

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: SEPTEMBER 4, 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.
7. This Appeal was noticed for Council consideration on August 7, 2007, however the applicant requested and was granted a continuance.

**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.

There have been two options proposed since the Planning Commission's action to deny that better fulfill the City's parking regulations. The first option offered by staff was to remove the cottage in the back that would provide a better parking layout. The cottage is not of the same era of the main house and therefore would not detract from the historic character of the main residence. Removal would eliminate the need for one of the six parking spaces (loss of one guest room) and give greater flexibility to arrange parking while still maintaining usable yard area for the owner and guests. The property owner has rejected this option.

The second option, which has been proposed by the property owner, involves the creation of a driveway off of Spring Street to serve two parking spaces in tandem leaving only four tandem spaces off the alley (two wide two deep). While this option will improve the parking situation, it will still result in tandem spaces and tight access near the parked cars. As discussed above, tandem parking in a lodging use will be difficult to manage and would likely result in guests competing for on-street parking 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:

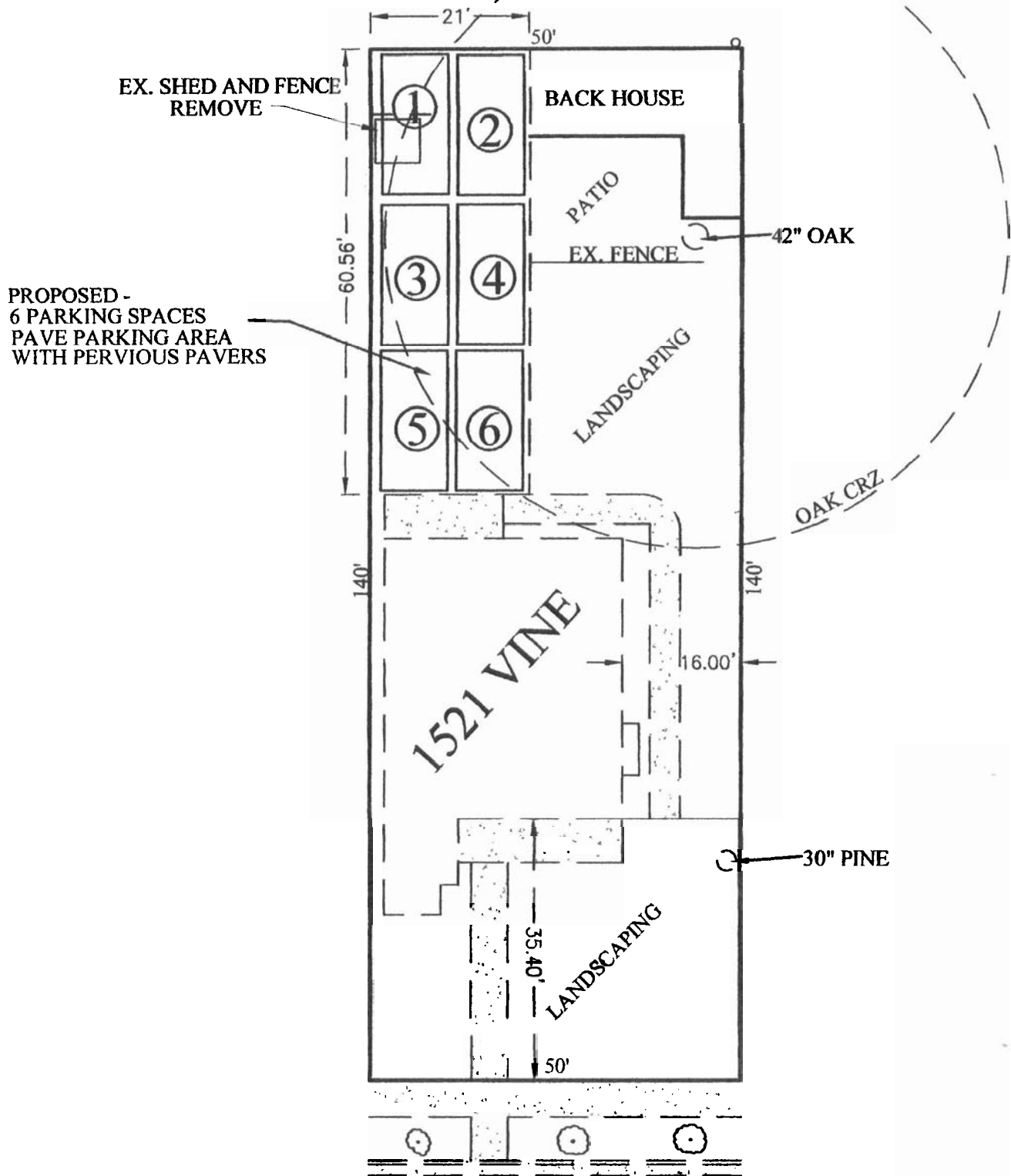
- a. The City Council adopt Resolution 07-XX, denying Conditional Use Permit 07-009
- b. Refer the matter back to the Planning Commission should the applicant indicate a willingness to consider parking/design options.
- c. Determine that the parking requirements have been met and grant the Appeal thereby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

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

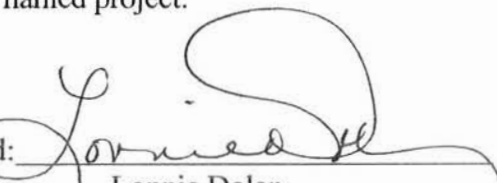
Newspaper: Tribune

Date of Publication: August 22, 2007

Meeting Date: September 4, 2007  
(City Council)

Project: Appeal Conditional Use Permit  
07-009 (Van Horn - 1521  
Vine Street)

I, Lonnie Dolan, 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:   
Lonnie Dolan

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, September 4, 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 Conditional Use Permit 07-009 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. This item was continued from the City Council meeting on August 7, 2007.

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  
August 22, 2007 6626242

**AFFIDAVIT**

**OF MAIL NOTICES**

**PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Shaun Temple, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for CUP 07-009 – Van Horn Bed & Breakfast on this 17th day of August 2007.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed: \_\_\_\_\_

  
Shaun Temple



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 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