

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2010-17**

A RESOLUTION APPROVING CONDITIONAL USE PERMIT AMENDMENT (U 2010-09), AMENDING PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (U 84-4) ELIMINATING THE OWNER/MANAGER RESIDENCE REQUIREMENTS ASSOCIATED WITH “THE CHANRIC INN”, GRANTING AN EXCEPTION TO THE PARKING REQUIREMENTS AND INCREASING THE NUMBER OF GUEST UNITS FROM A SIX (6) UNIT BED AND BREAKFAST FACILITY TO AN EIGHT (8) UNIT BED AND BREAKFAST FACILITY, LOCATED AT 1805 FOOTHILL BOULEVARD (APN 011-290-029) WITHIN THE “R-1-10”, SINGLE FAMILY RESIDENTIAL DISTRICT.

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2 **WHEREAS**, Richard Pielstick, is the property owner of the subject property for which
3 this application is proposed; and
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5 **WHEREAS**, On October 11, 2010 an application was received from the property owner,
6 requesting authorization to expand their existing 6-unit bed and breakfast facility to 8-units by
7 converting the existing detached owner/managers unit and attached media/massage room to
8 guest units. An additional request is being sought to allow an exception to the parking location
9 requirements in order to authorize a nonconforming parking space constructed by a previous
10 owner located in the front and side yard setbacks near the driveway entry; and
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12 **WHEREAS**, the Planning Commission considered the requests at its regular meeting of
13 November 10, 2010. Prior to taking action on the application, the Planning Commission
14 received written and oral reports by the staff, and received public testimony; and
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16 **WHEREAS**, this action has been reviewed for compliance with the California
17 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA pursuant
18 to Section 15332 of the CEQA guidelines; and
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20 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has made the
21 following Conditional Use Permit findings for the project:
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- 23 1. The proposed development, together with any provisions for its design and improvement,
24 is consistent with the General Plan, any applicable specific plan and other applicable
25 provisions of the Zoning Code including the finding that the use as proposed is consistent
26 with the historic, rural, small-town atmosphere of Calistoga.
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28 Response: The property has been used for a bed and breakfast inn for at least 27 years.
29 The guest rooms are within an existing single-family residence and detached residential
30 second unit, and no alterations to the exterior are proposed. In accordance with General
31 Plan policies, the project will be operated so as to be compatible with adjacent residential
32 uses, periodic inspections will be conducted to ensure compliance with conditions of
33 approval, and no net loss of housing will occur over the long term since the residential
34 use will re-establish should the use ever cease.
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- 36 2. The site is physically suitable for the type and density of development.

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Response: As determined by the Planning Commission and City Council during its initial review of the original use permit, 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 residential neighborhood.

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.

Response: This project is exempt from CEQA under Section 15332.

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.

Response: The City's water system and wastewater treatment facility is adequate to serve this project, no additional impact is anticipated.

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

Response: Approval of this use permit application shall not cause the extension of service mains greater than 500 feet.

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.

Response: The property has sufficient water and wastewater resources allocation to support the proposed use. No further allocation is warranted.

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

Response: The bed and breakfast inn use occurs within an existing single-family dwelling and detached residential second unit located on the property; no exterior changes are proposed.

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.

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

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

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86 Response: The bed and breakfast inn is within an existing gothic Revival style single-
87 family dwelling and detached California style bungalow; no exterior changes to the
88 dwellings are proposed.

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90 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
91 Commission that based on the above findings, the Planning Commission approves the proposed
92 project, subject to following Conditions of Approval:

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94 1 The use hereby permitted shall substantially conform to the project description submitted by
95 the applicant and the site plan received October 11, 2010, except as noted in the permit
96 conditions. This use permit allows an eight (8) unit bed and breakfast facility with no on
97 site manager. Additionally, an exception is hereby granted to allow a single angled
98 parking space located in the front and side yard setbacks near the driveway entry.

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100 The conditions listed below are particularly pertinent to this conditional use permit
101 amendment and shall not be construed to permit violation of other laws and policies not
102 so listed. In addition, all other previously approved permits and conditions of approval
103 (i.e. Use Permit 83-8, Variance V 83-1 and Use Permit 84-4) shall remain valid under the
104 provisions and duration of this permit unless modified herein.

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106 2 This permit shall be null and void if not used within a one year period, or if the use is
107 abandoned for a period of one hundred and eighty (180) days. This permit shall be valid
108 until it expires or is revoked pursuant to the terms of this permit and/or Chapter 17.40 of the
109 Calistoga Municipal Code. Minor modifications which do not increase environmental
110 impacts may be approved in writing by the Planning and Building Director.

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112 3 The Planning Commission may revoke the use permit pursuant to Section 17.40 of the
113 Calistoga Municipal Code in the future if the Commission finds that the use to which the
114 permit is put is detrimental to the health, safety, comfort or welfare of the public, or
115 causes a nuisance.

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117 4 The owner(s) shall permit the City of Calistoga or representative(s) or designee(s) to
118 make periodic inspections at any reasonable time deemed necessary in order to assure
119 that the activity being performed under authority of this permit is in accordance with the
120 terms and conditions prescribed herein.

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122 5 This use permit does not abridge or supercede the regulatory powers or permit
123 requirements of any federal, state or local agency, special district or department which
124 may retain regulatory or advisory function as specified by statute or ordinance. The
125 applicant shall obtain permits as may be required from each agency.

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127 6 Prior to rental of the seventh and eight rooms and/or elimination of the on site manager's
128 unit, an inspection of the Building Division and Fire Department shall be obtained. Prior to
129 inspection all appropriate fees shall be paid.

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131 7 This Conditional Use Permit shall be administratively reviewed every (3) months during
132 the first year (and on a semi-annual basis thereafter) to determine whether the use has
133 resulted in a detrimental or adverse impact to the surrounding neighborhood. A report of
134 staff's investigation shall be submitted via memorandum to the Planning Commission.
135 Should it be determined that violation of the Conditions of this Use Permit have occurred
136 or there is evidence of impact on the surrounding neighborhood, staff shall bring the Use
137 Permit back to the Planning Commission for reconsideration. In the event ownership
138 change(s), the use shall be administratively reviewed for the first every (3) months during
139 the first year of ownership and on a semi-annual basis thereafter.
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141 8 Prior to rental of the seventh and eight rooms and/or elimination of the on site manager's
142 unit, the applicant shall submit for review and approval by the Planning & Building
143 Director the proposed Chanric Inn's Guest Rules and Regulations and posting area
144 locations, including but not limited to, the hours of use for the common areas, designated
145 guest and staff parking spaces, and manager and emergency contact information. The
146 Pool area usage shall be prohibited between the hours of 10 pm and 8 am. Smoking shall
147 be prohibited in pool area and breakfast patio area. Additionally, the policies will inform
148 guests that parking is prohibited in front of adjoining properties. Upon approval, such
149 rules and regulations shall be posted for guest viewing.
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151 9 Within six months of approval, an audit shall be conducted of all applicable
152 financial/rental records to determine if the appropriate transient occupancy tax has been
153 paid subject to the determination of the Planning and Building and Administrative
154 Departments. This audit shall be funded by the property owner and should evidence be
155 found that additional taxes are due to the City for any historically suspected illegal rental
156 room(s), the funds shall be paid in full, with a penalty assessed pursuant to Section
157 3.16.070 CMC, within one year of use permit approval. If no, discrepancies are found
158 nothing further would be required of the owner/operator.
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160 10. Prior to rental of the seventh and eight rooms and/or elimination of the on site manager,
161 large rocks shall be installed along the easement driveway on 1801 Foothill Boulevard
162 subject to the review and approval of the Planning and Building Department, in
163 consultation with the applicable property owner(s).
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165 11. Prior to rental of the seventh and eight rooms and/or elimination of the on site manager's
166 unit, a sign shall be installed below the stop sign at the easement egress that cautions
167 drivers to on coming vehicles at 1801 Foothill Boulevard subject to the review and
168 approval of the Planning and Building Department, in consultation with the applicable
169 property owner(s).
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171 12. Prior to rental of the seventh and eight rooms and/or elimination of the on site manager's
172 unit, illuminated address signage shall be installed at 1801 and 1805 Foothill Boulevard
173 subject to the review and approval of the Planning and Building Department, in
174 consultation with the applicable property owner(s).
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- 176 13. Prior to rental of the seventh and eight rooms and/or elimination of the on site manager's
177 unit, private driveway signage shall be installed near driveway entry at 1801 Foothill
178 Boulevard subject to the review and approval of the Planning and Building Department,
179 in consultation with the applicable property owner(s).

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181 **PASSED, APPROVED AND ADOPTED** on December 8, 2010 by the following vote
182 of the Calistoga Planning Commission:

- 183
184 AYES:
185 NOES:
186 ABSENT:
187 ABSTAIN:

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Jeff Manfredi, Chairman

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192 ATTEST:

Kathleen Guill
193 Secretary to the Planning Commission
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