

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: May 10, 2007
Item No.: 9.a.
Staff: Thomas A. Lloyd

SPECIAL USE PERMIT

FILE NUMBER: S06-0017/Bella Vista Bed & Breakfast

APPLICANT: Kathleen Ash

REQUEST: Special use permit to allow a three bedroom bed and breakfast in an existing single family residence, and a 13.2 square foot, non-illuminated, informational sign

LOCATION: On the east side of Cold Springs Road, southwest of the intersection with Kane Hill Road in the Coloma area, Supervisorial District IV (Exhibit A)

APN: 006-480-31

ACREAGE: 5.0 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit B)

ZONING: Estate Residential Five-acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to section 15301 of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

STAFF ANALYSIS: Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the permit request and issues for Planning Commission consideration are provided in the following sections.

Project Description: The project is a request for a special use permit to allow a bed and breakfast in an existing single family residence. Subsequent to application submittal, building permits were obtained to allow the creation of an additional bedroom from an unfinished room. While the original request was for two rooms, this additional bedroom brings the total number available for

public occupancy to three. Along with the three bedrooms, the bed and breakfast will consist of a common area and dining room for guests. The public space of the residence has been segregated from the private space through the construction of a partition and the use of a “Dutch”-style, horizontally divided door. No special events are proposed, and the owners will operate the bed and breakfast.

Site Description:

All improvements to the site, with the exception of signage, will occur within the existing single family dwelling. The dwelling is located on the east side of Cold Springs Road, southwest of its intersection with Kane Hill Road. The residence is a 3,100 square foot building, now consisting of seven bedrooms. A 4-foot x 3-foot 4-inch informational sign is being proposed outside the existing road and public utilities easements, on the south side of the existing asphalt driveway (Exhibit E). This sign will not be illuminated and will be supported by two (2) wooden posts. Total height of the sign will not exceed eight (8) feet.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	RR	Single family residence
North	RE-5	RR	Undeveloped
South	RA-20/RE-5	RR	Single family residence
East	RE-5	RR	Undeveloped
West	RE-10	RR	Single family residence

General Plan:

The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies, and it has been determined that the project is consistent with all applicable policies. Findings of consistency with the General Plan are provided in Attachment 2. The General Plan designates the subject site as Rural Residential (RR). This designation permits both residential and agricultural development and does allow for single-family residences with larger lot sizes to accommodate said development.

Policy 10.1.6.1 states, “The County shall encourage expansion of the types of local industries that promote tourism including but not limited to Christmas tree farms, wineries, outdoor sports facilities, the County Fairground, bed and breakfast inns, and ranch marketing activities.” The proposed use of the site for a bed and breakfast inn is consistent with the types of tourist-related activities encouraged by this policy.

Policy 10.1.7.4 states, “Home occupations shall be encouraged and permitted to the extent that they are compatible with adjacent or surrounding properties.” Under the El Dorado County Bed & Breakfast Inns – Interim Guidelines, adopted by the Planning Commission on July 24, 1997, the inn

“shall be the principal residence of the Bed and Breakfast property owner.” The applicant/property owner resides within the existing home, in compliance with this policy.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan.

Zoning: The proposed use is permitted in the Estate Residential Five-acre Zone District (RE-5), pursuant to Section 17.28.200(G) as an expanded home occupation. Under the *Interim Guidelines*, bed and breakfast inns “shall only be authorized by Planning Commission approval of a special use permit based on the guidelines provided herein.” The applicable guidelines not already addressed in this staff report are as follows:

4. *Bed and Breakfast Inns shall have direct access to a maintained road in conformance with Department of Transportation standards. The entrance, parking area and walkways must be well illuminated and free of obstruction or hazards of any type.*

The proposed inn is directly accessed from Cold Springs Road, which is maintained by the County. The paved entrance to the site is unobstructed and accessible. Existing lighting is adequate for accessing the house.

5. *Bed & Breakfast Inn permits shall be reviewed by the Building Department, Environmental Health, and Department of Transportation for compliance with building, health, and transportation requirements. Kitchens must be kept clean, well-maintained, and comply with accepted standards of sanitation and hygiene and will require a valid El Dorado County Environmental Health Permit.*

The above referenced departments have reviewed the proposed project, and their comments are addressed under the Agency Comments section of this staff report. Environmental Health will require the applicant to undergo a process to include an on-site inspection of the facility prior to being issued a Health Permit.

6. *Bed & Breakfast Inns shall provide off-street parking at a ratio of one space per each guest room, plus two spaces required for the principal dwelling. No guest parking shall be permitted within the required front yard setback. The parking provided for these bed and breakfast inns may be a gravel surface.*

Per this requirement, the proposed bed and breakfast would require three (3) parking spaces for the guestrooms, as well as two (2) additional spaces for the principal dwelling. The existing gravel parking areas adjacent to both sides of the circular asphalt driveway and the existing two-car garage accommodate the five (5) spaces required by this guideline.

Fire Protection: The El Dorado County Fire Protection District reviewed the project proposal for compliance with fire safe regulations. The District commented that the project must meet fire flow requirements which, for this project, are 1,000 gpm at 20 psi for two hours. The parcel is not in an

EID service district, though EID water mains can be found on both the western and southern borders of the property. The use of on-site ponds or a proposed water storage tank by the applicant was rejected by the Fire Protection District in favor of a fire hydrant. The applicant was also given the option of installing an in-home sprinkler system in lieu of the hydrant. The applicant has elected to choose the later, and it is referenced in Conditions 6 and 7 (Attachment 1).

Signage: The total dimensions of the proposed signage (Exhibit E) are 3 feet 4 inches x 4 feet. These dimensions, however, do include a large percentage of open space. The design of the sign and its subsequent ornamentation will leave approximately one-third of the total sign area as open space, reducing the actual sign area to an estimated 8.85 square feet. Even with this reduction for open space taken into consideration, the proposed signage exceeds the allowed by right area of six square feet. The intent of this increased area is to allow equivalent visibility of the sign from Cold Springs Road at a greater setback to accommodate the existing road and public utilities easement. The proposed sign is not out of character with the existing Gold Hill Vineyard signage, located approximately 0.5 miles south on Cold Spring Road.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 stating:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination...including interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

Since all construction has taken place within the existing structure, and the expansion of use is negligible, this project conforms to the above conditions.

Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and
2. Approve the special use permit S06-0017 subject to the conditions in Attachment 1, based on the findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2.....Findings

Exhibit A.....Vicinity Map
Exhibit B.....General Plan Land Use Map
Exhibit C.....Zoning Map
Exhibit D.....Site Plan
Exhibit ESign Plan
Exhibit F*Bed & Breakfast Inns Interim Guidelines*
Exhibit GAssessor's Parcel Map

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number S06-0007
Planning Commission Hearing

El Dorado County Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits D and E, dated August 30, 2006, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A special use permit to allow a three-guestroom bed and breakfast in an existing single family residence. Along with the three bedrooms, the bed and breakfast will consist of a common area and dining room for guests. Proposed signage will consist of a 4-foot x 3-foot 4-inch non-illuminated, informational sign, as shown in Exhibit E. This sign will be located outside the existing road and public utilities easements, on the south side of the existing asphalt driveway, as shown in Exhibit D. This sign will be supported by two wooden posts, and total height shall not exceed eight (8) feet. Meal service will be limited to breakfast and an afternoon snack of local wine and cheese, as a portion of the room rate. No special events are proposed, and the owners will operate the bed and breakfast. Access is from Cold Springs Road, and the structure will continue to be served by private well and septic system.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as landscape and tree protection plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a special use permit, which action is brought within the time period provided for in Section 66499.37.

The County shall notify the applicant of any claim, action, or proceeding, and the County will cooperate fully in the defense.

3. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
4. The applicant shall post a valid County Business license in a conspicuous place on the premises prior to operation of the bed and breakfast inn.
5. No special events (e.g., wedding receptions, outdoor events) shall be permitted.

El Dorado County Fire Protection District:

6. The applicant shall install a home sprinkler system supported by one (1) 300 gallon water storage tank to substitute for the required fire hydrant, per negotiation with the Fire Protection District. The water tank shall be located outside of required setbacks.
7. The facility shall not be placed into operation prior to inspection and testing of the home sprinkler system.

El Dorado County Environmental Management Department:

8. The applicant shall maintain a valid El Dorado County Environmental Health Permit for the inn. Issuance of the permit shall occur prior to operation of the bed and breakfast.

ATTACHMENT 2 FINDINGS

File Number S06-0017
Planning Commission Hearing

Based on the review of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDING

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines. This exemption applies to permitting or minor alteration of existing public or private structures by such things as interior partitions, plumbing, and electrical conveyances.
- 1.2 The documents and other materials which constitute the record of proceedings upon which the decision is based are in the custody of the Development Services Department-Planning Services at 2850 Fairlane Court, Placerville, CA 95567.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed use is consistent with applicable policies in the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report.

3.0 SPECIAL USE PERMIT FINDINGS

- 3.1 *The issuance of the permit is consistent with the General Plan;*

This project meets the intent of the General Plan through the application of Policy 10.1.6.1 which encourages the expansion of local industries, like bed and breakfast inns, to promote tourism.

- 3.2 *The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;*

This project has been found to have adequate parking for both residents and guests. Additionally, there will be no additional lighting installed on the exterior of the property, thus light encroachment on neighboring properties will be unchanged. Traffic will not be an issue as there are only three guest rooms and direct access to a well-maintained County road. Finally, the closest neighbors to the property are several hundred feet away and across the street. The adjacent parcels are undeveloped. With no special events allowed, the use will not be detrimental to the neighborhood.

- 3.3 *The use is found to comply with the requirements of Chapter 17.22, Special Use Permits, as well as the El Dorado County Bed & Breakfast Inns—Interim Guidelines adopted by the Planning Commission on July 24, 1997;*

The project parcel is the property owner's principal residence, meal service is limited to breakfast and an afternoon snack of wine and cheese as a portion of the overall room rate, access and parking meet or exceed Zoning Ordinance requirements, and a valid Health Permit and business license are required prior to operation.

- 3.4 *The proposed use will allow signage in excess of the 6 ft² size allowable by right.*

The proposed signage will not affect pedestrians or vehicular traffic, nor conceal from view any public signs by being placed outside the road and public utilities easement. Supported by two (2) wooden poles, the total height of the sign will not exceed eight (8) feet, per 17.28.190 (D), which prescribes sign usage by right in the Estate Residential Five-Acre (RE-5) Zone District. The decorative nature of the sign is not out of character with the existing Gold Hill Vineyard signage, located approximately 0.5 miles south on Cold Spring Road.