

April 17, 2023

Email Only: planningdepartment@cityofnapa.org

Office of The City Clerk
955 School Street
Napa, CA 94550

Planning Division
1600 First Street
Napa, CA 94550

Re: Appeal of Denial of B&B Permit No. PL22-0080 by Planning Commission

Dear City of Napa City Councilmembers and City Clerk,

I appeal the decision of the Planning Commission to deny application for a Bed & Breakfast license for my single family residence located at 962 Jackson Street (PL22-0080). As I explain below, Commissioner Kelly correctly stated the matter in his comments during the hearing, when he acknowledged the language of the ordinances do not preclude my residence from becoming a B&B. Below I explain why the other commissioners made a mistake in denying my permit.

The staff report explained that my residence is designated historic, but isn't a huge Victorian in desperate need of being fixed up. Although the ordinances do not mention size at all, nor do the General Plan goals and policies cited in the staff report, the staff report and commissioners that voted against my application repeatedly stated that my house was not run down, not an enormous or stately Victorian and too small, at 1,200 sq. ft., for a B&B.

The logic applied by staff and commission seems to be that if it is smallish, it is in good shape and it isn't a stately Victorian than it no longer qualifies to be a B&B, even though those standards are not clearly stated in the ordinances or the General Plan. Nor mind you, was any of that ever stated to me prior to my reading the staff report...and I filed my application on July 9, 2022.

If someone had just said to me at some point that I had no chance or if the ordinances or even the new General Plan simply said these are the obvious and objective criteria so that an applicant could clearly see there is no chance, then I could have saved a lot of time and effort and money. But Commissioner Kelly is right that the ordinances and the General Plan don't just say that.

Instead, we have to get into the land use regulatory sophistry of Section 2.A of Resolution No. PC2023-4 that in part states the conversion of my home to a B&B fails to "... assist in the preservation and adaptive reuse of City historic resources because the home has already been renovated and due to its small size, is not in need of adaptive reuse. The 1,200 square foot, three bedroom home is an ideal sized home for continued use as a single family residence." So despite my testimony about what the home needs to have done to it to fix it up, which includes a new foundation and expensive historic standard compliant custom windows, the commissioners can

ignore me and tell me what my private property is “ideal” for? And what does “adaptive reuse” mean anyway? Apparently it means that if you have a nice coat of paint on your small historic home that it cannot be a B&B.

Resolution Section 2.C seems redundant to Resolution Section 2.A. But again, the commission decided that my house is already preserved well enough it doesn't need any help. I have already argued, but would point out that “preservation and adaptive reuse” are entirely dependent on timing and wealth. So I am not sure why adaptive reuse means I can't have a B&B, but a stately Victorian that needs a paint job can? Why can't that stately Victorian just be repainted and become an apartment building? This seems as though there is some affirmative action program for stately old Victorians that is wildly inappropriate for the times.

Resolution Section 2.B to deny my application says conversion of my residence to a 2 room B&B “could pose negative impacts to the residential neighborhood due to typical transient activities.” There is no evidence presented at all in support of this conjecture. That is just speculation. What are typical transient activities? And if that is a standard somehow then how did any B&B ever get approved because they would all have those. Back in the day did the commission and staff simply care less about neighborhood-i-ness. I bet a 2 bedroom B&B creates less traffic and fewer incidents that upset the neighborhood than your average house with two kids and barky dog.

Resolution Section 2.D continues on a theme of just making things up when it states that this 2 bedroom B&B conversion would be “detrimental to the character of the neighborhood and surrounding land uses as it would increase traffic within the residential neighborhood.” Would it actually increase traffic? A typical family of four, two kids, school, two jobs, etc., I'll bet your staff have traffic analyses in their files that show that a typical family residence generates quite a few traffic trips every day. The whole point of this location for a B&B is so that guests can just walk to dinner and everything that downtown Napa has to offer. And my residence is less than a block from an industrial area. Again, if this is actually a criteria than how did any B&B, whether a stately Victorian or not, ever get approved?

Staff and the Commission have clearly chosen to bend the B&B Ordinance purposes at this time for political contrivances. As commissioners said in their testimony and the staff report states, my house becoming a B&B would remove local rental housing stock. How can any B&B application have ever been approved based on the way this purpose was applied to my application? Didn't the 20 or so permitted B&B's and the 100 vacation rentals that were permitted reduce the local rental housing stock as well? It's not as though Napa being behind its housing quota is a relatively new issue. Maybe Napa would be in better shape if some stately Victorians had been converted to apartments instead of B&B's.

So I am told there is a new General Plan that was adopted after my application was submitted. I am told that the ordinances need to be revised to meet the new General Plan's requirements, but haven't been yet. And there is a new Housing Element being developed as well. Did I get caught in some type of regulatory “nobody's land?” The times have changed, the politics have changed, but no one could just say that before I waste thousands of dollars and hour and hours of my time?

The reasons for denial are contrived and not aligned with the actual language of the ordinances. Because I have to tell you, one more small B&B would only take an \$850,000 or so small historic 3 bedroom Queen Ann out of the rental market or residential market, and Napa's affordable housing problem is not related to very expensive little houses. The problem is that every single cute little historic Queen Ann is in no way affordable, particularly when they need a new foundation.

Please grant my application and overturn the Commission's mistake.

Respectfully,

DocuSigned by:

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Robert Devlin