

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2011-02**

FILE

ATTACHMENT 6

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT, AMENDING PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (U 84-4), GRANTING AN EXCEPTION TO THE PARKING REQUIREMENTS AND INCREASING THE NUMBER OF GUEST UNITS FROM A SIX (6) UNIT TO A SEVEN (7) UNIT 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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2 **WHEREAS, Richard Pielstick, is the property owner of the subject property for**
3 **which this application is proposed; and**
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5 **WHEREAS, On October 11, 2010 an application was received from the property**
6 **owner, requesting authorization to expand their existing 6-unit bed and breakfast facility**
7 **to 8-units by converting the existing detached owner/managers unit and attached**
8 **media/massage room to guest units. An additional request is being sought to allow an**
9 **exception to the parking location requirements in order to authorize a nonconforming**
10 **parking space constructed by a previous owner located in the front and side yard**
11 **setbacks near the driveway entry; and**
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13 **WHEREAS, the Planning Commission considered the requests at its regular**
14 **meeting of November 10, 2010, December 8, 2010 and January 12, 2011; and**
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16 **WHEREAS, on December 8, 2010 the Planning Commission directed staff to**
17 **separate the Owner's request into distinct components; one addressing the increase**
18 **from six to seven guest units (Resolution PC 2011-02) and another to address the**
19 **elimination and conversion of the owner/manager's unit to an additional bed and**
20 **breakfast guest unit (Resolution PC 2011-03); and**
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22 **WHEREAS, On January 12, 2011 the Planning Commission considered the**
23 **matter and prior to taking action on the application, the Planning Commission received**
24 **written and oral reports by the staff, and received public testimony; and**
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26 **WHEREAS, this action has been reviewed for compliance with the California**
27 **Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA**
28 **pursuant to Section 15332 of the CEQA guidelines; and**
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30 **WHEREAS, pursuant to Section 17.35.040(C)(4) of the Calistoga Municipal**
31 **Code, the Planning Commission finds that special circumstances exist in order to allow**
32 **a seventh unit; and**
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34 **WHEREAS, the Planning Commission pursuant to Chapter 17.40.070 has made**
35 **the following Conditional Use Permit findings for the project:**

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38 1. **The proposed development, together with any provisions for its design and**
 improvement, is consistent with the General Plan, any applicable specific plan

9 and other applicable provisions of the Zoning Code including the finding that the
+0 use as proposed is consistent with the historic, rural, small-town atmosphere of
41 Calistoga.

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43 **Response:** The property has been used for a bed and breakfast inn for at least
44 27 years. The guest rooms are within an existing single-family residence, and no
45 alterations to the exterior are proposed. In accordance with General Plan
46 policies, the project will be operated so as to be compatible with adjacent
47 residential uses, periodic inspections will be conducted to ensure compliance
48 with conditions of approval, and no net loss of housing will occur over the long
49 term since the residential use will re-establish should the use ever cease.

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

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

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

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64 **Response:** This project is exempt from CEQA under Section 15332.

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

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

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

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76 **Response:** Approval of this use permit application shall not cause the extension
77 of service mains greater than 500 feet.

- 78
79 6. An allocation for water and/or wastewater service pursuant to Chapter 13.16
80 CMC (Resource Management System) shall be made prior to project approval.
81 Said allocation shall be valid for one year and shall not be subject to renewal.

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83 **Response:** The property has sufficient water and wastewater resources
84 allocation to support the proposed use. No further allocation is warranted.
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7. The proposed development presents a scale and design which are in harmony with the historical and small-town character of Calistoga.

Response: The bed and breakfast inn use occurs within an existing single-family dwelling located on the property; no exterior changes are proposed.

8. The proposed development is consistent with and will enhance Calistoga's history of independent, unique, and single location businesses, thus contributing to the uniqueness of the town, which is necessary to maintain a viable visitor industry in Calistoga and to preserve its economy.

Response: The small-scale bed and breakfast inn is independently owned and operated.

9. The proposed development complements and enhances the architectural integrity and eclectic combination of architectural styles of Calistoga.

Response: The bed and breakfast inn is within an existing gothic Revival style single-family dwelling and detached California style bungalow; no exterior changes to the dwellings are proposed.

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that based on the above findings, the Planning Commission approves the proposed project, subject to following Conditions of Approval:

1 The use hereby permitted shall substantially conform to the project description submitted by the applicant and the site plan received October 11, 2010, except as noted in the permit conditions. This use permit allows a seventh (7th) bed and breakfast guest unit associated with the previously approved six (6) unit bed and breakfast facility, now the "Chanric Inn". Additionally, an exception is hereby granted to allow a single angled parking space located in the front and side yard setbacks near the driveway entry.

The conditions listed below are particularly pertinent to this conditional use permit amendment and shall not be construed to permit violation of other laws and policies not so listed. In addition, all other previously approved permits and conditions of approval (i.e. Use Permit 83-8, Variance V 83-1 and Use Permit 84-4) shall remain valid under the provisions and duration of this permit unless modified herein.

2 This permit shall be null and void if not used within a one year period, or if the use is abandoned for a period of one hundred and eighty (180) days. This permit shall be valid until it expires or is revoked pursuant to the terms of this permit and/or Chapter 17.40 of the Calistoga Municipal Code. Minor modifications which do not increase environmental impacts may be approved in writing by the Planning and Building Director.

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- 3 The Planning Commission may revoke the use permit pursuant to Section 17.40 of the Calistoga Municipal Code in the future if the Commission finds that the use to which the permit is put is detrimental to the health, safety, comfort or welfare of the public, or causes a nuisance.
 - 4 The owner(s) shall permit the City of Calistoga or representative(s) or designee(s) to make periodic inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
 - 5 This use permit does not abridge or supercede the regulatory powers or permit requirements of any federal, state or local agency, special district or department which may retain regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.
 - 6 Special events shall be prohibited unless authorized by the Planning and Building Department or Planning Commission.
 - 7 Prior to rental of the seventh unit, an inspection of the Building Division and Fire Department shall be obtained. Prior to inspection all appropriate fees shall be paid.
 - 8 This Conditional Use Permit shall be administratively reviewed every (3) months during the first year (and on a semi-annual basis thereafter) to determine whether the use has resulted in a detrimental or adverse impact to the surrounding neighborhood. A report of staff's investigation shall be submitted via memorandum to the Planning Commission. Should it be determined that violation of the Conditions of this Use Permit have occurred or there is evidence of impact on the surrounding neighborhood, staff shall bring the Use Permit back to the Planning Commission for reconsideration. In the event ownership change(s), the use shall be administratively reviewed for the first every (3) months during the first year of ownership and on a semi-annual basis thereafter.
 - 9 Prior to rental of the seventh, the applicant shall submit for review and approval by the Planning & Building Director the proposed Chanric Inn's Guest Rules and Regulations and posting area locations, including but not limited to, the hours of use for the common areas, designated guest and staff parking spaces, and manager and emergency contact information. The pool/hot tub area usage shall be prohibited between the hours of 10 pm and 8 am. Signage shall be installed indicating that smoking is prohibited in pool/hot area and breakfast patio area. Additionally, the policies will inform guests that parking is prohibited in front of adjoining properties. Upon approval, such rules and regulations shall be posted for guest viewing.
 - 10 Within six months of approval, an audit shall be conducted of all applicable financial/rental records to determine if the appropriate transient occupancy tax

has been paid subject to the determination of the Planning and Building and Administrative Departments. This audit shall be funded by the property owner and should evidence be found that additional taxes are due to the City for any historically suspected illegal rental room(s), the funds shall be paid in full, with a penalty assessed pursuant to Section 3.16.070 CMC, within one year of use permit approval. If no, discrepancies are found nothing further would be required of the owner/operator.

10. Prior to rental of the seventh unit, large rocks shall be installed along the easement driveway on 1801 Foothill Boulevard subject to the review and approval of the Planning and Building Department, in consultation with the applicable property owner(s).
11. Prior to rental of the seventh unit, a sign shall be installed below the stop sign at the easement egress that cautions drivers to on coming vehicles at 1801 Foothill Boulevard subject to the review and approval of the Planning and Building Department, in consultation with the applicable property owner(s).
12. Prior to rental of the seventh unit, illuminated address signage shall be installed at 1801 and 1805 Foothill Boulevard subject to the review and approval of the Planning and Building Department, in consultation with the applicable property owner(s).
13. Prior to rental of the seventh unit, private driveway signage shall be installed near driveway entry at 1801 Foothill Boulevard subject to the review and approval of the Planning and Building Department, in consultation with the applicable property owner(s).

PASSED, APPROVED AND ADOPTED on January 12, 2011 by the following
Poll of the Calistoga Planning Commission:

AYES: MANFREDI, BUSH and KITE
NOES: COATES and MOYE
ABSENT: NONE
ABSTAIN: NONE



Jeff Manfredi, Chairman

ATTEST: 
Kathleen Guill
Secretary to the Planning Commission