

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



Agenda of: November 13, 2008
Item No.: 7
Staff: Thomas A. Lloyd

SPECIAL USE PERMIT REVISION

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

APPLICANT: Robert and Kathleen Ash

REQUEST: A special use permit revision request to allow daytime events with acoustic music, including weddings of 75 people or less, at an existing bed and breakfast facility. A maximum of 20 such events would be allowed per year. No commercial kitchen is proposed. This revision would modify existing Condition #6 which prohibits special events.

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 15061(b)3 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 revision to an existing special use permit, approved by the Planning Commission May 10, 2007. The approved special use permit allows a bed and breakfast in an existing single family residence. This revision would modify the existing

Condition 6 which prohibits special events by allowing said events, including weddings, limited to 75 people or less. A maximum of 20 such events would be allowed per year. Music will be limited to acoustic only. Further, no commercial kitchen is proposed.

Site Description: The approved Bed and Breakfast Inn 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. The original special use permit approval allowed construction of a 4-foot x 3-foot 4-inch non-illuminated identification sign outside the existing road and public utilities easements, on the south side of the existing asphalt driveway (Exhibit E).

Adjacent Land Uses:

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

General Plan:

The General Plan designates the subject site as Rural Residential-Agricultural District (RR-A). This designation permits both residential and agricultural development and does allow for single-family residences with larger lot sizes to accommodate said development.

Policy 2.2.5.2 requires all applications for discretionary projects or permits be reviewed for consistency with the General Plan. Below are the applicable General Plan policies:

Policy 2.2.5.21 mandates all development projects be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Discussion: The subject special use permit, S 06-0017, was originally conditioned to disallow any type of special events such as weddings, receptions, or other functions to be attended by non-guests. This revision, however, seeks to amend that condition to now allow these sorts of events. Conditional approval of this revision will limit the number of attendees, the number of events to be held per annum, the sound level emanating from the parcel, and will prevent amplification of any kind so as to avoid incompatibility with adjoining residential areas.

Policy 8.1.4.1 requires review of all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands by the County Agricultural Commission. Further, the Commission shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Discussion: At a regular meeting of the County Agricultural commission held August 13, 2008, the proposed Special Use permit revision was approved with a 5-0 vote as it was determined that the use would have no negative effects on agriculture (Exhibit I).

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.”

Discussion: The continued use of the site for a bed and breakfast inn and the proposed use as a venue for ancillary activities are 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.” Pursuant to the Bed and Breakfast Inn section of the Zoning Ordinance, the inn “shall be considered an expanded home occupation in residential and agricultural districts” and “the property owner shall reside in either the primary of secondary residential unit on site.”

Discussion: As at the time of the original special use permit approval, the property owner lives in the Bed and Breakfast. By permitting the Bed and Breakfast Inn to operate as an expanded home occupation, and conditioning the project accordingly, the intent of this policy is met.

Conclusion: 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.

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. Further, Section 17.14.220, adopted by the Board of Supervisors on April 29, 2008 as the Bed and Breakfast Inn Ordinance, states bed and

breakfast inns “shall only be authorized by special use permit based on the standards provided herein.” The applicable standards not already addressed in this staff report are as follows:

5. *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 shall be illuminated pursuant to Chapter 17.14.170.*

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.

6. *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.*

As no changes are being proposed to either the existing residential kitchen facility, or to the number or nature of meal services, the existing, approved Environmental Health Permit is adequate for this project. The applicant will, however, be responsible for maintaining compliance with all applicable requirements of said Health permit.

7. *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. Guest parking shall be subject to the following:*
 - a. *No guest parking shall be permitted within the required front or side yard setback.*
 - b. *Tandem parking, meaning two cars parked one behind the other, may be allowed. Denser parking lot configurations may be allowed if valet parking is required.*
 - c. *Guest parking shall be designed so as to prohibit the backing of vehicles directly into any public right of way in order to exit any parking space.*
 - d. *The parking area provided for a bed and breakfast inn may have a gravel surface.*

Pursuant to 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 standard, as was the case with the original special use permit. For the revision, however, it is necessary to assure adequate parking for attendees of the requested special events. The applicant has proposed to widen and extend the existing graveled parking areas along the access driveway to allow more tandem parking. Using the standard formula for special event parking requirements found in Section 17.18.060(45), the applicants would be required to provide 19 additional spaces ($75 / 4 = 18.75$). The applicants' submitted plan (Exhibit D) makes provisions for 30 total spaces, exceeding the requirements of the ordinance, and significantly reducing the ratio from 4:1 to 2.5:1 passengers per vehicle.

11. *The special use permit may authorize limited ancillary activities such as weddings, receptions, fund raisers or similar events attended by non-guests, subject to conditions of approval that include, but are not limited to, restrictions upon the frequency and time of holding events, duration thereof, and the maximum number of persons attending. Food preparation, except for the aforementioned breakfast and light snacks, shall not be permitted to occur in the bed and breakfast inn. Unless expressly authorized in the special use permit, such ancillary activities are prohibited.*

As proposed and conditioned, the additional events would be consistent with all applicable Zoning requirements.

Other Issues:

Signage: The total dimensions of the existing approved 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 approved sign is not out of character with the existing Gold Hill Vineyard signage, located approximately 0.5 miles south on Cold Spring Road.

Fire Protection: The El Dorado County Fire Protection District reviewed the original 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. At the time of the original special use permit, 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 elected to choose the later, and it is referenced in Conditions 9 and 10 (Attachment 1).

Environmental Management: As the applicant is neither requesting the addition of commercial kitchen facilities, nor the expansion of meal service beyond the previously approved breakfast and light snacks for guests, the Environmental Management Department expressed no concern with the proposed special events. The existing condition of approval which requires the applicant to maintain a valid El Dorado County Environmental Health Permit for the inn shall remain and, as such, Environmental Management responded to the project with “No Comment”. (Exhibit J)

Department of Transportation: The Department of Transportation expressed concern with internal pedestrian and vehicular circulation, as well as with increased traffic and/or congestion on event days. DOT’s conditions include submission by the applicants of an extensively detailed

Traffic Control and Parking Management Plan which must be approved by the Department prior to holding any special events, thereby mitigating these issues. (Exhibit K)

Public Comment: A comment letter protesting the approval of this special use permit revision was received by staff from an adjacent property owner. This letter from Mark Paul Kochan, dated August 13, 2008, has been attached as Exhibit H.

ENVIRONMENTAL REVIEW

Planning Services has conditioned the project to maintain compliance with the maximum sound levels outlined in the General Plan, and analyzed in the General Plan EIR. The Department of Transportation has conditioned the applicants to submit an extensively detailed Traffic Control and Parking Management Plan prior to holding any special events, thereby alleviating any concerns of increased traffic and/or congestion on event days. Additionally, the Environmental Management Department has reviewed the project and has had no specific concerns about water or septic issues issuing instead a “no comment” on the project. No construction is proposed on the previously developed site. As such, no native vegetation will be removed. Further, the project site is not adjacent to riparian habitat or wetlands, is not located in an area known to contain protected species, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. After considering these factors, it has been determined that this project has no possibility of having a significant effect on the environment and, as such, has been found exempt from the requirements of CEQA pursuant to Section 15061(b)3 of the CEQA Guidelines. 15061(b)3 is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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 Categorical Exempt from CEQA pursuant to Section 15061(b)3 of the CEQA Guidelines; and
2. Approve the special use permit S06-0017-R subject to the conditions in Attachment 1, based on the findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions 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 E	Sign Plan
Exhibit F	Zoning Ordinance <i>Section 17.14.220</i> as <i>Ord. 4770</i>
Exhibit G	Assessor's Parcel Map
Exhibit H	Letter from Mark Kochan, dated August 13, 2008
Exhibit I	Memo from Ag. Commission, August 22, 2008
Exhibit J	Environmental Management/AQMD comments
Exhibit K	Department of Transportation comments
Exhibit L	General Plan Table 6-2 Noise Standards
Exhibit M	EIR Exhibit 5.10-1 Common Noise Sources and Levels

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER S06-0007-R
November 13, 2008

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 November 13, 2008, 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.

S06-0007-R allows a maximum of 20 special events per year (e.g., weddings, receptions, etc.). These events are limited to 75 or fewer guests. Further, no sound amplification of any kind is permitted.

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.

3. 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.

4. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
5. 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.
6. ~~No s~~ Special events (e.g., wedding receptions, outdoor events) shall be permitted occur on no more than 20 calendar days per year, shall have no sound amplification (music, microphones, or otherwise), and must comply with the Rural Region noise standards set forth in Table 6-2 of the General Plan (Exhibit L). These events shall be limited to 75 attendees or less, including those staying as guests at the bed and breakfast.
7. The operator shall submit to Planning Services by December 31 each calendar year, a report summarizing the number of events (with date) and number of guests in attendance.
8. Events shall occur only during daylight hours and at no time shall these events extend beyond 9 p.m. local time.

El Dorado County Fire Protection District:

7. 9. The applicant shall install a home sprinkler system supported by one (1) 3000 gallon water storage tank to substitute for the required fire hydrant, per negotiation with the Fire Protection District, as well as a Fire District approved NFPA 72 Fire Alarm System, prior to permit issuance. The water tank shall be located outside of required setbacks.
8. ~~10. The facility shall not be placed into operation~~ No special events shall occur prior to inspection and testing of the home sprinkler system.

El Dorado County Environmental Management Department:

9. 11. 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.

Department of Transportation

10. 12. The applicant shall irrevocably offer to dedicate, in fee, right-of-way for Cold Springs Road along the entire property frontage, prior to the issuance of the special use permit. The width shall be a minimum of 30 feet, or as necessary to provide a total road right-of-way width of 60 feet for that portion of Cold Springs Road fronting the property, but not to exceed 40 feet. This offer will be accepted by the County.
13. All required parking for the proposed project shall be accommodated onsite or offsite with property owner approval. No parking during special events shall be allowed within the right of way of Cold Springs Road. This requirement shall be clearly indicated on project site and/or improvement plans.
14. Adequate internal pedestrian circulation shall be provided to the event area(s). Pedestrians shall not be required to walk within the right of way of Cold Springs Road to access the site from parked vehicles. This requirement shall be clearly indicated on project site and/or improvement plans.
15. The applicant shall provide a Traffic Control and Parking Management Plan that indicates all measures to be used during special events. This plan shall include at a minimum:
- a. Site Plan showing vehicular and pedestrian ingress/egress points and circulation.
 - b. Name and contact information for person in charge of traffic control, parking, and responding to complaints on the days of the events.
 - c. Location of all traffic control personnel on a site plan or vicinity map.
 - d. Location of all traffic control and directional signs on a site plan or vicinity map.
 - e. Location of all parking lots, parking capacity of each, and the sequence of use.
 - f. Location of all shuttle stops and the proposed shuttle routes (if applicable).
 - g. Emergency access ways.

This Traffic Control and Parking Management Plan shall be submitted to DOT for review and approval prior to holding any special events authorized by this special use permit.

ATTACHMENT 2

FINDINGS

File Number S06-0017-R
November 13, 2008

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 Categorical Exempt from the requirements of CEQA pursuant to Section 15061(b)3 of the CEQA Guidelines, as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment..
- 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 has been found consistent with all applicable policies of the 2004 General Plan, specifically Policies 2.2.5.2, 2.2.5.21, 8.1.4.1, 10.1.6.1, and 10.1.7.4 as it has been conditioned to avoid incompatibilities with neighboring residential uses, has been reviewed and approved by the Agricultural Commission, and promotes both tourism and the local economy.

- 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 special events to be held at the Bed and Breakfast Inn have been conditioned to limit the number of attendees, the number of events to be held per annum, and have been limited to acoustical music only, without amplification, to avoid incompatibility with adjoining residential areas.

3.3 *The use is found to comply with all applicable section of Title 17;*

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. Further, events such as those allowed by the special use permit revision, are specifically permitted pursuant to Section 17.14.220C.11 of the zoning ordinance.

3.4 *The proposed use permit revision will continue to allow signage in excess of the six square feet allowable by right.*

The 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 does 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.