

# City of Calistoga

## Staff Report

**TO:** Honorable Mayor and City Council  
**FROM:** Erik V. Lundquist, Associate Planner  
**VIA:** Charlene Gallina, Director of Planning & Building  
**DATE:** October 20, 2009  
**SUBJECT:** Bed and Breakfast Inns and Facilities Ordinance Update

---

---

**APPROVAL FOR FORWARDING:**

\_\_\_\_\_  
James C. McCann, City Manager

---

---

**ISSUE:** Consideration of a Zoning Ordinance Text Amendment to amend the bed and breakfast regulations (CMC Chapter 17.35) and other requirements pertaining to such use.

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

**BACKGROUND:** In May of 2009 the Planning Commission directed staff to work with the Chamber of Commerce and local bed and breakfast owners to revamp the existing bed and breakfast regulations.

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

On September 23, 2009 the Planning Commission recommended a revision of the bed and breakfast regulations and an amendment to the signage and parking regulations pertaining to such use. During the Commission’s discussion, 7 people offered suggestions and support for Zoning Ordinance changes (see attached Planning Commission minutes). Many of these comments were adopted by the Commission in their recommended action.

**DISCUSSION:**

The Planning Commission’s recommended amendments to Chapters 17.35, 17.36 and 17.58 of the Zoning Ordinance are intended to update the provisions to the zoning ordinance that have

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

28 regulated bed and breakfast inns and facilities for the last decade. The Planning Commissions'  
29 recommendations are summarized as follows:

30

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

32

33 1. Section 17.35.010, *Purpose* has been simplified and the statement requiring that bed  
34 and breakfast inns and facilities be secondary to the principal use and may not exceed  
35 49 percent of the use of the property has been deleted.

36

37 2. Section 17.35.020, *Use permit required* has been amended requiring a major use permit  
38 for bed and breakfast inns and facilities providing up to ten (10) guest rooms or suites  
39 within any residential district. More than ten rooms may be authorized by the Planning  
40 Commission upon a determination pursuant to Section 17.35.020 of this Chapter.

41

42 3. Section 17.35.030, *Permit regulations* has been substantially revised removing the  
43 requirements for an on site resident manager or owner and adding specific requirements  
44 for replacement housing and/or in-lieu fees to mitigate the potential loss of housing  
45 resulting from a bed and breakfast development. The in-lieu housing payment would not  
46 pertain to the conversion of a residence dwelling unit listed on the local, State or Federal  
47 historical register and/or a bed and breakfast inn which was authorized by the City prior  
48 to the establishment of this Ordinance.

49

50 4. Section 17.35.040, *Site Development and Performance Standards* has been amended  
51 providing flexibility in meal service.

52

53 5. Section 17.35.050, *Revocation of Permit* has been added to provide clarity and  
54 consistency within the Zoning Ordinance.

55

56 *Signs and Advertising Regulations (CMC Chapter 17.58)*

57

58 6. Section 17.58.060(6)(e) has been added providing the ability to deviate from the signage  
59 requirements upon obtaining a use permit subject to the review and approval of the  
60 Planning Commission.

61

62 *Off-Street Parking and Loading (CMC Chapter 17.36)*

63

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

68

69 In addition, upon preparing this Staff Report, staff noticed a few typographical errors and one  
70 suggested addition to the Planning Commission's recommended Ordinance. The additional  
71 change would modify Section 17.35.040(H) to read as follows:

72

73           *"All facilities may be inspected periodically by the Planning and Building*  
74           *Department for conformance with use permit conditions and the regulations*  
75           *established in this title. Inspection reports shall be forwarded to the Planning*  
76           *Commission for informational purposes."*  
77

78           It is staff's understanding that it was the Planning Commission's intent to relax the  
79           annual inspection protocol modifying it to be periodical. It is reasonable to assume the  
80           bed and breakfast operators will also be receptive to this suggested amendment.  
81

82           **GENERAL PLAN CONSISTENCY:** General Plan Implementation Measure A1 on Page H-93  
83           requires that the Bed and Breakfast Ordinance be amended such that through the use permit  
84           process a finding is made that no net loss of housing results from a bed and breakfast  
85           development. Within the Economic Development Element, Policy 3 specifically encourages  
86           upgrades of existing bed and breakfast inns to meet the changing demands of customers and to  
87           strengthen business vitality. The proposed Ordinance is consistent with these, and other,  
88           General Plan policies since the updated regulations will provide greater expansion opportunity  
89           for existing bed and breakfast inns while mitigating the loss of housing by requiring replacement  
90           housing, in-lieu fees or other offsetting measures upon conversion, as deemed appropriate to  
91           the Planning Commission through the use permit process.  
92

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

102           **FISCAL IMPACT:** The adoption of this Ordinance will create no direct fiscal impacts.  
103

104           **ATTACHMENTS:**

- 105           1.       Draft Ordinance
- 106           2.       Planning Commission Resolution PC 2009-26
- 107           3.       Planning Commission Meeting Minute Excerpt of September 23, 2009
- 108           4.       Abbreviated Planning Commission Staff Report September, 23, 2009
- 109           5.       Letter received from the Calistoga Chamber of Commerce dated April 20, 2009
- 110           6.       Letter received from Christopher Layton dated September 21, 2009
- 111           7.       Email received from Nick and Gillian Kite received September 21, 2009
- 112           8.       Existing Bed and Breakfast Inn and Facilities Ordinance (CMC Chapter 17.35) & Other  
113           Applicable Regulations