

Dear Charlene,

Thank you for taking the lead on modernizing the Calistoga Bed and Breakfast regulations.

As we are all aware, the first bed and breakfast inns opened in town, more than 30 years ago. At that time most were small operations, usually run as a sideline or seasonal enterprise by the owners. While there are still some B&Bs operating like this, many of the properties have evolved to become full time businesses that represent the entire livelihood of their owners. The Calistoga Municipal Code that governs B&B operations has seen no major changes since the early days and now contains sections that restrict owners from running their businesses as they could if they were in many other wine country towns.

In order to help you and our busy city staff and try to get the change process completed in a reasonable time we have started the ball rolling by drafting the proposed changes set out below.

These changes have been widely distributed for comment to all of the Bed and Breakfast owners copied here. In addition, the Calistoga Chamber of Commerce Board has reviewed the proposed changes. Everyone is in broad support of the majority of suggested revisions and urges you to move these quickly into the change process so that necessary comment and debate around the few areas where there are different views can occur.

Please let us know if you have questions or if there is anything, we can do to help move the process rapidly to completion.

Regards,

Nick and Gillian Kite – Owners Wine Way inn and The Craftsman Inn
 Ric Pielstick and Channing McBride – Owners The Chanric Inn
 Toppa and Leslie Epps – Owners The Pink Mansion

**Chapter 17.35
 BED AND BREAKFAST INNS AND FACILITIES**

Municipal Code section	Current	Suggested	Rationale
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.	No Change	
	B. Proposed conversions in residential zones to B and B facilities which would eliminate an existing rental unit or units shall not be permitted. This admonition pertains to, inter alia, units which contain independent cooking and bathroom facilities.	Eliminate	This section is not consistently applied and should be eliminated.
	C. It is further the purpose	No Change	

	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. 421 § 2, 1987; Ord. 416 § 2, 1986; Ord. 396 § 2, 1984; Ord. 390 § 2, 1983).	Eliminate	The Bed and Breakfast use is not secondary or ancillary for many properties. This section causes owners and staff to make creative interpretations on space usage to comply with an out of date regulation.
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.	No Change	This section recognizes the commercial nature of many properties and is acceptable if the restrictive sections of code are eliminated. If they are not eliminated and B&B uses have to continue to be secondary and ancillary uses then this section should be eliminated.
	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.	No change	
	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	17.36 sections applicable to B&Bs should apply to all downtown and community commercial areas for possible in-lieu fees. Only one space for owner or manager should be required and owners who can demonstrate they have alternative parking arrangements should have this	B&Bs located in commercial zones should have the same options as other businesses. Occupancy is not at 100% year round and it is rare in B&Bs to have one car per room (guests are often in groups with two or three rooms to a car). B&B parking lots are empty during the day when alternative parking arrangements are most heavily used.

		requirement waived.	Conversely at night when guests are using the B&B parking lots abundant alternative parking for owners is available, particularly for properties in or near commercial areas.
	D. Any facility operating contrary to the terms of this provision shall be subject to immediate closure and permit revocation.	No change	
	E. No facility shall be operated without a current business license and transient tax certificate.	Eliminate need for transient tax certificate. According to City Staff the Business License serves this purpose.	It makes no sense to require a certificate that is not issued.
	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.	Eliminate	This is not required for other lodging facilities and is an unfair restriction on B&B owners.
	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	No change	
	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.	Apply same inspection criteria to all transient lodging facilities or eliminate.	B&B owners are at least as responsible as other lodging proprietors and should be subject to the same inspection provisions.
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.	No change	
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.	No change	
	B. Bed and breakfast inns and facilities shall be permitted only where an occupying owner or resident manager maintains his or her primary	Eliminate	B&Bs are not secondary uses any more.

	<p>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.</p>		
	<p>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:</p> <ol style="list-style-type: none"> 1. Spacing. R-R, RR-H, R-1, 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 <ol style="list-style-type: none"> a. R-R, RR-H, R-1 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-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: <ol style="list-style-type: none"> 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; and g. Minimum lot size of 10,000 square feet <p>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.</p>	<p>Replace with:</p> <p>Spacing and scale of Bed and Breakfast inns shall be appropriate to their zoning and surrounding neighborhoods.</p>	<p>The Planning Commission should use its judgment to ensure that residential neighborhoods are not overwhelmed. E.g. as they will need to do for the Francis House project.</p>

	D. Signs identifying bed and breakfast inns and facilities shall comply with the provisions of Chapter <u>17.58</u> CMC	No Change but see proposed changes to Chapter 17.58	
	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. (Ord. 626 § 1, 2006).	No Change	
Chapter <u>17.58</u>	6. Signs Associated with a Bed and Breakfast. a. One sign shall be permitted associated with an approved bed and breakfast inn. b. The sign shall be limited to three square feet or less in size. c. The sign shall not exceed 10 feet above grade d. The sign may be illuminated by an exterior source; provided, that the light does not shine on adjoining property or the public right-of-way	Replace with: Number, size and placement of Bed and Breakfast signs shall be appropriate to their zoning and surrounding neighborhoods.	The Planning Commission should use its judgment to ensure that signs are in keeping with residential neighborhoods.