

**ORDINANCE NO. 738**

**CALISTOGA MUNICIPAL CODE SECTION 17.04.085 TO DELETE THE REQUIREMENT FOR B&B GUEST ROOMS TO BE LOCATED WITHIN AN EXISTING STRUCTURE (ZOA 2018-1)**

**WHEREAS**, Calistoga Municipal Code (CMC) Section 17.04.085 limits the rental of rooms or space at bed and breakfast inns and facilities (B&Bs) to structures that existed when a B&B was initially established; and

**WHEREAS**, this restriction unduly limits the ability of B&Bs to alter or expand their businesses as needed; and

**WHEREAS**, the design review and use permit review process mandated by the CMC would ensure that such alterations or expansions occur only under suitable circumstances and in a manner that avoids negative impacts on nearby residents; and

**WHEREAS**, the Planning Commission reviewed the proposed amendment at a public hearing on June 27, 2018 and adopted PC Resolution 2018-4 recommending its approval to the City Council; and

**WHEREAS**, during its review, the City Council considered the public record, including the staff report, findings, and any written materials and testimony presented by the public during the hearing.

**NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION ONE**

Findings The above recitals are incorporated herein as if set forth herein in full and each is relied upon independently by the City Council for its adoption of this ordinance.

**SECTION TWO**

Calistoga Municipal Code Section 17.08.020 is hereby amended as follows, where deleted text is shown through ~~strikeout~~:

**17.04.085 Bed and breakfast inns and facilities**

“Bed and breakfast” or “B and B” inns and facilities shall mean the rental of rooms or space ~~within an existing structure~~ for the purpose of providing overnight accommodations for paying guests for a period not to exceed 30 days per individual rental, with not more than one meal to be provided daily, and with the entire service offered to be included in one stated price.

**SECTION THREE**

Environmental Review. This action has been reviewed in accordance with the California Environmental Quality Act, CEQA Guidelines Section 15061(b)(3), the “general rule” exemption. The City has determined that because it can be seen with certainty that there is no possibility that the proposed amendments will have an impact on the environment, this ordinance is exempt from CEQA under the general rule.

**SECTION FOUR**

Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

**SECTION FIVE**

Effective Date. This Ordinance shall take effect thirty (30) days after its passage and before the expiration of fifteen (15) days after its passage, shall be published in accordance with law, in a newspaper of general circulation published and circulated in the City of Calistoga.

**THIS ORDINANCE** was introduced with the first reading waived at the City of Calistoga City of Council meeting of the **17<sup>th</sup> day of July, 2018**, and was passed and adopted at a regular meeting of the Calistoga City Council on the **7<sup>th</sup> day of August, 2018**, by the following vote:

**AYES:** Councilmember Kraus, Vice Mayor Dunsford, Councilmembers Lopez-Ortega and Barnes and Mayor Canning  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None



\_\_\_\_\_  
**Chris Canning, Mayor**

**ATTEST:**

  
**Kathy Flanson, City Clerk**