

U-86-4, SEYFRIED, APPROVED

Attachment 4

City Planner Richard Avey informed the Council the Planning Commission reconsidered the Seyfried request at its June 25, 1986 meeting. The reconsideration stemmed from the use permit being referred back to the Planning Commission by the Council for clarification.

On April 23, 1986, the Planning Commission recommended the City Council approve U-86-4, allowing the conversion of an existing single family residence into a six-unit bed and breakfast facility. At their May 20, 1986 meeting, the Council referred the permit application back to the planners to have the commission ascertain whether or not the applicant is interested in pursuing an application for only four units.

The applicant would like six units. At the time of the conference with the applicant, he proposed a modification of his previously approved on-site parking scheme. Also, at that time the Planning Commission's conditions were reviewed item by item.

The Commission felt certain clarifications would be appropriate in view of the Council's and the City Attorney's other comments during the Council's deliberation on May 20. In particular, the Commission noted the submittal of the revised parking plan, the possible ambiguity of previous condition number 5 and comments regarding "vesting interest" by recommending approval of a conditional sixth unit. Revised conditions are presented to the Council tonight, said Mr. Avey, which deal with the ambiguity; the City Attorney will address the question of vested rights.

City Attorney Gladstein questioned the wording of Condition No. 4, asking if only the plan need be submitted, or if the work needs to be completed prior to occupancy. Mr. Avey indicated it needs to be done prior to occupancy, and the City Attorney suggested the wording of the condition be altered to reflect this requirement.

Councilmember Gingles questioned the validity of Condition No. 1, if the windows were open. Mr. Avey commented, clearly, the intent is to prevent sound from emanating from the pool area, and opening the windows would be a violation of the condition.

Discussion continued regarding the first condition, with Mr. Avey pointing out as a single family residence there is no specific limitation established for use of pools or lighting in the driveway. Until the time this property receives a permit to operate as a B&B, no restrictions are valid. After approval, the conditions become effective, he said. This statement also applies to the hours of pool use.

The discussion moved to a consideration of whether or not the conditions as they stand resolve or merely postpone a problem? After a good amount of further discussion, City Attorney Gladstein recommended the addition of another condition:

"With respect to Conditions Nos. 1 and 2 above, violation of the regulations restricting pool use can result in an immediate revocation by the Planning Director, of the applicant's right to use the pool in conjunction with the commercial use addressed by this use permit."

Further discussion ensued. In response to a question from the Mayor, Mr. Avey replied the reason the pool is used for B&B purposes in this facility and not in the Silver Rose Inn or at Culvers, is that the owners wish to have it available to their guests.

After yet more discussion, it was moved by Councilmember Gingles, seconded by Councilmember Avila and carried unanimously by a roll call vote, to approve U-86-4, with the following amended findings and conditions.

FINDINGS;

1. That the proposed project is consistent with the general planning and zoning of the area;
2. That the proposed project is consistent with Section 17.40.040 of the Calistoga Municipal Code in that the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City;
3. That the proposed project is categorically exempt from CEQA;
4. That the proposed project meets all required criteria for two bonus units in an R-1 zone as set out in Section 17.35.040 C4 of the Calistoga Municipal Code;
5. That the proposed project, as conditioned, will be of distinct benefit to the community;
6. That the applicant has been provided with a statement from the Building Inspector setting out required improvements; and
7. That the findings above and conditions below are applicable to U-86-4.

CONDITIONS;

1. Applicant shall install sound resistant insulation and windows on west side (poolside) of main structure;
2. Pool use shall be limited to 8:00 a.m. - 10:00 p.m., daily;
3. With respect to Conditions Nos. 1 and 2 above, violation of the regulations restricting pool use can result in an immediate revocation by the Planning Director, of the applicant's right to use the pool in conjunction with the commercial use addressed by this use permit;
4. Applicant shall comply with the recommendations of the Department of Environmental Health as set forth in Exhibit A, dated April 16, 1986 and on file in the Planning Department;
5. Prior to occupancy for any B&B purposes, applicant shall submit for approval of the Planning Director and City Engineer, a professionally prepared plan of parking, excavations, drainage improvements, driveway improvements and repairs, and final circulation, including directional signing. Upon approval, all such work shall be completed prior to occupancy for any B&B purposes.

6. Applicant shall submit signage plan for approval of the Planning Director prior to placement of any signs;

7. Applicant shall provide security lighting and other security measures as may be required by the Chief of Police;

8. All existing and proposed water fixtures shall be converted by installation of water conservation devices; and

9. The sixth unit (conversion of one downstairs unit from owner/manager quarters to rental unit) shall not be permitted until replacement manager's quarters are provided by construction of said quarters over the existing pool area.

COUNCIL ADOPTS B&B URGENCY ORDINANCE

City Attorney John Gladstein reviewed the proposed urgency ordinance for the Council; the ordinance would put a halt to approval of any further bed and breakfast facility requests until such time as the revision of the current bed and breakfast ordinance is enacted.

The urgency ordinance was introduced by Councilmember Redmond, by title only, seconded by Councilmember Avila and was adopted by a roll call vote:

ORDINANCE NO. -----

ORDINANCE OF THE CITY OF CALISTOGA, COUNTY OF NAPA,
STATE OF CALIFORNIA AMENDING TITLE 17, CHAPTER 35
OF THE CALISTOGA MUNICIPAL CODE

COUNCIL ACCEPTS FAIRWAY VISTA SUBDIVISION MAP

City Planner Richard Avey informed the Council City Engineer Meade has examined the Final Map of Fairway Vista, has deemed it correct, and has signed the map. Mr. Meade informs the Council bonds have been posted, are satisfactory to the City Attorney, and all appropriate fees have been paid to the City. The City Engineer recommends the Council accept the final map, said Mr. Avey.

Councilmember Gingles asked about some apparent loose ends regarding this development. He mentioned that he, the City Engineer, the neighbors of the project and representatives of Vimark had met June 20, 1986 to discuss the project. At that time, Mr. Gingles pointed out Vimark had agreed to put up fencing between the Vimark property and the neighbors' property, and had also agreed not to construct two-story buildings adjacent to the properties of the neighbors, whose parcels front on Grant Street.

City Attorney Gladstein pointed out he had not been apprised of these discussions, and these conditions had not been included in the already executed Subdivision Agreement. Discussion ensued between City staff, the Council and representatives of Vimark, Inc., as to how to best deal with these additional conditions. Vimark representatives indicated they were aware of these conditions, and were prepared to meet them.

Mr. Gladstein suggested Vimark's president prepare a letter setting forth Vimark's formal acceptance of the two additional