

From: Zach Tusinger
Sent: Monday, February 10, 2020 1:01 PM
To: Lynn Goldberg
Cc: Claudia Aceves
Subject: FW: Brannon Ridge Estates

Good afternoon Planning Commissioners,

Please find below the following email regarding the Aurora Park application. The subject application will now be heard on 2/26.

Let me know if you have questions.

Thank you,
Zach

From: aLan morris <m2800@me.com>
Sent: Friday, February 7, 2020 1:29 PM
To: Zach Tusinger <ztusinger@ci.calistoga.ca.us>
Subject: Brannon Ridge Estates

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brannon Ridge Estates
 February 7, 2020
 From: Alan and Pia Morris 1821 Foothill Blvd
 .Reference: Aurora Cottages 4 Unit expansion

Background:

The Aurora Park Cottages (AP)
 I. RESOLUTION PC 2020-XX

Resolution PC 2020-XX states: "The property is located within the R-1-10: One-Family Zoning District. The R-1-10 District conditionally allows bed and breakfast inns with up to ten units. The expanded use is consistent with the R-1-10 District development standards and would comply with the parking requirements associated with this use.

Finding: Will not substantially impair or interfere with the development, use or enjoyment of other property in the vicinity.

Substantial evidence: The existing resort property is adequate in size, shape, location, and physical characteristics to accommodate the type and intensity of the proposed structures and associated use. No impacts to surrounding properties are anticipated."

THE ABOVE LACKS HISTORICAL CONTEXT AND CONSIDERATION OF SIGNIFICANT CHANGES TO THE AFFECTED AREA SINCE 2000:

A. "The guest cottages on the property have been in use as visitor accommodations since the 1950s. In 1998, a proposal to substantially alter the Aurora Park Cottages was approved by the City, and included architectural changes, enlarged structures and extensive landscaping. The project was ultimately

abandoned by a subsequent owner, and in 1999 a substantially less-comprehensive plan for exterior changes was approved.”

It must be noted that before 1999, Brannon Ridge Estates (BRE),⁴ home development did not exist. A paved road did not exist, nor did the current drainage system. Rather, the land was of a virgin quality. In 1998 (BRE) was subdivided into 4 buildable lots, and a remaining parcel space identified as “Designated Remainder”. Each of the buildable lots is approximately 4 acres. In early 2000, 4 homes were built in the area zoned as RRH.

The space from the original 20 acres known as the “Designated Remainder” is a smaller parcel of land, encased on three sides by properties in the RRH designation.

(See City Zoning Map attached)

The 4 lots consist of the following address and estimated current value:

Lot One: 1819 Foothill Blvd (\$3.2M)

Lot Two: 1821 Foothill Blvd (\$3.4M)

Lot Three: 1825 Foothill Blvd (\$1.7M) Lot Four: 1823 Foothill Blvd (\$3.5M) Designated Remainder: 1807 Foothill Blvd

A Conservation and Scenic Easement was established in 1998. This easement set aside the provisions to maintain the natural and scenic beauty of the existing openness.

An additional easement was established in 1998, driveway, storm drain and utility easement over the 5 lots from Brannon Ridge Estates.

THE PROPOSED EXPANSION OF AP VIOLATES THE PURPOSE OF BRE RRH ZONING.

“17.14.010 Purpose.

The purpose of the RR Rural Residential Zoning District is to allow the development of single-family residences on large lots that serve as a buffer between the agricultural lands around the city and the urbanized part of Calistoga, ...”

AP expansion into the area bordering the BRE homes violates the above buffer requirement around urbanized parts of Calistoga. Nothing could be more urban than hotel rooms with extra parking attached.

THE PROPOSED EXPANSION WITH INCURSION INTO RRH ZONED AREA IS PROHIBITED

“D. Prohibited Uses. The following uses are prohibited in the RR district:

1. Transient commercial occupancies of dwelling units.”

THE PROPOSED EXPANSION VIOLATES THE PURPOSE OF 17.35.010 C.

“17.35.010 Purpose.

A. It is the purpose of this chapter to establish regulations for the location, use, character, parking, signing and processing of applications for bed and breakfast inns and facilities in residential zones within the City....

C. It is further the purpose of these regulations to encourage the restoration of historic structures. An example of an historic structure is one which is listed by Federal, State and/or recognized Napa County agencies as having architectural or historic significance.”

The proposed structures are new construction, not restored historical structures.

AP IS CURRENTLY IN VIOLATION OF THE PURPOSE OF 17.35.010 D

“D. It is further the purpose of these regulations to provide for bed and breakfast facilities which are accessory to and secondary to the primary residential use of land in residentially zoned areas. The terms “accessory” and “secondary” mean that the establishment of bed and breakfast facilities in residential zones shall not exceed 49 percent of the use of the land and/or building area on and in which the facilities are to be located. (Ord. 667 § 2, 2010; Ord. 421 § 2, 1987; Ord. 416 § 2, 1986; Ord. 396 § 2, 1984; Ord. 390 § 2, 1983).”

Initially, AP was owned and managed by resident owners, as 17.35.010 D requires. That was, until the Patel organization bought out the previous owner. It must be noted that the Patels own and run

numerous commercial hotel/lodging establishments in Calistoga. AP is not a small owner operator, who also lives there. Rather AP is part of a large commercial endeavour. No Patel lives there. Rather, the person residing in a residence on the property is a paid employee of the Patel organization. As such, AP is in current violation of 17.35.010 D. The proposed expansion would further violate the intent of this zoning stated purpose.

AP EXPANSION IS IN VIOLATION OF 17.35.010 REGULATION B

“B. The establishment of bed and breakfast inns and facilities shall be harmonious with the character of the neighborhood and zone in which they are to be located.”

As noted previously, the AP expansion would encroach on three of the four properties on BRE zoned RRH.

AP PARKING IS CURRENTLY IN VIOLATION OF 17.36.090 DESIGN REQUIREMENTS AND THAT VIOLATION HAS CAUSED ISSUES WITH DRAINAGE FROM RRH ZONED AREA OF BRE

“C. Adequate and surplus off-street parking is of primary concern in the establishment of bed and breakfast inns and facilities. The requirements and development standards for parking as established in Chapter 17.36 CMC shall apply to all B and B facilities, unless otherwise provided herein.

17.36.090 Design requirements.

Design requirements for parking lots shall be as follows:

A. Surface.

1. Parking lots shall be surfaced with an asphaltic concrete, concrete, building stone, armor coating or equivalent material approved by the Planning and Building and Public Works Directors.”

Currently, gravel of some sort covers parking areas. Rain runoff has frequently caused the gravel to move, clogging drainage necessary for BRE and causing major water damage to the BRE drainage system. Expansion will only exacerbate this problem and result in expensive repairs to BRE drainage system to benefit Patel’s commercial venture.

AP IS CURRENTLY IN VIOLATION OF 17.35.020 F GENERAL REGULATIONS

“F. Operation of any B and B facility on a permanent basis shall be by the resident property owner(s) or resident manager. No off-site management shall be permitted, unless otherwise provided herein.”

Currently, the Patel organization is perpetrating a sham to get around the above regulation. As noted previously, the Patels own a number of hotels in Calistoga. Their desire to expand AP is mainly due to their desire for economies of scale. Their use of an employee manager is merely a way to subvert the intent of the regulations. Make no mistake, the resident manager may check people in and out, but the operation is run by the Patel organization, which violates “No offsite management shall be permitted”.

OTHER REASONS TO VOTE NAY TO EXPAND AP

1. Decrease in property values of lots 1,2,3,4

The owners of lots 1,2,3,4, who pay a large amount of property tax, purchased their property based on the reasonable expectation of the existing secluded, calm, tranquil nature of their small development. Adding any units to AP would significantly and permanently damage the potential use and enjoyment of the four family homes. This damage would result in 1) a significant decrease in property values 2) restrict the owners ability to sell in the future and decrease their potential selling price, thus decreasing the tax base 3) immediately result in the owner’s petitioning to substantially decrease the property taxes on their homes.

2. Construction of the units would result in an undue burden on the home owners of lots 1-4.

1) Construction vehicles would block use of the driveway to the residents and to the vehicles servicing their property. The driveway is only 1 car wide. Construction vehicles, men and materials will effectively

prohibit the egress and ingress to the four residences resulting in various hardships.-who will compensate for that?

2)The driveway and roadway were built to specifications for single family use. Construction vehicles would damage the drive and road-who would pay for that?

3)Construction vehicles and the movement of earth would undermine the drainage system that is needed for proper integrity af all uphill lots-who would pay for that?

4)Construction is likely to damage the adjacent leach field for lots 1,2,4-who will pay for that?

5)Noise pollution during construction would be significant and would result in interfering with the residents use and enjoyment of their homes. All of you are Calistoga residents and are aware how noise travels in the valley.-who will compensate us for that?

3.Negative permanent impacts due to increased numbers and usage of proposed cottage expansion:

1) Building Cottages on the "Designated Remainder" is contrary to the natural environment of the Brannon Ridge Estates. Such development is out of place, and would encroach on the natural beauty of the existing space. We all purchased our homes, resonably expecting a secluded, peaceful natural environment. We have abundant wildlife that co exist in our quaint area. Deer, turkey, foxes,etc., populate this tranquil area. Both construction and increased numbers of people would put those species in danger.

a. A large Oak Tree could be endangered (See Exhibits presented by Michael Glover)

As with many animals, our oaks are protected

2) Drainage from the two natural seasonal creeks would be impeded.

We have frequently experienced torrential rains. Thanks to climate change, it is forecast that significant rain will increase. Our community, built on the hillsides, has 2 seaonal creeks that provide drainage that culminates near the Cottages. It is likely that these creeks would be impeded due to the additional buildings. Further, the stripping of vegetated land,that would be required,would significantly decrease the lands ability to soak up and hold excess runoff. This will result in damage to our drainage and will reult in flooding and debris damage to the cottages and homes across from the cottages on Foothill Blvd.

3) The Leach field for property Lots 1, 2, 4, could be impeded

4)The use of the road would be affected.

The road servicing all the homes only allows for one car at a time. One of us must back up to allow the passage of another vehicle. This is extremely difficult and dangerous on the mountain. As has happened in the past, guests at the cottages often drive up our private road for a look around. This would become a bigger problem with more units.

5) Added noise and distractions to the Residents of Brannon Ridge Estates.

As residents, all of you can relate to how noise floats around in hilly areas. You also know that one of the draws to Calistoga is the beautiful weather,enticing people to enjoy the outdoors and the wineries and brew pubs. Therefore, you understand the noise pollution that will result in extra cottages and drunken guests partying outside. In addition the cars coming and going at all hours of the day and night will degrade enjoyment of the residents.

6)Increased traffic with resulting noise, speeding and accidents

Foothill, being a main artery carries all the traffic to and from Santa Rosa as well as all traffic to other areas. Cars wanting to turn into the cottages and our property have to wait for the traffic from the north. Those heading north often pass on the right shoulder bordering the homes on Foothill to get around. This results in an accident ready to happen, including injury, death to pedestrians, since no sidewalk exists. This will only be compounded by traffic from more units.

7)Estimated 30% Property Value Reduction. This results in Loss of value for lots 1-4 in excess of \$3,000,000 which will Result in decreased tax assesment to the state, county and city of Calistoga. In addition ,BRE residents intend on requesting decreasedproperty tax assessments if the expansion is allowed.

CONCLUSION

All the above are negative consequences to all owners of lots 1,2,3,4 if the extension is allowed. As such, the planning commissioners would be responsible for each element of harm to the property owners. The planning commissioners would be responsible for the resultant property tax decreases due to loss of property value.

Aurora and the planning commissioners would be liable for damage to our roadway and drainage system.

Commissioners would be a contributing factor to increased accidents on Foothill Blvd.

Commissioners would ultimately be responsible for higher vacancy rates to all other B&B owners in Calistoga. Numerous establishments exist in Calistoga and especially lining Foothill Blvd. Many of them are for sale due to high vacancy rates. Adding units to Aurora park can only detract from other B&B's in the area, driving more to close, thus further decreasing the tax base.

Four extra B&B units would not increase the tax base. That has already occurred as a result building Solage, Four Seasons, and other new resorts under construction, remodeling and adding units .

ATTACHMENTS

Chapter 17.14

RR RURAL RESIDENTIAL DISTRICT

Sections:

17.14.010 Purpose.

17.14.020 Uses allowed.

17.14.030 Lot area and dimensions.

17.14.040 Development standards.

17.14.050 Other development requirements.

17.14.010 Purpose.

The purpose of the RR Rural Residential Zoning District is to allow the development of single-family residences on large lots that serve as a buffer between the agricultural lands around the city and the urbanized part of Calistoga, along with light agricultural uses that are consistent with the rural residential land use designation of the Calistoga General Plan. Together with compatible accessory uses, other uses are allowed under certain circumstances in order to offset the cost of preserving large lots in agricultural production. (Ord. 699 § 2, 2014).

17.14.020 Uses allowed.

Uses allowed in the RR district are as follows:

A. Uses Allowed without a Use Permit.

1. One one-family dwelling per lot.
2. One accessory dwelling unit per lot in accordance with Chapter 17.37 CMC.
3. Light agricultural uses, including but not limited to: farms on a commercial scale devoted to the growing of field, tree, berry or bush crops, and vegetable or flower gardens.
4. The keeping of horses for noncommercial purposes on sites with a ratio of not less than one-half acre per horse.
5. Residential care, limited, as defined and operated in accordance with State law.
6. Uses determined by the Planning Commission to be similar in nature as provided by Chapter 17.03 CMC.
7. Supportive housing.
8. Transitional housing.

B. Uses Allowed with a Use Permit.

1. Public or private recreational and educational uses and their necessary facilities, including but not limited to: public parks and playgrounds; schools; colleges; religious institutions; golf, swimming, tennis, polo, civic and country clubs; public facilities.
2. Geothermal activity (exploration, development, and use).
3. Veterinary clinics with boarding facilities, subject to the following:
 - a. The minimum lot size shall be two acres.
 - b. Noise shall be mitigated to a level consistent with otherwise permitted uses established in this chapter.
 - c. Odors shall be mitigated to a level consistent with otherwise permitted uses established in this chapter.
4. Light agricultural uses including farms on a commercial scale devoted to the hatching, raising, fattening, or marketing of animals such as, but not limited to, poultry, rabbits, goats, sheep, pigs; aviaries and kennels; the grazing and experimental or selective breeding or training of cattle or horses; provided, that such use is not a part of, nor conducted as, stock feed or livestock sales yards, or a commercial riding academy located on the same premises.
5. Family child care, large, as defined and operated in accordance with State law.
6. Residential care, general, as defined and operated in accordance with State law.
7. Small scale winery operations producing less than 2,000 cases of wine annually; provided, that the following guidelines have been considered prior to use permit approval:
 - a. The parcel size is two acres or more.
 - b. The parcel is established with a principal residence and the winery shall be subordinate to the primary residential use.
 - c. A minimum of 75 percent of the fruit used to make wine produced on site must be grown within the County of Napa. Of that, a minimum of 20 percent of the wine produced on site shall originate from fruit grown on the parcel with modifications only approved through the use permit process.
 - d. Only one winery shall be permitted on site.
 - e. Public tours and tastings shall be prohibited.
 - f. The number and frequency of private wine marketing events shall be strictly limited and reviewed during the use permit process. Private wine marketing events are limited to a maximum of four events per calendar year. The maximum number of guests allowed at any private wine marketing event shall be determined during the use permit process. This maximum capacity shall be posted in a conspicuous place in the small winery building. Use permit conditions may impose stricter limitations if residential development on adjoining parcels is in close proximity to the new small winery use.
 - g. Winery events shall be prohibited. All private wine marketing events shall be held within the confines of the on-site residential unit, the production area of the small winery building, or outside or except as previously defined.
 - h. The establishment of on-premises wine sales shall be determined through the use permit process. If wine sales are to be allowed, they shall be restricted only to wine that is produced on the premises. No merchandise shall be sold.
 - i. The hours of sales shall be by appointment only as reviewed during the use permit process.
 - j. There can be no advertising in publications produced for general distribution for private wine marketing events and all attendees shall be specifically invited to participate in the private wine marketing event by the small winery owner/operator.
 - k. All the requirements of CMC Title 19 shall be met.
 - l. Notwithstanding CMC 17.14.040, buildings and structures used for winery operations shall be located at least 50 feet from the front lot line, and 20 feet from any side lot line, and 50 feet from any dwelling on an adjacent lot, not including perimeter fencing.
8. Large scale winery operations producing up to 4,000 cases of wine annually; provided, that the following guidelines have been considered prior to use permit approval:
 - a. The parcel size is four acres or more.
 - b. The parcel is established with a principal residence and the winery shall be subordinate to the primary residential use.

- c. Only one winery shall be permitted on site.
 - d. The winery conducts limited public tours and tastings, sells wine-related items or holds private wine marketing events and winery events with a use permit.
 - e. Noise shall be restricted to a decibel level of 55 dba at property boundaries.
 - f. A minimum of 75 percent of the fruit used to make wine produced on site must be grown within the County of Napa. Of that, a minimum of 30 percent of the wine produced on site shall originate from fruit grown on the parcel with modifications only approved through the use permit process.
 - g. The number and frequency of private wine marketing events and winery events shall be strictly limited and reviewed during the use permit process. A maximum of four events per calendar year may be allowed. The maximum number of guests allowed at any event shall be determined during the use permit process. This maximum capacity shall be posted in a conspicuous place in the winery building. Use permit conditions may impose stricter limitations if residential development on adjoining parcels is in close proximity to the winery use.
 - h. All events shall be held within the confines of the on-site residential unit, the production area of the large winery building, or outside.
 - i. The establishment of on-premises wine sales shall be determined through the use permit process. If wine sales are to be allowed, they shall be restricted only to wine that is produced on the premises.
 - j. The hours of public tours and tastings and sales shall be by appointment only as reviewed during the use permit process.
 - k. There can be no advertising in publications produced for general distribution for private wine marketing events or winery events and all attendees shall be specifically invited to participate in an event by the large winery owner/operator.
 - l. All the requirements of CMC Title 19 shall be met.
 - m. Notwithstanding CMC 17.14.040, buildings and structures used for winery operations shall be located at least 50 feet from the front lot line, and 20 feet from any side lot line, and 50 feet from any dwelling on an adjacent lot, not including perimeter fencing.
 - 9. Bed and breakfast inns and facilities, in accordance with Chapter 17.35 CMC.
 - 10. Uses determined by the Planning Commission to be similar in nature as provided by the procedures in Chapter 17.03 CMC.
 - 11. Contractor storage yards.
- C. Accessory Buildings and Uses. The following accessory buildings and uses are allowed; provided, that no accessory building or use shall be constructed or established prior to the construction of a main building, or on a lot separate from the main building.
- 1. Garages, storage sheds, workshops, pool houses, playhouses, corrals, coops, hutches, pens, stables and similar structures.
 - 2. Student projects associated with agricultural education.
 - 3. Home occupations in accordance with Chapter 17.43 CMC.
 - 4. Family child care, small, as defined and operated in accordance with State law.
 - 5. The keeping of up to six domestic chickens, subject to the provisions of Chapter 6.06 CMC.
- D. Prohibited Uses. The following uses are prohibited in the RR district:
- 1. Transient commercial occupancies of dwelling units.
 - 2. Other uses not specified in subsections (A) through (C) of this section. (Ord. 732 § 2(2), 2018; Ord. 729 § 2.3, 2017; Ord. 710 § 3, 2015; Ord. 700 § 2(1), 2014; Ord. 699 § 2, 2014).
- 17.14.030 Lot area and dimensions.**
- Minimum lot area and lot dimensions in the RR district are as follows:
- A. Minimum lot area is as follows, except that the maximum allowable density shall be determined by the Rural Residential Land Use Designation of the Calistoga General Plan:
- 1. Eighty thousand square feet if both on-site water and wastewater disposal are proposed.
 - 2. Forty thousand square feet if either on-site water or wastewater disposal is proposed.
 - 3. Twenty thousand square feet if City water and wastewater services are provided.
- B. Minimum lot width: 100 feet.
- C. Minimum lot depth: 200 feet. (Ord. 740 § 2 (Exh. A), 2018; Ord. 699 § 2, 2014).

17.14.040 Development standards.

The following standards apply to development within the RR district:

A. Minimum setbacks for principal buildings are as follows:

- 1. Front yard: 20 feet.
- 2. Interior side yard: 10 feet, except that 20 feet is required for nonresidential.
- 3. Street side yard, corner lot: 15 feet.
- 4. Street side yard, reverse corner lot: 20 feet.
- 5. Rear yard: 20 feet.

B. Minimum setbacks for accessory buildings and structures shall be maintained as provided by CMC 17.38.050.

C. Maximum lot coverage: 30 percent.

D. Maximum height of buildings and structures: 25 feet. (Ord. 740 § 2 (Exh. A), 2018; Ord. 699 § 2, 2014).

17.14.050 Other development requirements.

Additional requirements that apply to development in the RR district include, but are not limited to, the following.

- A. Design review, per Chapter 17.06 CMC.
- B. Affordable housing, per Chapter 17.08 CMC.
- C. Off-street parking and loading, per Chapter 17.36 CMC.
- D. General provisions and exceptions, per Chapter 17.38 CMC.
- E. Use permits, per Chapter 17.40 CMC.
- F. Fences, hedges or walls, per Chapter 17.52 CMC.

Chapter 17.35

BED AND BREAKFAST INNS AND FACILITIES

Sections:

- 17.35.010 Purpose.**
- 17.35.020 General regulations.**
- 17.35.030 Use permit required.**
- 17.35.040 Permit regulations.**
- 17.35.010 Purpose.**

A. It is the purpose of this chapter to establish regulations for the location, use, character, parking, signing and processing of applications for bed and breakfast inns and facilities in residential zones within the City.

B. Proposed conversions in residential zones to B and B facilities which would eliminate an existing rental unit or units shall not be permitted, unless otherwise provided herein. This admonition pertains to, inter alia, units which contain independent cooking and bathroom facilities.

C. It is further the purpose of these regulations to encourage the restoration of historic structures. An example of an historic structure is one which is listed by Federal, State and/or recognized Napa County agencies as having architectural or historic significance.

D. It is further the purpose of these regulations to provide for bed and breakfast facilities which are accessory to and secondary to the primary residential use of land in residentially zoned areas. The terms "accessory" and "secondary" mean that the establishment of bed and breakfast facilities in residential zones shall not exceed 49 percent of the use of the land and/or building area on and in which the facilities are to be located. (Ord. 667 § 2, 2010; Ord. 421 § 2, 1987; Ord. 416 § 2, 1986; Ord. 396 § 2, 1984; Ord. 390 § 2, 1983).

17.35.020 General regulations.

- A. For the purposes of this title and Chapter 13.18 CMC (Rates, Billing, Payment and Charges), B and B facilities located in residential zoning districts shall be considered commercial uses.
- B. The establishment of bed and breakfast inns and facilities shall be harmonious with the character of the neighborhood and zone in which they are to be located.
- C. Adequate and surplus off-street parking is of primary concern in the establishment of bed and breakfast inns and facilities. The requirements and development standards for parking as established in Chapter 17.36 CMC shall apply to all B and B facilities, unless otherwise provided herein.
- D. Any facility operating contrary to the terms of this section shall be subject to immediate closure and permit revocation.
- E. No facility shall be operated without a current business license.
- F. Operation of any B and B facility on a permanent basis shall be by the resident property owner(s) or resident manager. No off-site management shall be permitted, unless otherwise provided herein.
- G. No meals may be served after noon or to persons who are not paying guests, except for those persons who are nonpaying personal guests of the occupying owner-manager of the B and B inn or facility. Occasional special events which involve meals shall be approved by the Director of Planning and Building.
- H. All facilities shall be inspected on an annual basis by the Planning and Building Department for conformance with use permit conditions and the regulations established in this title. Inspection reports shall be forwarded to the Planning Commission for informational purposes, as necessary. (Ord. 667 § 2, 2010).

17.35.030 Use permit required.

All bed and breakfast inns and facilities shall require a use permit subject to the provisions of Chapter 17.40 CMC. (Ord. 667 § 2, 2010).

17.35.040 Permit regulations.

- A. All applications for a bed and breakfast facility shall be on forms provided by the Planning and Building Department and accompanied by the appropriate fee as established by Council resolution.
- B. Bed and breakfast inns and facilities shall be permitted only where an occupying owner or resident manager maintains his or her primary place of residence on site. The bed and breakfast inn and facility shall be operated as an accessory use to the owner's/manager's residence. No mix of rental units and B and B units on a single property shall be permitted.
- C. Bed and breakfast inns and facilities shall be limited by spacing and to the number of rental rooms or units by zones as follows:
 1. Spacing. R-R, RR-H, R-1, R-1-10, R-2 and R-3 zones: not more than one bed and breakfast facility per each side of a City block or one facility per each 500 feet where conventional blocks are not present.
 2. Number of Units.
 - a. R-R, RR-H, R-1, R-1-10 and R-2 zones: not more than two units or rooms;
 - b. R-3 zone: not more than three units or rooms.
 3. Maximum. The maximum number of bed and breakfast rental units may be increased in the R-R, RR-H, R-1, R-1-10, R-2 and R-3 zones, subject to a major use permit, when the special circumstances as stated below exist. In no case shall such increase permit the total number of units to exceed six bed and breakfast rental units. Special circumstances to be considered shall include, but not be limited to, the following:
 - a. Proximity to a State highway or major arterial as indicated in the General Plan circulation element; and
 - b. The historical character and/or significance of the structure(s) in which the units are to be located; and
 - c. The character of the proposed site relative to its surroundings; and
 - d. The nature of ingress and egress; and
 - e. The adequacy of the number and location of off-street parking spaces and maneuvering areas; and
 - f. Provision of rooms accessible to the developmentally disabled.

4. Exception. The Planning Commission may authorize an exception to subsections (B), (C) and (D) of this section and CMC 17.36.130(C), parking requirements, subject to a major use permit, when the special circumstances as stated above and below exist:

a. A bed and breakfast inn and facility or other visitor accommodation located on the property was authorized by the City on or before January 1, 2010; and

b. The property is located within an R-1-10 zone; and

c. The property is established with no more than 10 rental units; and

d. Minimum lot size of 10,000 square feet. The Planning Commission, in considering all of the above special circumstances, shall establish written findings to support approval of bed and breakfast rental unit increases.

D. Signs identifying bed and breakfast inns and facilities shall comply with the provisions of Chapter 17.58 CMC.

E. All approved use permits for bed and breakfast inns and facilities shall include a condition requiring conversion of all existing water fixtures by installation of conservation devices.

1. Excepting therefrom, upon Planning Commission approval, authentic historic fixtures.

F. To obtain a use permit, a finding shall be made that the proposed bed and breakfast inn and facility would not result in a net loss of housing. (Ord. 667 § 2, 2010; Ord. 626 § 1, 2006).

Sent from my iPad

Zach Tusinger

From: Zach Tusinger
Sent: Thursday, February 13, 2020 10:14 AM
To: Lynn Goldberg
Subject: FW: Calistoga Planning Commission, Letter of objection to Four unit expansion at 1807 Foothill Blvd
Attachments: Microsoft Word - Brannon Ridge Estates Planning Memo.docx.pdf

Good morning Commissioners,

We have received a second letter regarding the proposed Aurora Park project. Please see attached.

Thank you,
Zach

From: michaelglover@me.com [<mailto:michaelglover@me.com>]
Sent: Saturday, February 08, 2020 12:48 PM
To: Planning & Building
Cc: Alan Morris; Pia Morris; Jennifer Hom; Chris Bates; Mike Lee; Curtis Wilhelm
Subject: Calistoga Planning Commission, Letter of objection to Four unit expansion at 1807 Foothill Blvd

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To Calistoga Planning Commission:
Paul Coates
Tim Wilkes
Scott Cooper
Alissa McNair
Doug Allen

Please see attached letter addressing the issue of the proposal to expand the 4 units on the “Designated Remainder parcel of the Brannon Ridge Estates”.

Thank you,
Best Regards,

From the owners at 1819 Foothill Blvd

Michael P. Glover
Curtis J. Wilhelm

Brannon Ridge Estates

February 8, 2020

TO:
Paul Coats, Chair
Tim Wilkes
Scott Cooper
Alissa McNair
Doug Allan

Letter to the Calistoga Planning Department from the Owners of 1819 Foothill Blvd.

Reference: Aurora Cottages 4 Unit expansion

Background:

In 1998 Brannon Ridge Estates was subdivided into 4 buildable lots, and a remaining parcel space identified as “Designated Remainder”. Each of the buildable lots is approximately 5 acres. In early 2000, 4 homes were built in the area zoned as RRH.

The space from the original 20 acres known as the “Designated Remainder” is a smaller parcel of land, encased on three sides by properties in the RRH designation. (See City Zoning Map attached)

The 4 lots consist of the following address and estimated current value:

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Lot Four: 1823 Foothill Blvd (\$3.5M)
Designated Remainder: 1807 Foothill Blvd

A ***Conservation and Scenic Easement*** was established in 1998. This easement set aside the provisions to maintain the natural and scenic beauty of the existing openness.

An additional ***easement*** was established in 1998, driveway, storm drain and utility easement over the 5 lots from Brannon Ridge Estates.

AT ISSUE:

- 1) Building Cottages on the “Designated Remainer” is contrary to the natural environment of the Brannon Ridge Estates, such development is out of place, and would encroach on the natural beauty of the existing space.
 - a. A large Oak Tree could be endangered (See Exhibits)
- 2) Drainage would be impeded to the natural dry creek that now exists
- 3) The Leach field for property Lots 1, 2, 4, could be impeded
- 4) Shared Road Maintenance would be at Risk for the other owners, the road was built for 4 single family homes, not built for extended commercial traffic
- 5) Added noise and disturbance to the Residents of Brannon Ridge Estates. (Examples of Past issues:)
 - a. There has been continued noise disturbance, loud music and talking, coming from the direction of the Cottages, This sound travels directly up our drive
 - b. Trash has been dumped near the side of the road near the leach field
 - c. Our well has been damaged by personal walking near the road
 - d. Repair persons from the Cottages have parked their vehicle on our property, when asked to leave, he refused, saying he was working under the authority of the Patel’s.
 - e. Our Gate and light have been subject to vandalism.
- 6) Of Particular concern as the owners of Lot 1, (1819 Foothill), most adjacent to the Designated Remainer Space, **Our property extends beyond the shared Road space, and ingress / egress to the Cottages properties would actually have to cross our property, This create a Personal and Financial Liability that we should not be asked to undertake. (See Attached Exhibit)**
 - a. Declaration Number 3, of The Road Easement is to the individual owner of Lots 1,2,3,4, and Designated Remainder, the right to pass is not extended to commercial tenants.
 - b. As noted in Item 17.35.040 Permit Regulations, Item 3. Specifically states no special use permit would be allowed when the maximum number of rental units that do not adhere to “**The nature of ingress and egress**” provision.
- 7) Estimated 10% Property Value Reduction, Cumulative for Lots 1-4, >\$1M.

Comments on Proposed Plans:

The property proposal is NOT adequate in size share or location. The four added units are much larger in scope than the existing units. This lot size does not accommodate the size of these proposed units, the back half of the lot is not suitable for building. The four cottages are sized at 600 square feet, the cottages are at 363 square feet, this represents a 65% increase in unit size. Their square footage is 3049, wanting to increase by 1549, for a total of 4598.

The set back off the road is not consistent with the existing structures.

The proposed parking space is directly across from our property gate, with the potential added noise and disruption to a previously private street.

Such development creates an Ingress / Egress issue.

We the owners of 1819 Foothill Blvd, ask that this provision be rejected on these grounds, to leave this property as its name implies as the "Designated Remainder of Brannon Ridge Estates, Not an extension of Aurora Cottages.

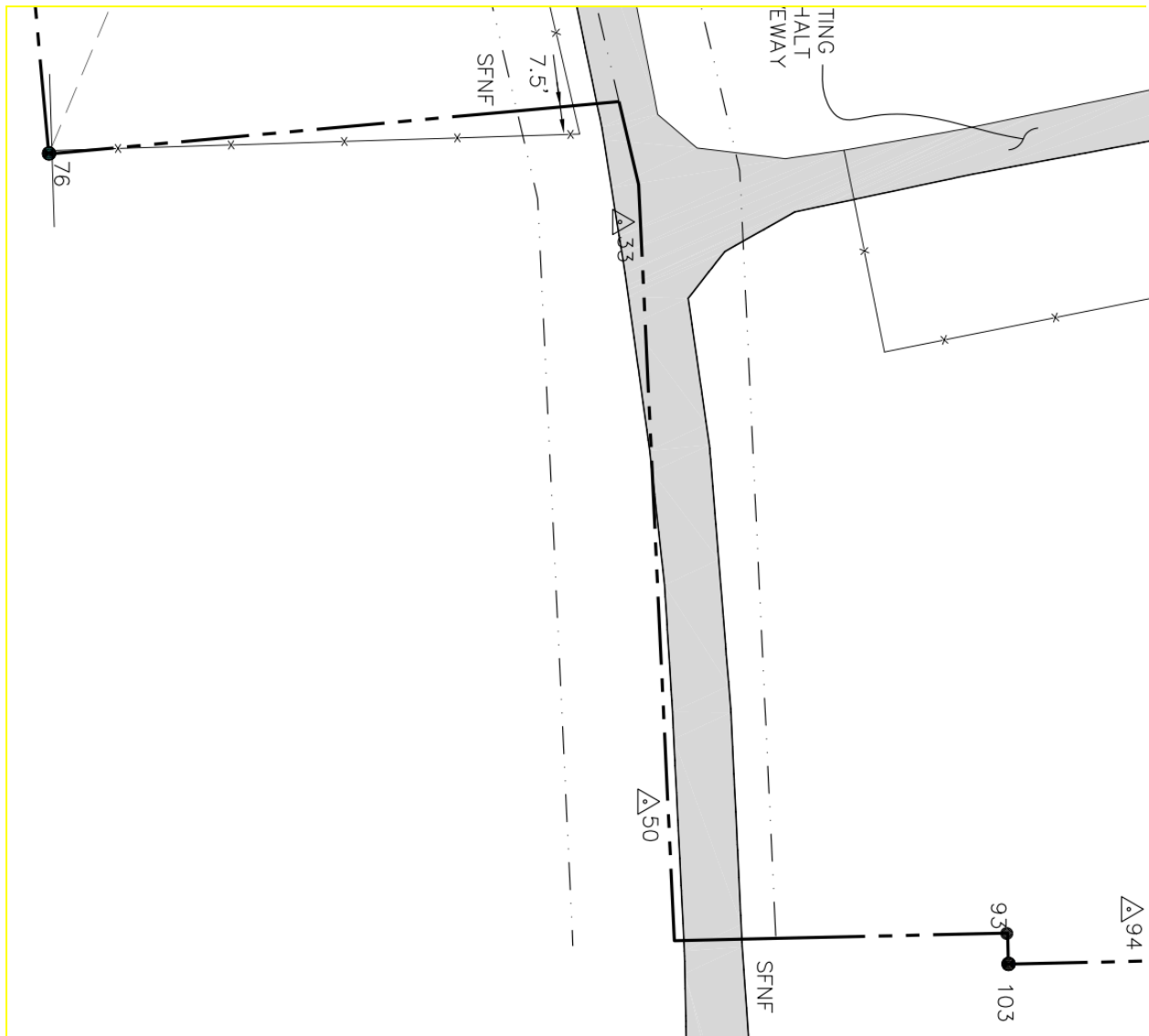
In Conclusion:

Any such vote by the Planning Commission at this time is premature, as evidenced by the existing 'DECLARATION OF CONDITIONS, RESTRICTIONS AND COVENANTS REGARDING DRIVEWAY, STORM DRAIN AND UTILITY MAINTENANCE OF BRANNON RIDGE ESTATES. This easement outlines the process to which the 5 owners must adhere to the set procedures to approve any changes or improvements of the 40-foot easement, which consist of a 20-foot driveway, and 10 feet extending on each side of the drive. Item 7 of the declaration requires a 7-day written notice of the 5 owners, each having an equal vote with a simple majority to pass for such repairs or improvements. No such meeting has yet been call.

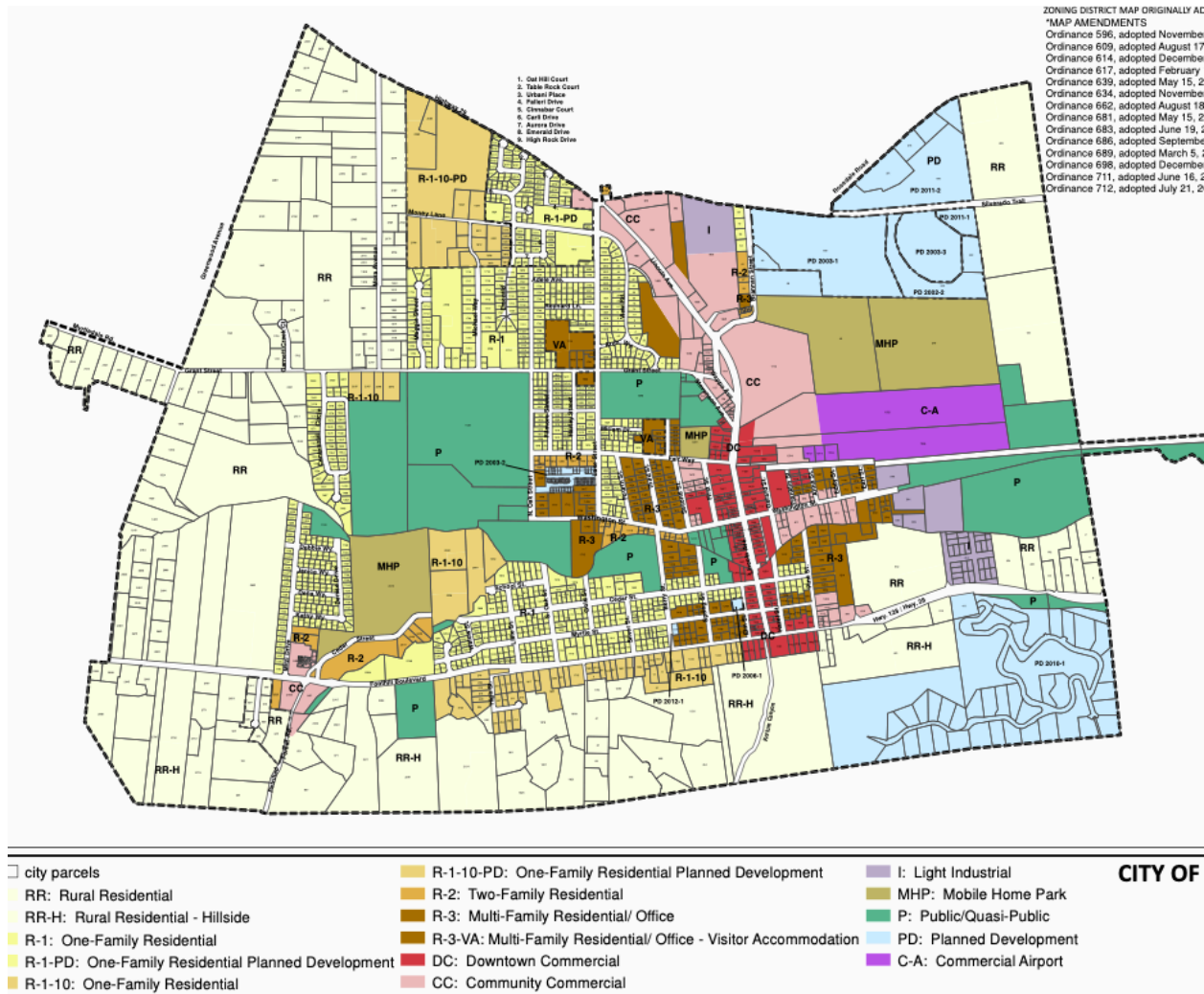
EXHIBITS

Land Survey by Hogan Land Services, Santa Rosa, CA,

Long / Short Dashed line at corner represents Lot 1 boundary beyond roadside.

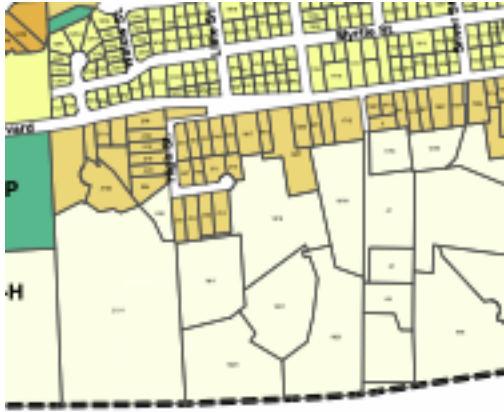


Brannon Ridge Estates



m my iPad

CITY OF





Oak Tree at entrance to Brannon Estates,



1819 Property Gate / Entrance looking at Designated Remainder





Dry Creek

From: [aLan morris](#)
To: [Zach Tusinger](#)
Subject: Brannon Ridge Estates please forward to all-thanks Zack
Date: Thursday, February 20, 2020 5:45:51 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brannon Ridge Estates
February 7, 2020; revised 2/19/20
From: Alan and Pia Morris 1821 Foothill Blvd
Reference: Aurora Cottages 4 Unit expansion
Conclusion: The planning Commission should vote against expansion now and at any time in the future.

Background:

The Aurora Park Cottages (AP)

I. RESOLUTION PC 2020-XX

Resolution PC 2020-XX states: “The property is located within the R-1-10: One-Family Zoning District. The R-1-10 District conditionally allows bed and breakfast inns with up to ten units. The expanded use is consistent with the R-1-10 District development standards and would comply with the parking requirements associated with this use.

Finding: Will not substantially impair or interfere with the development, use or enjoyment of other property in the vicinity.

Substantial evidence: The existing resort property is adequate in size, shape, location, and physical characteristics to accommodate the type and intensity of the proposed structures and associated use. No impacts to surrounding properties are anticipated.”

1. RESOLUTION PC 2020-XX FINDINGS AND CONCLUSION ARE WRONG, LACKING HISTORICAL CONTEXT AND CONSIDERATION OF SIGNIFICANT CHANGES TO THE AFFECTED AREA SINCE 2000:

A. “The guest cottages on the property have been in use as visitor accommodations since the 1950s. In 1998, a proposal to substantially alter the Aurora Park Cottages was approved by the City, and included architectural changes, enlarged structures and extensive landscaping. The project was ultimately abandoned by a subsequent owner, and in 1999 a substantially less-comprehensive plan for exterior changes was approved.”

It must be noted that before 1999, Brannon Ridge Estates (BRE), 4 home development did not exist. A paved road did not exist, nor did the current drainage system. Rather, the land was of a virgin quality.

In 1998 (BRE) was subdivided into 4 buildable lots, and a remaining parcel space identified as “Designated Remainder”. Each of the buildable lots is approximately 4 acres. In early 2000, 4 homes were built in the area zoned as RRH.

The space from the original 20 acres known as the “Designated Remainder” is a smaller parcel of land, encased on three sides by properties in the RRH designation.

(See City Zoning Map attached)

The 4 lots consist of the following address and estimated current value:

Lot One: 1819 Foothill Blvd (\$3.2M)

Lot Two: 1821 Foothill Blvd (\$3.4M)

Lot Three: 1825 Foothill Blvd (\$1.7M) Lot Four: 1823 Foothill Blvd (\$3.5M) Designated

Remainer: 1807 Foothill Blvd

A Conservation and Scenic Easement was established in 1998. This easement set aside the provisions to maintain the natural and scenic beauty of the existing openness. An additional easement was established in 1998, driveway, storm drain and utility easement over the 5 lots from Brannon Ridge Estates.

Conclusion 1.: Development of BRE substantially changed the zoning and character of the adjacent area. Therefore the proposed expansion would substantially impair or interfere with the use or enjoyment of other property in the vicinity.

2.THE PROPOSED EXPANSION OF AP VIOLATES THE PURPOSE OF BRE RRH ZONING.

“17.14.010 Purpose.

The purpose of the RR Rural Residential Zoning District is to allow the development of single-family residences on large lots that serve as a buffer between the agricultural lands around the city and the urbanized part of Calistoga, ...”

Conclusion 2.:AP expansion into the area bordering the BRE homes violates the above buffer requirement around urbanized parts of Calistoga. Nothing could be more urban than hotel rooms with extra parking attached.

3.THE PROPOSED EXPANSION OF AP WITH INCURSION INTO RRH ZONED AREA IS PROHIBITED

“D. Prohibited Uses. The following uses are prohibited in the RR district:

1. Transient commercial occupancies of dwelling units.”

Conclusion 3.: AP expansion would be in violation of RRH zoning code D

4.THE PROPOSED EXPANSION VIOLATES THE PURPOSE OF 17.35.010 C.

“17.35.010 Purpose.

A. It is the purpose of this chapter to establish regulations for the location, use, character, parking, signing and processing of applications for bed and breakfast inns and facilities in residential zones within the City....

C. It is further the purpose of these regulations to encourage the restoration of historic structures. An example of an historic structure is one which is listed by Federal, State and/or recognized Napa County agencies as having architectural or historic significance.”

Conclusion 4.: Contrary to 17.35.010 purpose, the proposed structures are new construction, not restored historical structures.

5.AP IS CURRENTLY IN VIOLATION OF THE PURPOSE OF 17.35.010 D

“D. It is further the purpose of these regulations to provide for bed and breakfast facilities which are accessory to and secondary to the primary residential use of land in residentially zoned areas. The terms “accessory” and “secondary” mean that the establishment of bed and breakfast facilities in residential zones shall not exceed 49 percent of the use of the land and/or building area on and in which the facilities are to be located. (Ord. 667 § 2, 2010; Ord. 421 § 2, 1987; Ord. 416 § 2, 1986; Ord. 396 § 2, 1984; Ord. 390 § 2, 1983).”

Initially, AP was owned and managed by resident owners, as 17.35.010 D requires. That was,

until the Patel organization bought out the previous owner. It must be noted that the Patels own and run numerous commercial hotel/lodging establishments in Calistoga. AP is not a small owner operator, who also lives there. Rather AP is part of a large commercial endeavour. No Patel lives there. Rather, the person residing in a residence on the property is a paid employee of the Patel organization.

Conclusion 5.: AP is in current violation of 17.35.010 D. The proposed expansion would further violate the intent of this zoning stated purpose.

6. AP EXPANSION IS IN VIOLATION OF 17.35.010 REGULATION B

“B. The establishment of bed and breakfast inns and facilities shall be harmonious with the character of the neighborhood and zone in which they are to be located.”

AP expansion would encroach on three of the four properties on BRE zoned RRH.

Conclusion 6.: AP expansion would violate the requirement to be harmonious with the character of the neighborhood and zone in which it is located since the BRE neighborhood consists of four acre single family homes zoned RRH, not a commercial inn zoned R-1-10.

7. AP EXPANSION WOULD VIOLATE CONSERVATION REGULATIONS **19.08.010**

Purpose.

“The purpose and intent of these regulations is to protect the public health, safety and community welfare and to otherwise preserve the natural resources of the City of Calistoga. These regulations have been developed in general accord with the policies and principles of the General Plan, as specified in the land use permit and the open space and conservation element. It is furthermore intended that these regulations accomplish the following:

- A. Minimize cut, fill, earthmoving, grading operations and other such manmade effects in the natural terrain;
- B. Minimize soil erosion caused by human modifications to the natural terrain;
- C. Maintain and improve, to the extent feasible, existing water quality by regulating the quantity and quality of runoff entering local watercourses;
- D. Preserve riparian areas and other natural habitat by controlling development near streams and rivers;
- E. Encourage development which minimizes impacts on existing land forms, avoids steep slopes, and preserves existing vegetation and unique geologic features...”

Conclusion 7.: Building in the areas designated for expansion would necessarily violate all the above.

8. AP EXPANSION DOES NOT COMPLY WITH 19.08.050 Erosion hazard areas.

“All uses not otherwise prohibited within erosion hazard areas shall comply with all of the following requirements:

- A. Erosion Control Plans. No otherwise permitted earthmoving activity, grading, improvement, or construction of a structure shall commence within any erosion hazard area until an erosion control plan which complies with the requirements of CMC 19.08.060 has been submitted to and approved by the City.
- B. Minimization of Erosion Potential. Site development shall be conducted in a manner, based upon the topography and soil type, which creates the least potential for erosion.
- C. Phasing. The site shall be developed in phases of workable size which can be completed in a single construction season, including vineyard or other agricultural crop development. Erosion and sediment control measures shall be coordinated with the sequence of grading,

development, and construction operations so as to avoid leaving any portion of a disturbed site unprotected from erosion between October 15th and April 1st.

D. Vegetation Removal. Vegetation removal shall be limited to the minimum amount necessary to accommodate the project and then only as indicated on the approved erosion control plan. The project shall not adversely affect sensitive, rare, threatened, or endangered plants or animals or their habitats as designated by State or Federal agencies with jurisdiction.

E. Temporary Measures. As the permanent vegetation cover is maturing, temporary vegetation or other erosion control measures sufficient to stabilize the soil shall be established on all disturbed areas as needed as each stage of grading is completed. New planting shall be protected by using such measures as jute netting, straw mulching and fertilizing or other means which are specified in the approved erosion control plan.

F. Permanent Measures. Where building permits are required, final clearance shall not be issued until all permanent erosion control measures have been installed which are required by the approved erosion control plan.

G. Maintenance of Erosion Control Facilities. All required erosion control facilities, both temporary and permanent, shall be maintained in accordance with the approved erosion control plan.

H. Completion Deadline for Sediment Retention Devices. All sediment retention devices specified in the approved erosion control plan shall be completed no later than October 1st of the calendar year in which the erosion control plan is approved or clearing and/or grading activity has commenced, whichever is later.

I. Deadline for Winterization and Temporary Measures. Notwithstanding any other provision of this chapter, grading activity associated with “winterization” and installation of temporary erosion control measures specified on the approved erosion control plan, other than sediment retention devices, may continue until October 15th of any calendar year.

J. Grading Deadline. Grading and earthmoving activities shall be limited to the period between April 1st and October 15th except that earthmoving or grading activity may continue between October 15th and April 1st, when weather permits, providing that adequate winterization (temporary) erosion control measures have been installed in accordance with the approved erosion control plan, and fieldchecked by the City Engineer or his designee. It shall be the responsibility of the permittee to contact the City Engineer or his designee for a fieldcheck at least three working days prior to continuing activity within the “No Activity Season.”

Conclusion 8.:In the last few years the BRE residents have all had to deal with the results of erosion due to excessive rain on our mountain side community. AP expansion does not even address this important issue and therefore is in violation of this requirement.

9.AP PARKING IS CURRENTLY IN VIOLATION OF 17.36.090 DESIGN REQUIREMENTS. THAT VIOLATION HAS CAUSED ISSUES WITH DRAINAGE FROM RRH ZONED AREA OF BRE

“C. Adequate and surplus off-street parking is of primary concern in the establishment of bed and breakfast inns and facilities. The requirements and development standards for parking as established in Chapter 17.36 CMC shall apply to all B and B facilities, unless otherwise provided herein.

17.36.090 Design requirements.

Design requirements for parking lots shall be as follows:

A. Surface.

1. Parking lots shall be surfaced with an asphaltic concrete, concrete, building stone, armor coating or equivalent material approved by the Planning and Building and Public Works Directors.”

Currently, gravel of some sort covers parking areas. Rain runoff has frequently caused the gravel to move, clogging drainage necessary for BRE and causing major water damage to the BRE drainage system.

Conclusion 9.: Expansion will only exacerbate this erosion and sewer blockage causing water backup damage to the BRE properties. This has occurred in the past and has resulted in great expense to the 4 BRE owners. This would only worsen with the proposed expansion.

10.AP IS CURRENTLY IN VIOLATION OF 17.35.020 F GENERAL REGULATIONS
“F. Operation of any B and B facility on a permanent basis shall be by the resident property owner(s) or resident manager. No off-site management shall be permitted, unless otherwise provided herein.”

Currently, the Patel organization is perpetrating a sham to get around the above regulation. As noted previously, the Patels own a number of hotels in Calistoga. Their desire to expand AP is mainly due to their desire for economies of scale. Their use of an employee manager is merely a way to subvert the intent of the regulations. Make no mistake, the resident manager may check people in and out, but the operation is run by the Patel organization, which violates “No offsite management shall be permitted”.

Conclusion 10.: AP is currently in violation of the intent of 17.35.020F

OTHER REASONS TO VOTE NAY TO EXPAND AP

1. Decrease in property values of lots 1,2,3,4

The owners of lots 1,2,3,4, who pay a large amount of property tax, purchased their property based on the reasonable expectation of the existing secluded, calm, tranquil nature of their small development. Adding any units to AP would significantly and permanently damage the potential use and enjoyment of the four family homes. This damage would result in 1) a significant decrease in property values 2) restrict the owners ability to sell in the future and decrease their potential selling price, thus decreasing the tax base 3) immediately result in the owner’s petitioning to substantially decrease the property taxes on their homes.

2.Construction of the units would result in an undue burden on the home owners of lots 1-4.

- 1) Construction vehicles would block use of the driveway to the residents and to the vehicles servicing their property. The driveway is only 1 car wide. Construction vehicles, men and materials will effectively prohibit the egress and ingress to the four residences resulting in various hardships.-who will compensate for that?
- 2)The driveway and roadway were built to specifications for single family use. Construction vehicles would damage the drive and road-who would pay for that?
- 3)Construction vehicles and the movement of earth would undermine the drainage system that is needed for proper integrity of all uphill lots-who would pay for that?
- 4)Construction is likely to damage the adjacent leach field for lots 1,2,4-who will pay for that?
- 5)Noise pollution during construction would be significant and would result in interfering with the residents use and enjoyment of their homes. All of you are Calistoga residents and are aware how noise travels in the valley.-who will compensate us for that?

3. Negative permanent impacts due to increased numbers and usage of proposed cottage expansion:

1) Building Cottages on the “Designated Remainder” is contrary to the natural environment of the Brannon Ridge Estates. Such development is out of place, and would encroach on the natural beauty of the existing space. We all purchased our homes, reasonably expecting a secluded, peaceful natural environment. We have abundant wildlife that co exist in our quaint area. Deer, turkey, foxes, etc., populate this tranquil area. Both construction and increased numbers of people would put those species in danger.

a. A large Oak Tree could be endangered (See Exhibits presented by Michael Glover)

As with many animals, our oaks are protected.

This violates 19.01.010 purpose :

“A. In enacting this chapter, the Council finds that this City is primarily a residential and tourist community and that the economics of property values is inseparably connected with the rural attractiveness of the area, to which much is contributed by the wooded hillsides and the native and ornamental trees scattered throughout our City. Further, the Council finds that such trees contribute to the health, safety, welfare and well-being of the City and the residents thereof by:

2. The control of damage resulting from soil erosion and flooding; and

B. The Council finds that the destruction of trees injures the scenic beauty of the City; causes erosion of topsoil, creates flood hazard and risk of landslides; reduces property values, increases the cost of construction and maintenance of draining systems through the increased flow and diversion of surface waters; and eliminates one of the prime oxygen producers in this area.”

2) Drainage from the two natural seasonal creeks would be impeded.

We have frequently experienced torrential rains. Thanks to climate change, it is forecast that significant rain will increase. Our community, built on the hillsides, has 2 seasonal creeks that provide drainage that culminates near the Cottages. It is likely that these creeks would be impeded due to the additional buildings. Further, the stripping of vegetated land, that would be required, would significantly decrease the land's ability to soak up and hold excess runoff. This will result in damage to our drainage and will result in flooding and debris damage to the cottages and homes across from the cottages on Foothill Blvd.

3) The Leach field for property Lots 1, 2, 4, could be impeded

4) The use of the road would be affected.

The road servicing all the homes only allows for one car at a time. One of us must back up to allow the passage of another vehicle. This is extremely difficult and dangerous on the mountain. As has happened in the past, guests at the cottages often drive up our private road for a look around. This would become a bigger problem with more units.

5) Added noise and distractions to the Residents of Brannon Ridge Estates.

As residents, all of you can relate to how noise floats around in hilly areas. You also know that one of the draws to Calistoga is the beautiful weather, enticing people to enjoy the outdoors and the wineries and brew pubs. Therefore, you understand the noise pollution that will result in extra cottages and drunken guests partying outside. In addition the cars coming and going at all hours of the day and night will degrade enjoyment of the residents.

6) Increased traffic with resulting noise, speeding and accidents

Foothill, being a main artery carries all the traffic to and from Santa Rosa as well as all traffic to other areas. Cars wanting to turn into the cottages and our property have to wait for the traffic from the north. Those heading north often pass on the right shoulder bordering the homes on Foothill to get around. This results in an accident ready to happen, including injury, death to pedestrians, since no sidewalk exists. This will only be compounded by traffic from

more units.

7)Estimated 30% Property Value Reduction. This results in Loss of value for lots 1-4 in excess of \$3,000,000 which will Result in decreased tax assesment to the state, county and city of Calistoga. In addition ,BRE residents intend on requesting decreasedproperty tax assessments if the expansion is allowed.

CONCLUSION

All the above are negative consequences to all owners of lots 1,2,3,4 if the extension is allowed. As such, the planning commissioners would be responsible for each element of harm to the property owners. The planning commisioners would be responsible for the resultant property tax decreases due to loss of property value.

Aurora and the planning commissioners would be liable for damage to our roadway and drainage system, as well as erosion exacerbated by development.

Commissioners would be a contributing factor to increased accidents on Foothill Blvd.

Commissioners would ultimately be responsible for higher vacancy rates to all other B&B owners in calistoga. Numerous establishments exist in calistoga and especially lining Foothill Blvd. Many of them are for sale due to high vacancy rates. Adding units to Aurora park can only detract from other B&B's in the area, driving more to close, thus further decreasing the tax base.

Four extra B&B units would not increase the tax base. That has already ocured as a result building Solage, Four Seasons, and other new resorts under construction, remodeling and adding units .

AS A RESULT, WE FIND THAT EXPANSION OF AP SHOULD NOT,NOW NOR EVER, BE APPROVED.

Sent from my iPad

[Submitted to planning committee by Steve Patel 1/28/20]

RESPONSE BY ALAN & PIA MORRIS AT 1821 FOOTHILL BLVD

OVERALL RESPONSE:

CALISTOGA WILL NOT EXPERIENCE ANY BENEFIT FROM APPROVING THE AP EXTENSION.

CALISTOGA WILL HOWEVER BE FACED WITH NEGATIVE CONSEQUENCES:

- 1) DECREASED PROPERTY VALUES OF BRE AND SURROUNDING RESIDENCES WITH RESULTANT DECREASED PROPERTY TAXES.
- 2) INCREASED NOISE POLLUTION
- 3) INCREASED TRAFFIC ON FOOTHILL WITH RESULTANT INCREASED TRAFFIC ACCIDENTS.
- 4) DECREASED OCCUPANCY PERCENTAGES FOR ALL B AND B'S IN THE AREA
- 5) DEGRADATION OF THE BEAUTY AND RURAL ASPECT OF CALISTOGA.

PROJECT OVERVIEW

CURRENT OPERATION

Aurora Park Cottages is a seven unit Bed and Breakfast located at 1807 Foothill Blvd (APN 011-290-051-000) in Calistoga. The seven units are made up of 6 one-bedroom cottages and 1 two-bedroom cottage with a kitchen. Guest reception is handled at the Single Family Residence located directly across the street at 1815 Foothill Blvd..

RESPONSE: AP ALREADY COMPRISES 7 UNITS.

- 1) The R-1-10 District conditionally allows bed and breakfast inns with up to ten units. Therefore, the request to expand AP by 4 units would result in 11 total units, resulting in violation of code R-1-10. It must be noted that it doesn't matter that the Patel's wanted to designate the 2 bedroom unit as guest reception. The code is clear and concise: 10 units.

HISTORY

Our family purchased Aurora Park Cottages, as well as the house at 1815 Foothill Blvd. in early 2015. Aurora Park Cottages (only 6 units at the time) was running at around 45% occupancy.

RESPONSE: THE OCCUPANCY RATE AT AP HAS BEEN HISTORICALLY LOW AND WILL CONTINUE LOW REGARDLESS OF ANY ADDITIONAL UNITS

THIS IS EVIDENT BY THE FOLLOWING:

- 1) NEW BUILDING AND EXPANSION OF HOTEL UNITS SUCH AS SOLAGE, INDIAN SPRINGS, FOUR SEASONS, ETC.
- 2) DECREASE IN VISITORS DUE TO RECENT FIRES.
- 3) INCREASE IN ILLEGAL VRBO RENTALS.
- 4) NUMEROUS B AND B'S ON FOOTHILL BLVD. AND THROUGHOUT CALISTOGA.
- 5) CURRENTLY, AURORA PARK COTTAGES ARE AVAILABLE TO RENT FOR \$149/NIGHT. THIS IS ONE OF THE LOWEST RATES IN CALISTOGA. AS YOU ALL KNOW, SUPPLY AND DEMAND DRIVES ALL BUSINESS. THE \$149/NIGHT RATE MEANS THAT THE DEMAND FOR ANY OF THE UNITS AT AP IS VERY LOW, WHILE THE SUPPLY OF SIMILAR UNITS IS HIGH.

As we became more familiar with the operation, it quickly became evident that the innkeeper/ guest reception facility was not sufficient to meet the demands of today's travelers.

While this building was viable for housing an innkeeper, the guest reception area was far too small (really more of a closet) to properly greet and receive guests. Furthermore, this building offered no area for guests to congregate and/or relax other than at their cottage.

In 2016 we moved the innkeeper residence/guest reception across the street to the 1815 Foothill property and converted the former innkeeper residence/guest reception building into a rentable two-bedroom cottage with kitchen. Since that time occupancy has stabilized at 70% range annually.

RESPONSE: I AM NOT SURE BUT I THINK THEY ARE CLAIMING THAT THEIR RISE IN OCCUPANCY IS DUE TO A LARGER AREA IN THE INNKEEPER'S RESIDENCE. AT BEST, THAT IS DISINGENUOUS, AND FALSE. THEIR CLAIM OF 70% OCCUPANCY DOES NOT MATCH WITH THE PER NIGHT ADVERTISED COST-IT IS ONE OF THE LOWEST FOR CALISTOGA.

PROJECT SUMMARY & SCOPE

Housing continues to be a challenge for the City of Calistoga, its employers, and workforce. Many of our employees (at Aurora Park Cottages and other hotel properties) commute from other communities such as Santa Rosa, Middletown, and Napa. We have experienced challenges hiring and retaining management level staff due to the shortage of available housing in Calistoga.

Our proposed project intends to move the innkeeper residence/guest reception back to the 1807 Foothill parcel by converting and expanding the two-bedroom cottage with kitchen into a proper guest reception/innkeeper residence building. The 1815 Foothill Blvd. property will be returned to housing stock.

RESPONSE: I THINK THEY ARE CLAIMING THAT THEY WILL IMPROVE THE HOUSING CRISIS IN CALISTOGA BY PLACING THEIR 2 BEDROOM UNIT ON THE MARKET AS A SINGLE FAMILY HOME. THE ABSURDITY OF THIS ATTEMPT TO CONVINCE THE PLANNING DEPARTMENT TO APPROVE THIS EXPANSION IS BEYOND COMPREHENSION. WE ALL KNOW THAT IT IS HIGHLY UNLIKELY THAT THE 2 BEDROOM UNIT IN THE MIDST OF A MULTI UNIT HOTEL COMPLEX COULD BE SOLD. IF IT WERE TO BE SOLD, IT WOULD COMMAND A PRICE THAT LOCAL HOSPITALITY WORKERS COULD NOT AFFORD. IT APPEARS THAT MR. PATEL THINKS HE CAN MANIPULATE THE PLANNING DIVISION INTO WHATEVER ARRANGEMENT HE THINKS WILL BENEFIT HIM AT THE TIME. THE 2 BEDROOM UNIT IS PART OF AP. IT MATTERS NOT WHAT MR. PATEL DECIDES TO DESIGNATE IT AS.

Additionally, we propose increasing the number of rentable units to 10, which is the maximum number of units allowed per the property's zoning. This would be accomplished by the construction of 4 new one-bedroom cottages on at the currently undeveloped southern end of the parcel. New landscaping to match existing would be extended up to and around the newly constructed cottages.

RESPONSE: R-1-10 IS A ONE-FAMILY ZONING DISTRICT. THE DISTRICT conditionally ALLOWS BED AND BREAKFAST UNITS WITH UP TO 10 UNITS. THERE ARE 3 MAIN CONCEPTS 1) ONE FAMILY ZONING 2) CONDITIONALLY ALLOWING BED AND BREAKFAST 3) MAXIMUM OF TEN UNITS. ONCE BRANNAN RIDGES ESTATES (BRE) WAS DEVELOPED IT CHANGED THE ELEMENTS FOR CONDITIONAL ALLOWANCE OF A B&B. AP IS NOW SURROUNDED BY SINGLE FAMILY HOMES, MOST OF WHICH ARE ZONED RRH. EXPANDING AP DOES NOT, AND WOULD VIOLATE THE SPIRIT AND INTENT OF ZONING CODES THAT GOVERN THE AREA. 11 UNITS VIOLATES THE ZONING CODE.

This project's scope of work includes the following items:

1. Construct 4 one-bedroom cottages (includes 1 ADA)
2. 6 additional parking spaces (includes 2 ADA) and reconfigure 1 existing
3. Addition and reconfiguration of current two-bedroom cottage w/ kitchen
4. New landscaping at and around new cottages

RESPONSE:

- 1) THE CONSTRUCTION WOULD SIGNIFICANTLY CAUSE ISSUES FOR BRE RESIDENTS AND GUESTS AND SURROUNDING RESIDENTS. NOISE POLLUTION, TRAFFIC CONGESTION, DAMAGE TO THE JOINTLY OWNED DRIVEWAY WOULD BE SUBSTANTIAL AND COULD RESULT IN THE LACK OF USABILITY FOR BRE RESIDENTS. ALSO, THIS WOULD RESULT IN DECREASING THE PROPERTY VALUES OF BRE AND ALL SURROUNDING RESIDENTS.
- 2) ADDITIONAL UNITS RESULTS IN ADDITIONAL PEOPLE (ASSUME 2 GUEST PER ROOM=8 ADDITIONAL HOTEL GUESTS) AND ADDITIONAL CARS (ASSUME 4). THIS CAN ONLY RESULT IN INCREASED TRAFFIC ISSUES AND ACCIDENTS ON FOOTHILL. ALSO IT INCREASES THE LIKELIHOOD OF NOISY DRUNKEN BEHAVIOR FROM THE ADDITIONAL GUESTS. IN ADDITION INCREASED STAFF, MAINTENANCE PERSONNEL WOULD BE REQUIRED WITH THEIR VEHICLES, NOISE AND CONGESTION.
- 3) EXISTING B AND B'S IN THE AREA WOULD EXPERIENCE DECREASED OCCUPANCY AND OR DECREASED PRICING POTENTIAL, RESULTING IN DECREASED REVENUE FOR CALISTOGA.