

RESOLUTION R2023-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NAPA, STATE OF CALIFORNIA, DENYING AN APPEAL AND  
UPHOLDING THE PLANNING COMMISSION'S DENIAL OF  
A USE PERMIT TO OPERATE A BED AND BREAKFAST INN  
AT 962 JACKSON STREET

WHEREAS, on July 9, 2021 Robert Devlin, ("Applicant") submitted an application (File No. PL22-0080) to the City of Napa for a use permit pursuant to Napa Municipal Code ("NMC") Chapter 17.60 ("Use Permit") to convert a three bedroom, single family home at 962 Jackson Street (the "Site") into a two-guestroom, bed and breakfast inn with one managers room (the "Project"); and

WHEREAS, the application was subsequently deemed complete and accepted by the City as being consistent with the applicable submittal requirements on December 22, 2022; and

WHEREAS, on April 6, 2023 the Planning Commission considered the Use Permit and all written and oral testimony submitted to them at a noticed public hearing on the Use Permit, at which time the Planning Commission heard a presentation by staff recommending denial of the application, and took public testimony, and thereafter closed the public hearing; and

WHEREAS, on April 6, 2023, the Planning Commission adopted Resolution No. PC2023-4 (3-1-0) denying the Use Permit; and

WHEREAS, on April 17, 2023, the Applicant timely appealed the Planning Commission's April 6, 2023 denial of the Use Permit requesting that the City Council grant the appeal of the Planning Commission's denial and that the City Council approve a Use Permit to allow the conversion of the three-room single-family residence into a bed and breakfast inn with two guestrooms and one manager's room; and

WHEREAS, the City Council of the City of Napa, State of California, held a noticed public hearing on May 16, 2023 on the subject appeal; and

WHEREAS, after considering evidence in the administrative record, including the record from the previous public meeting at the Planning Commission, and presentations made during the public hearing on May 16, 2023, the City Council closed the public testimony portion of the public hearing, and Council deliberated on the appeal; and

WHEREAS, the City Council has considered all information related to the Use Permit, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

## ATTACHMENT 1

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa as follows:

Section 1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

Section 2. The City Council hereby denies the Applicant's Appeal, thereby upholding the Planning Commission's decision to deny the Use Permit to convert single family home into a two guest room and one managers room Bed and Breakfast Inn as defined on the plans dated June 15, 2022, with revisions received November 12, 2022 and December 7, 2022 and submitted as a part of the subject application and makes the following findings in support of the denial:

A. Contrary to NMC Section 17.60.070(A), the proposed conversion of the single family home into a bed and breakfast inn is not in accord with the General Plan, Zoning Ordinance as the conversion does not further the stated purpose of the Bed and Breakfast Inns Ordinance (NMC Section 17.52.060) to assist in the preservation and adaptive reuse of City historic resources because the home does not appear to be in need of substantial renovation 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 and any maintenance is no more onerous than a typical single family residence.

B. Contrary to NMC Section 17.60.070(B), the proposed use could be detrimental to the welfare of properties in the vicinity as the Project's use for transient occupancies could pose negative impacts to the residential neighborhood due to typical transient activities that differ from residential activities associated with families living in the neighborhood.

C. Contrary to NMC Section 17.60.070(C), the Project does not comply with the provisions of NMC Chapter 17.54 (Parking), NMC Section 17.52.070 (Bed and Breakfast Inns) and NMC Chapter 17.60 (Use Permits) because the Project does not provide the necessary on-site parking and does not further the purpose of the Bed and Breakfast Inn Ordinance for the preservation and adaptive reuse of a historic resource since the subject property is not in need of substantial renovation/preservation and its size is well suited for continued residential use without need for adaptive reuse as a visitor accommodation.

D. Contrary to NMC Section 17.52.060(D)(1), the proposed bed and breakfast use is inconsistent with General Plan policies regarding historic preservation and regarding the loss of rental units in the housing stock because it would not assist in the preservation and adaptive reuse of a historic resource since the home is not in need of renovation and due to its small size, (1,200 square feet, three bedrooms) is not in need of adaptive reuse. For these reasons, the proposed use would not be consistent with the following General Plan Goals and policies:

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- Goal LUCD-8: Support the preservation and enhancement of the City's existing housing stock to be utilized as primary residences and homes.
- Policy LUCD-8-1: Continue implementation of existing Ordinances to limit conversion of residential units to short-term rentals through regulation and permit requirements.
- Goal HCR-1: Preserve and enhance Napa's historic resources. Encourage rehabilitation and adaptive reuse, as well as sensitive, context-compatible infill design.

Further, unlike the typical historic Victorian, which due to its larger floor plan with numerous bedrooms, formal dining room, drawing room and other ancillary rooms, is larger than a modern-day single family may need and would be costly to maintain, the size of the subject home is typical, and in fact ideal, for its continued use as a single-family residence. This notion is emphasized in the Central Neighborhood "mission statement" which identifies, "several larger, stately homes have been converted to bed and breakfast inns." The home at 962 Jackson Street would not be considered large or "stately" due to its relatively small size at approximately 1,200 square feet.

In addition, the home has been provided a low historical designation of Listed Resource (LR) most likely due to its age and original configuration which according to the State Department of Parks and Recreation (DPR) form "began life as a Queen Anne cottage but has been changes so often that its appearance is now more funky than historic." Essentially, this home is very old, but no longer could be considered a historically sensitive building for which General Plan policies seek to preserve. The home is perfectly sized for use by the conventional modern era family or by a couple. There are 2,472 homes listed on the Historic Resource Inventory, not all of which rise to the level of being historically or culturally sensitive. Those that do have a higher designation of Local Landmark (LLM) and would typically be more appropriate for conversion from a single family home to bed and breakfast inn are larger in size, have more significant historic architecture and have a greater need for adaptive reuse in order to encourage their preservation simply due to the structures' size and preservation costs.

E. Contrary to NMC Section 17.52.060(D)(3), the proposed conversion to a bed and breakfast inn would be detrimental to the character of the neighborhood and surrounding land uses as it would increase the visitor traffic within the residential neighborhood. Transient traffic patterns are typically more disruptive than local residents due to a lack of familiarity with the neighborhood in which the transient use is located. Also, transient activities are typically more disruptive than local residents simply due to a vacationer's attitude. While on vacation, one tends to be less respectful of neighbors and less attentive to the surrounding traffic patterns as well as rules of the road. Also, traffic patterns on Jackson Street are more intense than typical residential neighborhoods where bed and breakfasts are typically located due to its connection between Soscol Avenue and Main Street. It is often used as a "cut thru" between these two arterial streets which carry higher volumes of traffic.

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Section 3. This Resolution shall become effective immediately upon adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 16<sup>th</sup> day of May 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney