

CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2011-12

A RESOLUTION FORWARDING A RECOMMENDATION TO THE CITY COUNCIL FOR THE ADOPTION OF AN ORDINANCE AMENDING CHAPTER 17.35, *BED AND BREAKFAST INN AND FACILITIES*, ADDING FIRE SPRINKLERS REQUIREMENTS AND OFF SITE MANAGER PROXIMITY STANDARDS.

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WHEREAS, on March 15, 2011 the City Council of the City of Calistoga directed planning staff to review the current bed and breakfast regulations incorporating fire sprinkler requirements and off site manager provisions; and

WHEREAS, the Planning Commission considered the proposed revisions to the City's bed and breakfast regulations at its regular meeting on June 8, 2011. Prior to taking action on the proposed revisions, the Planning Commission received written and oral reports by the staff, and received public testimony; and

WHEREAS, the Planning Commission finds the proposed revisions as provided for in Exhibit A are necessary and proper for protection of public health, safety and general welfare and are consistent with the policy direction contained in the General Plan; and

WHEREAS, the Planning Commission has been determined this action to not be subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that, based on the above findings, the proposed amendment pertaining bed and breakfast inns and facilities, as described in Exhibit A attached, is forwarded to the City Council with a recommendation of adoption.

PASSED, APPROVED, AND ADOPTED on June 8, 2011, by the following vote of the Calistoga Planning Commission:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN

Jeff Manfredi, Chairman

ATTEST: _____
Kathleen Guill
Secretary to the Planning Commission

EXHIBIT A

PLANNING COMMISSION RECOMMENDATION

Chapter 17.35

BED AND BREAKFAST INNS AND FACILITIES

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2 **Sections:**

3 **17.35.010 Purpose.**

4 **17.35.020 General regulations.**

5 **17.35.030 Use permit required.**

6 **17.35.040 Permit regulations.**

7 **17.35.010 Purpose.**

8 A. It is the purpose of this chapter to establish regulations for the location,
9 use, character, parking, signing and processing of applications for bed and
10 breakfast inns and facilities in residential zones within the City.

11 B. Proposed conversions in residential zones to B and B facilities which
12 would eliminate an existing rental unit or units shall not be permitted,
13 unless otherwise provided herein. This admonition pertains to, inter alia,
14 units which contain independent cooking and bathroom facilities.

15 C. It is further the purpose of these regulations to encourage the restoration
16 of historic structures. An example of an historic structure is one which is
17 listed by Federal, State and/or recognized Napa County agencies as
18 having architectural or historic significance.

19 D. It is further the purpose of these regulations to provide for bed and
20 breakfast facilities which are accessory to and secondary to the primary
21 residential use of land in residentially zoned areas, unless otherwise
22 provided herein. The terms "accessory" and "secondary" mean that the
23 establishment of bed and breakfast facilities in residential zones shall not
24 exceed 49 percent of the use of the land and/or building area on and in
25 which the facilities are to be located. (Ord. 421 § 2, 1987; Ord. 416 § 2,
26 1986; Ord. 396 § 2, 1984; Ord. 390 § 2, 1983).

27 **17.35.020 General regulations.**

28 A. For the purposes of this title and Chapter 13.18 CMC (Rates, Billing,
29 Payment and Charges), B and B facilities located in residential zoning
30 districts shall be considered commercial uses.

31 B. The establishment of bed and breakfast inns and facilities shall be
32 harmonious with the character of the neighborhood and zone in which
33 they are to be located.

- 34 C. Adequate and surplus off-street parking is of primary concern in the
35 establishment of bed and breakfast inns and facilities. The requirements
36 and development standards for parking as established in Chapter 17.36
37 CMC shall apply to all B and B facilities, unless otherwise provided herein.
38 D. Any facility operating contrary to the terms of this provision shall be
39 subject to immediate closure and permit revocation.
40 E. No facility shall be operated without a current business license.
41 F. Operation of any B and B facility on a permanent basis shall be by the
42 resident property owner(s) or resident manager. No off-site management
43 shall be permitted, unless otherwise provided herein.
44 G. No meals may be served after noon or to persons who are not paying
45 guests, except for those persons who are nonpaying personal guests of
46 the occupying owner-manager of the B and B inn or facility. Occasional
47 special events which involve meals shall be approved by the Director of
48 Planning and Building.
49 H. A fire sprinkler system shall be installed throughout any new structure or
50 building or throughout any bed and breakfast inn where the number units
51 or rooms are increased.
52 HI. All facilities shall be inspected periodically by the Planning and Building
53 Department for conformance with use permit conditions and the
54 regulations established in this title. Inspection reports shall be forwarded
55 to the Planning Commission for informational purposes, as necessary.

56 **17.35.030 Use permit required.**

57 All bed and breakfast inns and facilities shall require a use permit subject to the
58 provisions of Chapter 17.40 CMC.

59 **17.35.040 Permit regulations.**

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61 A. All applications for a bed and breakfast facility shall be on forms provided
62 by the Planning and Building Department and accompanied by the
63 appropriate fee as established by Council resolution.
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65 B. Bed and breakfast inns and facilities shall be permitted only where an
66 occupying owner or resident manager maintains his or her primary place
67 of residence on-site. The bed and breakfast inn and facility shall be
68 operated as an accessory use to the owner's/manager's residence. No
69 mix of rental units and B and B units on a single property shall be
70 permitted.
71
72 C. Bed and breakfast inns and facilities shall be limited by spacing and to the
73 number of rental rooms or units by zones as follows:
74 1. Spacing. R-R, RR-H, R-1, R-1-10, R-2 and R-3 zones: not more
75 than one bed and breakfast facility per each side of a City block or

- 76 one facility per each 500 feet where conventional blocks are not
77 present.
- 78 2. Number of Units.
- 79 a. R-R, RR-H, R-1, R-1-10, and R-2 zones: not more than two
80 units or rooms;
- 81 b. R-3 zone: not more than three units or rooms.
- 82 3. Maximum. The maximum number of bed and breakfast rental units
83 may be increased in the R-R, RR-H, R-1, R-1-10, R-2 and R-3
84 zones, subject to a major use permit, when the special
85 circumstances as stated below exist. In no case shall such increase
86 permit the total number of units to exceed six bed and breakfast
87 rental units. Special circumstances to be considered shall include,
88 but not be limited to, the following:
- 89 a. Proximity to a State highway or major arterial as indicated in
90 the General Plan circulation element; and
- 91 b. The historical character and/or significance of the
92 structure(s) in which the units are to be located; and
- 93 c. The character of the proposed site relative to its
94 surroundings; and
- 95 d. The nature of ingress and egress; and
- 96 e. The adequacy of the number and location of off-street
97 parking spaces and maneuvering areas; and
- 98 f. Provision of rooms accessible to the developmentally
99 disabled.
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- 101 4. Exception. The Planning Commission may authorize an exception
102 to Sections 17.35.040(B), (C) & (D) and 17.36.130(c) parking
103 requirements of this Title, subject to a major use permit, when the
104 special circumstances as stated above and below exist.
- 105 a. A bed and breakfast inn and facility or other visitor
106 accommodation located on the property was authorized by
107 the City on or before January 1, 2010; and
- 108 b. The property is located within an R-1-10 zone; and
- 109 c. The property is established with no more than 10 rental
110 units; and
- 111 d. Minimum lot size of 10,000 square feet. The Planning
112 Commission, in considering all of the above special
113 circumstances, shall establish written findings to support
114 approval of bed and breakfast rental unit increases.
- 115 e. The Property Owner or Manager is a permanent resident
116 within Calistoga city limits or within the Calistoga Joint
117 Unified School District.
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- 119 D. Signs identifying bed and breakfast inns and facilities shall comply with the
120 provisions of Chapter 17.58 CMC.

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122 E. All approved use permits for bed and breakfast inns and facilities shall
123 include a condition requiring conversion of all existing water fixtures by
124 installation of conservation devices.
125 1. Excepting therefrom, upon Planning Commission approval,
126 authentic historic fixtures. (Ord. 626 § 1, 2006).
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128 F. To obtain a use permit, a finding shall be made that the proposed bed and
129 breakfast inn and facility would not result in a net loss of housing.
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