

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT: CONDITIONAL USE PERMIT 07-009, 1521 VINE STREET
APPLICANT – MCCARTHY ENGINEERING, INC. REPRESENTING
MARGO VAN HORN**

DATE: JULY 10, 2007

Needs: For the Planning Commission to consider an application for 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 and Business License to legally establish this business.
2. Consideration of this application was continued from the Planning Commission meeting on June 26, 2007 to allow the applicant additional time to submit an Arborist Report.
3. The property is designated in the General Plan as RMF-8/HP (Residential Multi-Family, 8 units per acre, with an Historic Preservation District Overlay). The site is zoned R2 (Residential Multi-Family). Bed and breakfast establishments are allowed in the R2 zoning district with a Conditional Use Permit.
4. 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, and building permits on file indicating that the building was legally established. The building is however non-conforming to current site development standards, such as setbacks.
5. The applicant is proposing to use three of the four bedrooms in the primary 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.
6. 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 (for a total of four transient rooms). 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.

7. There is an existing 42' oak tree on this property. The cottage and gravel surfaced parking area are already located within the Critical Root Zone (CRZ) and dripline of the oak tree. The proposed improved parking area would also be located within the CRZ and dripline of the oak tree, and would result in some level of disturbance of the root zone. The Arborist Report indicates that the installation of pavers for the parking area, in compliance with the arborist's recommendations will not negatively impact the tree.
8. The Development Review Committee (DRC) considered this application on June 11, 2007. The DRC supported the use of the home as a B&B but noted concerns with the ability of the site to adequately accommodate the required parking spaces. The DRC did not provide a recommendation to the Planning Commission, but suggested moving the application forward.
9. The City has received several phone calls and written correspondence from the neighborhood concerned with the lack of parking that exists at this established.

**Analysis
and**

Conclusions: The appearance of the proposed bed and breakfast business (B&B) is consistent with the surrounding historic neighborhood since it maintains the historic residential character of the home, and the site appears similar to other Victorian homes on Vine Street. The B&B use has not resulted in any exterior alterations to the home or landscaping visible from the public right-of-way.

The use of this home as a B&B complies with the conditions required for this use in Section 21.15.240 of the Zoning Code since: the proposal indicates the property owner will reside onsite; as an R2 zoned property the use would not exceed the maximum number rooms that are permitted to be rented (5 rooms maximum); and fire and building codes are met. Approval from San Luis Obispo County Health Department is still pending and would be made a condition of project approval. Additionally, the required number of parking spaces are provided, however, as discussed below, the use of tandem parking will require a Planning Commission exception.

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.

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.)

There is no precedence for tandem parking designed in this manner, particularly for a non-residential type of use. In all likelihood, visitors will park on the street when all of the rooms are occupied. The Commission should consider whether parking on the street will impact the neighborhood. It is important to remember that approval of a Conditional Use Permit requires the Commission 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).

If it is determined that parking on the street may result in negative impacts to the neighborhood the Commission may want to consider other options. Options could include, but not be limited to:

- Construct a curb cut ingress/egress on Vine Street and provide parking on the northern side of the front property area; (It is important to note that doing so will require a finding that the parking will not detract from the residential appearance of the structure or the neighborhood (21.15.240.4);
- Reduce the number of rooms permitted to be rented out at any one time to only two, thus reducing the rear parking to four spaces, which might be more manageable, yet difficult to track and enforce;
- Deny the Conditional Use Permit if the Commission is unable to make the above referenced findings.

As noted above, the proposed parking area is within the CRZ of the existing 42” oak tree. Per the Arborist Report, the parking area is proposed to be improved with porous pavers, which would be monitored during construction so that the parking area does not impact the health of the tree.

The City Fire Department has conducted a site inspection and has determined that there are no Fire Code compliance or safety concerns at this location for operation of a B&B. Per Zoning Code requirements, approval of a B&B would require annual Building and Fire Department inspections. The applicant will also need to obtain written approval of the San Luis Obispo County health department. Since the business owner does not provide food service at this time, but to allow food service in the future, a condition of approval to require compliance with this requirement within 30 days of approval of this CUP.

As stated above, the City staff has received a few telephone inquiries and correspondence regarding the proposed CUP from residents that are concerned about parking impacts that (may) result from this business in the neighborhood. Correspondence from a neighbor concerned about parking impacts is attached to this report.

Reference: Paso Robles General Plan and EIR, Paso Robles Zoning Ordinance, and CEQA.

Fiscal Impact: None.

Options: After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

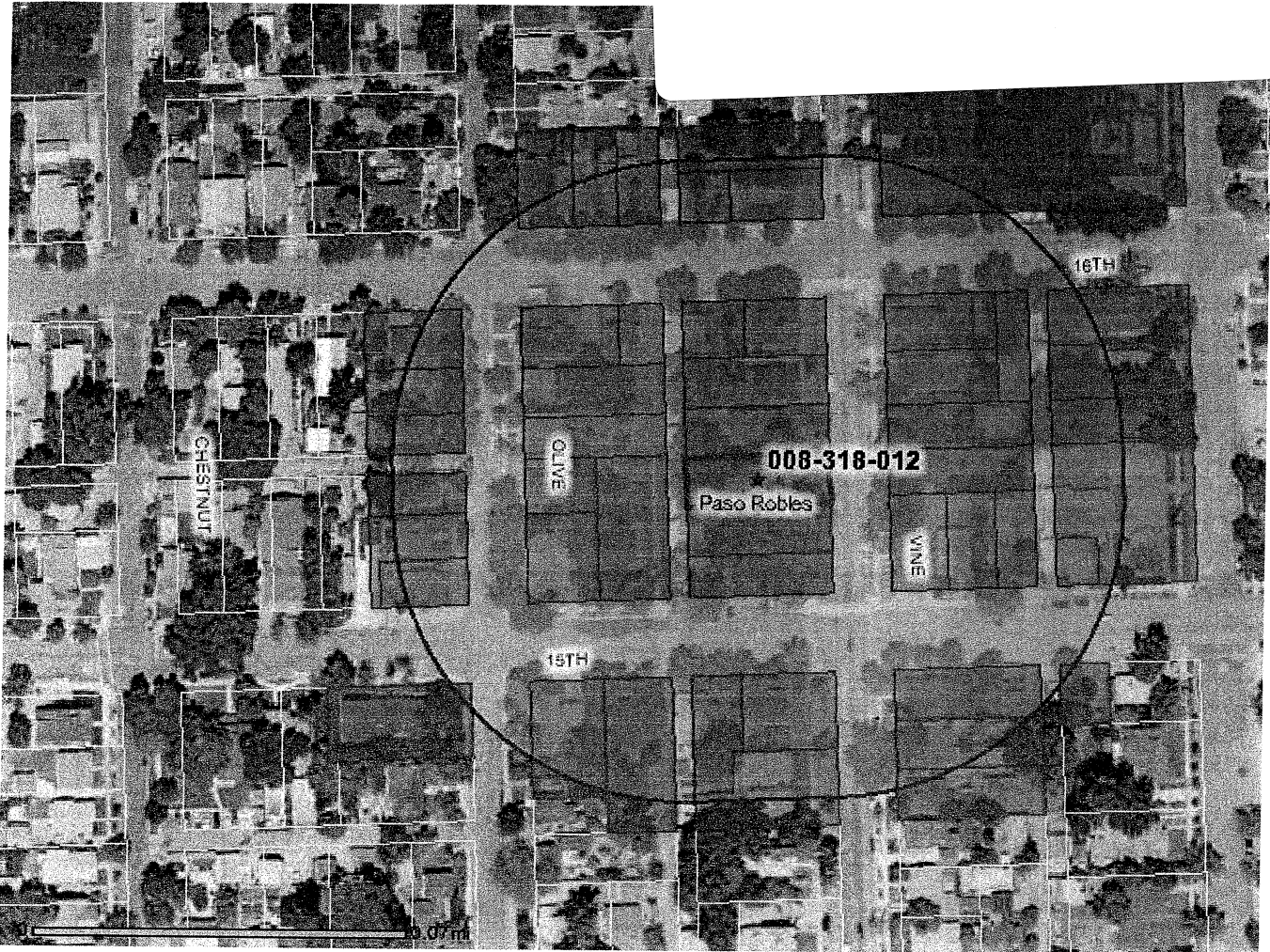
- a. Adopt the attached Resolution denying the Conditional Use Permit as proposed due to parking impacts to the neighborhood.
- b. Adopt the attached Resolution approving CUP 07-009.

- c. Amend, modify, or reject the above-listed actions.
- d. Request additional information and analysis.

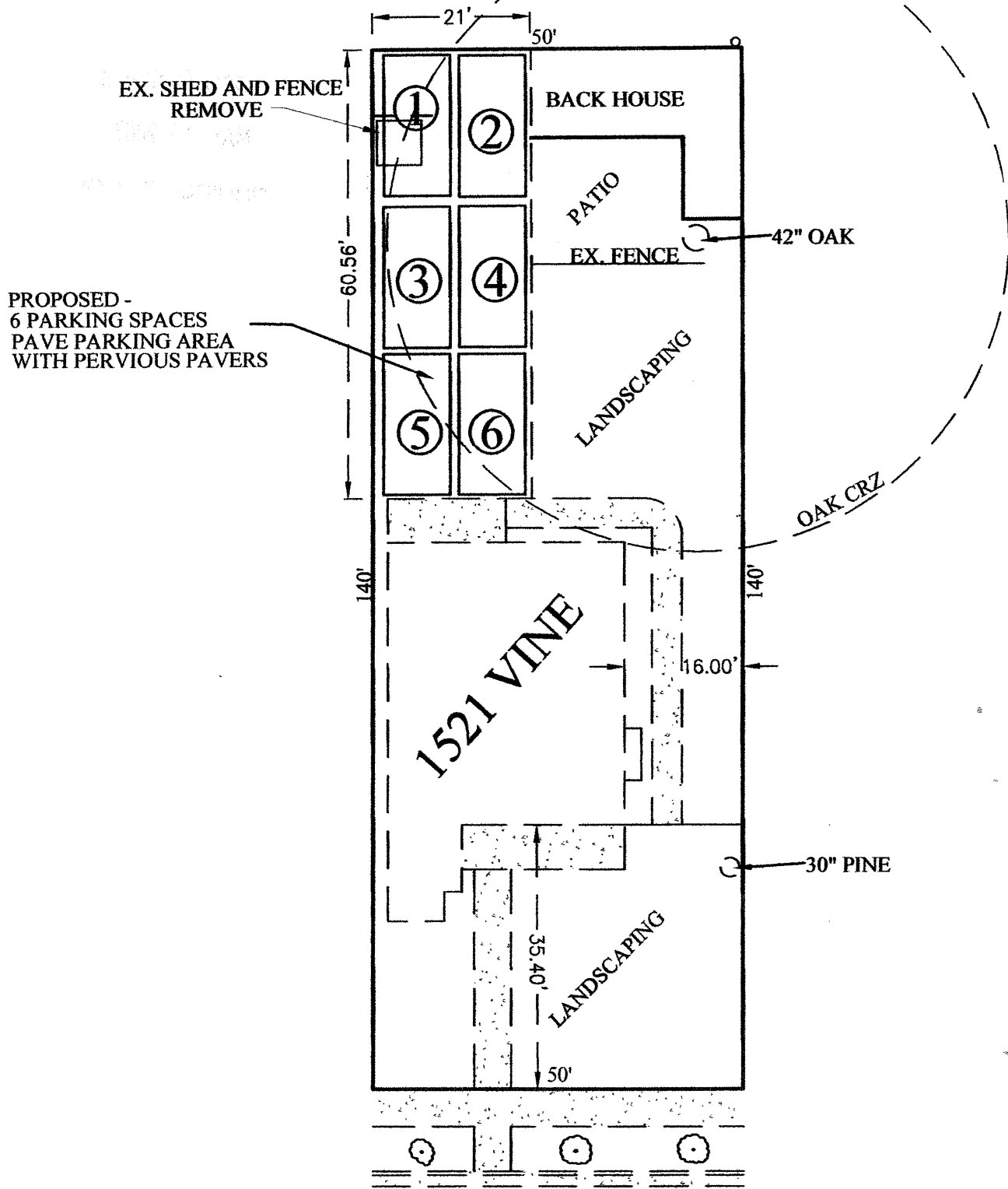
Attachments:

- 1. Location Map
- 2. Site Plan and Photographs
- 3. Resolution to Deny CUP 07-009
- 4. Resolution to Approve CUP 07-009
- 5. Newspaper and Mail Notice Affidavits
- 6. Correspondence
- 7. Arborist Report

**Attachment 1
Location Map**



IMPROVE



**VAN HORN B&B
PLOT /SITE PLAN**

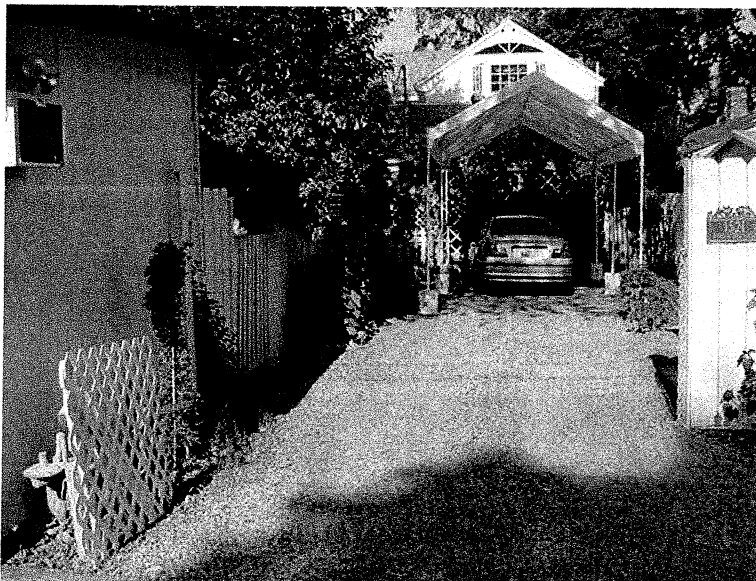
VINE ST.

1"=20' SCALE

1521 Vine Street Photos of House and Vicinity



Vine Street View of House and Front Yard Area

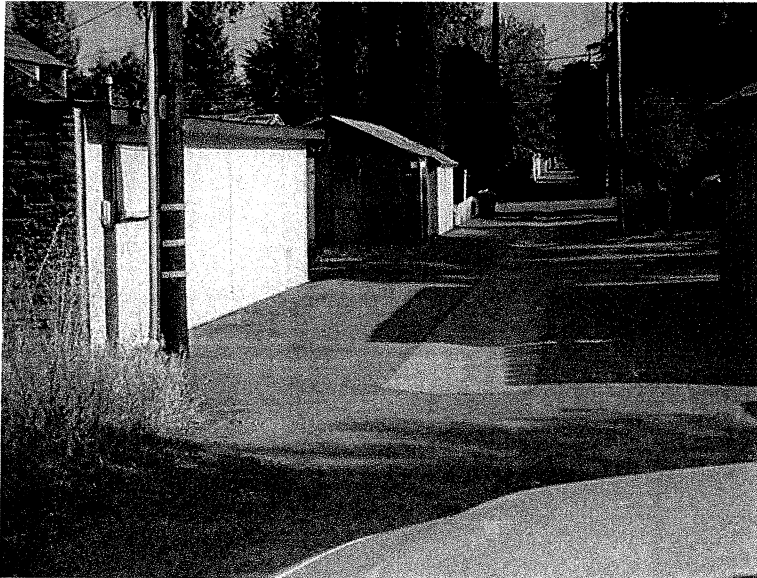


View from alley of the current driveway area to be converted to tandem parking.

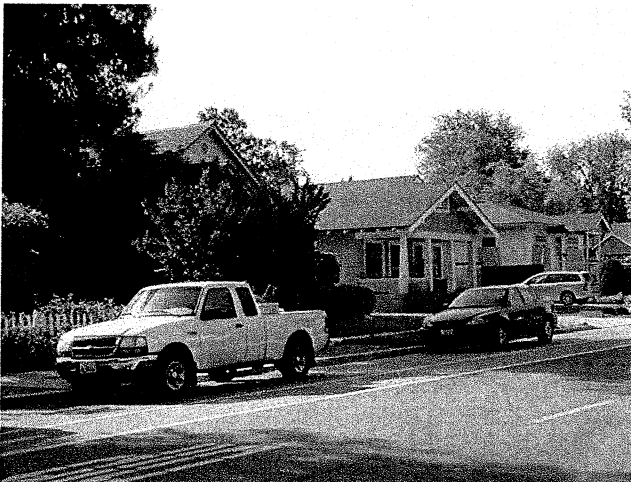
Paso Robles

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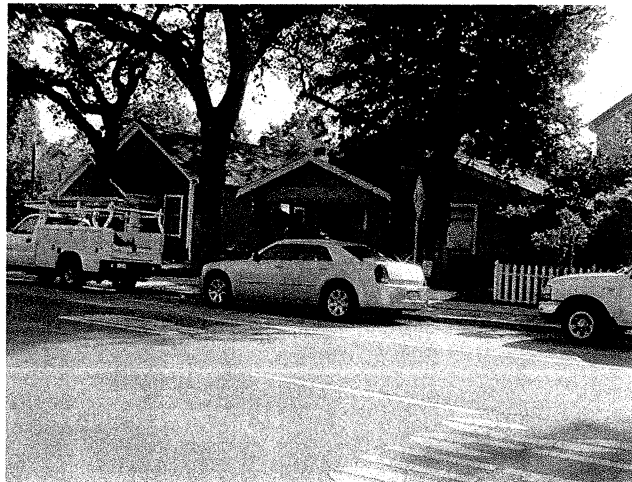
Planning Division



View of Alley in back of 1521 Vine Street. Back cottage is adjacent to the power pole. Alley has been improved with concrete gutter and new paving.



Picture taken on Vine St. looking north of 1521 Vine.



Picture taken on Vine St. looking south of 1521 Vine St.

RESOLUTION NO. 07-

**A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES
DENYING CONDITIONAL USE PERMIT 07-009
TO ESTABLISH A BED AND BREAKFAST BUSINESS
APN: 008-318-012, APPLICANT – MCCARTHY ENGINEERING, INC**

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

WHEREAS, CUP 07-009 is an application to establish a Bed and Breakfast Business at 1521 Vine Street; and

WHEREAS, the Planning Commission has determined that the proposed Bed and Breakfast would result in parking impacts in the neighborhood since the proposed onsite parking of six spaces would be difficult to operate due to existing site constraints and limited area available for parking vehicles and would likely result in guests parking in the street; and

WHEREAS, the Planning Commission held duly noticed public hearing on July 10, 2007 to accept public testimony on this Conditional Use Permit application; and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received the Planning Commission finds that the proposed business will be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, and be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

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

PASSED AND ADOPTED THIS 10th day of July, 2007 by the following Roll Call Vote:

AYES: Commissioners –
NOES: Commissioners -
ABSENT: Commissioners -
ABSTAIN: Commissioners -

CHAIRMAN MARGARET HOLSTINE

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

RESOLUTION NO.

A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES
APPROVING CONDITIONAL USE PERMIT 07-009
TO ESTABLISH A BED AND BREAKFAST BUSINESS LOCATED
AT 1521 VINE STREET, APN: 008-318-012
APPLICANT – JOHN MCCARTHY, MCCARTHY ENGINEERING, INC

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 located at 1521 Vine Street; and

WHEREAS, the City's General Plan and Economic Development Strategy include policies that support tourist oriented development; and

WHEREAS, no exterior alterations are proposed to the existing historic structure and the appearance of the home and landscaping are consistent with other Victorian era homes on Vine Street; and

WHEREAS, the proposed parking area in the rear of site which includes providing six parking spaces constructed with pervious pavers is adequate to provide the required parking spaces for renting three rooms in the home and the rear cottage for transient lodging, and for the residential use of the site; and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 12th and July 10, 2007 to accept public testimony on this Conditional Use Permit application; and

WHEREAS, based upon the facts and analysis presented in the staff report, the Planning Commission makes the following findings:

1. The project will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use.
2. The project is consistent with the General Plan Land Use Designation, and applicable zoning standards.
3. The project is compatible with surrounding development.
4. Oak tree protection measures recommended by the project Arborist shall ensure that the proposed parking area will not be detrimental to the health of the existing 42 inch oak tree on the property.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 07-009, subject to the following conditions:

STANDARD CONDITIONS

1. The project shall be operated in substantial conformance with the following conditions established by this resolution:

2. Any condition imposed by the Planning Commission in granting this Conditional Use Permit may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the conditional use permit.
3. No underground or aboveground storage of hazardous materials shall be allowed on-site without first obtaining City approval.
4. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
5. Use and operation of the business and its appurtenances shall be conducted in compliance with the City's General Performance Standards for all uses (Section 21.21.040 of Chapter 21.21 Performance Standards of the City's Zoning Ordinance).

SITE SPECIFIC CONDITIONS

6. A sign permit shall be required prior to installation of any signs, and shall be reviewed and approved by the Development Review Committee.
7. The property owner shall maintain continuous residency of the home at all times while the site is used as a B&B.
8. The applicant shall obtain written approval of the San Luis Obispo County Health Dept. within 30 days of approval of this CUP.
9. Six parking spaces shall be provided and maintained in the rear area of the site as shown on the approved Plot Plan. The property owner shall inform all guests that they are to park their car in the rear parking area.
10. All oak tree protection mitigation measures noted by the project Arborist shall be adhered to in compliance with the Arborist Report.
11. The fire and building departments shall conduct an annual inspection of the B&B.

PASSED AND ADOPTED THIS 10th day of July, 2007 by the following Roll Call Vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIRMAN MARGARET HOLSTINE

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

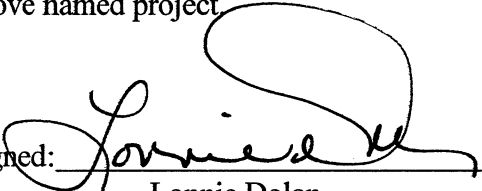
Newspaper: Tribune

Date of Publication: June 15, 2007

Meeting Date: June 26, 2007
(Planning Commission)

Project: 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 Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, June 26, 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:

A request for Conditional Use Permit 07-009, filed by John McCarthy on behalf of Margot Van Horn, to establish a Bed and Breakfast Inn located at 1521 Vine Street, (APN 008-318-012). The property is zoned R2 (Duplex/triplex district) with an OP (Office Professional) overlay.

The proposed Conditional Use Permit 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 proposed project 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 project application 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 Planning Commission at or prior to the public hearing.


Susan DeCarli, AICP
City Planner
June 15, 2007

6596892

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 13th day of June 2007.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Shaun Temple

Distributed to PC; EW; SD

Date: June 27, 2007

Subject: Conditional Use Permit 07-009-Van Horn Bed & Breakfast

Dear Susan De Carli, City Planner,

I am putting in writing that I am against Margaret Van Horn's proposal for a Bed and Breakfast at 1521 Vine Street in Paso Robles. The proposed business will create more traffic and congestion for Vine Street. There will not be enough parking spaces to support the new business because there is already a limited amount of parking for the homes in the area. This limited parking is due to the fact that there are only two homes on the block that have driveways and the rest are forced to park on the street. There are only four homes on the block that are currently owner occupied and the others are rentals which require two parking spaces per rental.

Also, the elementary school on the corner of Vine and 15th creates lots of traffic with drop-offs and pick-ups of children attending the school.

The area is already too congested to accommodate this type of business.

Yours truly, *Betty Blackwell*

A & T ARBOR

P.O. BOX 1311 TEMPLETON, CA 93465

Paso Robles

JUN 29 2007

Planning Division

6-29-07

Margot Van Horn
1521 Vine Street
Paso Robles, CA

This report is in regard to the 42" diameter blue oak (*Quercus douglasii*) located towards the alley at 1521 Vine Street. Aesthetically speaking, the tree would rate good to excellent. It provides shade and has a semi-symmetric canopy. The tree has received a recent pruning event with some eight to ten inch limbs removed. Plans are to convert the home into a bed and breakfast with associated parking accessed from the alley. Currently the proposed parking area is very slightly sloping gravel that covers approximately 20-25% of the critical root zone. Pavers appear to be the best option for this application. Primarily, the ground does not have an excessive slope and excavation of the sub soil does not appear necessary. The paver's base can be engineered in one of two ways:

- Add a slight leveling course of gravel followed by compaction and paver installation.
- Remove the gravel without removing more than two inches of top soil, apply base material, compact and install pavers.

There is a very high probability surface roots are present in this environment mainly due to the restricted root area from the back house, alley and neighboring hardscape. Care must be given if the second option is utilized and arborist monitoring will be required to assure excavation is limited to the top two inches of the soil. The arborists favor the first option if it can be effectively engineered.

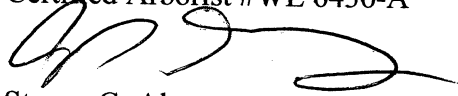
Tree fencing will not be required as there is an existing fence at the proper position. Any new/improved utilities cannot be trenched within the critical root zone without prior arborist and city approval. Any additional construction activities within the critical root zone other than the parking area will require additional evaluation.

The tree's health condition is fair due to a major cavity at the main crotch level. Preliminary probing reached a depth of at least 12 inches with at least that much side to side. Historically, there had been a bee hive in the cavity. In addition, sometime in the past, concrete was poured into the cavity opening. Some structural integrity has been jeopardized over time therefore targeting the parking area. Further diagnosis is recommended to thoroughly probe the cavity and determine if additional weight needs to be removed and/or aerial cables need to be installed. The tree could be very hazardous and further examination is advised. Any cuts larger than six inches in diameter require inspection from the city along with a oak tree trimming permit while any project is process with the city.

We strongly feel there will be no significant long term impacts to the blue oak tree due to upgrading the parking area for the planned bed and breakfast.

Please let us know if we can further assist you with project.

Chip Tamagni
Certified Arborist #WE 6436-A



Steven G. Alvarez
Certified Arborist #WE 0511