

RESOLUTION NO. 2011- _____

RESOLUTION OF THE CITY OF CALISTOGA CITY COUNCIL DENYING AN APPEAL (A 2011-01) AND SUSTAINING THE PLANNING COMMISSION'S DECISION TO APPROVE AN AMENDMENT TO 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
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
12

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
17

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
21

22 **WHEREAS**, on January 24, 2011, Joan Caputi, et al filed an appeal of the Planning
23 Commission's action to the City Council; and
24

25 **WHEREAS**, the City Council reviewed the request for an appeal at its regularly scheduled
26 meeting of February 15, 2011, and took action to schedule a public hearing to consider the appeal at
27 its regularly scheduled meeting of March 15, 2011; and
28

29 **WHEREAS**, a public notice of the City Council public hearing of March 15, 2011, to consider
30 appeal of the Planning Commission's decision to approve an amendment to Conditional Use Permit
31 U 84-14 was published in the local newspaper, sent to neighboring property owners and interested
32 persons, and posted on the City's web site; and
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34 **WHEREAS**, the City Council reviewed the appeal during its regularly scheduled meeting on
35 March 15, 2010. During its review the Council considered the public record of the December 8, 2010
36 and January 12, 2011, Planning Commission meetings (the November 10, 2010 meeting continued
37 without discussion), including the staff report, findings, minutes, and written materials presented by
38 the appellant(s); and
39

40 **WHEREAS**, the City Council has reviewed and affirms the Planning Commission's
41 determination that the project is Categorically Exempt from the requirements of CEQA pursuant to
42 Section 15332 of the CEQA Guidelines; and
43

44 **WHEREAS**, the City Council, pursuant to Chapter 17.40, has made the following Conditional
45 Use Permit findings for the project:
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47 1. The proposed development, together with any provisions for its design and improvement, is
48 consistent with the General Plan, any applicable specific plan and other applicable provisions
49 of the Zoning Code including the finding that the use as proposed is consistent with the
50 historic, rural, small-town atmosphere of Calistoga;

51
52 FINDING: The property has been used for a bed and breakfast inn for at least 27 years. The
53 guest rooms are within an existing single-family residence, and no alterations to the exterior
54 are proposed. In accordance with General Plan policies, the project will be operated so as to
55 be compatible with adjacent residential uses, periodic inspections will be conducted to ensure
56 compliance with conditions of approval, and no net loss of housing will occur over the long
57 term since the residential use will re-establish should the use ever cease.

58
59 2. The site is physically suitable for the type and density of development;

60
61 FINDING: As determined by the Planning Commission and City Council during its initial review
62 of the original use permit, the site is physically suitable for the use. There is sufficient
63 landscaping and open space on all sides of the property. The intensity of the use is not such
64 that would adversely affect the residential neighborhood.

65
66 3. The proposed development has been reviewed in compliance with the California
67 Environmental Quality Act (CEQA) and the project will not result in detrimental or adverse
68 impacts upon the public resources, wildlife or public health, safety and welfare;

69
70 FINDING: This project is exempt from CEQA under Section 15332.

71
72 4. Approval of the use permit application will not cause adverse impacts to maintaining an
73 adequate supply of public water and an adequate capacity at the wastewater treatment facility;

74
75 FINDING: The City's water system and wastewater treatment facility is adequate to serve this
76 project, no additional impact is anticipated.

77
78 5. Approval of the use permit application shall not cause the extension of service mains
79 greater than 500 feet;

80
81 FINDING: Approval of this use permit application shall not cause the extension of service
82 mains greater than 500 feet.

83
84 6. An allocation for water and/or wastewater service pursuant to Chapter 13.16 CMC (Resource
85 Management System) shall be made prior to project approval. Said allocation shall be valid for
86 one year and shall not be subject to renewal.

87
88 FINDING: The property has sufficient water and wastewater resources allocation to support
89 the proposed use. No further allocation is warranted.

90
91 7. The proposed development presents a scale and design which are in harmony with the
92 historical and small-town character of Calistoga;

93

94 FINDING: The bed and breakfast inn use occurs within an existing single-family dwelling
95 located on the property; no exterior changes are proposed.
96

- 97 8. The proposed development is consistent with and will enhance Calistoga's history of
98 independent, unique, and single location businesses, thus contributing to the uniqueness of
99 the town, which is necessary to maintain a viable visitor industry in Calistoga and to preserve
100 its economy; and
101

102 FINDING: The small-scale bed and breakfast inn is independently owned and operated.
103

- 104 9. The proposed development complements and enhances the architectural integrity and eclectic
105 combination of architectural styles of Calistoga.
106

107 FINDING: The bed and breakfast inn is within an existing gothic Revival style single-family
108 dwelling and detached California style bungalow; no exterior changes to the dwellings are
109 proposed.
110

111 **NOW, THEREFORE, BE IT RESOLVED,** that the City of Calistoga City Council hereby denies
112 Appeal A 2011-01 and sustains the Planning Commission's decision to approve an amendment to
113 Conditional Use Permit U 84-4 granting an exception to the parking requirements and increasing the
114 number of guest units from a six (6) unit to a seven (7) unit bed and breakfast facility, located at 1805
115 Foothill Boulevard (APN 011-290-029) within the "R-1-10", Single Family Residential District, based on
116 the above findings and subject to the following conditions of approval:
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- 118 1 The use hereby permitted shall substantially conform to the project description submitted by the
119 applicant and the site plan received October 11, 2010, except as noted in the permit conditions.
120 This use permit allows a seventh (7th) bed and breakfast guest unit associated with the
121 previously approved six (6) unit bed and breakfast facility, now the "Chanric Inn". Additionally, an
122 exception is hereby granted to allow a single angled parking space located in the front and
123 side yard setbacks near the driveway entry.
124

125 The conditions listed below are particularly pertinent to this conditional use permit amendment
126 and shall not be construed to permit violation of other laws and policies not so listed. In
127 addition, all other previously approved permits and conditions of approval (i.e. Use Permit 83-
128 8, Variance V 83-1 and Use Permit 84-4) shall remain valid under the provisions and duration
129 of this permit unless modified herein.
130

- 131 2 This permit shall be null and void if not used within a one year period, or if the use is abandoned
132 for a period of one hundred and eighty (180) days. This permit shall be valid until it expires or is
133 revoked pursuant to the terms of this permit and/or Chapter 17.40 of the Calistoga Municipal
134 Code. Minor modifications which do not increase environmental impacts may be approved in
135 writing by the Planning and Building Director.
136

- 137 3 The Planning Commission may revoke the use permit pursuant to Section 17.40 of the
138 Calistoga Municipal Code in the future if the Commission finds that the use to which the permit
139 is put is detrimental to the health, safety, comfort or welfare of the public, or causes a
140 nuisance.

- 141
142 4 The owner(s) shall permit the City of Calistoga or representative(s) or designee(s) to make
143 periodic inspections at any reasonable time deemed necessary in order to assure that the
144 activity being performed under authority of this permit is in accordance with the terms and
145 conditions prescribed herein.
146
147 5 This use permit does not abridge or supercede the regulatory powers or permit requirements
148 of any federal, state or local agency, special district or department which may retain regulatory
149 or advisory function as specified by statute or ordinance. The applicant shall obtain permits as
150 may be required from each agency.
151
152 6 Special events shall be prohibited unless authorized by the Planning and Building Department
153 or Planning Commission.
154
155 7 Prior to rental of the seventh unit, an inspection of the Building Division and Fire Department
156 shall be obtained. Prior to inspection all appropriate fees shall be paid.
157
158 8 This Conditional Use Permit shall be administratively reviewed every (3) months during the
159 first year (and on a semi-annual basis thereafter) to determine whether the use has resulted in
160 a detrimental or adverse impact to the surrounding neighborhood. A report of staff's
161 investigation shall be submitted via memorandum to the Planning Commission. Should it be
162 determined that violation of the Conditions of this Use Permit have occurred or there is
163 evidence of impact on the surrounding neighborhood, staff shall bring the Use Permit back to
164 the Planning Commission for reconsideration. In the event ownership change(s), the use shall
165 be administratively reviewed for the first every (3) months during the first year of ownership
166 and on a semi-annual basis thereafter.
167
168 9 Prior to rental of the seventh, the applicant shall submit for review and approval by the
169 Planning & Building Director the proposed Chanric Inn's Guest Rules and Regulations and
170 posting area locations, including but not limited to, the hours of use for the common areas,
171 designated guest and staff parking spaces, and manager and emergency contact information.
172 The pool/hot tub area usage shall be prohibited between the hours of 10 pm and 8 am.
173 Signage shall be installed indicating that smoking is prohibited in pool/hot area and breakfast
174 patio area. Additionally, the policies will inform guests that parking is prohibited in front of
175 adjoining properties. Upon approval, such rules and regulations shall be posted for guest
176 viewing.
177
178 10 Within six months of approval, an audit shall be conducted of all applicable financial/rental
179 records to determine if the appropriate transient occupancy tax has been paid subject to the
180 determination of the Planning and Building and Administrative Departments. This audit shall
181 be funded by the property owner and should evidence be found that additional taxes are due
182 to the City for any historically suspected illegal rental room(s), the funds shall be paid in full,
183 with a penalty assessed pursuant to Section 3.16.070 CMC, within one year of use permit
184 approval. If no, discrepancies are found nothing further would be required of the
185 owner/operator.
186

- 187 11. Prior to rental of the seventh unit, large rocks shall be installed along the easement driveway
188 on 1801 Foothill Boulevard subject to the review and approval of the Planning and Building
189 Department, in consultation with the applicable property owner(s).
- 190
- 191 12. Prior to rental of the seventh unit, a sign shall be installed below the stop sign at the easement
192 egress that cautions drivers to on coming vehicles at 1801 Foothill Boulevard subject to the
193 review and approval of the Planning and Building Department, in consultation with the
194 applicable property owner(s).
- 195 13. Prior to rental of the seventh unit, illuminated address signage shall be installed at 1801 and
196 1805 Foothill Boulevard subject to the review and approval of the Planning and Building
197 Department, in consultation with the applicable property owner(s).
- 198 14. Prior to rental of the seventh unit, private driveway signage shall be installed near driveway
199 entry at 1801 Foothill Boulevard subject to the review and approval of the Planning and
200 Building Department, in consultation with the applicable property owner(s).

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

- 205 AYES:
- 206 NOES:
- 207 ABSTAIN/ABSENT:
- 208
- 209

JACK GINGLES, Mayor

211 ATTEST:
212
213 _____
214 SU SNEDDON, City Clerk