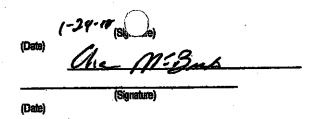
CITY OF CAUST ATTACHMENT 5

JAN 2 4 20%

City of Calistoga Appeal Application Form

CITY MANAGER

Appalleda	Appellant Information (Plea	se Print)
Appellant Name Ric Pielstick & Chan McBride	(i lea	or inty
Appellant Address 1805 Foothill Blvd	City Calistoga	State/7i- 0
Appellant Phone 942-4535	Fax 942-4557	State/Zip Code CA 9451
Representative Address	City	Email ric@thechanric.co
Representative Phone	Fax	Email Email
i/We the undersigned do hereby appeal t	ho donining -ES	- Anneal
X Planning Commission		·
Department Director or Department Sta	#	Appeals
Regarding: Conditional Use Permit Am		
	(Title of project or application)	on No. PC 2011-03
ocated at: 1805 Foothill Blvd		
lade on: January 12, 2011	(Address)	
	(Date decision was made)	
We hereby declare that I/We are eligible to file lefer to Chapter 1.20 of the Calistoga Municipal Co The Planning Commission's	e an appeal because:	
The Planning Commission	re, represis - leverse side)	Nie decision
e respectfully request the Calistog	ga City Council reconsider	rus uccisions, so
e facts of the case and basis for the appeal a Please see attached	ire: (Additional sheets may be attache	d)
e request that the City Council take the follow Hear the appeal and approve rmit (U2010-09) in Order to be seen	wing specific action(s): (Additional she e the application to amend C	ets may be attached) Onditional Lies
rmit (U2010-09) in order to be fair	and consistent with previous	s decisions.
	=	



APPEALS TO THE CITY COUNCIL

CALISTOGA MUNICIPAL CODE SEC'TION 1.20.030

1.20.030 Appeals to the Council.

A. Timing. An appeal to the Council may be made by filing a notice of appeal with the City Clerk within 10 days of the action or decision from which appeal is made, unless another time is specifically provided herein.

1. Any operator aggrieved by any decision of the Tax Administrator with respect to the amount of the transient occupancy tax, and/or interest and penalties, if any, thereon, may appeal by filing a notice of appeal within 15 days of the serving or mailing of the determination of tax due.

2. Appeals by film permit applicants under Chapter 3.30 CMC shall be made within five days of the date of denial or other action on the permit application.

3. Any person aggrieved by any decision of the collector of business license taxes made pursuant to Chapter 5.04 CMC may appeal by filing a notice of appeal within 30 days after the receipt of written notice from the collector of the disputed decision.

 A person may appeal the decision of the Chief of Police to revoke or deny a taxicab or rent car driver's permit, made pursuant to Chapter 5.16 CMC.

5. An appeal may be taken from the order of the Health Officer revoking or suspending a permit pursuant to Chapter 8.12 CMC by filing a notice of appeal within 15 days of the issuance of the order. The appellant shall serve a copy of the notice of appeal on the Health Officer.

 An appeal may be taken from a notice from the Director of Public Works made pursuant to Chapter 12.12 CMC.

7. An appeal may be taken to the Council by any citizen from any decision of an official relating to an exception permit under Chapter 13.08 CMC or a determination made under Chapter 13.16 CMC.

8. A subdivider or any aggrieved party may appeal a decision made by the Planning Commission.

B. Notice by Clerk. Upon receipt of the notice and fee, the City Clerk shall set the matter of the appeal on the agenda for the next regularly scheduled Council meeting, but no sooner than 10 days after the day of filing the notice of appeal and payment of fee. The City Clerk shall give notice in writing to the appellant, and any other person who has requested notice, of the date the appeal has been placed on the agenda.

1. All appeals from decisions of the Planning Commission shall be considered by the Council within 30 days after the filing of the notice of appeal, unless the

appellant consents to a continuance.

C. Council Action. The Council may deny the appeal summarily or decide to hear it. If the latter, the Council shall set a date certain for the hearing on the appeal, which shall allow

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 wembers,

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 <u>higher</u> 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 ½ 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

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@thechanric.com; Dan Takasugi; Louise Harrison; Kathy Guill

Subject:

Chanric Inn - Water/WW Resources

Follow Up Flag: Follow up

Flag Status:

Purple

Charlene and Erik:

I spoke with Ric at the Chanric 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