

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2010-05**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALISTOGA
RESCINDING RESOLUTION PC 2009-26 AND FORWARDING A
RECOMMENDATION TO THE CITY COUNCIL FOR THE ADOPTION OF AN
ORDINANCE AMENDING CHAPTER 17.35, *BED AND BREAKFAST INN AND
FACILITIES OF THE MUNICIPAL CODE PERTAINING TO BED AND BREAKFAST
USES.***

1
2 **WHEREAS**, on September 23, 2009 the City of Calistoga Planning Commission adopted
3 Resolution PC 2009-26 recommending to the City Council an amendment to bed and breakfast
4 inns and facilities regulations and other requirements pertaining to such use in the Calistoga
5 Municipal Code; and
6

7 **WHEREAS**, on October 20, 2009 the City considered the Planning Commission's
8 recommendations at their regularly scheduled meeting and upon close of the public hearing, the
9 City Council recommended that the zoning ordinance amendments be referred back to the
10 Planning Commission for reconsideration; and
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12 **WHEREAS**, during the Planning Commission meeting of December 9, 2009, a
13 Subcommittee comprised of two Planning Commissioners was established to develop a revised
14 Ordinance to address the City Council's concerns; and
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16 **WHEREAS**, on April 14, 2010 the Planning Commission reconsidered the proposed
17 revisions to the City's bed and breakfast regulations and other regulations pertaining to such use
18 and considered the recommendations of the Planning Commission Subcommittee. Prior to
19 taking action on the proposed revisions, the Planning Commission received written and oral
20 reports by the staff, and received public testimony; and
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22 **WHEREAS**, based upon new discoveries the Planning Commission finds it appropriate
23 to rescind Resolution PC 2009-26 containing their previous recommendations; and
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25 **WHEREAS**, the Planning Commission finds the proposed revisions to the City's bed
26 and breakfast regulations contained in Chapter 17.35 of the Calistoga Municipal Code, as
27 provided for in Exhibit A, are necessary and proper for maintaining a positive growth in the
28 visitor accommodation climate in the community and are consistent with the policy direction
29 contained in the General Plan; and
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31 **WHEREAS**, the Planning Commission finds that the proposed revisions to the bed and
32 breakfast regulations are consistent with General Plan Objective H-3.5, Implementation Measure
33 A1, on Page H-93 of the Housing Element since a finding is established that any new Bed and
34 breakfast will not result in a net loss of housing and limiting the conversion opportunities to only
35 those three (3) pre-existing bed and breakfast inns and one (1) other lodging facility in the "R1-
36 10" Zoning District; and
37

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

41
42 **WHEREAS**, the Planning Commission has determined that this action is not be subject
43 to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA
44 Guidelines.

45
46 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
47 Commission that, based on the above findings, Resolution PC 2009-26 shall be rescinded and the
48 proposed amendment to bed and breakfast inns and facilities regulations, as described in Exhibit
49 A attached, is forwarded to the City Council with a recommendation of adoption.

50
51 **PASSED, APPROVED, AND ADOPTED** on April 14, 2010, by the following vote of
52 the Calistoga Planning Commission:

53
54 AYES:
55 NOES:
56 ABSENT:
57 ABSTAIN

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Jeff Manfredi, Chairman

ATTEST: _____
Kathleen Guill
Secretary to the Planning Commission

EXHIBIT A

PLANNING COMMISSION RECOMMENDATION

Chapter 17.35

BED AND BREAKFAST INNS AND FACILITIES

Sections:

17.35.010 Purpose.

17.35.020 General regulations.

17.35.030 Use permit required.

17.35.040 Permit regulations.

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.
- B. Proposed conversions in residential zones to B and B facilities which would eliminate an existing rental unit or units shall not be permitted, unless otherwise provided herein. This admonition pertains to, inter alia, units which contain independent cooking and bathroom facilities.
- C. It is further the purpose 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, unless otherwise provided herein. 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).

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.
- 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.
- 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, unless otherwise provided herein.
- D. Any facility operating contrary to the terms of this provision shall be subject to immediate closure and permit revocation.
- E. No facility shall be operated without a current business license, ~~and transient tax certificate.~~
- F. Operation of any B and B facility on a permanent basis shall be by the resident property

46 | owner(s) or resident manager. No off-site management shall be permitted, unless
47 | otherwise provided herein.

48 | G. No meals may be served after noon or to persons who are not paying guests, except for
49 | those persons who are nonpaying personal guests of the occupying owner-manager of the
50 | B and B inn or facility. Occasional special events which involve meals shall be approved
51 | by the Director of Planning and Building.

52 | H. All facilities shall be inspected periodically ~~on an annual basis~~ by the Planning and
53 | Building Department for conformance with use permit conditions and the regulations
54 | established in this title. Inspection reports shall be forwarded to the Planning Commission
55 | for informational purposes, as necessary.

56 | **17.35.030 Use permit required.**

57 | All bed and breakfast inns and facilities shall require a use permit subject to the provisions of
58 | Chapter 17.40 CMC.

59 | **17.35.040 Permit regulations.**

60 | A. All applications for a bed and breakfast facility shall be on forms provided by the
61 | Planning and Building Department and accompanied by the appropriate fee as established
62 | by Council resolution.
63 |

64 | B. Bed and breakfast inns and facilities shall be permitted only where an occupying owner
65 | or resident manager maintains his or her primary place of residence on-site. The bed and
66 | breakfast inn and facility shall be operated as an accessory use to the owner's/manager's
67 | residence. No mix of rental units and B and B units on a single property shall be
68 | permitted.
69 |

70 | C. Bed and breakfast inns and facilities shall be limited by spacing and to the number of
71 | rental rooms or units by zones as follows:
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73 | 1. Spacing. R-R, RR-H, R-1, R-1-10, R-2 and R-3 zones: not more than one bed
74 | and breakfast facility per each side of a City block or one facility per each 500
75 | feet where conventional blocks are not present.

76 | 2. Number of Units.

77 | a. R-R, RR-H, R-1, R-1-10, and R-2 zones: not more than two units or
78 | rooms;

79 | b. R-3 zone: not more than three units or rooms.

80 | 3. Maximum. The maximum number of bed and breakfast rental units may be
81 | increased in the R-R, RR-H, R-1, R-1-10, R-2 and R-3 zones, subject to a major
82 | use permit, when the special circumstances as stated below exist. In no case shall
83 | such increase permit the total number of units to exceed six bed and breakfast
84 | rental units. Special circumstances to be considered shall include, but not be
85 | limited to, the following:

86 | a. Proximity to a State highway or major arterial as indicated in the General
87 | Plan circulation element; and

88 | b. The historical character and/or significance of the structure(s) in which
89 | the units are to be located; and

90 | c. The character of the proposed site relative to its surroundings; and

91 | d. The nature of ingress and egress; and

92 | e. The adequacy of the number and location of off-street parking spaces

- 93 and maneuvering areas; and
94 f. Provision of rooms accessible to the developmentally disabled; and
95 ~~g. Minimum lot size of 10,000 square feet.~~
96 4. Exception. The Planning Commission may authorize an exception to Sections
97 17.35.040(B), (C) & (D) and 17.36.130(c) parking requirements of this Title,
98 subject to a major use permit, when the special circumstances as stated above and
99 below exist.
100 a. A bed and breakfast inn and facility or other visitor accommodation
101 located on the property was authorized by the City on or before January
102 1, 2010; and
103 b. The property is located within an R-1-10 zone; and
104 c. The property is established with no more than 10 rental units; and
105 d. Minimum lot size of 10,000 square feet.

106 The Planning Commission, in considering all of the above special circumstances, shall
107 establish written findings to support approval of bed and breakfast rental unit increases.

- 108
109 D. Signs identifying bed and breakfast inns and facilities shall comply with the provisions of
110 Chapter 17.58 CMC.
111
112 E. All approved use permits for bed and breakfast inns and facilities shall include a
113 condition requiring conversion of all existing water fixtures by installation of
114 conservation devices.
115 1. Excepting therefrom, upon Planning Commission approval, authentic historic
116 fixtures. (Ord. 626 § 1, 2006).
117
118 F. To obtain a use permit, a finding shall be made that the proposed bed and breakfast inn
119 and facility would not result in a net loss of housing.