

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2012-__**

**A RESOLUTION APPROVING CONDITIONAL USE PERMIT (U 2012-05)
ALLOWING A 3-UNIT EN-SUITE BED AND BREAKFAST FACILITY ON THE
PROPERTY LOCATED AT 1340 GREENWOOD AVENUE (APN 011-400-019)
WITHIN THE "RR", RURAL RESIDENTIAL ZONING DISTRICT**

1 **WHEREAS**, John and Pat Merchant are the owners of the subject
2 property for which this application is proposed; and

3
4 **WHEREAS**, the project is categorically exempt from the California
5 Environmental Quality Act (CEQA) under Section 15332 of the CEQA Guidelines,
6 and approval of the Use Permit will not result in detrimental or adverse impacts
7 upon the public resources, wildlife or public health, safety and welfare if the
8 mitigations proposed are adopted; and

9
10 **WHEREAS**, the Planning Commission has reviewed and considered this
11 application at its regular meeting on August 22, 2012 and prior to taking action on
12 the application, the Commission received written and oral reports by the Staff,
13 and received public testimony; and

14
15 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has
16 made the following Conditional Use Permit findings for the project:

- 17
18 1. The proposed development, together with any provisions for its design
19 and improvement, is consistent with the General Plan, any applicable
20 specific plan and other applicable provisions of the Zoning Code including
21 the finding that the use as proposed is consistent with the historic, rural,
22 small-town atmosphere of Calistoga;

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24 Finding: The guestrooms are within an existing single-family residence,
25 and no substantial alterations to the exterior are proposed. In accordance
26 with General Plan policies, the project will be operated so as to be
27 compatible with adjacent residential uses, periodic inspections will be
28 conducted to ensure compliance with conditions of approval, and no net
29 loss of housing will occur. Upon fulfillment of the conditions of approval,
30 the bed and breakfast inn will meet the requirements of Chapter 17.35 of
31 the Calistoga Zoning Ordinance.

- 32
33 2. The site is physically suitable for the type and density of development;

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35 Finding: The site is physically suitable for the use. There is sufficient
36 landscaping and open space on all sides of the property. The intensity of
37 the use is not such that would adversely affect the rural neighborhood.

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

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44 Finding: The project is exempt from environmental review pursuant to
45 Section 15332 of the CEQA Guidelines.

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

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51 Finding: The bed and breakfast inn will not impact the City's
52 water/wastewater system since the property will be served by onsite septic
53 and well.

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55 5. Approval of the use permit application shall not cause the extension of
56 service mains greater than 500 feet;

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58 Finding: The project will not require the extensions of service mains.

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60 6. An allocation for water and/or wastewater service pursuant to Chapter
61 13.16 CMC (Resource Management System) shall be made prior to
62 project approval. Said allocation shall be valid for one year and shall not
63 be subject to renewal;

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65 Finding: This property is served by an on site septic system and well.
66 Given this, no allocation is required at this time.

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

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71 Finding: The bed and breakfast inn use occurs within an existing single-
72 family dwelling; no exterior changes are proposed.

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

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79 Finding: The small-scale bed and breakfast inn is independently owned
80 and operated.

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

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85 Finding: The bed and breakfast inn is within an existing dwelling; no
86 exterior changes to the dwelling are proposed.

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88 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
89 Commission that based on the above Findings the Planning Commission
90 approves the proposed project, subject to the following Conditions of Approval.

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92 1. This permit authorizes a 3-unit en-suite Bed and Breakfast facility
93 consistent the Site Plans received July 2, 2012 and consistent with all
94 other City Ordinances, rules, regulations, and policies. The conditions
95 listed below are particularly pertinent to this permit and shall not be
96 construed to permit violation of other laws and policies not so listed.

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98 2. Approval of this permit is limited to conformance with the land use
99 provisions contained in the City's Zoning Ordinance. Use of the property
100 shall be limited to those uses identified in the Findings above and the Staff
101 Report dated August 22, 2012. Any changes to the approved use are
102 subject to the provisions of the Zoning Ordinance, as it exists now or may
103 be amended in the future.

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105 3. Any future exterior alterations, expansion or other new construction shall
106 require an amendment of this permit The Planning and Building
107 Department may approve minor amendments to this use permit provided
108 that the permit is still in substantial conformance with the original approval.

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110 4. The property owner agrees to submit an application for Building Permit for
111 all construction of buildings or structures located on the site, not otherwise
112 exempt by the Uniform Building Code or any State or local amendment
113 adopted thereto. Prior to issuance of all building permits, the property
114 owner agrees to pay all fees associated with plan check and building
115 inspections, and associated development impacts fees rightfully
116 established by City Ordinance or Resolution.

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118 5. This use permit to operate a three (3) unit suite bed and breakfast does not
119 abridge or supercede the regulatory powers or permit requirements of any
120 federal, state or local agency, special district or department which may retain
121 regulatory or advisory function as specified by statue or ordinance. The
122 applicant shall obtain permits as may be required from each agency and
123 remain in compliance with the applicable regulations.

124

- 125 6. Prior to operation, the operator shall obtain a Business License to reflect
126 the appropriate number guest room units pursuant to the City of Calistoga
127 Municipal Code Chapter 5.04. The applicant shall, at all times, remain in
128 compliance with the requirements of Chapter 5.04.
129
- 130 7. The operation shall remain, at all times, in compliance with the City of
131 Calistoga Municipal Code Chapter 3.16, Transient Occupancy Tax and be
132 current on collection of, reporting to and payment of all transient
133 occupancy taxes to the City.
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- 135 8. The permit holder shall permit the City of Calistoga or its representative(s)
136 or designee(s) to make periodic inspections pursuant to Zoning Ordinance
137 Section 17.35.020(H) or at any reasonable time deemed necessary in
138 order to assure that the activity being performed under authority of this
139 permit is in accordance with Chapter 17.35 of the Calistoga Municipal
140 Code and with the terms and conditions prescribed herein.
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- 142 9. Prior to operation, an inspection shall be conducted by the Fire
143 Department to ensure installation of fire extinguishers, smoke detectors
144 and carbon monoxide detectors. In the event, that the Fire Department
145 notes potential fire hazards or violations pursuant to the applicable codes,
146 ordinance, regulations and statues in place at the time of the inspection
147 the hazards shall be corrected and/or a building permit shall be obtained
148 to corrected such violations to the satisfaction of the Planning and Building
149 and Fire Departments.
150
- 151 10. The driveway and parking areas shall be maintained in a condition (i.e.
152 compacted shale or other all weather surface) that does not result in any
153 potentially impact to the health, safety and welfare of the community or
154 impede the accessibility of the property and structure.
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- 156 11. Prior to operation, the kitchen must comply with provisions of Division 104,
157 Part 7, of the California Health and Safety Code entitled "California Retail
158 Food Code" subject to the review and approval of the Napa County
159 Planning, Building and Environmental Services Department. The applicant
160 shall obtain an annual food permit for the Napa County Planning, Building
161 and Environmental Services Department.
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- 163 12. Prior to operation, the pool must be modified to meet California Swimming
164 Pool Code. Complete plans for the swimming pool must be submitted to
165 the City Building Department and the Napa County Planning, Building and
166 Environmental Services Department for review and approval. An annual
167 pool permit shall be required from the Napa County Planning, Building and
168 Environmental Services Department.

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13. Prior to operation, a permit for the proposed subsurface drip system must be secured from the Napa County Planning, Building and Environmental Services Department. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, and etc.

Plans for the proposed alternative sewage treatment system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division.

An annual alternative sewage treatment system monitoring permit must be obtained for the alternative sewage treatment system /private sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.

14. The Planning Commission may revoke the permit in the future if the Commission finds that the use to which the permit is put is detrimental to the health, safety, comfort and welfare of the public, or constitutes a nuisance.
15. This permit shall be null and void if not used by August 22, 2015, or if the use is abandoned for a period of 180 days, unless otherwise allowed.

PASSED, APPROVED AND ADOPTED on August 22, 2012, by the following vote of the Calistoga Planning Commission:

- AYES:
NOES:
ABSTAIN:
ABSENT:
ABSTAIN:

JEFF MANFREDI, CHAIRMAN

ATTEST: _____
Ken MacNab
Secretary to the Planning Commission

