

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

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.

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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.

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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.

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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.

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

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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.

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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.

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87 **SUGGESTED MOTION**

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89 Zoning Ordinance Text Amendment

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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.

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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
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