

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: August 15, 2012
Item No.: 4.a.
Staff: Aaron Mount

SPECIAL USE PERMIT

FILE NUMBER: S10-0005/Saluti Cellars Bed and Breakfast

APPLICANT: Randy and Tina Rossi

REQUEST: Special Use Permit to allow a bed and breakfast inn with two guest rooms in a second residence.

LOCATION: On the east side of Grizzly Flat Road, approximately 3.9 miles east of the intersection with Mt. Aukum Road in the Somerset area, Supervisorial District 2. (Exhibit A)

APN: 093-040-46

ACREAGE: 40.00 acres

GENERAL PLAN: Natural Resources (NR) (Exhibit C)

ZONING: Exclusive Agricultural (AE) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15301 and 15303 of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Sections 15301 and 15303; and
2. Conditionally approve Special Use Permit S10-0005 subject to the Conditions in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The property is currently in a Williamson Act contract and has a winery, tasting room, and special events as permitted by right uses under the Winery Ordinance.

STAFF ANALYSIS

Project Description: The applicant is requesting a Special Use Permit for a Bed and Breakfast Inn having two guest rooms within an existing 1,198 square foot second residential home. The property owners would reside in the main residence on the project parcel. Hours of operation would primarily occur during the weekends and would be by reservation only. No employees will be utilized however; independent contractors may be utilized as required for maid services. The project would utilize existing facilities and no new construction is currently proposed.

The applicant has not requested any special events as part of this Special Use Permit. Special events will be taking place on the project parcel consistent with the winery ordinance, 17.14.200. Other than the proposed two guest rooms, this request would not be additive to the uses by right on the project site.

Site Description: The project is located at an average elevation of 2,800 feet above mean sea level. Improvements include a primary residence with a winery tasting room in the basement, a second residence that would contain the bed and breakfast, a covered grape crush pad, a barn, a stable, and a wine cave. The parcel’s vegetative cover is dominated by montane hardwood and approximately five acres of vineyard. A perennial stream runs along the northern end of the project parcel. Site access is provided via an existing paved driveway traveling northeast approximately 820 feet from Grizzly Flat Road, a County maintained road.

Adjacent Land Uses:

| | Zoning | General Plan | Land Use/Improvements |
|--------------|--------|--------------|--------------------------------------------------------------------------|
| Site | AE | NR | Agricultural/Single family residences, accessory agricultural structures |
| North | AE/TPZ | NR | Agricultural/Single family residences, undeveloped |
| South | RA-20 | NR | Residential & Agricultural/Single family residence |
| East | RA-20 | NR | Residential & Agricultural/Single family residence, undeveloped |
| West | RA-20 | NR | Residential & Agricultural/Single family residence |

Discussion: All surrounding parcels are designated for rural residential, resource management and agricultural uses by the Natural Resource designation of the General Plan. The second residence is located towards the eastern side of the project site and is setback 127 feet from the parcel boundary. The closest residence on an adjacent parcel is located approximately 1,000 feet to the south. The proposed Special Use Permit, as conditioned, would be compatible with residential and agricultural development on adjacent parcels. This conforms to **Policy 2.2.5.21** as described in the Findings, Attachment 2.

Project Issues

Discussion items for this project include access and parking, agricultural compatibility, consistency with the adopted Bed and Breakfast Inn Ordinance, emergency water for fire suppression, and water and septic improvements.

Access and Parking: The project site is accessed from Grizzly Flat Road, which is a County maintained road. Pioneer Fire Protection District and DOT have reviewed on-site and off-site access. The Fire District found the existing interior paved driveway circulation to be adequate for safe emergency ingress and access and DOT found the project safe for ingress and egress for the encroachment of the driveway onto Grizzly Flat Road. This conforms to General Plan **Policy 6.2.3.2** which directs the applicant to *demonstrate that adequate access exists, or can be provided for emergency vehicles and private vehicles to access and evacuate the area.*

The submitted site plan was reviewed to verify compliance with on-site parking requirements. Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. The existing second residence contains two parking spaces not in tandem, as verified by the building permit. The project would therefore be consistent with the Zoning Ordinance.

Agricultural Compatibility: The project parcel is in a Williamson Act contract and within the AE zone district. The project was heard at the August 11, 2010 Agricultural Commission hearing and a recommendation of approval was made at that time (Exhibit G). The Agricultural Commission concluded that the request would be a visitor serving use and would be secondary and subordinate to the vineyard operation on the property and would not have a negative effect on the agricultural production of the parcel or surrounding parcels nor would it affect the existing Williamson Act contract that the project parcel is currently bound by. Further, the Commission stated that the bed and breakfast is likely to benefit wineries and other agricultural pursuits by offering unique lodging to visitors of El Dorado County. This conforms to General Plan **Policies 8.1.4.1, 8.2.4.2, 8.2.4.3, 8.2.4.4, and 8.2.4.5.**

Bed and Breakfast Inn Ordinance: Section 17.14.220 of the Zoning Ordinance, Bed and Breakfast Inns, was adopted by the Board of Supervisors on April 29, 2008. The ordinance states that *bed and breakfast inns shall be considered an expanded home occupation in residential and agricultural districts and shall only be authorized by approval of a special use permit based on the standards provided herein.* This is consistent with General Plan **Policy 10.1.7.4** that states *home occupations shall be encouraged and permitted to the extent that they are compatible with adjacent or surrounding properties* and **Policy 10.1.6.1** that encourages bed and breakfast inns.

A discussion of the project’s consistency with the Bed and Breakfast Ordinance is outlined in the table below:

| Section 17.14.220.C Standards | Consistency |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 17.14.220.C.1: <i>The bed and breakfast inn can provide up to a maximum of 20 guestrooms, which shall be contained within the primary and secondary residential units and guest</i> | Consistent. As proposed, the project is consistent with Section 17.14.220.C1 and Section 17.36.090, AE development standards. Specifically the applicant is proposing 2 guest |

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| <p><i>house only, in compliance with the development standards of the applicable residential or agricultural zone districts.</i></p> | <p>rooms which are contained within the existing permitted second residence.</p> |
| <p>2. <i>The property owner shall reside in either the primary or secondary residential unit on site.</i></p> | <p>Consistent: The bed and breakfast is proposed to be in the second residence on the project site. The property owners reside in the primary residence.</p> |
| <p>3. <i>Meal service shall be limited to registered guests and shall consist of breakfast and light snacks as a portion of the overall room rate in compliance with the California Retail Food Codes enforced by the County.</i></p> | <p>Consistent: The project proposal and Conditions of Approval are consistent with this section.</p> |
| <p>4. <i>One, non-internally illuminated sign shall be permitted based on the applicable zone district standard set forth in Chapter 17.16 unless greater sign area is authorized under the Special Use Permit. The design of the sign shall be reviewed by the approving authority for architectural compatibility with the existing or proposed structure(s).</i></p> | <p>Consistent: No sign has been proposed as part of this Special Use Permit request. The site has an existing sign which is consistent with the Winery Ordinance, 17.14.200.</p> |
| <p>5. <i>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 and kept free of obstructions or hazards of any type.</i></p> | <p>Consistent: The project site is accessed from Grizzly Flat Road, which is a County maintained road. Access is discussed in more detail above in the Access and Parking section</p> |
| <p>6. <i>Kitchens shall be clean, well-maintained and comply with accepted standards of sanitation and hygiene by conforming to the requirements of the applicable El Dorado County Environmental Health Department permit.</i></p> | <p>Consistent: Environmental Health would require permitting and inspections of the kitchen facilities.</p> |
| <p>7. <i>Bed and 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:</i></p> <p><i>a. No guest parking shall be permitted within the required front or side yard setback.</i></p> <p><i>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.</i></p> <p><i>c. Guest parking shall be designed so as to</i></p> | <p>Consistent: Parking is discussed in more detail above in the Access and Parking section. The submitted site plan shows adequate parking for the proposed two guest rooms.</p> |

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| <p><i>prohibit the backing of vehicles directly into any public right of way in order to exit any parking space.</i></p> <p><i>d. The parking area provided for a bed and breakfast inn may have a gravel surface.</i></p> | |
| <p><i>8. A bed and breakfast inn consisting of five or fewer guestrooms shall be considered a single residential dwelling unit or lodging house for the purpose of building codes, unless additional standards are required by the California Codes, as amended and adopted by El Dorado County. Six or more guestrooms within one building shall be subject to further requirements under the California Codes.</i></p> | <p>Consistent: The project proposes two guest rooms and is considered a lodging house with a Group R occupancy designation under the California Building Code.</p> |
| <p><i>9. Bed and breakfast inns within Agricultural Districts as identified on the General Plan land use maps or adjacent to land zoned Exclusive Agriculture (AE), Planned Agriculture (PA), Select Agriculture (SA), Residential Agriculture 20, -40, -60, -80, -160), or Timberland Production Zone (TPZ) districts must be reviewed by the Agricultural Commission for compatibility with surrounding agricultural land uses prior to action by the approving authority.</i></p> | <p>Consistent: The project parcel is in a Williamson Act contract and within the AE zone district. The project was heard at the August 11, 2010 Agricultural Commission hearing and a recommendation of approval was made at that time. The Agricultural Commission memo is Exhibit G.</p> |
| <p><i>10. The operation of a bed and breakfast inn shall be subject to Title 3.28 (Transient Occupancy Tax) and Title 5.08 (Business License Requirements) of the El Dorado County Code. The business license shall be posted in a conspicuous place on the premises prior to operation of the business.</i></p> | <p>Consistent: A condition to obtain a business license before initiation of use has been recommended.</p> |
| <p><i>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.</i></p> | <p>Consistent: The applicant has not requested any special events as part of this Special Use Permit. Special events will be taking place on the project parcel consistent with the winery ordinance, 17.14.200. Other than the proposed two guest rooms, this request would not be additive to the uses by right on the project site.</p> |

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| <p><i>A temporary use permit for an ancillary activity may be processed in situations where special events are not authorized under the special use permit for the bed and breakfast inn. Applicable conditions shall be imposed, as determined necessary by the approving authority, which restrict the number of people attending and offset other related impacts, in order to maintain the residential character of the surrounding neighborhood.</i></p> | |
| <p>12. <i>New construction proposed on a bed and breakfast inn site, including buildings not necessarily proposed for bed and breakfast inn use, or exterior remodeling of the building(s) to be used for guest accommodations, is subject to architectural review by the approving authority as part of the Special Use permit process. This determination will be based on compatibility with neighborhood building style, building materials and any historic style indigenous to the area.</i></p> | <p>Consistent: No new structures or any altering of structures is proposed. Staff has found that the existing structures would be consistent with neighborhood building style, building materials, and any historic style indigenous to the area.</p> |

Fire Safety and Water Supply: The application was reviewed by the Pioneer Fire Protection District. As the request for the B&B is an expansion of the residential use, it was determined that the existing fire suppression systems reviewed during the building permits for the second residence and winery would be adequate. They determined that the existing paved driveway/road and parking areas provide adequate room for the circulation of emergency vehicles. This conforms to **Policy 5.7.1.1** requiring the applicant *demonstrate that adequate emergency water supply, storage and conveyance facilities, and access for fire protection either are or would be provided concurrent with development.*

Environmental Health: The project sites wastewater disposal is by an existing septic system and has been found to adequate for the proposed use. Bed and Breakfast establishments under California Retail Food Code, Section 113893, restricted Food Service Facility, requires that the applicant obtain and maintain an Annual Food Facility Operation Permit issued by Environmental Health. As the project is served by well water, a permit is required by Environmental Health and the applicant is required to submit quarterly water testing.

Special Use Permit: A Special Use Permit (SUP) application is required for the proposed project pursuant to Section 17.14.220 of the Zoning Ordinance, Bed and Breakfast Inns. Based on consistency with the General Plan, and compatibility with adjacent land uses, findings required by Section 17.22.540 for conditional approval of the SUP are included in Attachment 2.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 and 15303 of the CEQA Guidelines because the use would be within an existing permitted second residence and the use as a Bed and Breakfast is by ordinance an expanded home occupation. A \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

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| Attachment 1 | Conditions of Approval |
| Attachment 2 | Findings |
| Exhibit A | Location Map |
| Exhibit B | Assessor's Parcel Map |
| Exhibit C | General Plan Land Use Map |
| Exhibit D | Zoning Map |
| Exhibit E | Site Plan |
| Exhibit F | B&B Second Residence Floor Plan |
| Exhibit G | Agricultural Commission Memo; August 26, 2010 |

ATTACHMENT 1

CONDITIONS OF APPROVAL

SPECIAL USE PERMIT

**File Number S10-0005/Saluti Cellars Bed and Breakfast
August 15, 2012 Zoning Administrator Hearing**

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit E and F, 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 Bed and Breakfast Inn with two guest rooms to be located in the existing 1,198 square foot second residence. No employees will be utilized; however independent contractors may be utilized as required for maid services.

The development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking 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 must be submitted for review and approval and shall be implemented as approved by the County.

2. All site improvements shall conform to Exhibits E and F. All structures authorized shall be consistent with the developments standards of the AE zone district, Chapter 17.36. Changes in the uses and in the structures/facilities as approved and as shown and located in Exhibits E and F shall require review by Planning Services to determine if the changes can be approved administratively or are substantial enough to require the submittal of a Special Use Permit revision application with review by the Zoning Administrator.
3. The uses allowed by this permit shall not be additive to the uses allowed by right under the Winery Ordinance, Section 17.14.200 of the Zoning Ordinance, at the project site. The approval is for two guest rooms only and does not allow additional uses beyond that as referenced in the B&B Ordinance, Section 17.14.220.
4. Prior to commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of

the project with each condition imposed as part of the project approval by phase and in accordance with county, State, and Federal law. The applicant shall also schedule an inspection by Planning Services prior to commencement of any use authorized by this Special Use Permit for verification of compliance with applicable conditions of approval.

5. The applicant shall obtain a business license prior to initiation of the use.
6. Lot Line Adjustment BLA09-0038, ensuring driveway access to the project site, expired on November 11, 2011. A time extension shall be requested through Planning Services and the Lot Line Adjustment shall be finalized prior to initiation of the use.
7. 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 applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or processing 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 of the California Government Code.

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

El Dorado County Department of Environmental Health

8. Bed and Breakfast establishments under the California Retail Food Code, Section 113893, Restricted Food Service Facility, require that the applicant obtain and maintain an Annual Food Facility Operating Permit issued by Environmental Health. A Food Facility Permit shall be issued by the Environmental Health Department prior to occupancy of the bed and breakfast.
9. A Food Facility Water System Operating Permit shall be obtained prior to occupancy of the bed and breakfast. Water quality testing and monitoring are requirements of the permit.

ATTACHMENT 2

FINDINGS

SPECIAL USE PERMIT

**File Number S10-0005/Saluti Cellars Bed and Breakfast
August 15, 2012 Zoning Administrator Hearing**

1.0 CEQA FINDING

- 1.1 This project is Categorical Exempt from the requirements of CEQA pursuant to Section 15301 and 15303 of the CEQA Guidelines. The use would be within an existing permitted second residence and the activity will involve negligible expansion of the existing use. The conversion includes only minor modifications, there are no cumulative effects, and the site is not in a sensitive environment.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Natural Resources land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the Natural Resources land use designation includes compatible uses such as agricultural and support single-family dwellings. The Bed and Breakfast is a visitor supporting use compatible with agricultural production of the land, is supportive of the agricultural industry, and by ordinance is an expanded home occupation.
- 2.2 The proposal is consistent with the intent of General Plan Policies 2.2.5.21 (compatibility with surroundings) as the proposed Bed and Breakfast is an expanded home occupation and is approximately 1,000 feet from the closest residence; Policies 5.7.1.1 (adequate emergency water and related facilities) and 6.2.3.2 (adequate access) as the project was reviewed by the Fire District and Department of Transportation and found to have adequate fire safe access and has adequate emergency water; Policies 8.1.4.1 (Ag Commission Review), 8.2.4.2 (SUP for Visitor Serving Uses), 8.2.4.3 (Visitor Serving Uses Defined), 8.2.4.4 (Visitor Serving Uses Compatibility with Agriculture), and 8.2.4.5 (Support of Visitor Serving Uses) as the project was reviewed by the Agricultural Commission which concluded that the request would be a visitor serving use and would be secondary and subordinate to the vineyard operation on the property and would not have a negative effect on the agricultural production of the parcel or surrounding parcels; and Policies 10.1.6.1 (Expansion of Tourist Promoting Businesses) and 10.1.7.4 (Encourage Home Occupations) as the bed and breakfast inn is an expanded home occupation that would encourage tourism within the County and is compatible with surrounding properties..

3.0 SPECIAL USE PERMIT FINDINGS

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

The proposed project is consistent with the General Plan as discussed above in the General Plan Findings.

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

The proposed Bed and Breakfast Inn will comply, as conditioned, with the Development Standards of the AE zone district. The proposed Special Use Permit, as conditioned, complies with the requirements of Chapter 17.22, Special Use Permits, and 17.14.220, Bed and Breakfast Inns, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, as the bed and breakfast is an expanded home occupation in an existing permitted second residence, is located approximately 1,000 feet from the closest adjacent residence, and has adequate emergency access and water.

3.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

The proposed Bed and Breakfast Inn is specifically permitted by special use permit in a residential zone district pursuant to 17.14.220, Bed and Breakfast Inns, of the El Dorado County Code.

4.0 ZONING FINDINGS

4.1 The proposed use, as conditioned, conforms to the Zoning Ordinance because the project meets all development standards for a Bed and Breakfast Inn in the AE Zone District (17.36.090) and is consistent with all requirements of Section 17.14.220, Bed and Breakfast Inns.