

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council


FROM: Erik V. Lundquist, Associate Planner

VIA: Charlene Gallina, Planning and Building Director

DATE: October 5, 2010

SUBJECT: Appeal (A 2010-01) – Consider a City Council Member’s Call Up Request of the Planning Commission’s Approval of the Pink Mansion Approval

APPROVAL FOR FORWARDING:


 William C. Norton, Interim City Manager

1 **ISSUE:** Consideration of a Council Member’s call up request or set a public hearing date to
 2 reconsider the Planning Commission’s approval of a Conditional Use Permit Amendment (U
 3 2010-05) amending the previously approved Conditional Use Permit (U 95-3), allowing no
 4 on site manager and two (2) additional bed and breakfast units on the property currently
 5 established with the “Pink Mansion”, a six (6) unit bed and breakfast facility, located at 1415
 6 Foothill Boulevard (APN 011-300-011) within the “R-1-10”, Single Family Residential
 7 District.

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 9 **RECOMMENDATION:** Consider setting a date certain for the hearing on the appeal.

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 11 **DISCUSSION:** On September 8, 2010, the Planning Commission approved Conditional Use
 12 Permit Amendment (U 2010-05) amending the previously approved Conditional Use Permit
 13 (U 95-3), allowing no on site manager and two (2) additional bed and breakfast units on the
 14 property currently established with the “Pink Mansion”, a six (6) unit bed and breakfast
 15 facility). Council Member, Karen Slusser submitted a written request with the City Clerk on
 16 September 17, 2010 to call up the recent decision of the Commission. The basis for the request
 17 is stated in correspondence received from Ms. Slusser, dated September 17, 2010 (Attachment
 18 1). The matter before the City Council is to determine whether to summarily deny the call up
 19 request or set the call up request for a public hearing.

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23 Calistoga Municipal Code (CMC) Provision

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25 Section 17.02.110 CMC, *Decisions subject to review* provides that any Councilmember may
26 call up an action or decision of the Planning Commission within the allowed appeal period
27 by written request to the City Clerk. Upon filing the request, the Council shall decide by
28 majority vote to:

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- 30 1. Deny the appeal summarily, or
- 31 2. Decide to hear the call up request.

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33 In a decision to hear the request, the City Council shall set a date certain for the hearing on
34 the appeal, which shall allow a reasonable time for investigation of the matter appealed. The
35 hearing shall be conducted in the same manner that the original action was heard by the
36 Planning Commission (i.e., noticed public hearing). Should the City Council determine that
37 a hearing should be set, staff recommends the item be scheduled for the regularly scheduled
38 meeting of November 3, 2010.

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40 **BACKGROUND:**

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42 In May of 2009, the annual bed and breakfast inspection report was presented to the Planning
43 Commission along with a request to provide direction regarding changes to the City's bed
44 and breakfast regulations. As a result, the Planning Commission directed staff to work with
45 the Chamber of Commerce and local bed and breakfast owners to revamp the existing bed
46 and breakfast regulations.

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48 On July 22, 2009 and September 3, 2009 staff, Rex Albright, Executive Director for the
49 Chamber of Commerce and several bed and breakfast owners met to discuss revisions to the
50 bed and breakfast regulations (CMC Chapter 17.35) and the signage and parking regulations
51 (CMC Chapters 17.58 and 17.36) pertaining to such use. These discussions resulted in a
52 recommended restructuring of the existing regulations to provide more flexibility while
53 achieving the policy direction contained in the General Plan.

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55 On September 23, 2009, the Planning Commission considered an amendment to the Bed and
56 Breakfast Inns and Facilities Ordinance (Chapter 17.35 CMC) wherein they recommended to
57 the City Council approval of the amendment to the Zoning Ordinance. Subsequently, on
58 October 20, 2009 the City Council considered the recommendation and referred the proposal
59 back to the Planning Commission for reconsideration since several concerns were expressed
60 regarding the potential impact that relaxed regulations might have on the integrity of
61 residential neighborhoods.

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63 As a matter of approach, on December 9, 2009 the Planning Commission appointed two
64 Planning Commissioners (Chairman Jeff Manfredi and Commission Matthew Moye) to work
65 with staff, the B & B operators and other interested parties to develop a revised Ordinance
66 that addresses the City Council's concerns. This subcommittee met on February 19 and

67 March 11, 2010 to address the Council's concerns. The subcommittee recommended
68 amendment to Chapter 17.35 CMC, Bed and Breakfast Inns and Facilities, to establish
69 provisions that would grant only those properties in the "R1-10" Zoning District, that are
70 already established with a bed and breakfast facility, the ability to request an exception
71 (through a conditional use permit) from the provisions of the bed and breakfast regulations
72 which require an on-site manager, spacing and signage requirements. On April 14, 2010 the
73 Planning Commission forwarded their revised recommendations to Council.

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75 May 4 and 18, 2010 the City Council considered the Planning Commission's
76 recommendations and adopted Ordinance No. 667. On June 18, 2010, City of Calistoga
77 Ordinance No. 667 became effective. Ordinance No. 667, among other things, amended
78 Chapter 17.35, *Bed and Breakfast Inns and Facilities*, of the Calistoga Municipal Code
79 (CMC) providing an opportunity for those properties currently developed with a bed and
80 breakfast inn and facility in the R-1-10 District to exceed the development limitations upon
81 the Planning Commission granting a use permit.

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83 On July 20, 2010, an application was received from Toppa Epps and Leslie Sakai-Epps,
84 property owners, requesting authorization to expand their existing 6-unit bed and breakfast
85 facility to 8-units by converting the existing detached owner/managers unit and attached
86 storage room to guest units. On September 8, 2010 the Planning Commission adopted
87 Resolution PC 2010-14 amending the previously approved Conditional Use Permit (U 95-3),
88 allowing no on site manager and two (2) additional bed and breakfast units on the property.

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90 **FISCAL IMPACT:** The cost of an appeal hearing, which includes staff time for
91 investigation and report preparation will be borne by the applicant (Toppa Epps and Leslie
92 Sakai-Epps).

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94 **ATTACHMENTS:**

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96 1. Call up request from Council Member Karen Slusser, dated September 17, 2010
97 2. Planning Commission Resolution No. 2010-14
98 3. Draft Planning Commission Minutes dated September 8, 2010
99 4. Abbreviated Planning Commission Staff Report dated September 8, 2010

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