

JAN 24 2011

City of Calistoga Appeal Application Form

CITY MANAGER

Appellant Information (Please Print)		
Appellant Name Ric Pielstick & Chan McBride		
Appellant Address 1805 Foothill Blvd	City Calistoga	State/Zip Code CA 94515
Appellant Phone 942-4535	Fax 942-4557	Email ric@thechanric.com
Representative Address	City	State/Zip Code
Representative Phone	Fax	Email

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

- Planning Commission
- Department Director or Department Staff
- Board of Appeals
- Other _____

Regarding: Conditional Use Permit Amendment (U2010-09); Resolution No. PC 2011-03
(Title of project or application)

Located at: 1805 Foothill Blvd _____
(Address)

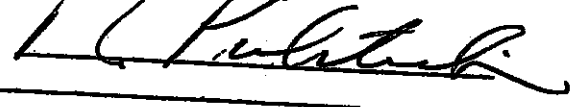
Made on: January 12, 2011 _____
(Date decision was made)

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)

The Planning Commission's decision is contrary to previous decisions, so we respectfully request the Calistoga City Council reconsider

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

I/We request that the City Council take the following specific action(s): (Additional sheets may be attached)
Hear the appeal and approve the application to amend Conditional Use Permit (U2010-09) in order to be fair and consistent with previous decisions.

Signed:  1/24/11

a reasonable time for investigation of the matter appealed. At the hearing, the Council shall consider all questions raised by such appeal. The findings of the Council shall be final and conclusive and shall be served on the appellant in the manner prescribed in this code for service of notice of hearing.

1. Appeals of nuisance abatement orders shall be subject to the provisions for hearings on nuisance abatement as provided in Chapter 1.12 CMC.
 2. All appeals from decisions of the Planning Commission shall be heard in the same manner as the original action was heard by the Planning Commission. If the appeal regards a tentative subdivision or parcel map, the Council may add, modify, or delete conditions if the Council determines that such changes are necessary to ensure that the map conforms to the Subdivision Map Act and the provisions of CMC Title 16. The Council may deny a tentative map for failure to meet any of the grounds contained in CMC 16.10.040.
 3. Appeals from decisions of the Planning Director under Chapter 19.01 CMC shall be de novo, and the Council shall be guided by the criteria and standards, and shall make findings in relation thereto, as are required for the issuance of a permit in the first instance.
- 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.

Honorable City Council Members,

As the overall governing body of the City of Calistoga, we respectfully request you hear our appeal based on the following grounds: The three points in question as part of Conditional Use Permit Amendment (U2010-09); specifically within Resolution No. PC 2011-03, are both unfounded and contrary to the precedence set by previous findings by the Planning Commission. Additionally, concessions and safeguards sufficiently ensure the integrity of and consistency with the City's General Plan.

Specifically,

1. The proposed development is consistent with the General Plan and the provisions of the Zoning Code within the R-110 district and is consistent with the historic, rural, small-town atmosphere of Calistoga.

The minimal increase of visitors under this application would have no measurable impact on the surrounding neighborhood or community. On the contrary, the Urban Design Plan recommends higher density land use along the "Foothill Corridor" such as, "second dwelling units...in-fill housing development...home occupations that are...secondary to the use of the residence...(and) bed and breakfast inn uses" (UDP p. 63.)

Furthermore, The Chanric Inn, located at 1805 Foothill Blvd., has only one adjoining residential neighbor, whereas, a previously approved bed and breakfast, The Pink Mansion, located at 1415 Foothill Blvd, just ¼ mile from 1805 Foothill Blvd, has two residential neighbors on each side of their property. Additionally, one of these neighbors is within closer proximity to the Pink Mansion than 1801 Foothill is to The Chanric Inn.

The Commission's finding on this point is therefore false and unfair.

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

The proposed development is not a substantial increase in commercial use and is consistent with the Commission's previous decisions on similar applications. The amendment maintains existing structures and does not require any building modifications or expansion whatsoever. In fact, this application represents a decrease in land use. The property will no longer be occupied full time and tourist occupation represents only 50% occupancy. The City has already recognized this fact by stating that, "The property has sufficient water and wastewater resources allocation to support the proposed use." If that were not the case, Jim Smith of the City would not have stated in his assessment, "The proposed uses are likely as intensive, or perhaps less intensive, than the current uses, which means additional water/ww resources will not be required." See attached email.

Any negligible increase in vehicular traffic caused by one or two vehicles (one vehicle per guest room permitted) would be no greater than previously approved by the Commission. Additionally, the driveway entrance at the Pink Mansion is

shared by a neighbor, whereas the driveway entrance to The Chanric Inn is 144 feet (48 yards) away from and clearly distinct from 1801 Foothill. The concession to add lighted street numbers and additional signage further ensures that this amendment safely accommodates residents and tourists alike.

The Commission's finding on this point is therefore false and unfair.

3. The proposed development presents a scale and design which are in harmony with the historical and small-town character of Calistoga.

As previously noted, the proposed development is an insignificant increase in commercial use and is consistent with the Commission's previous decision for the Pink Mansion. It fully maintains the small town character of Calistoga.

The Commission's finding on this point is therefore false and unfair.

On all three accounts, the Commission has not identified any measurable difference between this application vs. previously approved applications and is therefore unwarranted, unprecedented and unfair.

Ric

From: Jim Smith [JSmith@ci.calistoga.ca.us]
Sent: Tuesday, September 08, 2009 9:43 AM
To: Charlene Gallina; Erik Lundquist
Cc: ric@thecharnic.com; Dan Takasugi; Louise Harrison; Kathy Guill
Subject: Charnic Inn - Water/WW Resources

Follow Up Flag: Follow up

Flag Status: Purple

Charlene and Erik:

I spoke with Ric at the Charnic Inn (942-4535) this morning about his ideas for converting portions of his property to additional transient occupancy units. Ric stated he has a 700 sq-ft residence cottage (two bedrooms) and a massage room currently in use on the property, in addition to 6 rental units. He indicated his intention is to replace the residential use and the massage use with two additional transient rental units. On that basis, I informed him that I believe he already has sufficient water/ww resources for the project. The proposed uses are likely as intensive, or perhaps less intensive, than the current uses, which means additional water/ww resources will not be required.

Of course, this finding is based on the project proposal as described, and any changes in the project description should be re-reviewed to see if there is sufficient water for any modified proposals.

I mentioned to him I would send you this note summarizing our discussion, with a cc to him, and advised him to contact Planning and Building Dept. regarding the next steps in his project. Thank you.

Jim Smith
Senior Civil Engineer
City of Calistoga

1/24/2011