

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2019-XX**

**APPROVING USE PERMIT UP 2019-14 ALLOWING A THREE-UNIT BED AND  
BREAKFAST INN ON THE PROPERTY LOCATED AT 1322 BERRY STREET**

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1           **WHEREAS**, on August 19, 2019, Irina Yartseva, on behalf of Dario Sattui,  
2 submitted an application requesting a use permit to allow a bed and breakfast inn at  
3 1322 Berry Street; and

4           **WHEREAS**, the Planning Commission considered the request at its regular  
5 meeting of October 9, 2019, and prior to taking action on the application, the Planning  
6 Commission received written and oral reports by the staff, and received public  
7 testimony; and

8           **WHEREAS**, the Planning Commission has determined that this action is not  
9 subject to the California Environmental Quality Act (CEQA) under Section 15301 of the  
10 CEQA Guidelines because the bed and breakfast use will occur within an existing  
11 structure on the property; and

12           **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.030 has made  
13 the following use permit findings for the project:

- 14 1.    Finding: The proposed uses are in accord with the General Plan and any  
15 applicable planned development.

16           Supporting Evidence: Bed and breakfasts are allowed by use permit in the High  
17 Density Residential and Office Land Use designation. The guestrooms are within  
18 an existing single-family residence that functioned as a bed and breakfast from  
19 1986 through 2010. In accordance with General Plan policies, the project will be  
20 operated so as to be compatible with adjacent residential uses and there would  
21 be no net loss of housing as an apartment for a resident manager will remain on  
22 the property.

- 23 2.    Finding: Is in accord with all applicable provisions of this title.

24           Supporting Evidence: The site is physically suitable for the type and intensity of  
25 use. The proposed use complies with the bed and breakfast inn regulations  
26 found in Chapter 17.35. There will be sufficient parking provided for the use. No  
27 net loss of housing will result from the proposed use as a manager apartment will  
28 be maintained on the property.

29           Finding: Will not substantially impair or interfere with the development, use or  
30 enjoyment of other property in the vicinity.

31           Supporting Evidence: The intensity of the use would not adversely affect the  
32 residential neighborhood or the school across the street. There will not be  
33 excessive noise, lighting, or any other operating characteristics associated with  
34 the uses that will interfere with surrounding properties.

35 3. Finding: Is consistent with and enhances Calistoga's history of independently  
36 owned businesses, thus contributing to the uniqueness of the town, which is  
37 necessary to maintain a viable visitor industry and promote its economy.

38 Supporting Evidence: The bed and breakfast inn would be independently owned  
39 and operated.

40 4. Finding: Is resident-serving, in the case of a formula business.

41 Supporting Evidence: The bed and breakfast inn is not a formula business.

42 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
43 Commission that based on the above findings, the Planning Commission approves the  
44 proposed project, subject to following conditions of approval:

45 1. This use permit allows a three-unit bed and breakfast inn at 1322 Berry Street.  
46 The uses hereby permitted shall substantially conform to the description and plans  
47 received by the Planning and Building Department, except as noted in the permit  
48 conditions.

49 2. This permit shall be null and void if not used within one year from the approval date,  
50 or if the use is abandoned for a period of one hundred and eighty (180) days. Minor  
51 modifications which do not increase environmental impacts may be approved in  
52 writing by the Planning and Building Director.

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

57 4. This use permit does not abridge or supersede the regulatory powers or permit  
58 requirements of any federal, state or local agency, special district or department  
59 which may retain regulatory or advisory function as specified by statute or  
60 ordinance. The applicant shall obtain permits as may be required from each  
61 agency.

62 5. Prior to operation, the operator shall obtain a business license pursuant to the  
63 City of Calistoga Municipal Code Chapter 5.04 subject to the review and approval  
64 of the Finance Department. The applicant shall, at all times, remain in  
65 compliance with the requirements of Chapter 5.04.

66 6. The operation shall remain, at all times, in compliance with the Calistoga  
67 Municipal Code Chapter 3.16, Transient Occupancy Tax, and be current on the  
68 collection, reporting and payment of all transient occupancy taxes to the City.

69 7. Prior to operation, a building permit application shall be obtained in order to  
70 change the occupancy type.

- 71 8. Prior to operation and annually thereafter, an inspection shall be conducted by  
72 the Fire Department to ensure installation of fire extinguishers, smoke detectors  
73 and carbon monoxide detectors.
- 74 9. Special events (e.g., weddings, graduation parties, bar mitzvahs, quinceaneras,  
75 etc.) are prohibited on the property.
- 76 10. The property owner or resident manager shall occupy the property as their  
77 primary place of residency.
- 78 11. Prior to operation of the bed and breakfast inn, one parking space per guest  
79 room shall be provided and designated on-site in accordance with the plans  
80 submitted to the Planning & Building Department on September 4, 2019.
- 81 12. A sign permit application shall be submitted to the Planning & Building  
82 Department for review and approval prior to the installation of any signs.
- 83 13. As required by CMC Section 17.25.040, all non-historic water fixtures shall be  
84 modified through the installation of conservation devices.

**PASSED AND ADOPTED** on October 9, 2019, by the following vote of the Calistoga Planning Commission:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Paul Coates, Chair

ATTEST: \_\_\_\_\_  
Lynn Goldberg  
Secretary to the Planning Commission