

**CALISTOGA PLANNING COMMISSION
STAFF REPORT**

To: Calistoga Planning Commission
From: Jeff Mitchem, Planning & Building Director
Meeting Date: April 27, 2022
Subject: **Aurora Park Cottages Expansion
APPEAL REMAND FROM CITY COUNCIL
Renewal of Use Permit and Design Review
Use Permit UP 2022-1 and Design Review DR 2022-1
1807 Foothill Boulevard**

ITEM

On remand from City Council, reconsideration of a use permit and design review renewal application for a three-guest unit expansion project and associated on-site improvements at the Aurora Park Cottages located at 1807 Foothill Boulevard (APN 011-290-046).

RECOMMENDATION

Adopt Resolution (ATTCH 1) approving Application UP 2022-1 and DR 2022-1, finding the project categorically exempt from CEQA, and approving Use Permit Application UP 2022-1 and Design Review Application DR 2022-1.

BACKGROUND

On February 9, 2022, the Planning Commission held a public hearing to consider a referral from staff to renew a Use Permit and Design Review applications to expand the Aurora Park Cottages (UP 2022-1 and DR 2022-1) (“Project”). At the conclusion of deliberations, a motion was made to approve the use permit and design review with conditions, passing by a 4-0 vote (Chair Copper abstained). The Planning Commission staff report and attachments thereto are provided as attachments (ATTCH 2) to this Staff Report. On February 20, 2022, Michael P. Glover and Curtis J. Wilhelm, an adjoining property owner, filed a timely Application for Appeal of the Planning Commission’s decision (ATTCH 3). The Appeal was heard by the City Council (ATTCH 4) in public hearing on March 15, 2022 and remanded to Planning Commission for reconsideration.

DISCUSSION

City Council Remand to Planning Commission

As remanded for Planning Commission consideration, City Council specified that Staff are to evaluate and consider how precedent decisions have calculated the 49% use of land standard as specified in CMC §17.35.010 D. This remand directive pertains to Appeal Issue A only (as cited in the Appeal submitted by Michael P. Glover and Curtis J.

Wilhelm.) Therefore, this Staff Report and Planning Commission consideration of this item applies only to findings for compliance with CMC §17.35.010 D as referred to in Appeal Issue A.

Appeal Issue A: *The City Code provisions allowing for Bed and Breakfast establishments state clearly that such uses are to be accessory/secondary to the primary residential use of this residentially zoned property (§17.35.010). Residential use is proposed to account for no more than 600 square feet of this >6000 square foot Project. This results in at least 90% of the square footage of structures on the property being a commercial bed and breakfast use. This is not allowed – the City Code clearly states that the Bed & Breakfast uses shall not exceed 49% of the use of land and/or buildings (§17.35.010(D)). This is an over commercialization of a residential property. This inappropriate intensification of a commercial use also creates conflicts with the other users of the private residential driveway.*

Staff Findings.

CMC §17.35.010 D. establishes an explicit threshold for determining whether bed and breakfast facilities are “accessory” and “secondary” uses. That threshold is 49% of the use of the land. As directed by the Council remand, Staff’s objective was to determine how “use of the land” measured. In response, Staff reviewed precedent case history for legally conforming licensed B&B facilities in the city to assess methodology for that measurement. City records as indicate that as of February 2022, precedent decisions under this chapter consist of three (3) relevant cases that were entitled under the provisions of CMC §17.35.010 D. Those cases utilized two distinct “use of land” methodologies – “Facility Floor Area” and “Facility Floor Area + 50% Common Area.” Below, both of those methodologies are applied to the subject proposal. Accompanying land use diagrams are attached hereto as Attachments 5 and 6.

Methodology 1: Facility Floor Area

Utilizing the “floor area only” measurement for the subject case yields a 7% use of land determination for bed & breakfast use. Refer to Attachment 5 for use area diagram.

Use	Area (SF)	% Use of Land (62,726 SF)
B&B	4,578	7%
Residential	1,532	2%
Common Area	39,120	63%
Access & Parking	17,496	28%

Methodology 2: Facility Floor Area + 50% Common Area

Utilizing the “floor + 50% common area” measurement for the subject case yields a 30% use of land determination for bed & breakfast use. For the precedent cases common area is defined as area equally accessible by occupants of both residential and bed and breakfast facilities. Access and parking and non-accessible open space was not considered “common area”. Refer to Attachment 6 for use area diagram.

Use	Area (SF)	% Use of Land (62,726 SF)
B&B	19,010	30%
Residential	6,960	11%
Common Area	19,260	31%
Access & Parking	17,496	28%

PUBLIC COMMENTS

No public comments have been received since City Council appeal hearing.

ENVIRONMENTAL REVIEW

Staff has determined that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines.

FINDINGS

To reduce repetition, all the necessary findings to approve the subject application is contained in the attached Resolution.

RECOMMENDATION

Based on the information provided, Staff recommends that the Planning Commission adopt a resolution approving use permit application UP 2022-1 and design review application DR 2022-1 renewing UP 2018-12 and DR 2018-9 for a three-guest unit expansion project and associated on-site improvements located at 1807 Foothill Boulevard, with conditions.

ATTACHMENTS

1. Draft Resolution and Conditions of Approval
2. Planning Commission Staff Report, February 9, 2022
3. Appeal of Planning Commission decision from Michael P. Glover and Curtis J. Wilhelm
4. City Council Staff Report, March 15, 2022
5. Use of Land Methodology 1: Facility Floor Area
6. Use of Land Methodology 2: Facility Floor Area + 50% Common Area