

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE
PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, ASSOCIATE PLANNER

MEETING DATE: SEPTEMBER 23, 2009

SUBJECT: BED AND BREAKFAST INNS AND FACILITIES
ORDINANCE UPDATE

REQUEST

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3 Consideration of a Zoning Ordinance Text Amendment, initiated by the City of
4 Calistoga, to amend the bed and breakfast regulations and other requirements pertain to
5 such use. This proposed action is exempt from the California Environmental Quality Act
6 (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.

BACKGROUND

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10 On May 27, 2009 the Planning Commission conducted a study session to discuss and
11 provide direction to staff regarding whether or not to pursue an update to the City's
12 existing bed and breakfast regulations, as suggested by several bed and breakfast
13 proprietors based upon their finding that the existing regulations are outdated and are
14 stifling business growth.

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16 Subsequent to receiving a report from staff, receiving public comments and discussing
17 the matter, the Planning Commission directed staff to work with the Chamber of
18 Commerce and local bed and breakfast owners to revamp the existing bed and breakfast
19 regulations and bring them back to the Planning Commission for their consideration at a
20 later date.

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22 On July 22, 2009 and September 3, 2009 staff, Rex Albright, Executive Director for the
23 Chamber of Commerce and several bed and breakfast owners met to discuss revisions to
24 the bed and breakfast regulations (CMC Chapter 17.35) and the signage and parking
25 regulations (CMC Chapters 17.58 and 17.36) pertaining to such use. These discussions
26 resulted in a restructuring of the existing regulations to provide more flexibility while
27 achieving the policy direction contained in the General Plan.

30 **PROPOSED REVISIONS TO THE ZONING ORDINANCE**

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32 The proposed amendments to Chapters 17.35, 17.36 and 17.58 of the Zoning Ordinance
33 are intended to update the provisions to the ordinances that have regulated Bed and
34 Breakfast Inns and Facilities for the last decade. The changes are summarized as follows:
35

36 *Bed and Breakfast Inns and Facilities (CMC Chapter 17.35)*

- 37
38 1. Section 17.35.010, *Purpose* has been simplified and the statement requiring that
39 bed and breakfast inns and facilities be secondary to the principal use and may not
40 exceed 49 percent of the use of the property has been deleted.
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42 2. Section 17.35.020, *Use permit required* has been amended requiring a major use
43 permit for bed and breakfast inns and facilitates providing up to ten (10) guest
44 rooms or suite within any residential district.
45
46 3. Section 17.35.030, *Permit regulations* has been substantial revised removing the
47 requirements for an on site resident manager or owner and adding specific
48 requirements for replacement housing and/or in-lieu fees to mitigate the potential
49 loss of housing resulting from a bed and breakfast development.
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51 4. Section 17.35.040, *Site Development and Performance Standards* has been
52 amended providing flexibility in meal service.
53
54 5. Section 17.35.050, *Revocation of Permit* has been added to provide clarity and
55 consistency within the Zoning Ordinance.
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57 *Signs and Advertising Regulations (CMC Chapter 17.58)*

- 58
59 6. Section 17.58.060(6)(e) has been added providing the ability to deviate from the
60 signage requirements upon obtaining a use permit subject to the review and
61 approval of the Planning Commission.
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63 *Off-Street Parking and Loading (CMC Chapter 17.36)*

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65 7. Section 17.36.130(C) has been amended requiring one parking space for each
66 rental room. In addition, a provision has been added providing the ability to
67 deviate from the requirements upon obtaining a use permit subject to the review
68 and approval of the Planning Commission.
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70 **GENERAL PLAN CONSISTENCY**

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72 General Plan Implementation Measure A1 on Page H-93 requires that the Bed and
73 Breakfast Ordinance be amended such that through the use permit process a finding is

74 made that no net loss of housing results from a bed and breakfast development. Within
75 the Economic Development Element, Policy 3 specifically encourages upgrades of
76 existing bed and breakfast inns to meet the changing demands of customers and to
77 strengthen business vitality. The proposed Ordinance is consistent with these, and other,
78 General Plan policies since the updated regulations will provide greater expansion
79 opportunity for existing bed and breakfast inns while mitigating the loss of housing by
80 requiring replacement housing, in-lieu fees or other offsetting measures upon conversion,
81 as deemed appropriate to the Planning Commission through the use permit process.

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83 **ENVIRONMENTAL IMPACT**

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85 The proposed action is not a project as defined by 14 California Code of Regulations
86 15061(b)(3) (State CEQA Guidelines) stating that “A project is exempt from CEQA if
87 the activity is covered by the general rule that CEQA applies only to projects which have
88 the potential for causing a significant effect on the environment. Where it can be seen
89 with certainty that there is no possibility that the activity in question may have a
90 significant effect on the environment, the activity is not subject to CEQA.” The
91 ordinance requires further discretionary review under a conditional use permit to include
92 environmental review on a case by case basis.

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94 **RECOMMENDATION**

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96 Staff recommends that the Planning Commission adopt a Resolution recommending
97 approval to the City Council of a Zoning Ordinance Text Amendment amending the bed
98 and breakfast regulations and other requirements pertaining to such use.

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100 **SUGGESTED MOTION**

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102 **Zoning Ordinance Text Amendment**

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104 I move to approve PC Resolution 2009-26 recommending approval to the City Council of
105 a Zoning Ordinance Text Amendment amending the bed and breakfast regulations and
106 other requirements pertaining to such use.

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108 **ATTACHMENTS**

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- 110 1. Draft Resolution 2009-26
- 111 2. Exhibit ‘A’ – Proposed Ordinance
- 112 3. Existing Bed and Breakfast Inn and Facilities Ordinance (CMC Chapter 17.35) &
113 Other Applicable Regulations
- 114 4. Pertinent Existing General Plan Policies and Actions
- 115 5. May 27, 2009 Planning Commission Meeting Minute Excerpt (Item H.1)
- 116 6. Calistoga Chamber of Commerce letter Dated April 20, 2009