


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Erik V. Lundquist, Senior Planner
DATE: July 19, 2011
SUBJECT: Bed and Breakfast Inns and Facilities Ordinance Update

APPROVAL FOR FORWARDING:



Richard Spitler, City Manager

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2 **ISSUE:** Consideration of a Zoning Ordinance Text Amendment, initiated by the City of
3 Calistoga, to amend Chapter 17.35 of the Calistoga Municipal Code, *Bed and Breakfast*
4 *Inns and Facilities* adding fire sprinklers requirements and off site manager proximity
5 standards.

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7 **RECOMMENDATION:** Introduce the Ordinance and waive first reading.

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9 **BACKGROUND:** On March 15, 2011 the City Council considered two appeals of the
10 Planning Commission's action on the Chanric Inn expansion project. During
11 deliberations Councilmembers Kraus and Dunsford suggested that the Bed and
12 Breakfast Ordinance (Chapter 17.35 CMC) be revisited to address current Fire Code
13 sprinkler requirements and off site manager proximity standards. Councilmember
14 Slusser also stated that "she would like to see the Bed and Breakfast Ordinance
15 revisited."
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17 **DISCUSSION:** As a result of City Council direction on March 15, 2011, staff has drafted
18 amendments to the Bed and Breakfast Ordinance that would: (1) impose strict fire
19 sprinkler requirements for expansion of existing Bed and Breakfast facilities, and (2)
20 establish a boundary for off-site managers to reside within. The Planning Commission
21 considered these amendments at their regular meeting on June 8, 2011. Details on the
22 proposed amendments and the Planning Commission's recommendations are
23 discussed below.
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25 Fire Sprinkler Regulations - Recently the City adopted the 2010 California Fire Code,
26 based upon the 2009 International Fire Code to safeguard the public health, safety and

27 general welfare with local amendments (Ord. 672). The Fire Code requires fire
28 sprinklers for new construction, substantial alterations and additions, and changes in
29 occupancy to a more hazardous use. Unlike previous versions of the Fire Code, the
30 2010 Fire Code does not establish a room or unit threshold that automatically triggers
31 the installation of fire sprinklers in Bed and Breakfast Inns. For expansion of an existing
32 Bed and Breakfast Inn, the City's Fire Code provides the authority to the Fire Chief to
33 make an interpretation on whether a proposed change would constitute a more
34 hazardous occupancy (thereby requiring that the facility be sprinklered).

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36 The City Council expressed some concern about the potential for this situation to result
37 in increased health and safety risks (see article in Attachment 6). To address the
38 Council's concern, staff proposed the following addition to the Bed and Breakfast Inns
39 and Facilities Ordinance (Section 17.35.020(H) of the Draft Ordinance – Attachment 1):

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41 *"A fire sprinkler system shall be installed throughout any new structure or*
42 *building or throughout any bed and breakfast inn where the number units or*
43 *rooms are increased."*
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45 This revision would result in a more restrictive standard than the current Fire Code and
46 virtually eliminate any discretionary authority granted to the Fire Chief to make
47 interpretations on whether sprinklers should be installed.

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49 During deliberations, the Planning Commission expressed concern about the hardship
50 the proposed revision would create for current Bed and Breakfast owners. In response,
51 staff suggested the following alternative requirement:

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53 *"Based on a fire and life safety evaluation by the Fire Chief and Building Official, an*
54 *automatic fire sprinkler system may be required for expanding bed and breakfast*
55 *inns and facilities with 5 or fewer units. Regardless of the occupancy, a fire*
56 *sprinkler system shall be installed throughout any new structure or building that*
57 *contains 6 or more units or rooms."*
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59 After further discussion and consideration, the Planning Commission concluded that
60 adding strict fire sprinkler standards into the Bed and Breakfast Ordinance was
61 improper since the locally adopted California Building Standards Codes already provide
62 appropriate regulations to ensure proper fire prevention. The Planning Commission also
63 felt that the suggested standards unnecessarily removed the Fire Chief's discretion
64 rightfully established by code. Therefore, the Planning Commission does not support
65 adoption of a fire sprinkler standard that is specific and unique to the Bed and Breakfast
66 Ordinance.

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68 Off Site Manager Proximity Standard - By nature, bed and breakfast inns and facilities
69 are characterized by highly personalized service. Their appeal is quaintness; they
70 typically provide unusual service and unique decor. Generally, the owners or
71 managers are able to achieve this level of service since they reside on the premise. The
72 presence of an on site manager also helps to ensure the inn will be operated in a
73 manner that is respectful and appropriate in a residential setting.

74
75 The current ordinance allows an owner or manager of a Bed and Breakfast Inn to live
76 off site in certain circumstances. The Council expressed concern that the absence of a
77 "proximity standard" for off-site managers may compromise the ability to manage Bed
78 and Breakfast Inns in a manner that is respectful and appropriate in a residential setting.
79 To address this concern, staff proposed that the following proximity standard be added
80 to the current ordinance provision that allows off site managers:

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82 *"The Property Owner or Manager resides within Calistoga city limits or*
83 *within the Calistoga Joint Unified School District."*
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85 The Planning Commission concurs with the City Council that the presence of an on site
86 manager helps to ensure that a bed and breakfast is operated in a manner that is
87 respectful and appropriate in a residential setting. The Planning Commission supports
88 addition of a proximity standard for off-site managers. The proposed proximity standard
89 requirement has been added as Section 17.35.040(C)(4)(e) of the Draft Ordinance.

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91 **GENERAL PLAN CONSISTENCY:**

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93 Within the Public Safety Element, Goal SAF-3 directs the City to protect lives and
94 property from wildfire hazards. Incorporating the Fire Code provisions in the Bed and
95 Breakfast Ordinance is consistent with this, and other, General Plan policies that
96 safeguard the public health, safety and general welfare.

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98 **ENVIRONMENTAL REVIEW:**

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100 The proposed action is not a project as defined by 14 California Code of Regulations
101 15061(b)(3) (State CEQA Guidelines) stating that "A project is exempt from CEQA if the
102 activity is covered by the general rule that CEQA applies only to projects which have the
103 potential for causing a significant effect on the environment. Where it can be seen with
104 certainty that there is no possibility that the activity in question may have a significant
105 effect on the environment, the activity is not subject to CEQA." The ordinance requires
106 further discretionary review under a conditional use permit to include environmental
107 review on a case by case basis.

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109 **FISCAL IMPACT:** The adoption of this Ordinance will create no direct fiscal impacts.

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111 **ATTACHMENTS:**

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113 1. Draft Ordinance

114 2. Planning Commission Resolution PC 2011-12

115 3. Planning Commission Draft Meeting Minute Excerpt of June 8, 2011

116 4. Email from Doug Cook, Brannan Cottage Inn dated June 4, 2011

117 5. Correspondence received from Dennis MacNay, Bear Flag Inn June 8, 2011

118 6. Firehouse.com article regarding a Bed and Breakfast Fire