

**CITY OF CALISTOGA
PLANNING COMMISSION
REGULAR MEETING MINUTES**

**Wednesday, November 18, 2010
5:30 PM
Calistoga Community Center
1307 Washington St., Calistoga, CA**

**Chairman Jeff Manfredi
Vice- Chairman Clayton Creager
Commissioner Paul Coates
Commissioner Nicholas Kite
Commissioner Matthew Moye**

“California Courts have consistently upheld that development is a privilege, not a right.”

Among the most cited cases for this proposition are Associated Home Builders, Inc. v. City of Walnut Creek, 4 Cal.3d633 (1971) (no right to subdivide), and Trent Meredith, Inc. v. City of Oxnard, 114 Cal. App. 3d 317 (1981) (development is a privilege).

1
2 **Chairman Manfredi** called the meeting to order at 5:38 PM.
3

4 **A. ROLL CALL**

5 **Present:** Chairman Jeff Manfredi, Vice-Chairman Clayton Creager, Commissioners Paul Coates
6 Nicholas Kite, and Matthew Moye. **Staff Present:** Charlene Gallina, Planning and Building
7 Director, Erik Lundquist, Associate Planner, and Kathleen Guill, Planning Commission Secretary.
8 **Absent:** Ken MacNab, Senior Planner.
9

10 **B. PLEDGE OF ALLEGIANCE**

11
12 **C. PUBLIC COMMENTS**

13
14 **Chris Ciriacks, 1801 Foothill Blvd.**, reported she lived next to the Chanric Inn and was here
15 about the City not requiring an onsite manager, as she was surprised the rules were changed and
16 she sees what is happening with the Pink Mansion, and Craftsman Inn and was concerned about
17 a precedent if they are approved.
18

19 **Chairman Manfredi** reported he would suggest separating discussion related to on site managers
20 when we open the hearing. However he noted it is easy to find out what is going on with
21 regulation changes and it is noticed for the public way in advance.
22

23 **D. ADOPTION OF MEETING AGENDA**

24 There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Coates** to approve
25 the agenda as provided. **Motion carried: 5-0-0-0 .**
26

27 **E. COMMUNICATIONS/CORRESPONDENCE**

28 Nothing to report.
29

30 **F. CONSENT CALENDAR**

31 Nothing to report.
32

33 **G. TOUR OF INSPECTION**

34 None.
35

36 **H. PUBLIC HEARINGS**

37 1. **Conditional Use Permit Amendment (U 2010-08):** Consideration of an amendment to the
38 previously approved Conditional Use Permit (U 2006-16) eliminating the owner/manager

39 residence requirements associated with “The Craftsman Inn”, a five (5) unit bed and breakfast
40 facility, located at 1213 Foothill Boulevard (APN 011-310-005) within the “R1-10”, Single Family
41 Residential District. The property owners are Nicholas and Gillian Kite. *(This item was continued*
42 *from the regular Planning Commission Meeting of November 10, 2010.)*

43
44 As the applicant for the project **Commissioner Kite** recused himself from the discussion.

45
46 **Planner Lundquist** provided an overview recalling City Council had amended the Bed and
47 Breakfast regulations through adoption of an ordinance to allow bed and breakfast owners in the
48 R-1-10 zone to apply for an amendment to their use permit to eliminate the requirement of a
49 resident manager. Planner Lundquist provided a brief history of the “Craftsman Inn” stating the
50 owner purchased the property in the 2005, noting while they have been in operation there have
51 been no citizen complaints regarding noise or traffic, and the owners are good stewards of the
52 community. He further reported the managers quarters are in the basement and it does not lend
53 itself to be a permanent residence. Behind the principal structure they currently have eight gravel
54 parking spaces, a variance was granted when the driveway was approved, he reported this
55 business does meet the strict application of the requirements. Findings do meet the conditions
56 and staff recommends approval.

57
58 **Nick Kite**, 1019 and 1213 Foothill Blvd. stated the root of the application stemmed from when
59 they put in the application for the Craftsman Inn. He and his wife have fulfilled resident
60 requirements at both the primary residents, and it is technically difficult. He noted they do not
61 intend to change their close supervision of the property and they would be very happy to allow
62 monitoring if needed, and understood this is a privilege. Thank you for consideration.

63
64 **Commissioner Coates** reiterated there is still someone available within close distance.

65
66 **Nick Kite** clarified they were within 150 feet, however they have no plans to change the
67 apartment that is there.

68
69 **Ric Pielstick**, co owner of Chanric Inn and representative of Chamber of Commerce stated the
70 request is fair and reasonable, and possible review every four months for the first year provides
71 safeguards for any problems in the future.

72
73 **Chris Ciriacks** stated she had missed out on contributing to the discussion process regarding
74 allowing no on site management of Bed and Breakfast facilities, but they should see her reasoning
75 as neighbors of the Chanric Inn. They do have concern due to poor experiences with previous
76 owners, and they can see a precedent being set here. If allowed at the Craftsman Inn then
77 Chanric will expect the same consideration. Problems with noise and parking have occurred and
78 her house is only twelve feet from Chanric inn. She shared concern for the future noting the
79 potential for different owners that are inconsiderate. Mrs. Ciriacks further stated the suggested
80 monitoring arrangement puts a burden on her as a neighbor making it very hard. Referencing
81 parking, she stated in the past the former owner’s guests would park in her yard, and they have a
82 situation where they share the exit onto highway. There have been many near accidents due to
83 improper parking. Waiving parking restrictions would be a huge deal and no manager on the
84 premises, owner, maids, etc will require additional parking. Mrs. Ciriacks asked for protection of
85 the residential area and residences close to Bed and Breakfasts, she hoped they could figure a
86 way it won’t be a problem.

87 **Planner Lundquist** reported he has met with Chris Ciriacks and will address her concerns.

88

89 **Chairman Manfredi** reminded this hearing is solely related to the Craftsman Inn.

90

91 **Commissioner Moyer** asked Mrs. Ciriacks what her specific problem is with no on site manager
92 required.

93

94 **Chris Ciriacks** reported the occurrence of strange instances, i.e. there was a woman wandering
95 around in her back yard, and there have been big parties with large groups, with loud music, and it
96 puts a hardship on them because they are so close. The lack of manager present adds to
97 potential problems, theoretically the owner/manager offsite could move some distance and not be
98 available to address the problems, and it is very hard to complain to the police if you want a good
99 relationship with your neighbors.

100

101 **Norma Tofanelli**, Dunawear Lane shared her growing concern about over commercialization.
102 Ms. Tofanelli referenced the staff report, page 3 of 6, item f, line 95, regarding discussion related
103 to provisions of accessibility to developmental disabled and the reason it was not allowed before.
104 She restated her fear these are becoming big commercial enterprise vacation rentals.

105

106 **Chairman Manfredi** reported these are Bed and Breakfasts, not vacation rentals.

107

108 **Norma Tofanelli** suggested how easy one could be turned into a vacation rental, maybe not in
109 the current owner's case, but provisions stay with the property. She further shared a growing
110 perception of a conflict of interest, whereas Mr. Kite was instrumental in amending the regulations,
111 stating it becomes a conflict with serving when writing ordinances for changes that apply to
112 oneself.

113

114 **Chairman Manfredi** reported each case is looked at individually, consideration is given to where
115 the Craftsman Inn is, across the property line is our downtown commercial area, and in this case
116 he personally doesn't consider this a residential neighborhood.

117

118 **Norma Tofanelli** stated differentiating between Bed and Breakfasts and Motels is becoming a
119 real concern.

120

121 **Nick Kite** stated he appreciates Chris Ciriacks concerns, but did not hear any issues related to
122 the Craftsman Inn. As far as concern that the issue will set a precedent, from his perspective
123 each case should be based on individual merits. As a Bed and Breakfast owner our guests get a
124 six course breakfast and that is an intimate part of the experience. There seems to be confusion
125 with on site resident and permanently available. The conditions don't say someone is on site
126 twenty-four hours a day, but with a well run establishment that doesn't affect the neighborhood.
127 As to conflict of interest, he reported he was not involved in crafting of regulations or in the
128 consideration for adoption, and he resented such an accusation with no basis in fact and
129 completely incorrect.

130

131 **Chairman Manfredi** reported, Commissioner Moyer, Councilmember Slusser and he had been
132 part of the subcommittee related to Bed and Breakfasts.

133

134 **Director Gallina** confirmed Councilmember Slusser was not on the committee, but was a guest
135 that took interest in the item.

136

137 **Chairman Manfredi** closed the public portion of the Public Hearing at 6:10 PM.

138

139 **Vice-Chairman Creager** responded to concerns raised related to the absence of an on site
140 manager and the importance of monitoring a project should be charged to the city. He questioned
141 if conditions of review and oversight remain active with any new owners and what was our
142 recourse.

143

144 **Planner Lundquist** stated the use permit does run with the property, and any owner/property with
145 consistent problems has the potential to have a use permit revoked.

146

147 **Vice-Chairman Creager** questioned if violations of conditions or concerns are called into the
148 Police or called to the Planning Department for something short of a criminal complaint.

149

150 **Planner Lundquist** reported situations may arise when we are not in the office, in that case they
151 call the police, and this documents any justifiable circumstances.

152

153 **Vice-Chairman Creager** asked if they have to be on site when it is occurring, or can they report
154 the following day.

155

156 **Planner Lundquist** reported it should generally be the day of for confirmation and those reports
157 would become part of the annual Bed and Breakfast report for that facility.

158

159 **Commissioner Moyer** asked if another Bed and Breakfast requested no on site manager would
160 they be eligible.

161

162 **Planner Lundquist** stated if they were not within the R-1-10 zoning they could apply for a
163 variance.

164

165 **Commissioner Moyer** asked what protection there was to prevent vacation rentals if we take
166 managers off and allow no on site manager.

167

168 **Chairman Manfredi** clarified someone renting a house for less than 30 days is a vacation rental,
169 a Bed and Breakfast has someone there.

170

171 **Commissioner Moyer** suggested taking the on site manager off the property gave an appearance
172 of a short term vacation rental.

173

174 **Chairman Manfredi** reminded that Bed and Breakfast facilities provide services during their
175 guests stay.

176

177 **Commissioner Moyer** reported polling other cities and found not one allows a Bed and Breakfast
178 the ability to take the manager off-site, and there seems to be reasoning behind this.

179

180 **Commissioner Coates** reported he understands what is being said. He lives on Reynard Lane,
181 and we believe we have someone using a residence for a vacation home, and it is a problem.

182 They say they are not doing it, etc. As a previous owner of the Garnet Creek Inn and apartment
183 rentals, an on site manager was required to reside there due to the use permit, R-1-10, if there is
184 no history that needs to be addressed, it is fair to provide an opportunity. He stated there are so
185 few that fall into this category, out of fairness he believes the issues should be looked at on a case
186 by case basis, but not at the expense of the community. In this case he is not hearing the
187 Craftsman Inn has had a problem at any time.

188
189 **Chairman Manfredi** noted he has spent a lot of time researching vacation rentals in Calistoga
190 and the deterrent is a fine of \$100; he reported he will bring this topic up at the end of the meeting.
191 Chairman Manfredi reopened the public portion of discussion at 6:22 PM.

192
193 **Nick Kite** noted there seemed to be confusion, with a presumption an on site manager was there
194 twenty-four hours a day. Removing the residing manager requirement does not mean they are
195 never there and that is difference with a vacation rental. A Bed and Breakfast has a full concierge
196 service, breakfast, in room sharing; it is not a vacation rental. He asked they look where
197 economic interests are aligned with what the community wants. We are strongly aligned, and not
198 interested in rowdy, disrespectful guests.

199
200 **Ric Pielstick** somehow the mindset has been mixed with a vacation rental and issues
201 surrounding them, and additional steps are being taken to avoid noise disturbance. He is in
202 agreement with city monitoring every quarter the first year, every six months subsequent years if
203 needed Please look forward not in the past.

204
205 **Chairman Manfredi** closed the public portion of the hearing at 6:26 PM.

206
207 **Chairman Manfredi** asked if there were some way of addressing the issues by imposing
208 conditions. It seems the potential dangers could be experienced mostly upon change of
209 ownership.

210
211 **Planner Lundquist** reported Planning and Building is generally not notified with property owner
212 changes, maybe we could include a sunset clause saying authorization would cease at that time
213 and the new owner would need to reapply.

214
215 **Director Gallina** reported most people buying a business property come into the office to see
216 what special conditions are applicable to a property.

217
218 **Planner Lundquist** reminded the assurance is we can revoke the use permits if there are
219 confirmed issues.

220
221 There was motion by **Vice-Chairman Creager**, seconded by **Chairman Manfredi** to direct Staff
222 to file a Notice of Exemption for the project pursuant to Section 15332 of the CEQA. **Motion**
223 **carried: 5-0-0-0.**

224
225 There was motion by **Commissioner Coates**, seconded by **Vice-Chairman Creager** to Adopt
226 Resolution PC 2010-16 approving Conditional Use Permit Amendment (U 2010-08), amending the
227 previously approved Conditional Use Permit (U 2006-16), eliminating the owner/manager
228 residence requirements associated with the "Craftsman Inn", a five (5) unit bed and breakfast
229 facility, located at 1213 Foothill Boulevard (APN 011-310-005) within the "R1-10", Single Family

230 Residential District, based upon the findings presented in the resolution and subject to conditions
231 of approval. **Chairman Manfredi** called for a Poll of the Commission: **Motion carried: Ayes –**
232 **Chairman Manfredi, Vice-Chairman Creager and Commissioner Coates. No –**
233 **Commissioner Moye, Absent – 0, and Abstain – Commissioner Kite.**

234

235 **H. NEW BUSINESS**

236 Nothing to report.

237

238 **J. MATTERS INITIATED BY COMMISSIONERS**

239 **Vice-Chairman Creager** shared concern for what looked like a complete renovation in progress
240 at the end of Washington Street (where the building was jacked up).

241

242 **Planner Lundquist** reported the owner obtained a permit to investigate but the contractor had
243 taken it too far.

244

245 **Vice-Chairman Creager** encouraged staff to stay on top of this project.

246

247 **Planner Lundquist** stated there was no formal stop order on the work as of yet, but it would be
248 investigated.

249

250 **K. DIRECTOR'S COMMENTS/PROJECT STATUS**

251

252 **Director Gallina** encouraged commissioners to attend the upcoming Sustainable Policy Summit,
253 to be held on Thursday in Yountville, breakfast lunch and innovation will be provided. Vice-
254 Chairman Creager and Commissioner Kite indicated they maybe available.

255

256 **ADJOURNMENT**

257 There was motion by Chairman Manfredi, seconded by Commissioner **Kite** to adjourn to the next
258 regular Planning Commission meeting of Wednesday, December 08, 2010, at 5:30 PM. **Motion**
259 **carried: 5-0-0-0.** The meeting adjourned at 6:35 PM.

260

261

262

263 _____
Kathleen Guill

264 Secretary to the Planning Commission

265