calistoga Planning Commission approved (3-2) Resolution PC 2011-02 amending the Chanric Inn use permit to allow the rental of 7 units under the updated Bed and Breakfast Ordinance (Ord. No. 667). Under the prior ordinance, the maximum rooms allowed for rent was limited to 6.

The record is clear that the City of Calistoga caught the Chanric Inn illegally renting at least one room in violation of their use permit U 84-4. At the Planning Commission hearing on 1/12/11, owner Channing McBride publicly admitted to the illegal rental and that the owners were fully aware that they were intentionally violating their use permit.

- 1) A letter exists in the record (dated 7/20/2010) from the City of Calistoga noting that no compliance action has been taken - no audit, no verification of collection/payment of TOT owed to the city, nor fines imposed.
- 2) No evidence exists in the record of any compliance action.
- 3) Instead, Chanric Inn was allowed to apply for expansion under the new, relaxed B and B ordinance for the R1-10 zone, requesting additional rooms, modification of parking and removal of the on-site manager.
- 4) Despite community objection to rewarding a violator of city ordinances by using the amended use permit to legalize illegal activities engaged in by Chanric Inn, the Planning Commission approved Resolution PC 2011-02 by a 3-2 vote.
- 5) In introducing the item to the Commission on 1/12/11 Chairman Manfredi stated that the Commission, unlike the Planning Director and staff, were not mandated to follow the code book; but could apply compassion in its place.
- 6) Chairman Manfredi also stated that code enforcement was not to be discussed.
- 7) Chairman Manfredi and Commissioner Bush both made statements on the record on 1/12/11 that they felt it was not important that the use permit had been knowingly violated, that it had been going on for years, and despite neighbor

testimony to the contrary, no harm had been done. As Chairman Manfredi said, the illegal rental had been going on for years and "the sky hasn't fallen", and he claimed no harm had been done to Calistoga's "small-town charm."

8) The City of Calistoga has stated a policy to enforce code against illegal rentals in town. Last summer, the City of Calistoga joined in the effort to convince the Napa County Board of Supervisors to enforce laws against illegal rentals in the unincorporated Agricultural Preserve. Chairman Manfredi has been a vocal leader of the movement to enforce against illegal rentals. He has publicly stated that the current fines are too low.

9) The public is aware that the City of Calistoga has identified several illegal rental operations in the city.

10) Public perception is that the City's investigations caught a few influential parties and, instead of taking enforcement action, the City chose to liberalize the law to benefit a few operations, among them the Chanric Inn.

11) Public perception is that the City of Calistoga has no credibility for taking enforcement action against any of the other operators netted in their "sting."

12) Public perception is that this is selective enforcement of the law to protect a favored few.

13) Public perception is that the city has weakened its ability to enforce against other violators by setting the precedent of rewriting laws to legalize illegal activities instead of taking action against them.

14) Therefore, we appeal the 1/12/11 decision of the Planning Commission to selectively enforce the town's laws and attempt to legalize activities that were clearly illegal under the existing Use Permit U 84-4. Illegal operators should not be rewarded.

Requested City Council action

We request that the City Council rescind PC Resolution 2011-02, enforce its laws and mandate a full audit. The city should conduct a full year of monitoring, including neighbor complaints, and IF the operation is in FULL COMPLIANCE for the entire period, and makes full restitution of any unpaid TOT and fines, Chanric Inn may be allowed to re-apply for expansion after that time.