



**City of Calistoga**  
**Planning Commission**  
**Agenda Item Summary**

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**DATE** April 14, 2010

**SUBJECT** Bed and Breakfast Inns and Facilities Ordinance Update

**APPLICANT** City Initiated

**REQUESTED ACTION** Consideration of a Zoning Ordinance Text Amendment, initiated by the City of Calistoga, to amend the bed and breakfast regulations (Chapter 17.35 of the Calistoga Municipal Code). This proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.

**RECOMMENDATION** Staff recommends that the Planning Commission rescind PC Resolution 2009-26 and adopt a Resolution recommending approval to the City Council of a Zoning Ordinance Text Amendment amending the bed and breakfast regulations and other requirements pertaining to such use.

**SUGGESTED MOTION**

Zoning Ordinance Text Amendment

I move to rescind PC Resolution 2009-26 and adopt PC Resolution 2010-05 recommending approval to the City Council of a Zoning Ordinance Text Amendment amending the Bed and Breakfast Inns and Facilities Ordinance, Chapter 17.35 of the Calistoga Municipal Code.

# CITY OF CALISTOGA

## STAFF REPORT

**TO:** CHAIRMAN MANFREDI AND MEMBERS OF THE  
PLANNING COMMISSION

**FROM:** ERIK V. LUNDQUIST, ASSOCIATE PLANNER

**MEETING DATE:** APRIL 14, 2010

**SUBJECT:** BED AND BREAKFAST INNS AND FACILITIES  
ZONING ORDINANCE TEXT AMENDMENT

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1 **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 (Chapter 17.35 of the Calistoga  
5 Municipal Code). This proposed action is exempt from the California Environmental  
6 Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.  
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8 **BACKGROUND/DISCUSSION:**

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10 On September 23, 2009, the Planning Commission considered an amendment to the Bed  
11 and Breakfast Inns and Facilities Ordinance (Chapter 17.35 CMC) and other relevant  
12 requirements pertaining to such use wherein they expressed support and unanimously  
13 recommended to the City Council approval of the amendment to the Zoning Ordinance,  
14 based upon the modifications made during the meeting.  
15

16 Subsequently, on October 20, 2009 the City Council considered the Planning  
17 Commission's recommendations at their regularly scheduled meeting. During this  
18 meeting the City Council heard a presentation from staff, took public testimony and  
19 closed the public hearing. Following the close of the public hearing, the City Council  
20 recommended that the zoning ordinance amendment be referred back to the Planning  
21 Commission for review and reconsidered since several comments and concerns were  
22 expressed regarding the potential impact that relaxed regulations might have on the  
23 integrity of residential neighborhoods especially resulting from having no on-site  
24 manager and the ability to have any number of rental rooms in all residential districts.  
25 The Council strongly urged and directed the Planning Commission to re-examine how the  
26 potential expansion of commercial development in the residential areas may affect the  
27 quality of life within existing neighborhoods.  
28

29 As a matter of new business, on December 9, 2009 the Planning Commission appointed  
30 two Planning Commissioners to work with Staff, the B & B operators and other

31 interested parties to develop a revised Ordinance that addresses the City Council's  
32 concerns.

33

34 The Bed and Breakfast Ad-hoc Subcommittee (Chairman Jeff Manfredi and Commission  
35 Matthew Moye) met on February 19 and March 11, 2010 to discuss a reasonable  
36 approach to ensuring that small residential neighborhoods are not overburdened with  
37 large lodging establishments while incorporating flexibility into the updated regulations.  
38 In order to protect the small, charming, residential areas of the City, the Subcommittee  
39 looked at what areas of town may be appropriate for more intense bed and breakfast. Of  
40 the residential districts, the Subcommittee found that the "R1-10" district was the most  
41 suitable since it is primarily concentrated along the southern side of Foothill Boulevard  
42 and included larger lots containing large historical homes established with some of the  
43 more notable bed and breakfast facilities. Even though, the Foothill Boulevard corridor  
44 seemed the most appropriate the Subcommittee want to add further protections, as a  
45 result the Subcommittee is recommending amending Chapter 17.35 CMC to establish  
46 provisions that would grant only those properties in the "R1-10" Zoning District that are  
47 already established with a bed and breakfast facility the ability to request an exception  
48 from the on-site manager, spacing and signage requirements, subject to the Planning  
49 Commission's determination based upon specific findings.

50

51 Tracked change version of the Subcommittee's suggested amendments to Chapter 17.35  
52 CMC are shown in Attachment No. 1.

53

#### 54 **GENERAL PLAN CONSISTENCY**

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56 General Plan Housing Element, Objective H-3.5, Implementation Measure A1 on Page  
57 H-93 requires that the Bed and Breakfast Ordinance be amended such that through the  
58 use permit process a finding is made that no net loss of housing results from a bed and  
59 breakfast development. Within the Economic Development Element, Policy 3  
60 specifically encourages upgrades of existing bed and breakfast inns to meet the changing  
61 demands of customers and to strengthen business vitality. The proposed Ordinance is  
62 consistent with these, and other, General Plan policies since the proposed regulations will  
63 provide greater expansion opportunity for existing bed and breakfast inns while  
64 mitigating the loss of housing by establishing a finding that any new Bed and breakfast  
65 will not result in a net loss of housing and limiting the conversion opportunities to only  
66 those three (3) pre-existing bed and breakfast inns and one (1) other lodging facility in  
67 the "R1-10" Zoning District.

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#### 69 **ENVIRONMENTAL IMPACT**

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71 The proposed action is not a project as defined by 14 California Code of Regulations  
72 15061(b)(3) (State CEQA Guidelines) stating that "A project is exempt from CEQA if  
73 the activity is covered by the general rule that CEQA applies only to projects which have  
74 the potential for causing a significant effect on the environment. Where it can be seen

75 with certainty that there is no possibility that the activity in question may have a  
76 significant effect on the environment, the activity is not subject to CEQA.” The  
77 ordinance requires further discretionary review under a conditional use permit to include  
78 environmental review on a case by case basis.

79

80 **RECOMMENDATION**

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82 Staff recommends that the Planning Commission rescind PC Resolution 2009-26 and  
83 adopt a Resolution recommending approval to the City Council of a Zoning Ordinance  
84 Text Amendment amending the bed and breakfast regulations and other requirements  
85 pertaining to such use.

86

87 **SUGGESTED MOTION**

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89 **Zoning Ordinance Text Amendment**

90

91 I move to rescind PC Resolution 2009-26 and adopt PC Resolution 2010-05  
92 recommending approval to the City Council of a Zoning Ordinance Text Amendment  
93 amending the bed and breakfast regulations, Chapter 17.35 of the Calistoga Municipal  
94 Code.

95

96 **ATTACHMENTS:**

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- 98 1. Planning Commission Resolution 2010-05
- 99 2. Planning Commission Resolution 2009-26
- 100 3. Existing Bed and Breakfast Inns and Facilities Ordinance, Chapter 17.35
- 101 4. Excerpt City Council Minutes of October 20, 2009
- 102 5. Maria Lorraine Binchet's letter dated October 28, 2009
- 103 6. Gwen Costello Becker email dated November 8, 2009
- 104 7. John Green letter dated December 1, 2009
- 105 8. Bonnie Cunha letter dated December 8, 2009
- 106 9. Nick and Gillian Kite emailed dated December 9, 2009
- 107