

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2009-26**

A RESOLUTION FORWARDING A RECOMMENDATION TO THE CITY COUNCIL FOR THE ADOPTION OF AN ORDINANCE AMENDING CHAPTERS 17.35, *BED AND BREAKFAST INN AND FACILITIES*, 17.58, *SIGNS AND ADVERTISING REGULATIONS*, AND 17.36, *OFF-STREET PARKING AND LOADING OF THE MUNICIPAL CODE PERTAINING TO BED AND BREAKFAST USES.*

1
2 **WHEREAS**, General Plan Implementation Measure A1, on Page H-93 of the
3 Housing Element, requires that the Bed and Breakfast Ordinance be amended such that
4 through the use permit process a finding is made that no net loss of housing results
5 from a bed and breakfast development; and
6

7 **WHEREAS**, the Economic Development Element, Policy 3 of the General Plan
8 specifically encourages upgrades of existing bed and breakfast inns to meet the
9 changing demands of customers and to strengthen business vitality; and
10

11 **WHEREAS**, on April 20, 2009 the Calistoga Chamber of Commerce submitted a
12 letter requesting planning staff to review the current bed and break fast regulations; and
13

14 **WHEREAS**, on May 27, 2009 the Planning Commission conducted a study
15 session to discuss and provide direction to staff regarding whether or not to pursue an
16 update to the City's bed and breakfast regulations and other regulations pertaining to
17 such use, as called for in the General Plan and as suggested by the Chamber of
18 Commerce; and
19

20 **WHEREAS**, subsequent to receiving a report from staff, receiving public
21 comments and discussing the matter on May 27, 2009, the Planning Commission
22 directed staff to work with the Chamber of Commerce and local bed and breakfast
23 owners to revamp the existing bed and breakfast regulations and bring them back to the
24 Planning Commission for their consideration at a later date.
25

26 **WHEREAS**, the Planning Commission considered the proposed revisions to the
27 City's bed and breakfast regulations and other regulations pertaining to such use at its
28 regular meeting on September 23, 2008. Prior to taking action on the proposed
29 revisions, the Planning Commission received written and oral reports by the staff, and
30 received public testimony; and
31

32 **WHEREAS**, the Planning Commission finds the proposed revisions to the City's
33 review procedures for bed and breakfast developments as provided for in Exhibit A are
34 necessary and proper for maintaining a positive growth in the visitor accommodation
35 climate in the community and are consistent with the policy direction contained in the
36 General Plan; and
37

38 **WHEREAS**, the Planning Commission finds that the proposed revisions will not
39 limit the City's ability to offset and/or mitigate the loss of housing through the required
40 use permit review of a bed and breakfast development; and

EXHIBIT A

PLANNING COMMISSION RECOMMENDATION

Chapter 17.35

BED AND BREAKFAST INNS AND FACILITIES

1

2 **Sections:**

3 **17.35.010 Purpose.**

4 **17.35.020 Use permit required.**

5 **17.35.030 Permit regulations.**

6 **17.35.040 Site development and performance standards.**

7 **17.35.050 Revocation of a permit.**

8 **17.35.010 Purpose.**

- 9 A. It is the purpose of this chapter to establish regulations for the location,
10 use, character, parking, signage and processing of applications for bed
11 and breakfast inns and facilities in residential zones within the City;
12 B. It is further the purpose of these regulations to mitigate impacts on the
13 City's housing stock consistent with General Plan policy and to the extent
14 permitted by State law;
15 C. It is further the purpose of these regulations to encourage the restoration
16 of historic structures. An example of an historic structure is one which is
17 listed by Federal, State and/or recognized Napa County agencies as
18 having architectural or historic significance.

19

20 **17.35.020 Use permit required.**

21 Bed and breakfast inns and facilities providing up to ten rooms or suites may be
22 authorized within any residential district upon obtaining a major use permit
23 pursuant to Chapter 17.40 of this Title. More than ten rooms may be authorized
24 by the Planning Commission upon a determination pursuant to Section 17.35.020
25 of this Chapter.

26 **17.35.030 Permit regulations.**

- 27 A. The establishment of a bed and breakfast inn and facilities shall be
28 compatible with and will not be detrimental to the character of the
29 neighborhood and surrounding land uses. Factors used in determining the
30 appropriate number of guest rooms that may be permitted in any location
31 shall include the relationship of the site to parking, access, character, size
32 and scale of surrounding uses;

- 33 B. A bed and breakfast inn and facility must comply with all other provisions
- 34 of the zone in which it is located and must comply with all other
- 35 ordinances of the City;
- 36 C. No existing residential dwelling unit shall be converted or demolished,
- 37 unless replacement housing is provided, subject to one of the following
- 38 provisions:
- 39 1. Replacement housing will be provided for the residential units to be
- 40 demolished or converted to the bed and breakfast use, and the
- 41 replacement housing will be located on the site or elsewhere in the
- 42 City following demolition or conversion of the existing residential
- 43 unit. In these circumstances, a housing agreement shall be
- 44 required to ensure compliance with the conditions of a permit
- 45 authorizing the demolition or conversion; or
- 46 2. A fee has been provided subject to the provisions contained in
- 47 Chapter 17.08 CMC, which will be used by the City to provide
- 48 replacement housing for the residential units to be demolished or
- 49 converted to commercial use; or
- 50 3. Any other circumstances deemed appropriate by the Planning
- 51 Commission, the City may accept land or other appropriate
- 52 solutions which are found to adequately address the project's
- 53 obligation upon a finding that (a) the alternative provides a
- 54 comparable or superior benefit to the City's affordable housing
- 55 supply, and (b) the alternative is consistent with the City's Housing
- 56 Element.
- 57 4. This Section does not pertain to the conversion of a residence
- 58 dwelling unit listed on the local, State or Federal historical register
- 59 and/or a bed and breakfast inn which was authorized by the City on
- 60 or before November , 2009.
- 61 D. Signs identifying bed and breakfast inns and facilities shall comply with the
- 62 provisions of Chapter 17.58 CMC;
- 63 E. All approved use permits for bed and breakfast inns and facilities shall
- 64 include a condition requiring conversion of all existing water fixtures by
- 65 installation of conservation devices.
- 66 1. Excepting therefrom, upon Planning Commission approval,
- 67 authentic historic fixtures.

68 **17.35.040 Site development and performance standards.**

- 69 These standards apply to all bed and breakfast inns and facilities:
- 70 A. For the purposes of this title and Chapter 13.18 CMC (Rates, Billing,
- 71 Payment and Charges), B and B facilities located in residential zoning
- 72 districts shall be considered commercial uses.
- 73 B. B and B facilities shall be rented for periods of less than thirty (30 days),
- 74 unless otherwise authorized by the Planning and Building Director or
- 75 Planning Commission. No mix of rental units and B & B units on a single
- 76 property shall be permitted, unless otherwise authorized by the Planning
- 77 Commission.

- 78 C. The establishment of bed and breakfast inns and facilities shall be
79 harmonious with the character of the neighborhood and zone in which
80 they are to be located.
- 81 D. Off-street parking is of primary concern in the establishment of bed and
82 breakfast inns and facilities. The requirements and development
83 standards for parking as established in Chapter 17.36 CMC shall apply to
84 all B and B facilities.
- 85 E. No facility shall be operated without a current business license and
86 remittance of transient occupancy tax is required.
- 87 F. No meals shall be served to persons other than to guests and residents of
88 the bed and breakfast inn. Occasional special events which involve meals
89 shall be approved by the Director of Planning and Building or Planning
90 Commission upon consent of the Health Department.
- 91 G. Not more than one bed and breakfast facility shall be located per each
92 side of a City block or no more than one facility per each 500 feet where
93 conventional blocks are not present, unless otherwise authorized by the
94 Planning Commission.
- 95 H. All facilities shall be inspected on an annual basis by the Planning and
96 Building Department for conformance with use permit conditions and the
97 regulations established in this title. Inspection reports shall be forwarded
98 to the Planning Commission for informational purposes.

99
100 **17.35.050 Revocation of a permit.**

101
102 The owner of a bed and breakfast establishment shall fully comply with all
103 conditions related to any permit or approval granted under this section. Failure to
104 comply with any condition shall constitute grounds for revocation pursuant to
105 Chapter 17.40 of this Title.

106 **Chapter 17.58**

107 **SIGNS AND ADVERTISING REGULATIONS**

- 108
- 109 6. Signs Associated with a Bed and Breakfast.
- 110 a. One sign shall be permitted associated with an approved
- 111 bed and breakfast inn.
- 112 b. The sign shall be limited to three square feet or less in size.
- 113 c. The sign shall not exceed 10 feet above grade.
- 114 d. The sign may be illuminated by an exterior source; provided,
- 115 that the light does not shine on adjoining property or the
- 116 public right-of-way.
- 117 e. Deviation from these requirements shall be reviewed and
- 118 approved by the Planning Commission in conjunction with
- 119 review of a use permit subject to the provisions of Chapter
- 120 17.35 CMC.
- 121
- 122

123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138

Chapter 17.36

OFF-STREET PARKING AND LOADING

17.36.130 Parking requirements – Residential uses.

- Off-street parking for residential uses shall be as follows:
- A. Single-family dwelling: two spaces per dwelling;
 - B. Multifamily dwelling containing two or more dwelling units: two spaces per dwelling unit;
 - C. Bed and breakfast inns and facilities: 1 space per for each rental room. Deviation from the location requirements and number of space required shall be reviewed and approved by the Planning Commission in conjunction with review of a use permit subject to the provisions of Chapter 17.35 CMC;
 - D. Second dwelling units: two parking spaces for the main residence and one additional parking space for the second dwelling;
 - E. Mobile home parks: two spaces per dwelling unit plus one guest space for each five mobile homes, evenly distributed within the mobile home park.