

CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2007-03

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (U 2006-16) AND DESIGN REVIEW (DR 2006-20) ALLOWING A 5-UNIT BED AND BREAKFAST FACILITY ON THE PROPERTY LOCATED AT 1213 FOOTHILL BOULEVARD (APN 011-310-005) WITHIN THE "R1-10", SINGLE FAMILY RESIDENTIAL ZONING DISTRICT BASED

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1           **WHEREAS**, Nicholas and Gillian Kite are the owners of the subject property for  
2 which this application is proposed;

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4           **WHEREAS**, the project is categorically exempt from the California Environmental  
5 Quality Act (CEQA) under Section 15332 of the CEQA Guidelines, and approval of the  
6 Use Permit will not result in detrimental or adverse impacts upon the public resources,  
7 wildlife or public health, safety and welfare if the mitigations proposed are adopted.

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9           **WHEREAS**, the Planning Commission has reviewed and considered this  
10 application at its regular meeting on January 10, 2007 and prior to taking action on the  
11 application, the Commission received written and oral reports by the Staff, and received  
12 public testimony;

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14           **WHEREAS**, the Planning Commission pursuant to Chapter 17.35.040(3)(c) has  
15 made the following findings of special circumstances for the project:

- 16  
17 1. Proximity to a State highway or major arterial as indicated in the General Plan  
18 circulation element; and

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20           Response: The project is located next to Foothill Boulevard, which is designated  
21 a major arterial in the 2003 General Plan Update. The close proximity to Lincoln  
22 Avenue and/or the downtown commercial corridor also provides an attractive  
23 setting, which will draw tourists to the property and to the retail uses in the  
24 vicinity.

- 25  
26 2. The historical character and/or significance of the structure(s) in which the units  
27 are to be located; and

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29           Response: No substantial alteration of the structure is proposed as a result of  
30 this particular approval. The historical character of the structures will remain.

- 31  
32 3. The character of the proposed site relative to its surroundings; and

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34           Response: The proposed guestroom units will be located in existing single-family  
35 residence. Significant vegetation and placement of the structures on the property  
36 blend the use into the surrounding mixed-use neighborhood.

- 37  
38 4. The nature of ingress and egress; and

40            Response: The property has sufficient ingress and egress for the intensity of the  
41 use. Potential traffic conflicts may exist, however, the traffic trips generated by  
42 the use are minimal and therefore the conflicts are not substantial.

43  
44 5.        The adequacy of the number and location of off-street parking spaces and  
45 maneuvering areas; and

46  
47            Response: Each guest room unit is assigned a specific parking space upon  
48 arrival to the Bed and Breakfast Facility so traffic movements are direct and  
49 purposeful. The location of the driveway and parking area toward the back of the  
50 structure increases the distance between turn movements and stopping areas  
51 and further reduces the potential for traffic and circulation conflicts.

52  
53 6.        Provision of rooms accessible to the developmentally disabled; and

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55            Response: Although no formal inspection as been conducted by the Planning  
56 and Building Department to determine accessibility for the developmentally  
57 disabled, the applicant states that one of the rooms is designed for handicap  
58 accessibility. In order to further ensure compliance with the Federal, State and  
59 Local handicap accessibility regulations a condition of approval has been  
60 incorporated into this project which will require an inspection by the Planning and  
61 Building Department of the facility to determine the adequacy of the handicap  
62 accessibility provisions. In the event that the existing provisions for handicap  
63 accessibility do not meet the current standards the owner/operator will be  
64 responsible for obtaining a building permit to achieve complete compliance with  
65 these regulations.

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67 7.        Minimum lot size of 10,000 square feet.

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69            Response: The property is approximately 13,200 square feet in size.

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71            **WHEREAS,** the Planning Commission pursuant to Chapter 17.40.070 has made  
72 the following Conditional Use Permit findings for the project:

73  
74 1.        The proposed development, together with any provisions for its design and  
75 improvement, is consistent with the General Plan, any applicable specific plan  
76 and other applicable provisions of the Zoning Code including the finding that the  
77 use as proposed is consistent with the historic, rural, small-town atmosphere of  
78 Calistoga;

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80            Response: The guestrooms are within an existing single-family residence, and no  
81 substantial alterations to the exterior are proposed. In accordance with General  
82 Plan policies, the project will be operated so as to be compatible with adjacent  
83 residential uses, annual inspections will be conducted to ensure compliance with  
84 conditions of approval, and no net loss of housing will occur. Upon fulfillment of  
85 the conditions of approval, the bed and breakfast inn will meet the requirements  
86 of Chapter 17.35 of the Calistoga Zoning Ordinance.

87

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

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Response: The site is physically suitable for the use. There is sufficient landscaping and open space on all sides of the property. The intensity of the use is not such that would adversely affect the mixed use neighborhood.

94

3. The proposed development has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the project will not result in detrimental or adverse impacts upon the public resources, wildlife or public health, safety and welfare;

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Response: The project is exempt from environmental review pursuant to Section 15332 of the CEQA Guidelines.

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

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Response: The bed and breakfast inn has received a water/wastewater allocation. A condition of approval requires the owner to obtain additional baseline capacity for the minor intensification of the use during the next Growth Management Allocation process. The City has sufficient water and wastewater treatment facilities to provide this increase.

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

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Response: The project will not require the extensions of service mains.

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

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Response: The City Council has granted Growth Management Allocation (GMA 2006-44) allowing 0.514 a.f. of water and 0.464 a.f. of wastewater for this project.

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

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127

Response: The bed and breakfast inn use occurs within an existing single-family dwelling; no exterior changes are proposed other than the previously approved renovations (Building Permit No 4131 and 4178).

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

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136            Response: The small-scale bed and breakfast inn is independently owned and  
137            operated.

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

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142            Response: The bed and breakfast inn is within an existing craftsman style single-  
143            family dwelling; no exterior changes to the dwelling are proposed other than the  
144            previously approved renovations (Building Permit No 4131 and 4178).

145  
146            **WHEREAS**, the Planning Commission pursuant to Chapter 17.06.040 has made  
147            the following Design Review findings for the project:

148  
149            1.        The design shall be compatible with the existing development pattern with regard  
150            to massing, scale, setbacks, color, textures, materials, etc.

151  
152            Response: The design of the existing structure is a craftsman style structure  
153            found throughout the State. No substantial alterations are proposed other than  
154            the previously approved renovations (Building Permit No 4131 and 4178).

155  
156            2.        The design shall result in an appropriate site layout, orientation, and location of  
157            structures, relationship to one another, open spaces and topography.

158  
159            Response: The existing conditions and surrounding developments have been  
160            established in an historic fashion. The location of the existing structure is  
161            appropriate for the site yet sensitive to the surrounding properties.

162  
163            3.        The design shall provide a harmonious relationship of character and scale with  
164            existing and proposed adjoining development, achieving complementary style,  
165            while avoiding both excessive variety and monotonous repetition.

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167            Response: See previous comment #1.

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169            4.        The building design, materials, colors and textures shall be compatible and  
170            appropriate to Calistoga, and the architectural design or structures and their  
171            materials and colors shall be appropriate to the function of the project.

172  
173            Response: The body is "raspberry truffle", the siding is "white blush" and the roof  
174            is composition singles. This is consistent with these design guidelines, which  
175            require exterior colors and materials that blend with the rural character and that  
176            are indicators of the function of the structure.

177  
178            5.        The design shall provide for harmony of materials, colors, and composition of  
179            those sides of a structure, which are visible simultaneously.

180  
181            Response: The existing design respects the existing features of the general  
182            structures use. The perimeter, building materials, windows, siding, and roof

183 features are relatively unchanged. The new construction incorporates horizontal  
184 lapped siding and windows that accent the historical design.

185  
186 6. The design shall provide consistency of composition and treatment.

187  
188 Response: The building profile is simple, which is compatible with the rural  
189 character of the area.

190  
191 7. The design shall consider the location and type of planting with regard to valley  
192 conditions, including the preservation of specimen and landmark trees upon a  
193 site with proper irrigation to insure water conservation and maintenance of all  
194 plant materials.

195  
196 Response: No substantial trees existing with in the project area. The substantial  
197 trees existing outside of the project area will remain unaffected. The area of  
198 landscaping shown on the site plan will not impact surrounding properties in the  
199 valley floor and will be properly irrigated to maintain the over condition of the  
200 property.

201  
202 8. The exterior lighting, design, signs and graphics shall be compatible with the  
203 overall design approach and appropriate for the setting.

204  
205 Response: The proposal does not intend to substantially alter the existing  
206 exterior lighting and the proposed signage is minimal and is appropriate for the  
207 entry corridor and historical district.

208  
209 9. The design shall provide for improvement of existing site conditions, including but  
210 not limited to signage, landscaping, lighting, etc., to achieve closer compliance  
211 with current standards.

212  
213 Response: See Previous Comment #8.

214  
215 10. The design promotes a high design standards and utilizes quality materials  
216 compatible with the surrounding development consistent with and appropriate for  
217 the nature of the proposed use.

218  
219 Response: The character-defining elements of the original structure are  
220 preserved. The building materials and design elements are compatible with the  
221 original design. The proposed alterations will not diminish its significance as a  
222 structure of historical significance.

223  
224 11. The design presents a responsible use of natural and reclaimed resources.

225  
226 Response: The property owner has presented a proposal that will reuse the  
227 existing building materials during any future renovation of the structure to the  
228 maximum extend practicable.

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- 231           **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
232 Commission that based on the above Findings the Planning Commission approves the  
233 proposed project, subject to the following Conditions of Approval.  
234
- 235       1.     This permit authorizes a 5-unit Bed and Breakfast facility consistent the Site  
236 Plans received September 13, 2006 and consistent with all other City  
237 Ordinances, rules, regulations, and policies. The conditions listed below are  
238 particularly pertinent to this permit and shall not be construed to permit violation  
239 of other laws and policies not so listed.  
240
  - 241       2.     Approval of this permit is limited to conformance with the land use provisions  
242 contained in the City's Zoning Ordinance. Use of the property shall be limited to  
243 those uses identified in the Findings above and the Staff Report dated January  
244 10, 2007. Any changes to the approved use are subject to the provisions of the  
245 Zoning Ordinance, as it exists now or may be amended in the future.  
246
  - 247       3.     Development and use of the structure shall conform to all required conditions  
248 established herein. All other previous approvals are now considered null and/or  
249 void. Failure to comply with these conditions may result in amendment by the  
250 Planning Commission or possible revocation to protect the public health, safety  
251 and general welfare of the community, as set forth in the City's Zoning  
252 Ordinance.  
253
  - 254       4.     Any future exterior alterations, expansion or other new construction shall be  
255 subject to Design Review approval. The property owner agrees to submit an  
256 application for Building Permit for all construction of buildings or structures  
257 located on the site, not otherwise exempt by the Uniform Building Code or any  
258 State or local amendment adopted thereto. Prior to issuance of all building  
259 permits, the property owner agrees to pay all fees associated with plan check  
260 and building inspections, and associated development impacts fees rightfully  
261 established by City Ordinance or Resolution.  
262
  - 263       5.     The Planning and Building Department Director may approve minor amendments  
264 to this use permit provided that the permit is still in substantial conformance with  
265 the original approval.  
266
  - 267       6.     This Conditional Use Permit is only valid upon completion of the proposed  
268 development as approved in this permit. This work shall commence within one  
269 (1) year from the date of approval. If a building permit is not issued, and work  
270 commenced within one (1) year, the applicant acknowledges and understands by  
271 accepting this permit that this permit will expire and will no longer be valid.  
272
  - 273       7.     This use permit to operate a five (5) room B & B does not abridge or supercede the  
274 regulatory powers or permit requirements of any federal, state or local agency,  
275 special district or department which may retain regulatory or advisory function as  
276 specified by statute or ordinance. The applicant shall obtain permits as may be  
277 required from each agency and remain in compliance with the applicable  
278 regulations.

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8. Prior to operation, an inspection by the Planning and Building Department, at the expense of the owner/operator of the facility shall be conducted to determine the adequacy of the handicap accessibility provisions and to ensure compliance with the Federal, State and Local handicap accessibility regulations. In the event that the existing provisions for handicap accessibility do not meet the current standards the owner/operator will be responsible for obtaining a building permit to achieve complete compliance with these regulations.
  9. No outdoor storage of equipment and/or materials associated with the use shall be permitted beyond that which is authorized by the appropriate sections of the Calistoga Municipal Code pertaining to outdoor storage or as specified herein.
  10. All uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices.
  11. Prior to operation, the operator shall obtain a Business License to reflect the appropriate number guest room units pursuant to the City of Calistoga Municipal Code Chapter 5.04. The applicant shall, at all times, remain in compliance with the requirements of Chapter 5.04.
  12. The application shall remain, at all times, in compliance with the City of Calistoga Municipal Code Chapter 3.16, Transient Occupancy Tax and be current on collection of, reporting to and payment of all transient occupancy taxes to the City.
  13. The permit holder shall permit the City of Calistoga or its representative(s) or designee(s) to make annual inspections pursuant to Zoning Ordinance Section 17.35.020(H) or at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
  14. Prior to operation, an inspection shall be conducted by the Fire Department. In the event, that the Fire Department notes potential fire hazards or violations pursuant to the applicable codes, ordinance, regulations and statues in place at the time of the inspection the hazards shall be corrected and/or a building permit shall be obtained to corrected such violations to the satisfaction of the Planning and Building and Fire Departments.
  15. The driveway and parking areas shall be maintained in a condition (i.e. compacted shale or other all weather surface) that does not result in any potentially impact to the health, safety and welfare of the community or impede the accessibility of the property and structure.
  16. Prior to operation, the applicant shall obtain an annual food permit from the Napa County Department of Environmental Management. The

- 326 applicant shall remain, at all times, in compliance with food permit  
327 regulations.  
328
- 329 17. Prior to operation and/or building permit issuance, the applicant shall purchase  
330 0.514 acre-feet of water and 0.464 acre-feet of wastewater subject to the  
331 ordinances in place at the time of Building Permit issuance. A reduced amount of  
332 resources shall only be approved upon the review and approval of the Public  
333 Works Department.  
334
- 335 18. Should any archaeological/historical materials or concentrations of bone of any  
336 type be uncovered, work will be halted within 30 feet of the discovery until a  
337 qualified archaeologist has inspected the discovery and has had the opportunity  
338 to assess its significance before a plan for the mitigation of impacts to it can be  
339 submitted to the City of Calistoga for approval. All archaeological activities will  
340 be conducted in accordance with prevailing professional standards as outlined in  
341 CEQA and will be implemented before recommencement of work within the area  
342 of the resource discovery.  
343
- 344 19. Ground mounted equipment, such as backflow prevention devices, check valves  
345 and utility panels, shall be adequately screened from public view and view from  
346 adjoining developed parcels, as shown on construction drawings submitted prior  
347 to approval of a building permit.  
348
- 349 20. Prior to operation, all new utilities to the site shall be placed underground to  
350 protect the scenic value of the property.  
351
- 352 21. Exterior lighting shall be directed towards the ground to avoid light and glare  
353 upon adjacent parcels, and containing the lowest illumination necessary for  
354 safety.  
355
- 356 22. Construction materials, which are highly reflective are prohibited. Construction  
357 materials, which are less reflective shall not be allowed to project glare or light  
358 across the property boundaries.  
359
- 360 23. Landscaping shall be installed prior to occupancy, unless the permit holder provides  
361 financial assurance for completion of the required landscaping within one (1) year of  
362 occupancy. All landscaping shall be maintained throughout the life of the project,  
363 and shall be replaced as necessary.  
364
- 365 24. The Planning Commission may revoke the permit in the future if the Commission  
366 finds that the use to which the permit is put is detrimental to the health, safety,  
367 comfort and welfare of the public, or constitutes a nuisance.  
368
- 369 25. This permit shall be null and void if not used by January 10, 2008, or if the use is  
370 abandoned for a period of 180 days.  
371

372 **PASSED, APPROVED AND ADOPTED** on January 10, 2007, by the following  
373 vote of the Calistoga Planning Commission:



Resolution No. PC 2007-03  
Calistoga Craftsman, Nicholas and Gillian Kite  
1213 Foothill Boulevard (APN 011-310-005)  
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374  
375 AYES: MANFREDI, CREAGER, DILL and COATES  
376  
377 NOES: NONE  
378  
379 ABSTAIN: KITE  
380  
381 ABSENT: NONE  
382  
383 ABSTAIN:  
384  
385  
386  
387 ATTEST: *Kathleen Guill*  
388 Kathleen Guill  
389 Secretary to the Planning Commission

*Jeff Manfredi*  
JEFF MANFREDI, CHAIRMAN