

Zach Tusinger

From: Zach Tusinger
Sent: Monday, February 10, 2020 1:01 PM
To: Lynn Goldberg
Cc: Claudia Aceves
Subject: FW: Brannon Ridge Estates

Good afternoon Planning Commissioners,

Please find below the following email regarding the Aurora Park application. The subject application will now be heard on 2/26.

Let me know if you have questions.

Thank you,
Zach

From: aLan morris <m2800@me.com>
Sent: Friday, February 7, 2020 1:29 PM
To: Zach Tusinger <ztusinger@ci.calistoga.ca.us>
Subject: Brannon Ridge Estates

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Brannon Ridge Estates
February 7, 2020
From: Alan and Pia Morris 1821 Foothill Blvd
.Reference: Aurora Cottages 4 Unit expansion

Background:

The Aurora Park Cottages (AP)

I. RESOLUTION PC 2020-XX

Resolution PC 2020-XX states: "The property is located within the R-1-10: One-Family Zoning District. The R-1-10 District conditionally allows bed and breakfast inns with up to ten units. The expanded use is consistent with the R-1-10 District development standards and would comply with the parking requirements associated with this use.

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

Substantial evidence: The existing resort property is adequate in size, shape, location, and physical characteristics to accommodate the type and intensity of the proposed structures and associated use.

No impacts to surrounding properties are anticipated."

THE ABOVE LACKS HISTORICAL CONTEXT AND CONSIDERATION OF SIGNIFICANT CHANGES TO THE AFFECTED AREA SINCE 2000:

A. "The guest cottages on the property have been in use as visitor accommodations since the 1950s. In 1998, a proposal to substantially alter the Aurora Park Cottages was approved by the City, and included architectural changes, enlarged structures and extensive landscaping. The project was ultimately

abandoned by a subsequent owner, and in 1999 a substantially less-comprehensive plan for exterior changes was approved.”

It must be noted that before 1999, Brannon Ridge Estates (BRE),⁴ home development did not exist. A paved road did not exist, nor did the current drainage system. Rather, the land was of a virgin quality. In 1998 (BRE) was subdivided into 4 buildable lots, and a remaining parcel space identified as “Designated Remainder”. Each of the buildable lots is approximately 4 acres. In early 2000, 4 homes were built in the area zoned as RRH.

The space from the original 20 acres known as the “Designated Remainder” is a smaller parcel of land, encased on three sides by properties in the RRH designation.

(See City Zoning Map attached)

The 4 lots consist of the following address and estimated current value:

Lot One: 1819 Foothill Blvd (\$3.2M)

Lot Two: 1821 Foothill Blvd (\$3.4M)

Lot Three: 1825 Foothill Blvd (\$1.7M) Lot Four: 1823 Foothill Blvd (\$3.5M) Designated Remainder: 1807 Foothill Blvd

A Conservation and Scenic Easement was established in 1998. This easement set aside the provisions to maintain the natural and scenic beauty of the existing openness.

An additional easement was established in 1998, driveway, storm drain and utility easement over the 5 lots from Brannon Ridge Estates.

THE PROPOSED EXPANSION OF AP VIOLATES THE PURPOSE OF BRE RRH ZONING.

“17.14.010 Purpose.

The purpose of the RR Rural Residential Zoning District is to allow the development of single-family residences on large lots that serve as a buffer between the agricultural lands around the city and the urbanized part of Calistoga, ...”

AP expansion into the area bordering the BRE homes violates the above buffer requirement around urbanized parts of Calistoga. Nothing could be more urban than hotel rooms with extra parking attached.

THE PROPOSED EXPANSION WITH INCURSION INTO RRH ZONED AREA IS PROHIBITED

“D. Prohibited Uses. The following uses are prohibited in the RR district:

1. Transient commercial occupancies of dwelling units.”

THE PROPOSED EXPANSION VIOLATES THE PURPOSE OF 17.35.010 C.

“17.35.010 Purpose.

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

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

The proposed structures are new construction, not restored historical structures.

AP IS CURRENTLY IN VIOLATION OF THE PURPOSE OF 17.35.010 D

“D. It is further the purpose of these regulations to provide for bed and breakfast facilities which are accessory to and secondary to the primary residential use of land in residentially zoned areas. The terms “accessory” and “secondary” mean that the establishment of bed and breakfast facilities in residential zones shall not exceed 49 percent of the use of the land and/or building area on and in which the facilities are to be located. (Ord. 667 § 2, 2010; Ord. 421 § 2, 1987; Ord. 416 § 2, 1986; Ord. 396 § 2, 1984; Ord. 390 § 2, 1983).”

Initially, AP was owned and managed by resident owners, as 17.35.010 D requires. That was, until the Patel organization bought out the previous owner. It must be noted that the Patels own and run

numerous commercial hotel/lodging establishments in Calistoga. AP is not a small owner operator, who also lives there. Rather AP is part of a large commercial endeavour. No Patel lives there. Rather, the person residing in a residence on the property is a paid employee of the Patel organization. As such, AP is in current violation of 17.35.010 D. The proposed expansion would further violate the intent of this zoning stated purpose.

AP EXPANSION IS IN VIOLATION OF 17.35.010 REGULATION B

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

As noted previously, the AP expansion would encroach on three of the four properties on BRE zoned RRH.

AP PARKING IS CURRENTLY IN VIOLATION OF 17.36.090 DESIGN REQUIREMENTS AND THAT VIOLATION HAS CAUSED ISSUES WITH DRAINAGE FROM RRH ZONED AREA OF BRE

“C. Adequate and surplus off-street parking is of primary concern in the establishment of bed and breakfast inns and facilities. The requirements and development standards for parking as established in Chapter 17.36 CMC shall apply to all B and B facilities, unless otherwise provided herein.

17.36.090 Design requirements.

Design requirements for parking lots shall be as follows:

A. Surface.

1. Parking lots shall be surfaced with an asphaltic concrete, concrete, building stone, armor coating or equivalent material approved by the Planning and Building and Public Works Directors.”

Currently, gravel of some sort covers parking areas. Rain runoff has frequently caused the gravel to move, clogging drainage necessary for BRE and causing major water damage to the BRE drainage system. Expansion will only exacebate this problem and result in expensive repairs to BRE drainage system to benefit Patel’s commecial venture.

AP IS CURRENTLY IN VIOLATION OF 17.35.020 F GENERAL REGULATIONS

“F. Operation of any B and B facility on a permanent basis shall be by the resident property owner(s) or resident manager. No off-site management shall be permitted, unless otherwise provided herein.”

Currently, the Patel organization is perpetrating a sham to get around the above regulation. As noted previously, the Patels own a number of hotels in Calistoga. Their desire to expand AP is mainly due to their desire for economies of scale. Their use of an employee manager is merely a way to subvert the intent of the regulations. Make no mistake, the resident manager may check people in and out, but the operation is run by the Patel organization, which violates “No offsite management shall be permitted”.

OTHER REASONS TO VOTE NAY TO EXPAND AP

1. Decrease in property values of lots 1,2,3,4

The owners of lots 1,2,3,4, who pay a large amount of property tax, purchased their property based on the reasonable expectation of the existing secluded, calm, tranquil nature of their small development. Adding any units to AP would significantly and permanently damage the potential use and enjoyment of the four family homes. This damage would result in 1) a significant decrease in property values 2) restrict the owners ability to sell in the future and decrease their potential selling price, thus decreasing the tax base 3) immediately result in the owner’s petitioning to substantially decrease the property taxes on their homes.

2. Construction of the units would result in an undue burden on the home owners of lots 1-4.

1) Construction vehicles would block use of the driveway to the residents and to the vehicles servicing their property. The driveway is only 1 car wide. Construction vehicles, men and materials will effectively

prohibit the egress and ingress to the four residences resulting in various hardships.-who will compensate for that?

2)The driveway and roadway were built to specifications for single family use. Construction vehicles would damage the drive and road-who would pay for that?

3)Construction vehicles and the movement of earth would undermine the drainage system that is needed for proper integrity af all uphill lots-who would pay for that?

4)Construction is likely to damage the adjacent leach field for lots 1,2,4-who will pay for that?

5)Noise pollution during construction would be significant and would result in interfering with the residents use and enjoyment of their homes. All of you are Calistoga residents and are aware how noise travels in the valley.-who will compensate us for that?

3.Negative permanent impacts due to increased numbers and usage of proposed cottage expansion:

1) Building Cottages on the "Designated Remainder" is contrary to the natural environment of the Brannon Ridge Estates. Such development is out of place, and would encroach on the natural beauty of the existing space. We all purchased our homes, resonably expecting a secluded, peaceful natural environment. We have abundant wildlife that co exist in our quaint area. Deer, turkey, foxes,etc., populate this tranquil area. Both construction and increased numbers of people would put those species in danger.

a. A large Oak Tree could be endangered (See Exhibits presented by Michael Glover)

As with many animals, our oaks are protected

2) Drainage from the two natural seasonal creeks would be impeded.

We have frequently experienced torrential rains. Thanks to climate change, it is forecast that significant rain will increase. Our community, built on the hillsides, has 2 seaonal creeks that provide drainage that culminates near the Cottages. It is likely that these creeks would be impeded due to the additional buildings. Further, the stripping of vegetated land,that would be required,would significantly decrease the lands ability to soak up and hold excess runoff. This will result in damage to our drainage and will reult in flooding and debris damage to the cottages and homes across from the cottages on Foothill Blvd.

3) The Leach field for property Lots 1, 2, 4, could be impeded

4)The use of the road would be affected.

The road servicing all the homes only allows for one car at a time. One of us must back up to allow the passage of another vehicle. This is extremely difficult and dangerous on the mountain. As has happened in the past, guests at the cottages often drive up our private road for a look around. This would become a bigger problem with more units.

5) Added noise and distractions to the Residents of Brannon Ridge Estates.

As residents, all of you can relate to how noise floats around in hilly areas. You also know that one of the draws to Calistoga is the beautiful weather,enticing people to enjoy the outdoors and the wineries and brew pubs. Therefore, you understand the noise pollution that will result in extra cottages and drunken guests partying outside. In addition the cars coming and going at all hours of the day and night will degrade enjoyment of the residents.

6)Increased traffic with resulting noise, speeding and accidents

Foothill, being a main artery carries all the traffic to and from Santa Rosa as well as all traffic to other areas. Cars wanting to turn into the cottages and our property have to wait for the traffic from the north. Those heading north often pass on the right shoulder bordering the homes on Foothill to get around. This results in an accident ready to happen, including injury, death to pedestrians, since no sidewalk exists. This will only be compounded by traffic from more units.

7)Estimated 30% Property Value Reduction. This results in Loss of value for lots 1-4 in excess of \$3,000,000 which will Result in decreased tax assesment to the state, county and city of Calistoga. In addition ,BRE residents intend on requesting decreasedproperty tax assessments if the expansion is allowed.

CONCLUSION

All the above are negative consequences to all owners of lots 1,2,3,4 if the extension is allowed. As such, the planning commissioners would be responsible for each element of harm to the property owners. The planning commissioners would be responsible for the resultant property tax decreases due to loss of property value.

Aurora and the planning commissioners would be liable for damage to our roadway and drainage system.

Commissioners would be a contributing factor to increased accidents on Foothill Blvd.

Commissioners would ultimately be responsible for higher vacancy rates to all other B&B owners in Calistoga. Numerous establishments exist in Calistoga and especially lining Foothill Blvd. Many of them are for sale due to high vacancy rates. Adding units to Aurora park can only detract from other B&B's in the area, driving more to close, thus further decreasing the tax base.

Four extra B&B units would not increase the tax base. That has already occurred as a result building Solage, Four Seasons, and other new resorts under construction, remodeling and adding units .

ATTACHMENTS

Chapter 17.14

RR RURAL RESIDENTIAL DISTRICT

Sections:

17.14.010 Purpose.

17.14.020 Uses allowed.

17.14.030 Lot area and dimensions.

17.14.040 Development standards.

17.14.050 Other development requirements.

17.14.010 Purpose.

The purpose of the RR Rural Residential Zoning District is to allow the development of single-family residences on large lots that serve as a buffer between the agricultural lands around the city and the urbanized part of Calistoga, along with light agricultural uses that are consistent with the rural residential land use designation of the Calistoga General Plan. Together with compatible accessory uses, other uses are allowed under certain circumstances in order to offset the cost of preserving large lots in agricultural production. (Ord. 699 § 2, 2014).

17.14.020 Uses allowed.

Uses allowed in the RR district are as follows:

A. Uses Allowed without a Use Permit.

1. One one-family dwelling per lot.
2. One accessory dwelling unit per lot in accordance with Chapter 17.37 CMC.
3. Light agricultural uses, including but not limited to: farms on a commercial scale devoted to the growing of field, tree, berry or bush crops, and vegetable or flower gardens.
4. The keeping of horses for noncommercial purposes on sites with a ratio of not less than one-half acre per horse.
5. Residential care, limited, as defined and operated in accordance with State law.
6. Uses determined by the Planning Commission to be similar in nature as provided by Chapter 17.03 CMC.
7. Supportive housing.
8. Transitional housing.

B. Uses Allowed with a Use Permit.

1. Public or private recreational and educational uses and their necessary facilities, including but not limited to: public parks and playgrounds; schools; colleges; religious institutions; golf, swimming, tennis, polo, civic and country clubs; public facilities.
2. Geothermal activity (exploration, development, and use).
3. Veterinary clinics with boarding facilities, subject to the following:
 - a. The minimum lot size shall be two acres.
 - b. Noise shall be mitigated to a level consistent with otherwise permitted uses established in this chapter.
 - c. Odors shall be mitigated to a level consistent with otherwise permitted uses established in this chapter.
4. Light agricultural uses including farms on a commercial scale devoted to the hatching, raising, fattening, or marketing of animals such as, but not limited to, poultry, rabbits, goats, sheep, pigs; aviaries and kennels; the grazing and experimental or selective breeding or training of cattle or horses; provided, that such use is not a part of, nor conducted as, stock feed or livestock sales yards, or a commercial riding academy located on the same premises.
5. Family child care, large, as defined and operated in accordance with State law.
6. Residential care, general, as defined and operated in accordance with State law.
7. Small scale winery operations producing less than 2,000 cases of wine annually; provided, that the following guidelines have been considered prior to use permit approval:
 - a. The parcel size is two acres or more.
 - b. The parcel is established with a principal residence and the winery shall be subordinate to the primary residential use.
 - c. A minimum of 75 percent of the fruit used to make wine produced on site must be grown within the County of Napa. Of that, a minimum of 20 percent of the wine produced on site shall originate from fruit grown on the parcel with modifications only approved through the use permit process.
 - d. Only one winery shall be permitted on site.
 - e. Public tours and tastings shall be prohibited.
 - f. The number and frequency of private wine marketing events shall be strictly limited and reviewed during the use permit process. Private wine marketing events are limited to a maximum of four events per calendar year. The maximum number of guests allowed at any private wine marketing event shall be determined during the use permit process. This maximum capacity shall be posted in a conspicuous place in the small winery building. Use permit conditions may impose stricter limitations if residential development on adjoining parcels is in close proximity to the new small winery use.
 - g. Winery events shall be prohibited. All private wine marketing events shall be held within the confines of the on-site residential unit, the production area of the small winery building, or outside or except as previously defined.
 - h. The establishment of on-premises wine sales shall be determined through the use permit process. If wine sales are to be allowed, they shall be restricted only to wine that is produced on the premises. No merchandise shall be sold.
 - i. The hours of sales shall be by appointment only as reviewed during the use permit process.
 - j. There can be no advertising in publications produced for general distribution for private wine marketing events and all attendees shall be specifically invited to participate in the private wine marketing event by the small winery owner/operator.
 - k. All the requirements of CMC Title 19 shall be met.
 - l. Notwithstanding CMC 17.14.040, buildings and structures used for winery operations shall be located at least 50 feet from the front lot line, and 20 feet from any side lot line, and 50 feet from any dwelling on an adjacent lot, not including perimeter fencing.
8. Large scale winery operations producing up to 4,000 cases of wine annually; provided, that the following guidelines have been considered prior to use permit approval:
 - a. The parcel size is four acres or more.
 - b. The parcel is established with a principal residence and the winery shall be subordinate to the primary residential use.

- c. Only one winery shall be permitted on site.
 - d. The winery conducts limited public tours and tastings, sells wine-related items or holds private wine marketing events and winery events with a use permit.
 - e. Noise shall be restricted to a decibel level of 55 dba at property boundaries.
 - f. A minimum of 75 percent of the fruit used to make wine produced on site must be grown within the County of Napa. Of that, a minimum of 30 percent of the wine produced on site shall originate from fruit grown on the parcel with modifications only approved through the use permit process.
 - g. The number and frequency of private wine marketing events and winery events shall be strictly limited and reviewed during the use permit process. A maximum of four events per calendar year may be allowed. The maximum number of guests allowed at any event shall be determined during the use permit process. This maximum capacity shall be posted in a conspicuous place in the winery building. Use permit conditions may impose stricter limitations if residential development on adjoining parcels is in close proximity to the winery use.
 - h. All events shall be held within the confines of the on-site residential unit, the production area of the large winery building, or outside.
 - i. The establishment of on-premises wine sales shall be determined through the use permit process. If wine sales are to be allowed, they shall be restricted only to wine that is produced on the premises.
 - j. The hours of public tours and tastings and sales shall be by appointment only as reviewed during the use permit process.
 - k. There can be no advertising in publications produced for general distribution for private wine marketing events or winery events and all attendees shall be specifically invited to participate in an event by the large winery owner/operator.
 - l. All the requirements of CMC Title 19 shall be met.
 - m. Notwithstanding CMC 17.14.040, buildings and structures used for winery operations shall be located at least 50 feet from the front lot line, and 20 feet from any side lot line, and 50 feet from any dwelling on an adjacent lot, not including perimeter fencing.
 - 9. Bed and breakfast inns and facilities, in accordance with Chapter 17.35 CMC.
 - 10. Uses determined by the Planning Commission to be similar in nature as provided by the procedures in Chapter 17.03 CMC.
 - 11. Contractor storage yards.
- C. Accessory Buildings and Uses. The following accessory buildings and uses are allowed; provided, that no accessory building or use shall be constructed or established prior to the construction of a main building, or on a lot separate from the main building.
- 1. Garages, storage sheds, workshops, pool houses, playhouses, corrals, coops, hutches, pens, stables and similar structures.
 - 2. Student projects associated with agricultural education.
 - 3. Home occupations in accordance with Chapter 17.43 CMC.
 - 4. Family child care, small, as defined and operated in accordance with State law.
 - 5. The keeping of up to six domestic chickens, subject to the provisions of Chapter 6.06 CMC.
- D. Prohibited Uses. The following uses are prohibited in the RR district:
- 1. Transient commercial occupancies of dwelling units.
 - 2. Other uses not specified in subsections (A) through (C) of this section. (Ord. 732 § 2(2), 2018; Ord. 729 § 2.3, 2017; Ord. 710 § 3, 2015; Ord. 700 § 2(1), 2014; Ord. 699 § 2, 2014).
- 17.14.030 Lot area and dimensions.**
- Minimum lot area and lot dimensions in the RR district are as follows:
- A. Minimum lot area is as follows, except that the maximum allowable density shall be determined by the Rural Residential Land Use Designation of the Calistoga General Plan:
- 1. Eighty thousand square feet if both on-site water and wastewater disposal are proposed.
 - 2. Forty thousand square feet if either on-site water or wastewater disposal is proposed.
 - 3. Twenty thousand square feet if City water and wastewater services are provided.
- B. Minimum lot width: 100 feet.
- C. Minimum lot depth: 200 feet. (Ord. 740 § 2 (Exh. A), 2018; Ord. 699 § 2, 2014).

17.14.040 Development standards.

The following standards apply to development within the RR district:

A. Minimum setbacks for principal buildings are as follows:

- 1. Front yard: 20 feet.
- 2. Interior side yard: 10 feet, except that 20 feet is required for nonresidential.
- 3. Street side yard, corner lot: 15 feet.
- 4. Street side yard, reverse corner lot: 20 feet.
- 5. Rear yard: 20 feet.

B. Minimum setbacks for accessory buildings and structures shall be maintained as provided by CMC 17.38.050.

C. Maximum lot coverage: 30 percent.

D. Maximum height of buildings and structures: 25 feet. (Ord. 740 § 2 (Exh. A), 2018; Ord. 699 § 2, 2014).

17.14.050 Other development requirements.

Additional requirements that apply to development in the RR district include, but are not limited to, the following.

- A. Design review, per Chapter 17.06 CMC.
- B. Affordable housing, per Chapter 17.08 CMC.
- C. Off-street parking and loading, per Chapter 17.36 CMC.
- D. General provisions and exceptions, per Chapter 17.38 CMC.
- E. Use permits, per Chapter 17.40 CMC.
- F. Fences, hedges or walls, per Chapter 17.52 CMC.

Chapter 17.35

BED AND BREAKFAST INNS AND FACILITIES

Sections:

17.35.010 Purpose.

17.35.020 General regulations.

17.35.030 Use permit required.

17.35.040 Permit regulations.

17.35.010 Purpose.

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

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

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

D. It is further the purpose of these regulations to provide for bed and breakfast facilities which are accessory to and secondary to the primary residential use of land in residentially zoned areas. The terms "accessory" and "secondary" mean that the establishment of bed and breakfast facilities in residential zones shall not exceed 49 percent of the use of the land and/or building area on and in which the facilities are to be located. (Ord. 667 § 2, 2010; Ord. 421 § 2, 1987; Ord. 416 § 2, 1986; Ord. 396 § 2, 1984; Ord. 390 § 2, 1983).

17.35.020 General regulations.

- A. For the purposes of this title and Chapter 13.18 CMC (Rates, Billing, Payment and Charges), B and B facilities located in residential zoning districts shall be considered commercial uses.
- B. The establishment of bed and breakfast inns and facilities shall be harmonious with the character of the neighborhood and zone in which they are to be located.
- C. Adequate and surplus off-street parking is of primary concern in the establishment of bed and breakfast inns and facilities. The requirements and development standards for parking as established in Chapter 17.36 CMC shall apply to all B and B facilities, unless otherwise provided herein.
- D. Any facility operating contrary to the terms of this section shall be subject to immediate closure and permit revocation.
- E. No facility shall be operated without a current business license.
- F. Operation of any B and B facility on a permanent basis shall be by the resident property owner(s) or resident manager. No off-site management shall be permitted, unless otherwise provided herein.
- G. No meals may be served after noon or to persons who are not paying guests, except for those persons who are nonpaying personal guests of the occupying owner-manager of the B and B inn or facility. Occasional special events which involve meals shall be approved by the Director of Planning and Building.
- H. All facilities shall be inspected on an annual basis by the Planning and Building Department for conformance with use permit conditions and the regulations established in this title. Inspection reports shall be forwarded to the Planning Commission for informational purposes, as necessary. (Ord. 667 § 2, 2010).

17.35.030 Use permit required.

All bed and breakfast inns and facilities shall require a use permit subject to the provisions of Chapter 17.40 CMC. (Ord. 667 § 2, 2010).

17.35.040 Permit regulations.

- A. All applications for a bed and breakfast facility shall be on forms provided by the Planning and Building Department and accompanied by the appropriate fee as established by Council resolution.
- B. Bed and breakfast inns and facilities shall be permitted only where an occupying owner or resident manager maintains his or her primary place of residence on site. The bed and breakfast inn and facility shall be operated as an accessory use to the owner's/manager's residence. No mix of rental units and B and B units on a single property shall be permitted.
- C. Bed and breakfast inns and facilities shall be limited by spacing and to the number of rental rooms or units by zones as follows:
 1. Spacing. R-R, RR-H, R-1, R-1-10, R-2 and R-3 zones: not more than one bed and breakfast facility per each side of a City block or one facility per each 500 feet where conventional blocks are not present.
 2. Number of Units.
 - a. R-R, RR-H, R-1, R-1-10 and R-2 zones: not more than two units or rooms;
 - b. R-3 zone: not more than three units or rooms.
 3. Maximum. The maximum number of bed and breakfast rental units may be increased in the R-R, RR-H, R-1, R-1-10, R-2 and R-3 zones, subject to a major use permit, when the special circumstances as stated below exist. In no case shall such increase permit the total number of units to exceed six bed and breakfast rental units. Special circumstances to be considered shall include, but not be limited to, the following:
 - a. Proximity to a State highway or major arterial as indicated in the General Plan circulation element; and
 - b. The historical character and/or significance of the structure(s) in which the units are to be located; and
 - c. The character of the proposed site relative to its surroundings; and
 - d. The nature of ingress and egress; and
 - e. The adequacy of the number and location of off-street parking spaces and maneuvering areas; and
 - f. Provision of rooms accessible to the developmentally disabled.

4. Exception. The Planning Commission may authorize an exception to subsections (B), (C) and (D) of this section and CMC 17.36.130(C), parking requirements, subject to a major use permit, when the special circumstances as stated above and below exist:

a. A bed and breakfast inn and facility or other visitor accommodation located on the property was authorized by the City on or before January 1, 2010; and

b. The property is located within an R-1-10 zone; and

c. The property is established with no more than 10 rental units; and

d. Minimum lot size of 10,000 square feet. The Planning Commission, in considering all of the above special circumstances, shall establish written findings to support approval of bed and breakfast rental unit increases.

D. Signs identifying bed and breakfast inns and facilities shall comply with the provisions of Chapter 17.58 CMC.

E. All approved use permits for bed and breakfast inns and facilities shall include a condition requiring conversion of all existing water fixtures by installation of conservation devices.

1. Excepting therefrom, upon Planning Commission approval, authentic historic fixtures.

F. To obtain a use permit, a finding shall be made that the proposed bed and breakfast inn and facility would not result in a net loss of housing. (Ord. 667 § 2, 2010; Ord. 626 § 1, 2006).

Sent from my iPad