

September 21, 2009

Eric Lundquist
City of Calistoga Planning and Building Dept
1232 Washington St.
Calistoga, CA 94515

Dear Eric:

Pursuant to our conversation wherein I offered comments on some possible changes to the proposed B&B Ordinance, I send these for your consideration.

17.35.030: Permit regulations of

B: Requiring that a B&B conversion must comply with all other provisions the zone in which it is located seems to create grounds for confusion. Since B&B's typically are retrofits of existing structures, some additional language might be added to acknowledge that pre-existing conditions such as non-conforming building set backs, FAR lot coverage, building separations, etc. could be allowed to remain as part of a B&B conversion, even if there exist out of compliance challenges with general zoning and building code requirements.

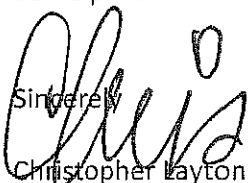
C: The replacement housing aspect of the proposed ordinance seems to be creating an impossible financial conundrum. This requirement was never in the original Ordinance, and for good reason. B&B's bring significant TOT revenues to the City and thus as good business they should be encouraged without unworkable limitations. If enforced and applied as written in the revised Ordinance, there will not be another B&B come on line. While the loss of a residential unit is problematic, the added TOT tax collected on B&B's far out balances that substitution of residential use to our community. The cost of creating a replacement unit will be cost prohibitive. Perhaps an approach could be crafted that would track the projected TOT collected on a proposed B&B that will balance the books on the replacement unit.

17.35.040: Site development and performance standards

B: There is not strong logic in the requirement that there cannot be a mix of rental units among B&B units. While your concern that it might challenge City Staff in documenting collection of TOT has some validity, the City can only win if it preserves rental housing while gaining TOT. The mix may assist in resolving the replacement housing issue mentioned above. Use Permit control is a very powerful tool in the City's hands, and thus is a very effective deterrent to illegal activities. This residential and B&B mix was an important aspect to the original Ordinance so Staff has dealt with mixed use situations in the past. Why not allow an evaluation of each application on its merits?

Resident manager requirement

A most significant and positive change to the proposed Ordinance is to delete the requirement for a B&B to have an owner or on-site manager reside on the property. Along with this is the deletion of the split ratio of usable structural Residential and Owner use to B&B use adds a much needed enhancement. A mention of this, phrased to the effect that no such requirements are called for in B&B applications might be helpful.

Sincerely,

Christopher Layton

