



City of Nevada City

PLANNING COMMISSION STAFF REPORT

TO: Planning Commissioners

FROM: Cindy Siegfried, City Planner

DATE: August 24, 2010

APPLICATION: REVISED DRAFT ORDINANCE **ADDING SECTION 17.72.071 TO THE NEVADA CITY MUNICIPAL CODE ALLOWING REOPENING OF FORMER BED & BREAKFAST FACILITIES WITHIN NEVADA CITY**

BACKGROUND:

The Planning Commission held a public hearing at their meeting of August 19, 2010 to consider adding a section to the City's Municipal Code to allow former B&B facilities to reopen, subject to obtaining a use permit from the Commission. After hearing from the public and discussing the various issues raised at some length, the Commission made a Motion of Intent to direct staff to revise the proposed draft ordinance to be recommended to the City Council for adoption in the following regards, bringing the revised draft back to confirm that all the changes desired by the Commissioners were made:

1. To refine where B&Bs could be reinstated by limiting it to those facilities from the bottom of Broad Street to the "Y"; and
2. To prohibit any amplified music; and
3. To require that an owner or manager be on-site at all times; and
4. To require that all parking be provided onsite; and
5. To clarify that the ordinance would apply only to facilities that had not only secured a Conditional Use Permit to operate as a B & B, but also had actually commenced operation as a B & B.

REVISED ORDINANCE

The City Attorney drafted changes believed to comply with the Commission request for changes and has provided two attachments:

Attachment 1: The first draft of the ordinance indicating the changes made at the Commission meeting of August 19, 2010; and

Attachment 2: Clean copy of draft ordinance for Commission's review and recommendation to Council

STAFF COMMENTS: The draft ordinance, as drafted, does not allow for consideration of more than six rooms, even with a parking plan. If the Commission desires to include such provisions, staff needs specific direction on the language to include.

Also, as far as describing the location to which the ordinance applies, the Commission may wish to address what is meant as to the "Y" of West Broad and East Broad." The Commission may want to consider defining the area as "Broad Street, between Bennett Street and Union Street.

Other B&Bs within the City have retained their status by paying the current commercial water and sewer rates. The Commission may want to discuss adding language to the draft ordinance requiring payment of such fees to reopen pursuant to this ordinance. This was done in the 2nd unit leniency ordinance by requiring payment of water/sewer rates for the past three years

RECOMMENDED COMMISSION ACTION:

Review draft changes to determine whether they fully and accurately reflect the Commission's directions, and make a recommendation to the City Council regarding adoption of the draft ordinance. It is also possible for the Commission to consider further changes or recommendations prior to final action. The public hearing on this matter was closed, but it would be appropriate to take public comment before final action is taken.

Attached is a letter received from Jim McConnaughay supporting the reopening of the Sargent House.

Attachments

ORDINANCE NO. 2010-XX

AN ORDINANCE OF THE CITY OF NEVADA CITY ADDING SECTION 17.72.071 TO THE NEVADA CITY MUNICIPAL CODE ALLOWING REOPENING OF FORMER BED & BREAKFAST FACILITIES

WHEREAS, prior to 1984 there were no provisions in the Nevada City Municipal Code regulating Bed & Breakfast guest facilities; and

WHEREAS, Bed & Breakfast guest facilities were allowed with a conditional use permit by regulations approved pursuant to initiative Measure "B" approved by the voters in 1984; and

WHEREAS, those regulations allowing Bed & Breakfast guest facilities were repealed by initiative Measure "G" approved by the voters in 1994; and

WHEREAS, no new Bed & Breakfast guest facilities have been established since 1994, but some of those facilities permitted between 1984 and 1994 and operating in 1994 have lost, or are in danger of losing, their entitlement to continue to operate as Bed & Breakfast guest facilities with no procedure in place allowing them to recommence operations; and

WHEREAS, these one of those former Bed & Breakfast guest facilities conspicuously located on the main street close to downtown activities are-is uniquely well suited to that use and has experienced difficulties being to marketed as single family residential properties, becoming a potential blight on the neighborhood rather than an asset to the community if due to not being allowed to reopen as Bed & Breakfast guest facilities;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Nevada City as follows:

Section 1.

There is hereby added to Title 17 of the Nevada County Municipal Code, a Section 17.72.071 which is to read as follows:

Section 17.72.071 Reopening of former bed & breakfast facilities.

A. Former Bed and Breakfast facilities defined. For purposes of this section, "former Bed & Breakfast facilities" shall mean any building issued a use permit pursuant to former Municipal Code Section 17.72.070 to operate and having commenced operations in whole or in part for sleeping and living facilities for not more than six guest units, available to the public for hire on an overnight or limited-term basis, sometimes permitting meal service limited to guests.

B. Where Permitted. Former Bed and Breakfast facilities located on Broad Street, from the base of Broad Street to the "Y" of West Broad and East Broad, whose entitlement to continue has lapsed due to a disruption of the use for any reason shall be

ATTACHMENT 1

allowed to reopen and resume operations as a Bed & Breakfast facility, subject to a conditional use permit, provided that the special findings provided in this section can be made.

C. Special Findings for Grant of Use Permit to Reopen. In order to approve or conditionally approve any application for reopening of a former Bed & Breakfast facility, the following findings must be made:

1. The property has scenic or historical characteristics that serve, or have served, as a tourist attraction and positive influence on the economic well-being of the City while operated as a Bed & Breakfast facility.

2. Use of the property as a Bed & Breakfast facility has not, and will not, damage the historical or scenic character and appearance of the property and the neighborhood.

3. Adequate ~~on-street and off-street~~ parking ~~can be provided~~, equivalent to that required for hotels under this title, will be provided on-site.

4. The bed & breakfast use can be conducted without unduly interfering with the surrounding residential neighborhood.

5. The use has been subjected to all the conditions imposed on the original permit and such other additional conditions as may be necessary to address adverse impacts reported during former operation of a Bed & Breakfast facility on the property.

6. To the extent the former permit allowed special events and special events are to be allowed upon reopening, conditions have been imposed to restrict noise levels to those compatible with the neighborhood, including a prohibition of amplified music.

7. There will be an owner or manager on-site at all times.

D. Building Standards. Buildings proposed for operation as Bed & Breakfast facilities shall be required to comply with residential building code standards and, where full meal service is to be provided, higher standards may be applied to kitchen facilities where necessary to protect the public health and safety.

Section 2.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Union, a newspaper of general circulation, published and circulated in the City of Nevada City and henceforth and therefore the same shall be in full force and effect.

ADOPTED AND APPROVED this ___ day of _____, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Reinette Senum Robert Bergman, Mayor

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WHEREAS, Bed & Breakfast guest facilities were allowed with a conditional use permit by regulations approved pursuant to initiative Measure "B" approved by the voters in 1984; and

WHEREAS, those regulations allowing Bed & Breakfast guest facilities were repealed by initiative Measure "G" approved by the voters in 1994; and

WHEREAS, no new Bed & Breakfast guest facilities have been established since 1994, but some of those facilities permitted between 1984 and 1994 and operating in 1994 have lost, or are in danger of losing, their entitlement to continue to operate as Bed & Breakfast guest facilities with no procedure in place allowing them to recommence operations; and

WHEREAS, one of those former Bed & Breakfast guest facilities conspicuously located on the main street close to downtown activities is uniquely well suited to that use and has experienced difficulties being marketed as single family residential properties, becoming a potential blight rather than an asset to the community due to not being allowed to reopen as Bed & Breakfast guest facilities;

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B. Where Permitted. Former Bed and Breakfast facilities located on Broad Street, from the base of Broad Street to the "Y" of West Broad and East Broad, whose entitlement to continue has lapsed due to a disruption of the use for any reason shall be allowed to reopen and resume operations as a Bed & Breakfast facility, subject to a

ATTACHMENT 2

conditional use permit, provided that the special findings provided in this section can be made.

C. Special Findings for Grant of Use Permit to Reopen. In order to approve or conditionally approve any application for reopening of a former Bed & Breakfast facility, the following findings must be made:

1. The property has scenic or historical characteristics that serve, or have served, as a tourist attraction and positive influence on the economic well-being of the City while operated as a Bed & Breakfast facility.

2. Use of the property as a Bed & Breakfast facility has not, and will not, damage the historical or scenic character and appearance of the property and the neighborhood.

3. Adequate parking, equivalent to that required for hotels under this title, will be provided on-site.

4. The bed & breakfast use can be conducted without unduly interfering with the surrounding residential neighborhood.

5. The use has been subjected to all the conditions imposed on the original permit and such other additional conditions as may be necessary to address adverse impacts reported during former operation of a Bed & Breakfast facility on the property.

6. To the extent the former permit allowed special events and special events are to be allowed upon reopening, conditions have been imposed to restrict noise levels to those compatible with the neighborhood, including a prohibition of amplified music.

7. There will be an owner or manager on-site at all times.

D. Building Standards. Buildings proposed for operation as Bed & Breakfast facilities shall be required to comply with residential building code standards and, where full meal service is to be provided, higher standards may be applied to kitchen facilities where necessary to protect the public health and safety.

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ADOPTED AND APPROVED this ___ day of _____, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Robert Bergman, Mayor

ATTEST:

RECEIVED

AUG 24 2010

City of Nevada City

Country Collectibles
228 Broad Street
Nevada City, CA 95959
(530) 478-1283

August 23, 2010

Nevada City Council
Nevada City Planning Commission

Re: Grandmere/A.A. Sargent House

I am writing as a business owner of eleven years in Nevada City. My wife Peggy and I own Country Collectibles at 228 Broad Street.

We strongly support the Howard's effort to reopen the Grandmere/A.A. Sargent Home as a Bed and Breakfast. If you haven't done so already, I would encourage every planning commission member and city council member to read the Tripadvisor reviews they have received on their current property, The Emma Nevada House.

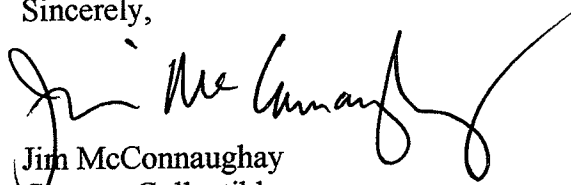
Of 138 reviews, 129 rate them excellent and 7 very good. Overall, they receive a 98% travelers recommend rating.

The Howard's have not only been successful in operating their business, but, their enthusiasm for all of Nevada City has generated significant business for our restaurants, community theaters, retail shops, wineries, etc.

Over the years, Nevada City has lost (for a variety of reasons) a significant number of its overnight lodging accommodations. As a historical destination, we need more over night lodging in order to support the significant portion of our businesses that depend on tourist dollars.

I sincerely hope the commission and council find a way to allow the Grandmere/A.A. Sargent House to reclaim its role as a leading lodging establishment in our community. I know the Howard's will work hard to restore it and make the homes history come alive to all of its guests.

Sincerely,



Jim McConnaughay
Country Collectibles