

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2016-__**

**APPROVING USE PERMIT UP 2016-1 AND DESIGN REVIEW DR 2016-1
ALLOWING A FIVE UNIT BED AND BREAKFAST INN ON THE PROPERTY
LOCATED AT 1403 MYRTLE STREET**

1 **WHEREAS**, on March 15, 2016, Richard and Dina Dwyer submitted
2 applications requesting a use permit and design review to allow a bed and
3 breakfast inn at 1403 Myrtle Street; and

4 **WHEREAS**, the Planning Commission considered the requests at its
5 regular meeting of April 13, 2016. Prior to taking action on the application, the
6 Planning Commission received written and oral reports by the staff, and received
7 public testimony; and

8 **WHEREAS**, the Planning Commission has determined that this action is
9 not subject to the California Environmental Quality Act (CEQA) under Section
10 15331 and 15332 of the CEQA Guidelines because the bed and breakfast use
11 will be within an existing structure, will not impact the existing historical value of
12 the property and the rehabilitation is consistent with the Secretary of the Interior's
13 Standards for the rehabilitation of historic properties; and

14 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has
15 made the following use permit findings for the project:

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

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

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

29 Finding: The site is physically suitable for the use. There is sufficient
30 parking, landscaping and open space on all sides of the property. The
31 intensity of the use is not such that would adversely affect the residential
32 neighborhood.

- 33 3. The proposed development has been reviewed in compliance with the
34 California Environmental Quality Act (CEQA) and the project will not result

35 in detrimental or adverse impacts upon the public resources, wildlife or
36 public health, safety and welfare;

37 Finding: The project is exempt from environmental review pursuant to
38 Section 15331 (Historical Resources Restoration/Rehabilitation) and
39 Section 15332 (In-fill Development Projects) of the CEQA Guidelines.

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

43 Finding: The City's water system and wastewater treatment facility are
44 adequate to serve this use.

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

47 Finding: Mainlines will be repaired but the project will not require the
48 extensions of service mains.

49 6. An allocation for water and/or wastewater service pursuant to Chapter
50 13.16 CMC (Resource Management System) shall be made prior to
51 project approval. Said allocation shall be valid for one year and shall not
52 be subject to renewal;

53 Finding: The Planning and Building Department intends to issue an
54 allocation for water and wastewater service through the building permit
55 review process associated with the rehabilitation of the historic structure.

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

58 Finding: The Francis House is listed on the National Register of Historic
59 Places under Criterion C for its Architectural Significance and is an
60 excellent example of the Second Empire architectural style. The Francis
61 House is one of the best examples of this style of architecture in Calistoga
62 and is the only stone version. The property owner's architectural historian
63 has reviewed the standards for restoration and rehabilitation and has
64 found the project consistent with the Secretary of the Interior's Standards.
65 Therefore, the development presents a scale and design that is in direct
66 harmony with Calistoga's historic character.

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

71 Finding: The bed and breakfast inn is independently owned and operated.

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

74 Finding: The historic structure represents an example of Second Empire
75 architectural style, which enhances the architectural integrity of Calistoga.

76 **WHEREAS**, the Planning Commission hereby finds that the design review
77 application, pursuant to Calistoga Municipal Code 17.41.050:

78 1. Is in accord with the General Plan and any applicable planned development.

79 Supporting Evidence: The project site has a General Plan land use
80 designation of High Density Residential/Office and is within the Foothill
81 Character Area Overlay. Both designations allow bed and breakfast inns.

82 2. Is in accord with all applicable provisions of the Zoning Code.

83 Supporting Evidence: The bed and breakfast inn will be in conformance with
84 bed and breakfast regulations and comply with the special circumstances
85 per CMC Section 17.35.040(C) that apply to bed and breakfast inns
86 exceeding three units. The property is located in close proximity to State
87 Route 128 (Foothill Boulevard), which is listed as an arterial street in the
88 General Plan. Additionally, the property is significant in the sense that it is
89 located in an historic structure, would provide an elevator, is located on a
90 19,200 square foot parcel and would provide adequate parking.

91 3. Is consistent with any adopted design review guidelines to the extent
92 possible.

93 Supporting Evidence: The property owner's architectural historian has
94 reviewed the standards for restoration and rehabilitation and has found the
95 project consistent with the Secretary of the Interior's Standards. As such,
96 the design adheres to Calistoga's design review guidelines and is
97 supportive of the re-use.

98 4. Will not impair or interfere with the development, use or enjoyment of other
99 property in the vicinity or the area.

100 Supporting Evidence: The guestrooms are within an historic single-family
101 residence and the use will be operated in a manner compatible with
102 adjacent residential uses.

103 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
104 Commission that based on the above findings, the Planning Commission
105 approves the proposed project, subject to following conditions of approval:

106 1. This use permit allows a five unit bed and breakfast inn at 1403 Myrtle
107 Street. The uses hereby permitted shall substantially conform to the project
108 description and the supporting plans received March 15, 2016 by the
109 Planning and Building Department, except as noted in the permit conditions.

- 110 2. This permit shall be null and void if not used within a two years from the
111 approval date, or if the use is abandoned for a period of one hundred and
112 eighty (180) days. Minor modifications which do not increase
113 environmental impacts may be approved in writing by the Planning and
114 Building Director.
- 115 3. The owner(s) shall permit the City of Calistoga or representative(s) or
116 designee(s) to make periodic inspections at any reasonable time deemed
117 necessary in order to assure that the activity being performed under
118 authority of this permit is in accordance with the terms and conditions
119 prescribed herein.
- 120 4. This use permit does not abridge or supercede the regulatory powers or
121 permit requirements of any federal, state or local agency, special district or
122 department which may retain regulatory or advisory function as specified
123 by statute or ordinance. The applicant shall obtain permits as may be
124 required from each agency.
- 125 5. Prior to operation, the operator shall obtain a business license pursuant to
126 the City of Calistoga Municipal Code Chapter 5.04 subject to the review
127 and approval of the Finance Department. The applicant shall, at all times,
128 remain in compliance with the requirements of Chapter 5.04.
- 129 6. The operation shall remain, at all times, in compliance with the Calistoga
130 Municipal Code Chapter 3.16, Transient Occupancy Tax, and be current
131 on the collection, reporting and payment of all transient occupancy taxes
132 to the City.
- 133 7. Prior to operation and annually thereafter, an inspection shall be
134 conducted by the Fire Department to ensure installation of fire
135 extinguishers, smoke detectors and carbon monoxide detectors.
- 136 8. Special events (weddings, graduation parties, bar mitzvahs, quinceaneras,
137 etc.) shall be prohibited.
- 138 9. Prior to operation, the kitchen shall comply with provisions of Division 104,
139 Part 7, of the California Health and Safety Code entitled "California Retail
140 Food Code" subject to the review and approval of the Napa County
141 Planning, Building and Environmental Services Department. The applicant
142 shall obtain an annual food permit for the Napa County Planning, Building
143 and Environmental Services Department.
- 144 10. Prior to operation, the pool shall meet the California Swimming Pool Code.
145 Complete plans for the swimming pool shall be submitted to the City
146 Building Department and the Napa County Planning, Building and
147 Environmental Services Department for review and approval. An annual
148 pool permit shall be required from the Napa County Planning, Building and
149 Environmental Services Department.

- 150 11. The property owners or manager shall maintain the residence as their
151 primary place of residency.
- 152 12. Prior to operation of the bed and breakfast inn, one parking space per
153 guest room shall be provided on-site.

154 **PASSED, APPROVED AND ADOPTED** on April 13, 2016, by the
155 following vote of the Calistoga Planning Commission:

156
157 **AYES:**
158 **NOES:**
159 **ABSTAIN:**
160 **ABSENT:**

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Paul Coates, Chairman

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166 **ATTEST:** _____
167 Lynn Goldberg
168 Secretary to the Planning Commission