

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



Agenda of:	June 20, 2012
Item No.:	4.a.
Staff:	Tom Dougherty

SPECIAL USE PERMIT REVISION

FILE NUMBER: S06-0017-R-2/Bella Vista Bed & Breakfast

APPLICANT: Robert and Kathleen Ash

REQUEST: A Special Use Permit revision request to expand a bed and breakfast inn from three guest rooms to five. The events previously allowed will not change.

LOCATION: Southeast corner of the intersection of Kane Hill Road and Cold Springs Road in the Gold Hill/Coloma area, Supervisorial District 4 (Exhibit A)

APN: 006-480-31

ACREAGE: 5.0 acres

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

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

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15301 (Existing Structures) of the CEQA Guidelines

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

1. Certify that the project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and
2. Approve the revision to Special Use Permit S06-0017-R-2 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The existing residence/bed and breakfast is a 3,100 square foot building, consisting of seven bedrooms. The building consists of two levels above ground and a lower level below.

Special Use Permit S06-0017 was approved by the Planning Commission on May 10, 2007 to allow a three-guestroom bed and breakfast within an existing single family residence. Along with the three bedrooms, the bed and breakfast consists of a common area and dining room for guests as well as a 12 square-foot sign. Meal service is limited to breakfast and an afternoon snack of local wine and cheese, as a portion of the room rate. No special events were proposed or approved, and the owners were to operate the bed and breakfast. Access is from Cold Springs Road, and the structure would continue to be served by private well and septic system.

Special Use Permit S06-0017-R-1 was approved by the Planning Commission on January 22, 2009 to add that a maximum of 20 special events per year (e.g., weddings, receptions, etc.). These events were limited to 75 or fewer guests and no sound amplification of any kind was permitted.

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

Project Description: Request to revise Special Use Permit S06-0017 to expand an existing bed and breakfast from three to five guest rooms by converting two existing private, residential rooms within the existing Bella Vista Bed and Breakfast to guest rooms. The events previously allowed will not change.

Site Description: The project varies in elevation from approximately 1,160 to 1,070 feet above sea level. The existing Bed and Breakfast/residential building is located on a knoll near the eastern boundary. The slopes trend downhill from that point to the north, south and west. A ravine is located along the west boundary that parallels Cold Springs Road. The site's developed area contains graveled parking areas; a wedding gazebo; concrete pond and waterfall area; and landscaped areas with planted trees, shrubs, and turf-grass. The remainder of the site contains dense areas of indigenous trees and shrubs. The building and grounds are almost entirely shielded from views from vehicles on Cold Springs Road, as well as the surrounding properties by existing vegetation.

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 2.2.5.21 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 conversion of two residential bedrooms to guest rooms would not be anticipated to introduce additional uses or impacts incompatible with the surrounding uses not previously analyzed by the two prior approvals, as well as within this Staff Report.

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.

Discussion: County Agricultural Commission staff determined that the two bedroom conversions did not warrant a review by the Commissioners.

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 additional bedrooms, would be 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 or secondary residential unit on site.”

Discussion: 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 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.”

Discussion: 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.”

Discussion: As no changes are being proposed to the existing residential kitchen facility, 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.”

Discussion: Pursuant to this requirement, the proposed bed and breakfast would require five parking spaces for the guestrooms, as well as two additional spaces for the principal dwelling. There are existing gravel parking areas adjacent to both sides of the circular asphalt driveway and the existing two-car garage. Currently 20 events with a maximum of 75 attendees are permitted. Planning has historically assumed that each car would average three persons per car for agricultural special events and therefore 25 spaces would be required at a minimum. Along with the seven spaces required for the guest rooms and owners, 32 total spaces are required. The applicants' submitted plan (Exhibit D) shows a total of 34 parking spaces, exceeding the requirements of the Ordinance, and allowing for two spaces for employees as needed. The site plan was previously approved with one concrete accessible/van accessible space located next to the attached garage.

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 bedroom conversions. The existing condition of approval which requires the

applicant to maintain a valid El Dorado County Environmental Health Permit for the inn would remain and, as such, Environmental Management responded to the project with “No Comment.”

ENVIRONMENTAL REVIEW

Staff has also determined that, pursuant to Section 15301 of the CEQA Guidelines which 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. The key consideration is whether the project involves negligible or no expansion of an existing use. The use will occur within the existing bed and breakfast and would convert two existing private bedrooms into guest bedrooms and therefore the impacts to the facilities would essentially be the same as the existing uses. As conditioned the project is consistent with the residential development standards of the RE-5 Zone District, as well as the Chapter 17.14.220, Bed and Breakfast Inns. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Designations Map
Exhibit D	Zoning Designations Map
Exhibit E	Site Plan
Exhibits F-1 to F-3	Floor Plans

ATTACHMENT 1
CONDITIONS OF APPROVAL

Special Use Permit S06-0017-R-2/Bella Vista Bed and Breakfast
Zoning Administrator/June 20, 2012

El Dorado County Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the ~~Planning Commission~~ following hearing exhibits ~~marked Exhibits D and E, dated November 13, 2008,~~ and conditions of approval set forth below:

Exhibit ESite Plan
Exhibits F-1 to F-3Floor Plans

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.

~~A- The approval of sSpecial uUse pPermit S06-0017 t allowed~~ 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 (of the S06-0017 staff report). 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 (of the S06-0017 staff report). 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~~ were 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.

S06-0017-R-1 allowed 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.

S06-0017-R-2 allows the expansion of the existing bed and breakfast inn from three to five guest rooms by converting two existing private, residential rooms within the existing Bella Vista Bed and Breakfast to guest rooms.

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.
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. Special events (e.g., wedding receptions, outdoor events) shall occur on no more than 20 calendar days per year, shall have no outdoor 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.
7. All outdoor events shall occur only in and around the area designated "Proposed New Wedding Site Amphitheater" on the site plan.
8. Musical instruments played outdoors will be limited to a maximum of three played at any given time, and shall only include non-amplified, stringed instruments (e.g., classical string trio). The use of brass, percussion, and other instruments is strictly prohibited outdoors.
9. Receptions and similar uses occurring entirely within the house (bed and breakfast inn) shall be permitted the use of amplification including microphones and recorded music, provided the aforementioned noise standard of the General Plan is met at all property lines.
10. All events shall be limited to 75 attendees or less, including those staying as guests at the bed and breakfast.
11. 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.
12. 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

13. 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.
14. No special events shall occur prior to inspection and testing of the home sprinkler system.
15. Smoke alarms shall be installed in guest rooms 3 and 5 as shown in Exhibit F-3, and one Carbon Monoxide detector, and one 2A:10BC fire extinguisher shall be installed in the lower level area, prior to initiation of the uses authorized by this Special Use Permit revision.

El Dorado County Environmental Management Department

- ~~15.~~16. 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

- ~~16.~~17. 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.
- ~~17.~~18. 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.
- ~~18.~~19. 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.
- ~~19.~~20. 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

Special Use Permit S06-0017-R-2/Bella Vista Bed and Breakfast Zoning Administrator/June 20, 2012

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 is Categorically Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines which 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. After review of comments from concerned agencies, as well as the project analysis discussed in the Staff Report, the conversion of two private residential bedrooms to guest bedrooms, for a total of five guest rooms, will be a negligible expansion of the existing uses.
- 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 SPECIAL USE PERMIT FINDINGS

- 2.1 **The issuance of the permit is consistent with the General Plan** because the proposed project has been analyzed for consistency with the following General Plan Policies:

2.2.5.21 (Land Use Compatibility) because the conversion of two residential bedrooms to guest rooms would not be anticipated to introduce any additional uses or impacts incompatible with the surrounding uses not previously analyzed by the two prior approvals, as well as within this Staff Report. The expansion will use existing structures, would have no new impacts on exterior visual resources, existing utilities, and on the existing surrounding residences. There are adequate services to facilitate the site, such as water, power and solid waste. The proposed project, as conditioned, is consistent with these policies and consistent with the General Plan Land Use Designation of Rural Residential which allows for Bed and Breakfast Inns with a Special Use Permit;

Policy 8.1.4.1 because Agricultural Commission staff determined the conversion would not introduce new impacts to agriculture; and

Policy 10.1.6.1 (promoting tourism) and 10.1.7.4 (home occupations) because the project allows a minor home occupation business expansion within the Coloma/Gold Hill tourist visitor region, and is consistent with these policies and consistent with the General Plan

Land Use Designation of Rural Residential which allows for Bed and Breakfast Inns with a Special Use Permit.

- 2.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood** because the proposed Bed and Breakfast Inn will comply, as conditioned, with the Development Standards of the RE-10 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, based on the conclusions contained in the staff report.
- 2.3 **The proposed use is specifically permitted by special use permit pursuant to this Title** because the proposed use, as conditioned, is specifically permitted by Special Use Permit in a residential zone district pursuant to 17.14.220, Bed and Breakfast Inns, and 17.28.200.G, allowing expanded uses accomplished by special use permit, of the El Dorado County Code.

3.0 ZONING FINDINGS

- 3.1 The proposed use, as conditioned, conforms to the Zoning Ordinance because the project meets all requirements for a Bed and Breakfast Inn (17.14.220, Bed and Breakfast Inns), as well as the development standards in the RE-10 Zone District (17.70.110 Development standards).