

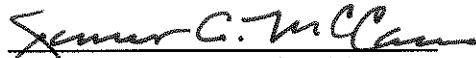
# City of Calistoga

## Staff Report

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**TO:** Honorable Mayor and City Council  
**FROM:** Erik V. Lundquist, Associate Planner  
**VIA:** Charlene Gallina, Director of Planning & Building  
**DATE:** May 18, 2010  
**SUBJECT:** Bed and Breakfast Inns and Facilities Ordinance Update

APPROVAL FOR FORWARDING:

  
James C. McCann, City Manager

1 **ISSUE:** Consideration of a Zoning Ordinance Text Amendment, initiated by the City of  
2 Calistoga, to amend the bed and breakfast regulations and other provisions of the Zoning  
3 Ordinance pertaining to such use.

4  
5 **RECOMMENDATION:** Adopt Ordinance No. 667 as submitted.

6  
7 **BACKGROUND/DISCUSSION:** On May 4, 2010, the City Council held a public hearing to  
8 consider a recommendation from the Planning Commission to update the Bed and Breakfast  
9 Inns and Facilities Ordinance and other provisions of the Zoning Ordinance as follows:

- 10  
11 1. Provide (through the use permit process) an exception for those properties currently  
12 developed with a bed and breakfast inn in the R1-10 Zoning District to exceed the  
13 development limitations;  
14 2. Require a finding to be made that any bed and breakfast inn and facility would not result in a  
15 net loss of housing;  
16 3. Require periodical inspection rather than annual inspection by the Planning and Building  
17 Department;  
18 4. Amend each of the residential zoning districts to conditionally allow bed and breakfast inns  
19 and facilities in accordance with the Bed and Breakfast Inns and Facilities Ordinance.

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21 At the conclusion of deliberations, the City Council introduced and waived the first reading of an  
22 Ordinance. The Ordinance has been scheduled for adoption tonight.

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

25  
26 **ATTACHMENT:**

- 27 1. Ordinance No. 667

ORDINANCE NO. 667

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA AMENDING CHAPTERS 17.35, *BED AND BREAKFAST INN AND FACILITIES*, 17.58 AND OTHER PROVISIONS OF THE ZONING ORDINANCE PERTAINING TO BED AND BREAKFAST USES.**

The City Council of the City of Calistoga does hereby ordain as follows:

**SECTION ONE:**

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

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

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

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

**WHEREAS**, the Planning Commission at its regular meeting of September 23, 2009 considered the proposed revisions to the Zoning Ordinance and prior to taking action on the application, the Planning Commission received written and oral reports by the staff; and

**WHEREAS**, subsequent to a duly noticed public hearing the Planning Commission adopted Resolutions PC 2009-26 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; and

**WHEREAS**, on October 20, 2009 the City considered the Planning Commission's recommendations at their regularly scheduled meeting and upon close of the public hearing, the City Council recommended that the zoning ordinance amendments be referred back to the Planning Commission for reconsideration; and

**WHEREAS**, during the Planning Commission meeting of December 9, 2009, a Subcommittee comprised of two Planning Commissioners was established to develop a revised Ordinance to address the City Council's concerns; and

**WHEREAS**, on April 14, 2010 the Planning Commission reconsidered the proposed revisions to the City's bed and breakfast regulations and other regulations pertaining to such use and considered the recommendations of the Planning Commission Subcommittee. Prior to taking action on the proposed revisions, the Planning Commission received written and oral reports by the staff, and received public testimony; and

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**WHEREAS**, based upon new discoveries the Planning Commission found it appropriate to rescind Resolution PC 2009-26 containing their previous recommendations and adopted Resolutions PC 2010-05 recommendation to the City Council for the adoption of an Ordinance amending Chapters 17.35, *Bed and Breakfast Inn* and other Chapters of the Zoning Ordinance pertaining to bed and breakfast uses finding that the revisions are necessary and proper for maintaining a positive growth in the visitor accommodation climate in the community and are consistent with the policy direction contained in the General Plan; and

**WHEREAS**, a public notice of the City Council public hearing of May 4, 2010 for this Zoning Ordinance Text Amendment was published in the local newspaper and made available on the City's website; and

**WHEREAS**, the City Council of the City of Calistoga has reviewed and considered the applicant's request and the Planning Commission's recommendation at its regular meeting on May 4, 2010 and May 18, 2010 as one of its items of business, noticed in accordance with Government Code Section 65090, this Ordinance to be adopted in accordance with Code Section 65850, to include the written and oral staff report, proposed findings and comments received from the general public and interested agencies and parties; and

**WHEREAS**, the City Council finds the proposed revisions to the City's review procedures for bed and breakfast developments are necessary and proper for maintaining a positive growth in the visitor accommodation climate in the community and are consistent with the policy direction contained in the General Plan; and

**WHEREAS**, the City Council finds that the proposed revisions will not limit the City's ability to offset and/or mitigate the loss of housing through the required use permit findings; and

**WHEREAS**, the City Council has been determined this action to not be subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.

**SECTION TWO:**

Chapter 17.35, *Bed and Breakfast Inns and Facilities* of the Calistoga Municipal Code shall be amended as follows:

**Chapter 17.35**

**BED AND BREAKFAST INNS AND FACILITIES**

**Sections:**

- 17.35.010 Purpose.**
- 17.35.020 General regulations.**

91 **17.35.030 Use permit required.**

92 **17.35.040 Permit regulations.**

93 **17.35.010 Purpose.**

- 94 A. It is the purpose of this chapter to establish regulations for the location, use,  
95 character, parking, signing and processing of applications for bed and breakfast inns  
96 and facilities in residential zones within the City.
- 97 B. Proposed conversions in residential zones to B and B facilities which would  
98 eliminate an existing rental unit or units shall not be permitted, unless otherwise  
99 provided herein. This admonition pertains to, inter alia, units which contain  
100 independent cooking and bathroom facilities.
- 101 C. It is further the purpose of these regulations to encourage the restoration of historic  
102 structures. An example of an historic structure is one which is listed by Federal,  
103 State and/or recognized Napa County agencies as having architectural or historic  
104 significance.
- 105 D. It is further the purpose of these regulations to provide for bed and breakfast  
106 facilities which are accessory to and secondary to the primary residential use of land  
107 in residentially zoned areas, unless otherwise provided herein. The terms  
108 "accessory" and "secondary" mean that the establishment of bed and breakfast  
109 facilities in residential zones shall not exceed 49 percent of the use of the land  
110 and/or building area on and in which the facilities are to be located. (Ord. 421 § 2,  
111 1987; Ord. 416 § 2, 1986; Ord. 396 § 2, 1984; Ord. 390 § 2, 1983).

112 **17.35.020 General regulations.**

- 113 A. For the purposes of this title and Chapter 13.18 CMC (Rates, Billing, Payment and  
114 Charges), B and B facilities located in residential zoning districts shall be considered  
115 commercial uses.
- 116 B. The establishment of bed and breakfast inns and facilities shall be harmonious with  
117 the character of the neighborhood and zone in which they are to be located.
- 118 C. Adequate and surplus off-street parking is of primary concern in the establishment of  
119 bed and breakfast inns and facilities. The requirements and development standards  
120 for parking as established in Chapter 17.36 CMC shall apply to all B and B facilities,  
121 unless otherwise provided herein.
- 122 D. Any facility operating contrary to the terms of this provision shall be subject to  
123 immediate closure and permit revocation.
- 124 E. No facility shall be operated without a current business license.
- 125 F. Operation of any B and B facility on a permanent basis shall be by the resident  
126 property owner(s) or resident manager. No off-site management shall be permitted,  
127 unless otherwise provided herein.
- 128 G. No meals may be served after noon or to persons who are not paying guests, except  
129 for those persons who are nonpaying personal guests of the occupying owner-  
130 manager of the B and B inn or facility. Occasional special events which involve  
131 meals shall be approved by the Director of Planning and Building.
- 132 H. All facilities shall be inspected periodically by the Planning and Building Department  
133 for conformance with use permit conditions and the regulations established in this  
134 title. Inspection reports shall be forwarded to the Planning Commission for  
135 informational purposes, as necessary.

136 **17.35.030 Use permit required.**

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

139 **17.35.040 Permit regulations.**

140

141 A. All applications for a bed and breakfast facility shall be on forms provided by the  
142 Planning and Building Department and accompanied by the appropriate fee as  
143 established by Council resolution.

144

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

150

151 C. Bed and breakfast inns and facilities shall be limited by spacing and to the number of  
152 rental rooms or units by zones as follows:

153 1. Spacing. R-R, RR-H, R-1, R-1-10, R-2 and R-3 zones: not more than one bed  
154 and breakfast facility per each side of a City block or one facility per each 500  
155 feet where conventional blocks are not present.

156 2. Number of Units.

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

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

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

166 a. Proximity to a State highway or major arterial as indicated in the  
167 General Plan circulation element; and

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

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

171 d. The nature of ingress and egress; and

172 e. The adequacy of the number and location of off-street parking spaces  
173 and maneuvering areas; and

174 f. Provision of rooms accessible to the developmentally disabled.

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176 4. Exception. The Planning Commission may authorize an exception to Sections  
177 17.35.040(B), (C) & (D) and 17.36.130(c) parking requirements of this Title,  
178 subject to a major use permit, when the special circumstances as stated  
179 above and below exist.

- 180 a. A bed and breakfast inn and facility or other visitor accommodation
- 181 located on the property was authorized by the City on or before
- 182 January 1, 2010; and
- 183 b. The property is located within an R-1-10 zone; and
- 184 c. The property is established with no more than 10 rental units; and
- 185 d. Minimum lot size of 10,000 square feet. The Planning Commission, in
- 186 considering all of the above special circumstances, shall establish
- 187 written findings to support approval of bed and breakfast rental unit
- 188 increases.
- 189

190 D. Signs identifying bed and breakfast inns and facilities shall comply with the

191 provisions of Chapter 17.58 CMC.

192

193 E. All approved use permits for bed and breakfast inns and facilities shall include a

194 condition requiring conversion of all existing water fixtures by installation of

195 conservation devices.

- 196 1. Excepting therefrom, upon Planning Commission approval, authentic historic
- 197 fixtures. (Ord. 626 § 1, 2006).
- 198

199 F. To obtain a use permit, a finding shall be made that the proposed bed and breakfast

200 inn and facility would not result in a net loss of housing.

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### 202 **SECTION THREE:**

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204 Section 17.14.020(B)(10) in Chapter 17.14, *R-R Rural Residential District* of the

205 Calistoga Municipal Code shall be added and read in its entirety as follows:

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- 207 10. Bed and breakfast inns and facilities, in accordance with Chapter 17.35 CMC;
- 208

### 209 **SECTION FOUR:**

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211 Section 17.16.020 in Chapter 17.16, *R-1 Single-Family Residential District* of the

212 Calistoga Municipal Code shall be added and read in its entirety as follows:

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#### 214 **17.16.020 Uses allowed.**

215 Uses allowed in a R-1 and R1-10 district are as follows:

216 A. Uses Allowed without Use Permit.

- 217 1. Single-family dwellings;
- 218 2. Second dwelling units in accordance with Chapter 17.37 CMC;
- 219 3. Home occupations in accordance with Chapter 17.21 CMC;
- 220 4. Uses determined by the Planning Commission to be similar in nature, as
- 221 provided by the procedures in Chapter 17.02 CMC.

222 B. Uses Requiring Use Permits.

- 223 1. Repealed by Ord. 599;
- 224 2. Bed and breakfast inns and facilities, in accordance with Chapter 17.35 CMC;

- 225 3. Churches, public or private schools;  
226 4. Public buildings, public utility substation, parking lots;  
227 5. Temporary subdivision sales offices in conjunction with an approved  
228 subdivision;  
229 6. Private recreational facilities for which a membership charge may be made  
230 but which are not open to the general public;  
231 7. Geothermal activity (exploration, development, and use);  
232 8. Similar uses determined by the Planning Commission to be similar in nature  
233 as provided for according to the procedures in Chapter 17.02 CMC.  
234 C. Allowed Accessory Uses. Accessory buildings and uses, whose use is clearly  
235 incidental and subordinate to the main use, including a garage, storage shed or  
236 similar structure; provided, that no accessory building or use shall be constructed or  
237 established prior to the construction of a main building, or on a lot separate from the  
238 main building.  
239 D. Prohibited Uses. Uses not specified in subsections (A) through (C) of this section are  
240 prohibited.

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242 **SECTION FIVE:**

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244 Section 17.18.020(B) in Chapter 17.18, *R-2 Single-Family Residential District* of the  
245 Calistoga Municipal Code shall be amended and read in its entirety as follows:  
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- 247 B. Uses Requiring Use Permits.  
248 1. Repealed by Ord. 599;  
249 2. Bed and breakfast inns and facilities with greater than two units, in  
250 accordance with Chapter 17.35 CMC;  
251 3. Child care nurseries;  
252 4. Churches, public or private schools;  
253 5. Public buildings, public utility substations;  
254 6. Parking lots within 500 feet of C-DD zone;  
255 7. Mobile home parks;  
256 8. Private recreational facilities for which a membership charge may be made,  
257 but which are not open to the general public;  
258 9. Geothermal activity (exploration, development and use);  
259 10. Uses determined by the Planning Commission to be similar in nature as  
260 provided for according to the procedures in Chapter 17.02 CMC.  
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262 **SECTION SIX:**

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264 Section 17.19.020(B) in Chapter 17.19, *R-3 Residential/Professional Office District*  
265 of the Calistoga Municipal Code shall be amended and read in its entirety as follows:  
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- 267 B. Uses Requiring Use Permits.  
268 1. Two separate one-family structures;  
269 2. Multiple-family dwelling units;  
270 3. Bed and breakfast inns and facilities with greater than two units, in

- 271 accordance with Chapter 17.35 CMC;  
272 4. Child care services;  
273 5. Churches, public or private schools;  
274 6. Public buildings, public utility substations,  
275 7. Parking lots within 500 feet of a C-DD zone;  
276 8. Professional offices, clinics and health care facilities;  
277 9. Geothermal activity (exploration, development and use);  
278 10. Similar uses determined by the Planning Commission to be similar in nature  
279 as provided for according to the procedures in Chapter 17.02 CMC.  
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281 **SECTION SEVEN:**

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283 If any section or portion of this ordinance is for any reason held to be invalid and/or  
284 unconstitutional by a court of competent jurisdiction, such decision shall not affect the  
285 validity of the remaining portions of this ordinance.  
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287 **SECTION EIGHT:**

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289 **THIS ORDINANCE** shall take effect thirty (30) days after its passage and before the  
290 expiration of fifteen (15) days after its passage, shall be published in accordance with law,  
291 in a newspaper of general circulation published and circulated in the City of Calistoga.  
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293 **THIS ORDINANCE** was introduced with the first reading waived at the City of  
294 Calistoga City of Council meeting of the 4th day of May 2010 and was passed and adopted  
295 at a regular meeting of the Calistoga City Council on the 18th day of May, 2010 by the  
296 following vote:  
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298 **AYES:**  
299 **NOES:**  
300 **ABSENT/ABSTAIN:**  
301

302 **JACK GINGLES, Mayor**

303 **ATTEST:**

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305  
306 **SUSAN SNEDDON, City Clerk**