

MAR 10 2011

March 10, 2011
Honorable Mayor and Council Members,

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I would like to comment on remarks made in two letters printed in the Weekly Calistogan today, March 10, before your March 15 meeting.

I have provided copies of the letters. The first letter is from Joan Caputi, a signatory to the appeal of the Planning Commission's decisions of January 19. She states that, "As most Calistogans know, an appeal against the Planning Commission's recent decision to allow extra rooms and to allow off-site managers to a select few B&B's and/or inns has been filed by myself and five other interested people."

It was the City Council that adopted the ordinance that modified the City's B&B regulations to allow additional rooms and off-site managers. The Planning Commission did not adopt nor does it have the authority to adopt City Ordinances. Once an ordinance has been adopted by the City Council, the Planning Commission is bound to follow the provisions of the ordinance and cannot act outside of the ordinance.

The Planning Commission did not approve elimination of the on-site manager at Chanric Inn. Ms. Caputi goes on to say that "This appeal was filed because I was appalled by the Commission's disregard of "the rules". When someone does not follow the rules or breaks the law, they should not be rewarded with special favors." Again, an impression one might get from gossip but unsupported by fact. The action before the Planning Commission was not to determine whether there had been a code violation and what penalties should be imposed. The action before the Planning Commission was a request by Chanric Inn to amend their Conditional Use Permit. The requested amendment was made pursuant to adopted regulations in the City's Municipal Code, and the Planning Commission's actions on the request were within the Commission's discretionary authority. The requested amendment is allowable under Section 17.35.040 of the City's Municipal Code.

Further, it is not the duty of the Planning Commission to punish or reward applicants.

The second letter is from Norma Tofanelli, who writes that "Calistoga has stated its intent to aggressively crack down on illegal rental, conducting 'stings' to gather evidence." This stated intent and following 'sting' operations were made in an effort to address 'vacation rentals' — not Bed & Breakfast facilities. Unlike B&B's, vacation rentals are not allowed in any zoning district; and do not have Conditional Use Permits with restrictions to insure they operate in a manner that is compatible with the neighborhood, and do not pay Transit-Occupancy tax to the City of Calistoga or the County of Napa.

Ms. Tofanelli goes on to say, "In 2009, City inspections found several illegal B&B operations." It should be clarified that all of the inspected B&B's were operating with approved Conditional Use Permits. The 'illegal' operations referred to were violations of

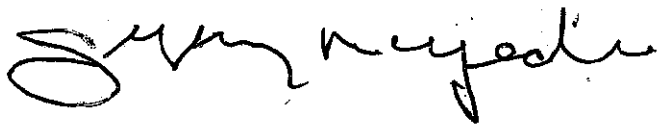
the terms of their approved Conditional Use Permits, NOT that they were operating illegally.

Ms. Tofanelli also claims that "Of those six B&B's, three were caught breaking the law and another of those six is owned by a sitting planning commissioner who helped write the new ordinance." The planning commissioner referenced here is undoubtedly Nick Kite who was NEVER a member of any subcommittee involved in creating the new B&B ordinance. The record shows that commissioner Kite recused himself from ALL planning commission discussions involving the new B&B ordinance. What Commissioner Kite did do was to attend meetings of the subcommittee as a B&B owner and operator (which is his right under the constitution Ms. Tofanelli so selectively protects).

Ms. Tofanelli states that "The former City Manager chose not to enforce the code and rewrote the ordinance instead." The 25 year old ordinance was under review beginning in May 2009 after City Staff was directed to conduct a comprehensive update. The former City Manager (Jim McCann) did defer enforcement action knowing that a revision to B&B ordinance was in process. The proposed revisions to the ordinance were presented and reviewed in at least 6 public hearings. They were unanimously adopted by the City Council in May of 2010.

I hope this brings clarity to issues raised by both letters.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Manfredi". The signature is fluid and cursive, with a large initial "J" and "M".

Jeffrey Manfredi

3-10-11

Appeal for democracy 3-10

Dear editor,

From the public record I understand the following facts:

Callistoga has stated its intent to aggressively crack down on illegal rentals, conducting "suns" to gather evidence.

In 2009 city inspections found several illegal B&B operations. The former city manager chose not to enforce the code and rewrote the ordinance instead. The adopted version applies exclusively to six existing B&Bs in the R1-10 zone, along Foothill Boulevard.

Of those six B&Bs, three were caught breaking the law and another of those six is owned by a sitting planning commissioner who helped to write the new ordinance.

Charic Inn, one of the violators on record, applied for expansion under the new ordinance. At the public hearing on Jan. 12, co-owner Channing McBride admitted to illegally renting at least one extra room for several years.

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against rewarding those caught breaking the law. The Planning Commission was conflicted -- with two commissioners very vocally opposed to rewarding illegal actions -- but the vote was 3-2 to legalize the rental of the previously illegal unit. To legalize a select few

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Save our neighborhoods

Dear editor,

As most Calistogans know, an appeal against the Planning Commission's recent decision to allow extra rooms and to allow off-site managers to a select few B&Bs and/or inns has been filed by myself and five other interested people.

The City Council will hear this appeal on March 15.

This appeal was filed because I was appalled by the Commission's disregard of "the rules." When someone does not follow the rules or breaks the law, they should not be rewarded with special favors.

Persons sitting on a commission or council should refuse themselves if even a hint of a conflict of interest exists.

This appeal has nothing to do with my business. I will not be affected by any decision the City Council decides to render. My only

concern is the future of our town and the possible trickle-down effect that having no manager on site could have on our neighborhoods. I do not want our residential areas compromised in any way. If you feel the way I do, please come to the City Council meeting on March 15 and let your voice be heard.

Joan Caputi
Washington Street
Lodging
Calistoga

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commissioners condoning the permit violations were not well received -- especially by those watching the televised meeting at home.

Chairman Jeff Manfredi, on record over several years calling for a serious crackdown on illegal rentals, which actually faced by one of those illegal operators, changed course, stating, "The inn has operated at times as a seven-unit inn in complete violation of its use permit. The sky hasn't fallen, there haven't been wild parties and the sacred small-town character of Calistoga has not, I don't think, been diminished at all... I think perhaps a seventh room is no big deal!"

Objections were raised against rewarding those caught breaking the law. The Planning Commission was conflicted -- with two commissioners very vocally opposed to rewarding illegal actions -- but the vote was 3-2 to legalize the rental of the previously illegal unit. To legalize a select few

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of these illegal operators in advance of prosecuting others appears hypocritical and the impression that being "...in complete violation of its use permit" is no big deal" was insulting to many. So an appeal to the decision to reward an illegal operation was filed.

For the six people who appealed the planning decision, it is about fairness, equal protection under the law, freedom of speech and speaking out against what is seen by many as cronyism and selective enforcement of the law. It is about the fantasy we cling to of "democracy and justice for all."

The people who signed that appeal gave a voice to the rumblings in this community and the growing resentment over the disregard for citizen input and overall fairness.

For the project applicant, it seems to be about money (thanks, Rudy, for explaining this).

In these days of tweeting and social networking via Internet, many have

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forgoten that the First Amendment still protects our free speech and "...the right of the people ... to petition the government for a redress of grievances."

This is the right to make a complaint to, or seek the assistance of, one's government, without fear of punishment or reprisals.

The right to appeal. Our small community will be truly damaged if those who break the law, or condone breaking of the law, are rewarded. If we are ever again to be a nation of laws, we must first be communities of laws.

If you are concerned, please speak out at the City Council hearing on Tuesday, March 15, Community Center -- 7 p.m.

Norma J. Tokanelli
Calistoga
(Editor's note: Norma Tokanelli is one of the six appellants to the planning commission's Charic Inn decision. Although she is also a member of The Weekly Calistogan editorial board, the editorial board has not taken a position on this issue. This is her personal opinion.)

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