

CITY OF CALISTOGA PLANNING COMMISSION

MINUTES

MAY 27, 1987

The City of Calistoga Planning Commission met in regular session at the Calistoga Community Center with Chairperson Diane Barrett and Commissioners Scott Atkinson, Keith Dinsmoor, and Sal Frasca in attendance. Commissioner Thomas was noted absent during the roll call (Mr. Thomas arrived at 7:05 p.m.). The meeting was called to order at 7:00 p.m., Chairperson Barrett presiding.

APPROVAL OF MINUTES

On motion of Commissioner Frasca, seconded by Commissioner Atkinson and unanimously carried, the Minutes of the Meeting of April 4, 1987 were approved as submitted.

On motion of Commissioner Dinsmoor, seconded by Commissioner Thomas and unanimously carried, the Minutes of the Meeting of April 22, 1987 were approved as submitted.

U 87-7, M AND P SHEBANOW - PUBLIC HEARING CONTINUED

Chairperson Barrett described U 87-7 as the use permit request of Michael and Patricia Shebanow to allow a third bed and breakfast unit at the Calistoga Wayside Inn located at 1523 Foothill Blvd. (A.P. No. 11-300-03).

Jo Noble, Planning Aide, summarized a Staff Report Supplement dated 5-20-87 and referred to a Staff Report dated 4-16-87 previously submitted. This matter was continued from the April 22, 1987 meeting primarily to hear the views of Mr. Jim Marberry who had requested said continuance on the bases of 1) being out of the country at the time of the first hearing; 2) being the neighbor most impacted by the request; and 3) having alleged evidence which could bear on the Commission's decisions. The Planning Department has not received correspondence from Mr. Marberry except his request dated 5-18-87 in which he requested postponement of the public hearing.

Chairperson Barrett asked that correspondence from the following proponents be introduced into the record: letter dated 5-26-87 from Gary Halsten and Jamee Carleto and a letter dated 5-27-87 from Michelle Ondrovic, General Manager of the Golden Haven Spa and Motel. These letters are in addition to those previously received and introduced at the April 22, 1987 Meeting.

Chairperson Barrett reopened the public hearing and asked three times to hear comments from proponents. The following is a summary of information provided by Patricia Shebanow, Applicant: "In order to minimize potential impacts on neighbors, changes have been made related to the property access by clearing shrubbery from the driveway and front of the property, creating a

front entrance and lighted walkway. Relocation of signs and the addition of directional signing has proved effective in minimizing traffic on the driveway. The guests are now able to park in front of the house and if they wish accommodations, are directed to drive to the parking area. The Applicants are cognizant of their neighbors rights to peace and quiet and have tried to eliminate impacts as much as possible. The guests enjoy the park-like, country setting, including Mr. Marberry's chickens." Chairperson Barrett asked Mrs. Shebanow how long these new signs and changes have been in effect? Mrs. Shebanow responded that the front entrance had been changed about two weeks ago and the signs for about 2 1/2 to 3 months. In her closing remarks, Mrs. Shebanow requested that she be allowed to offer further comments later.

Bob Seyfried, 1415 Foothill Blvd., stated he favors the use permit and also would like to reserve comments for later since apparently Mr. Marberry's comments have such a bearing on the issue.

Debbie O'Gorman, 3225 Lake County Highway, stated she is in favor of the use permit approval.

Larry Paladini, 1307 Cedar St., spoke in favor and the following is a summary of his comments: "He operates a bed and breakfast exchange and is cognizant of all the licensed B & B's in town. Mrs. Shebanow has only rented two rooms, observes all the rules and is aware of her limitations. In his closing remarks, Mr. Paladini commended Mrs. Shebanow's for her professionalism and integrity."

John Standley, 1307 Cedar St., offered the following comments: "there are people who do not run their businesses legally. Mrs. Shebanow is licensed professionally and wants to ensure that she operates properly."

Greg Hernandez, 3088 Foothill Blvd., offered supporting comments and stated the following: "The reason people come to this city is because we are friendly. I am surprised at the unfriendly opposition of the neighbors and wish they could get together and iron out their problems".

Chairperson asked three times to hear comments from opponents.

J. W. Marberry, 1601 Foothill Blvd. addressed the Commission as follows: "I would like to express my gratitude for the extension of this public hearing. As you know, I spent a great deal of time with you and the Council drawing up this new ordinance and this is the first instance where the ordinance would be applied. 17.35.040 C1 of the Ordinance states that not more than 1 bed and breakfast each 500 feet where conventional blocks are not present. In this specific instance, the Assessor's Map shows that there is a total of 420 feet between this parcel and the Pink Mansion. Under special circumstances for use permits, I

think Council agreed and the Ordinance states that all of these special circumstances must be met. The ingress and egress to the off-street parking is a 14 foot 2 inch road and there are 5 entities that have the right to pass by easement. The road was first surcharged in July of 1983 by the cab company. I called Mayor Conger and said that not only was the road being surcharged but the zoning of the property was being violated. He agreed and said that the senior citizens needed the cab and they were trying to move the cab. The Mayor asked that I please not make a protest and I complied with his wishes. In June of 1984 two B and B units were added and in the Spring of 1985, the McIntoshs' converted a den to a third bed and breakfast. In December of 1985 and January of 1986, they converted a basement to an apartment, there was extensive plumbing, they had to jackhammer out the cement floor. We discovered after the McIntoshs' had moved that they were living with friends on Myrtle Street and renting out this (referring to guest units) and the apartment--they were operating four Bed and Breakfasts without a use permit and the ordinance only permits two."

At this point in the proceedings, Chairperson Barrett interrupted Mr. Marberry and stated that so far he has been speaking about the previous owners of the property and asked if he has comments regarding the subject application.

Mr. Marberry continued with the following comments: "In October of 1986 the property was sold. I have a brochure (which he distributed to members of the Commission) that has been in use for some time. Described are 2 bed breakfasts on the top floor that share a bath and one bed and breakfast on the bottom floor with a separate bath. To my knowledge, and I wish my wife was here to speak to it, it has been operated with the 2 upper rooms renting for \$70 and the bottom room rents for \$75. Mrs. Barrett asked if this pertains to the present owners and Mr. Marberry responded in the affirmative but clarified that he cannot confirm it. Mr. Marberry referred to that portion of the ordinance that addresses accessory use of a B and B to an owner's residence. The City Attorney very specifically wanted this done to prevent the commercialization of residential neighborhoods. Mr. Marberry read the definition of "accessory" under Section 17.35.010D of the Municipal Code. Since 1983, this property has been operated as a commercial establishment, it was sold as a business and is now operated and referred to, by the applicants, as a business."

Bob Seyfried said, "there is a line drawn between opposition and harassment and that line is being drawn quite frequently". John Standley, representing the B and B exchange, informed the Commission that subject B and B is legal, and only 2 units are offered for guest use. Mrs. Shebanow, Applicant, informed the Commission that they do not rent 3 rooms and approximately 500 brochures left behind by the previous owners have been used rather than let them go to waste. Mrs. Shebanow also explained that with six sons, two daughters-in-law and friends, there are occasionally extra vehicles.

Commissioner Atkinson asked who prepared the interior floor plan furnished to the Commission and Mrs. Shebanow responded that it was done by the previous owner and it is an accurate layout of the home. Commissioner Atkinson asked that the record show that the total area of the home is 3000 sq. ft.+ and the total area for guest use is 1200 sq. ft.+ which complies with the formula established by ordinance (bed and breakfast facility shall not exceed 49% of the use of the land and/or building area).

Mr. Marberry informed the Commission that he spoke with the Building Inspector on this date and Mr. Cerda knew nothing about this drawing. Planning Aide Noble referred the Commission to the written comments furnished by the Building Inspector dated April 10, 1987 attached to the Staff Report.

Chairperson Barrett closed the public hearing and reserved the right to reopen the hearing later, if necessary.

The Planning Commission commenced deliberations. Chairperson Barrett explained that although the City does not have a Zoning Enforcement Officer, there are means of monitoring businesses, for example, by reviewing monthly transient tax records. Chairperson Barrett stated that to the best of her knowledge, subject facility has not been audited which can occur if the City Clerk has reason to believe it is necessary. Chairperson Barrett also stated the issue of "spacing" is adequately addressed in recommended Finding No. 7. The majority of Commissioners agreed that the finding adequately addresses the intent of the spacing requirement. There was some discussion among members of the Commission that much of Mr. Marberry's testimony was related to the use of the property by the previous owners.

On motion of Commissioner Atkinson, seconded by Commissioner Thomas and unanimously carried, the Planning Commission recommends that the City Council approve U 87-7, M & P Shebanow, with the following findings and conditions:

FINDINGS:

1. That the project is consistent with the zoning and general planning for the area;
2. That the project conforms to Chapter 17.35 of the Calistoga Municipal Code;
3. That the project would be of benefit to the community;
4. That the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city;

5. That the project is categorically exempt under Section 15101(e) of the California Environmental Quality Act (CEQA);
6. That the project has been reviewed by the Building Inspector and a report provided to the Applicant; and
7. That the project is consistent with the B and B regulations with regard to spacing in that conventional blocks exist across the street and, therefore, provides for a logical and reasonable means of applying the spacing intent.
8. That the findings above and conditions below are applicable to U 87-7.

CONDITIONS:

1. That the Applicant shall adjust his/her business license and transient tax documents to account for new unit;
2. That Applicant shall comply with any further requirements of the Chief of Police regarding lighting and/or security.
3. That Applicant shall comply with the written recommendations of the Building Inspector dated April 10, 1987.