

TO: JAMES L. APP, CITY MANAGER

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: APPEAL OF PLANNING COMMISSION DENIAL OF CONDITIONAL USE PERMIT 07-009, 1521 VINE STREET, APPLICANT – MCCARTHY ENGINEERING, INC.

DATE: AUGUST 7, 2007

Needs: For the City Council to consider an appeal of a denial of a Conditional Use Permit to establish a Bed & Breakfast business.

Facts:

1. The property is located at 1521 Vine Street. The property owner is currently operating a bed and breakfast at this location. The City has been flexible with the owner, and has allowed her to continue to operate while pursuing a Conditional Use Permit (CUP) and Business License to legally establish this business. However, without an approved she will need to discontinue her business.
2. The purpose for the City's bed and breakfast regulations (21.15.210) it is "to provide a means of preserving structures and areas of historical or architectural significance by allowing adaptive uses which will provide an incentive for preservation..." The City's Historic Inventory indicates that the home was constructed in the late 1800's. It is in excellent condition and is very well maintained. There is a newer (non-historic) second residential unit located at the rear of the property.
3. The applicant is proposing to use three of the four bedrooms in the residence for bed and breakfast use. The rear, second unit is also proposed to be used as part of the bed and breakfast business as a separate cottage. As required in the Zoning Code, the owner of the home resides in the primary residence.
4. The bed and breakfast use would require six on-site parking spaces, which includes two spaces for the owners (residential) use, and one space for each guest room and the cottage. The applicant has proposed providing all six spaces to the rear of the site in two rows both with three spaces parked in tandem. The parking area is proposed to be accessed from the existing alley, which is already improved. The rear area is currently already used for parking and is surfaced with gravel. The applicant is proposing to improve the parking spaces with pervious pavers.
5. In advance of the Planning Commission review and in response to the public noticing, the City received several phone calls and written correspondence from neighboring residents concerned about existing parking impacts from the Bed and Breakfast business. The City has also received phone calls as a response to the notice for this Appeal with concerns regarding parking impacts and excessive evening noise from use of outdoor areas.

6. The Planning Commission considered this application and public input received at a meeting on July 10, 2007, and denied the CUP based on inadequate on-site parking and the potential parking impacts to the surrounding neighborhood.

**Analysis  
and**

**Conclusions:** Bed and breakfast uses are consistent with the City's General Plan and Economic Strategy which encourage tourist oriented uses and preservation of historic buildings and neighborhoods. However both the General Plan and Economic Strategy also contain policies that would protect residential neighborhoods from incompatible land uses or negative impacts from nearby commercial businesses.

The Planning Commission determined that the proposed parking area, with two rows of three parking spaces in tandem may be operationally difficult to manage. Guest vehicles will block other guest vehicles and those of the owner. (Disrupting other guests for varying customer schedules would not be popular and may be inconvenient. In addition, the projects location in close proximity to the downtown may result in guests parking and leaving the establishment by foot and therefore be unable to move their car if needed by other guests.) Even if the applicant were to manage guest parking coordination, the tight configuration of parking at the rear of the site will likely result in guests parking on the street in the neighborhood.

In considering the Appeal, the Council should determine whether parking on the street will impact the neighborhood, and whether this parking arrangement meets the intent of the City's parking regulations which require adequate on-site parking. It is important to remember that approval of a Conditional Use Permit requires the Council to make the finding that operation of the requested use will not be detrimental to the comfort, convenience, and general welfare of persons residing in the neighborhood (21.23.250).

**Reference:** Paso Robles General Plan and EIR, Paso Robles Zoning Ordinance, 2006 Economic Strategy.

**Fiscal**

**Impact:** No immediate direct fiscal impact.

**Options:** After opening the public hearing and taking public testimony, the City Council is requested to approve one of the Options listed below:

- a. The City Council adopt Resolution 07-XX, denying Conditional Use Permit 07-009
- b. Refer the matter back to the Planning Commission should the applicant indicate a willingness to consider parking/design options.
- c. Determine that the parking requirements have been met and grant the Appeal thereby approving the Conditional Use Permit 07-009. Note that the Council should specify findings for staff use in preparing an appropriate Resolution

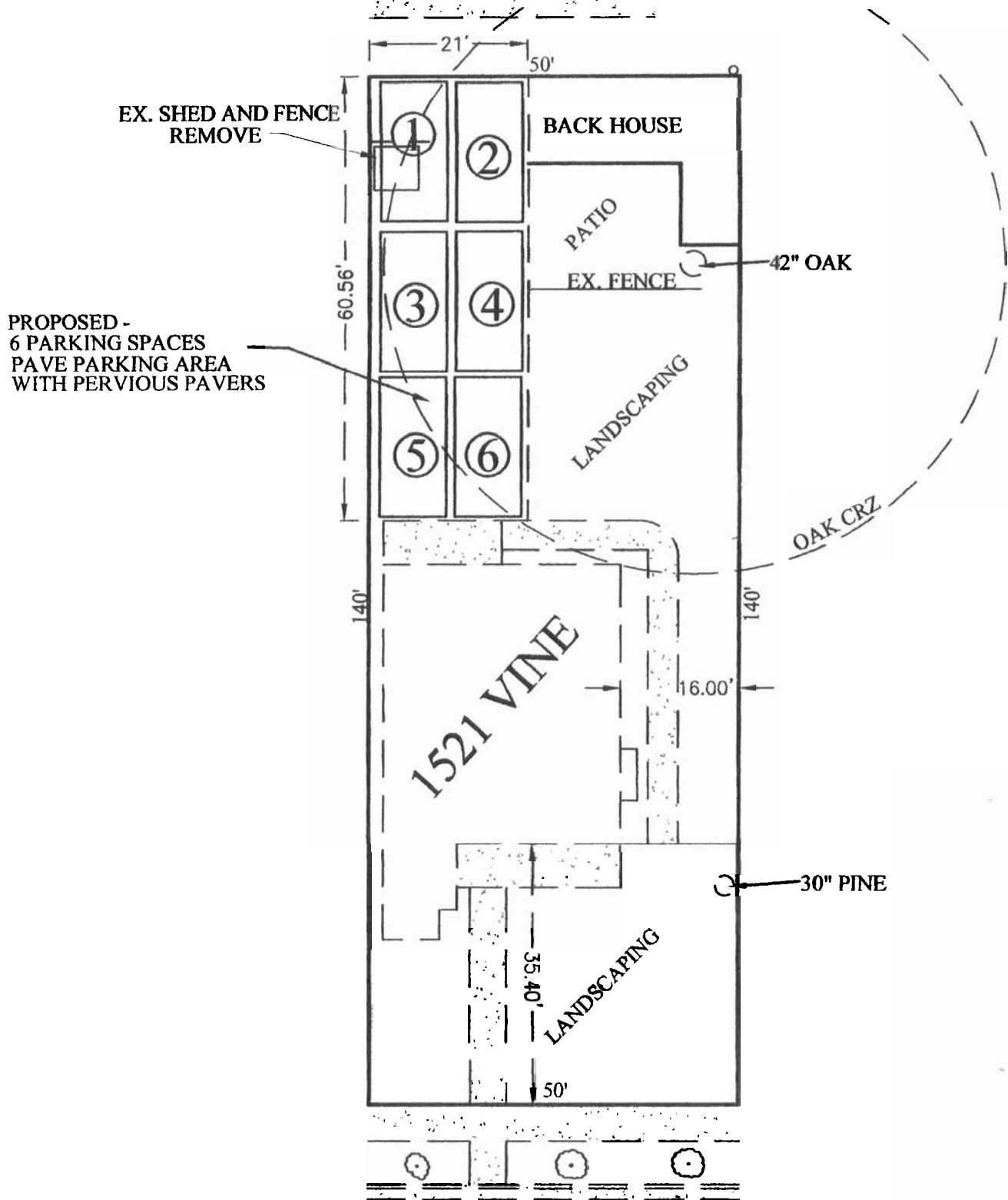
- d. Amend, modify, or reject one of the above Option “a”.

**Report prepared by:** Susan DeCarli, City Planner

**Attachments:**

- 1 – Site Plan
- 2 – Resolution
- 3 – Notices
- 4 – Appeal application

# IMPROVED



VAN HORN B&B  
PLOT /SITE PLAN

VINE ST.

1"=20' SCALE

RESOLUTION NO. 6

A RESOLUTION OF  
THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
DENYING CONDITIONAL USE PERMIT 07-009  
TO ESTABLISH A BED AND BREAKFAST BUSINESS  
AT 1521 VINE STREET, APN: 008-318-012  
APPLICANT – JOHN MC CARTHY

WHEREAS, Conditional Use Permit (CUP) 07-009 has been filed by John McCarthy on behalf of Margot Van Horn; and

WHEREAS, CUP 07-009 is a proposal to establish a Bed and Breakfast business at 1521 Vine Street; and

WHEREAS, the Planning Commission held a noticed public hearing on July 10, 2007 to take public testimony and consider the requested Conditional Use Permit; and

WHEREAS, based on staff analysis and public testimony the Commission determined that the project site does not have enough space to adequately provide the required parking per the Zoning Code, of six on-site parking spaces; and

WHEREAS, the Planning Commission denied the Conditional Use Permit based on findings that the business could cause potential parking problems that may negatively impact the surrounding neighborhood; and

WHEREAS, the applicant filed an appeal of the Planning Commissions denial on July 18, 2007; and

WHEREAS, the City Council held a duly noticed public hearing on August 7, 2007 to consider the appeal and accept public testimony on this Conditional Use Permit application; and

WHEREAS, based upon the facts and analysis presented in the staff report and public testimony received, the City Council finds that the Bed and Breakfast businesses can not meet their on-site parking requirements which will result in potential parking impacts would be detrimental to the neighborhood and the general welfare of surrounding properties.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby deny Conditional Use Permit 07-009.

PASSED AND ADOPTED THIS 7<sup>th</sup> day of August, 2007 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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FRANK R. MECHAM, MAYOR

ATTEST:

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DEBORAH ROBINSON, DEPUTY CITY CLERK

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

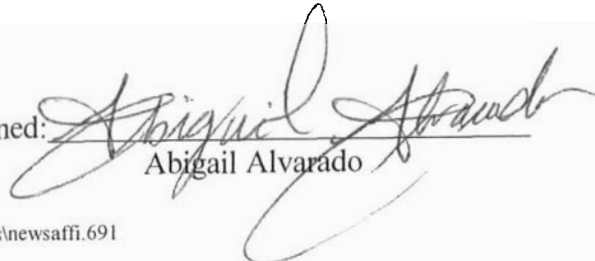
Newspaper: Tribune

Date of Publication: July 25, 2007

Meeting Date: August 7, 2007  
(City Council)

Project: An Appeal of A Planning Commission  
Decision denying a Conditional Use Permit  
APN 008-318-012 (located at 1521 Vine St)

I, Abigail Alvarado, employee of the Community  
Development Department, Planning Division, of the City  
of El Paso de Robles, do hereby certify that this notice is  
a true copy of a published legal newspaper notice for the  
above named project.

Signed:   
Abigail Alvarado  
forms/newsaffi.691

**CITY OF EL PASO DE ROBLES**  
**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of El Paso de Robles will hold a Public Hearing on Tuesday, **August 7, 2007**, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider the following project:

An Appeal of a Planning Commission decision denying a Conditional Use Permit to establish a Bed and Breakfast business due to neighborhood parking impacts that would result from this business located at 1521 Vine Street, APN 008-318-012.

The Appeal and staff report may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.

Written comments on the Appeal may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Susan DeCarli at (805) 237-3970.

If you challenge the Appeal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to the public hearing.

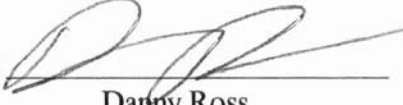
Susan DeCarli, AICP  
City Planner  
July 25, 2007

i614139

**AFFIDAVIT  
OF MAIL NOTICES  
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Danny Ross, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Conditional Use Permit 07-009 on this 23rd day of July 2007.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed:   
Danny Ross

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CITY OF EL PASO DE ROBLES  
COMMUNITY DEVELOPMENT DEPARTMENT  
DEVELOPMENT APPLICATION APPEAL

1000 Spring Street  
Engineering Division, Paso Robles, CA. 93446

**GENERAL INFORMATION REQUIRED**

Applicant Margot Van Horn Phone 237-8463 Fax # \_\_\_\_\_

Mailing/Billing Address 1521 Vine St. Email \_\_\_\_\_

Representative John McCarthy, McCarthy Engineering Phone 238-9585 Fax 237-8556

Mailing Address 737 Orchard Drive Email mac@tcsn.net

Property Owner Margot Van Horn Phone 237-8463 Fax # \_\_\_\_\_

Owner's Address 1521 Vine Street Email \_\_\_\_\_

**PROJECT DESCRIPTION (APPEAL)**

Assessor's Parcel Number(s) 008-318-012

Project Location: 1521 Vine St. Paso Robles

Project Description: Obtain a Use Permit for a Bed and Breakfast at 1521 Vine Street for 3 rooms in the Main House and one guest house. Appeal of PC denial on July 10, 2007 for Use Permit 07-009.

**OWNER / APPLICANT AUTHORIZATION**

**APPLICANT / REPRESENTATIVE:** I have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my knowledge. I am submitting the project description, site plan, and elevations for this project on a 3.5 inch disk or IBM compatible CD with all graphics/illustrations in PDF or JPEG format. I understand the city might not approve what I am applying for, or might set conditions of approval.

**PROPERTY OWNER / AUTHORIZED AGENT:** I certify that I am presently the legal owner of the above described property. Further, I acknowledge the filing of this application and certify that all of the above information is true and accurate. I understand that I am responsible for ensuring compliance with conditions of approval. (If the undersigned is different from the legal property owner, a letter of authorization must accompany this form). I hereby authorize the City of Paso Robles and/or its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements, including compliance with applicable City code requirements.

John N. McCarthy 7/18/07  
Signed Date

Margot Van Horn 7/18/07  
Signed Date

**BELOW AREA FOR OFFICE USE ONLY**

Notes to File / Staff Notes:

CUP 07-009

Action / Body / Date:

Paso Robles

JUL 19 2007

Planning Division

07/25/2003 Development Application Form