

**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
ZONING ADMINISTRATOR  
STAFF REPORT**



<b>Agenda of:</b>	December 19, 2018
<b>Item No.:</b>	4.a.
<b>Staff:</b>	Melanie Shasha

**CONDITIONAL USE PERMIT**

**FILE NUMBER:** CUP18-0010/K & K Pet Care

**AGENT/APPLICANT:** William Wenchell, Terwisscha Construction, Inc

**ENGINEER:** Terwisscha Construction, Inc

**OWNER:** Dr. Ken and Kristi Pawlowski

**REQUEST:** Conditional Use Permit request to allow operation of Animal Sales and Service: Veterinary Clinic within the Research and Development zone.

**LOCATION:** South side of Golden Foothill Parkway approximately a quarter mile northeast of the intersection with Carson Crossing Drive in the El Dorado Hills Business Park in the El Dorado Hills area, Supervisorial District 2. (Exhibit A)

**APN:** 117-270-01 (Exhibit B)

**ACREAGE:** 0.264 acre

**GENERAL PLAN:** Research and Development (R&D) (Exhibit C)

**ZONING:** Research and Development (R&D) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to 15301(a) and 15303(c) of the CEQA Guidelines (new construction or conversion of small structures)

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

1. Find that the project is Categorically Exempt pursuant to California Environmental Quality Act Section 15301(a) and 15303(c); and
2. Approve Conditional Use Permit CUP18-0010 based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Approval of this Conditional Use Permit would allow a veterinary clinic to operate in existing facilities located on the project site in the El Dorado Hills area. Animal Sales and Service: Veterinary Clinic is a conditionally allowed use in the Research and Development zone. Staff has determined that the proposed project is consistent with the El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

## **PROJECT INFORMATION**

**Site Description:** The project site is located on the South side of Golden Foothill Parkway approximately a quarter mile southeast of the intersection with Carson Crossing Drive in Building B of the business park in the El Dorado Hills area. It is surrounded by Research and Development (R&D) on the north, east and south with Carson Creek Residential (CC-SP) to the west. Current improvements on the property include four office buildings built in 1994 with associated parking and signs. Two driveways provide access to the parcel, one from Golden Foothill Parkway and the other from Hillsdale Circle

**Project Description:** The project would allow the use of an existing 10,943 square foot building as an Animal Sales and Service: Veterinary Clinic. This business park is a Planned Development approved under applicant PD02-0003 on 04/08/2003 by the Board of Supervisors.

Proposed operations are to be conducted inside the existing building. Business operations will consist of: emergency and routine animal care, boarding, grooming and specialty veterinary care. No additional structures, development, or operations are proposed. No signs are proposed as part of the project.

Hours of operation will be as follows: 24-hour Emergency Service; Veterinary Center will be open Monday-Friday 8:00 am to 6:00 pm, Saturday 8:00 am to 3:00 pm; Boarding will be open seven days a week from 7:00 am to 7:00 pm, Grooming hours will be Monday through Saturday 8:00 am to 6:00 pm and Sunday 9:00 am to 4:00 pm.

## **ENVIRONMENTAL REVIEW**

The project has been found to be Categorically Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15301 (a) (Existing Structures) and 15303(c) (Conversion of Small Structures), which allows the remodeling and conversion of use of existing small structures. In urbanized areas, the exemption 15303(c) also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities area available and the surrounding area is not environmentally sensitive. Traffic and noise have been reviewed and found to be in compliance with the above exemptions. No unusual circumstances exist which would prevent this project form being found to be Categorically Exempt. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption (NOE). The filing of the NOE is optional; however, not filing the NOE extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

## **CONSISTENCY**

As discussed in the findings section below, the project conforms with General Plan policies regarding land use compatibility, site adequacy, and agriculture promotion, as well as all Zoning Ordinance provisions including consistency with applicable development standards.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Findings	
Conditions of Approval	
Exhibit A.....	Location Map
Exhibit B.....	Assessor's Plat Map
Exhibit C.....	General Plan Land Use Map
Exhibit D.....	Zoning Map
Exhibit E.....	Site Plan
Exhibit F.....	Building Plans
Exhibit G.....	Traffic Study
Exhibit H.....	Acoustic Study
Exhibit I.....	Letter in Support

## **FINDINGS**

### **Conditional Use Permit CUP18-0010/K & K Pet Care Zoning Administrator/December 19, 2018**

#### **1.0 CEQA FINDINGS**

- 1.1 The project has been found to be Categorically Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15301(a) Existing Facilities and 15303(c), Conversion of Small Structures. The first exemption allows interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The second exemption allows the conversion of existing small structures from one use to another. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities area available and the surrounding area is not environmentally sensitive. The proposed veterinary clinic does not use significant amounts of hazardous substances and no new structures are proposed. Traffic and noise have been reviewed and found to be in compliance with the above exemptions. Additionally, no unusual circumstances exist which would require further environmental review. The alteration of and change in use to the existing 10,943 square-foot structure complies with this exemption.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Planning and Building Department at 2850 Fairlane Court, Placerville, CA.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The proposed use is consistent with General Plan Policy 2.2.1.2.**

Research and Development (R&D) -“ this land use designation is to provide areas for the location of high technology, nonpolluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a rural or campus-like setting which ensures a high quality, aesthetic environment. This designation is highly appropriate for the business park/employment center concept. Lands designated as R&D can be located in Community Regions and in Rural Centers.”

Rationale: The project is consistent with the Research and Development (R&D) land use descriptions defined by General Plan Policy 2.2.1.2. The project proposes a veterinary clinic in an existing building. The R&D designation supports animal sales and services. This use is consistent with the intent of the Research and Development land use designation.

**2.2 The proposed use is consistent with General Plan Policy 2.2.5.2.**

“All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.”

Rationale: The project proposes a veterinary clinic within El Dorado Hills Business Park in the El Dorado Hills area. There is a need for a larger facility in the community and the new facility would serve the needs of the residents in the area. This use is consistent with the General Plan and no amendments are required for the project.

**2.3 The proposed use is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that “development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.”

Rationale: The project site is surrounded by Research and Development (R&D) land uses to the north, east and south and (CC-SP) to the west. Existing development on the subject property includes other office buildings that were built in 1994. No additions or substantial changes to the building are proposed. The residential zoned area to the west, across Carson Crossing Drive, has been developed with single family units. Conditions of approval limiting the use of the facility and exterior area are included to maintain compatibility with the surrounding area. Animal Sales and Service is considered compatible with the surrounding R&D designated areas. Staff believes the proposed project would be compatible with the surrounding land uses pursuant to General Plan Policy 2.2.5.21 based on design of the parking layout, existing landscaping and site lighting, and hours of operation as specified in the recommended Conditions of Approval in Attachment 1 (Condition No’s. 3, 4, 5, 6 and 7).

**2.4 The proposed use is consistent with General Plan Policy 5.1.2.1.**

General Plan Policy 5.1.2.1 requires a “determination of the adequacy of the public services and utilities to be impacted by that development.”

Rationale: The project would not increase the need for public services or utilities. Environmental Management has reviewed the proposed project and provided comments including: Medical Waste Generator registration, Construction and Demolition Debris recycling, Mandatory Commercial Recycling, Mandatory

Commercial Organics Recycling, Trash and Recycling Enclosures, and hazardous waste reporting into California Environmental Reporting System. Water and sewer service currently exist.

**2.5 The proposed use is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that “adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.”

Rationale: The site is currently served by El Dorado Hills Fire Protection District (FPD) for fire protection and by El Dorado Hills Irrigation District for water service. A fire suppression system was installed at the time of the buildings construction. No changes are anticipated with regards to the demand of water with this project.

**2.6 The proposed use is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant “demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.”

Rationale: The Transportation Department and Long Range Planning reviewed the application materials and site plan for adequate access for emergencies. The project was required to address the adequacy of vehicle parking for anticipated demand, vehicle types, and zoning requirements. It was determined that an On-Site Transportation Review was required. Operations are to occur in the existing building and there are no proposed public access changes to the site. The on-site circulation was reviewed as part of previous approvals and on-site transportation review completed for the proposed change in use. No impacts or mitigation measures for traffic were identified. No additional site access or improvements to the existing roads are required. The project is in compliance with the General Plan Policy.

**3.0 ZONING FINDINGS**

**3.1 The proposed use is consistent with Title 130.23.**

Industrial and Research and Development Zones are intended to provide for a full range of light and heavy manufacturing, including manufacturing, processing, distribution and storage. In addition, a Research and Development Zone is established to provide areas for high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a rural or campus-like setting, such as a business park environment.

Rationale: The parcel is zoned Research and Development (R&D). The Zone matrix of allowed uses and permit requirements establishes those uses that are permitted by right and those that require approval by a Conditional Use Permit in the R&D zone district. The matrix includes Animal Sales and Services: Veterinary Clinics, which are allowed by Conditional Use Permit.

The project has been analyzed in accordance with Zoning Ordinance Section 130.23.040 (Design Standards) as contained in the County's adopted design manual, the El Dorado Hills Business Park Design Guidelines and the Planned Development PD02-0003.

### 3.2 **The proposed use is consistent with Chapter 130.35, Parking and Loading.**

This Chapter contains standards for off-street parking requirements for residential and non-residential uses.

Rationale: Section 130.35.030 - Off-Street Parking and Loading Requirements requires Animal Services: Veterinary clinic to include 1 Off-Street Vehicle Parking per 250 square feet of active use area (AUA) exclusive of kennel boarding area; kennel boarding area requires 1 space plus 1 space per 5 kennel spaces. The proposed use would involve the arrival and departure of staff and customers. The use of the building as a Veterinary clinic would generate 235 daily trips. The existing driveways providing access to the business park exceed the requirements for a minimum width of 25 feet. The site plan was reviewed for adequacy and it was determined that the 59 existing parking spaces would exceed the required minimum of 47 spaces. The parking and loading available on-site meet the minimum number required under the parking and loading standards listed above, no other provisions of the standards apply, and the site is therefore consistent with the intent of the Parking and Loading standards. (Exhibit G)

### 3.3 **The proposed use is consistent with Chapter 130.37, Noise Standards.**

Chapter 130.37, Noise Standards, requires that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 130.37.060.1 for noise-sensitive uses.

Rationale: No new structures or substantial remodeling of structures is included in this proposal, thus it is not anticipated that there would be any short-term construction-related noise impacts. Long-term noise from the interior operations of the proposed activity is anticipated to be below the noise standards. However, during the drop-off and pick-up of animals it is possible that levels may potentially exceed the evening and nighttime noise level criteria at the nearest property line to the west. Those structures are zoned as Carson Creek Residential (CC-SP). According to the Zoning Ordinance, non-transportation noise in

Community Centers regions is limited to a time-averaged level of 55 dBA and maximum of 70 dB from 7 a.m. to 7 p.m., and an average of 50 dBA and maximum of 60 dBA from 7 p.m. to 10 pm. Furthermore, Zoning Ordinance 130.37.060.A.1 specifies that “recurring impulsive noises” reduce the above noise standards by 5dBA. The closest existing residence is approximately 200 feet to the west with a proposed sound wall, the existing building and trees, hilly terrain and Carson Crossing Dr between this home and the Veterinary Office building. The noise levels in a Community Region are measured at the property line. The noise levels for normal interior operation of the veterinary offices are expected to be well below this cutoff, however noise levels at the property line of the nearest neighbors during drop-off and pick-up may exceed this limit. The project description and attached conditions will both limit the hours of operation to 7:00 am to 7:00 pm and provide additional operational measures. In the event that noise complaints are received from local businesses and residences, additional monitoring will be required in condition 7. (Exhibit H)

#### **4.0 CONDITIONAL USE PERMIT FINDINGS**

##### **4.1 The issuance of the permit is consistent with the General Plan.**

Rationale: As discussed above in Section 2.0, General Plan Findings, the Conditional Use Permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

##### **4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the surrounding area.**

Rationale: The use will not conflict with surrounding uses. The proposed use will comply with the Development Standards of the R&D zone district. The proposed use is consistent with the surrounding land uses which include existing residential lots and Research and Development land. The project is not expected to result in any changes to the current condition of the site. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding area.

##### **4.3 The proposed use is specifically permitted by Conditional Use Permit.**

Rationale: Animal Sales and Services: Veterinary Clinic is specifically permitted by Conditional Use Permit pursuant to Section 130.52.021.C. The subject property is located in the R&D zone district. Section 130.2 establishes the proposed uses that require approval by a Conditional Use Permit. This application meets the requirement of the applicable provisions above subject to a Conditional Use Permit.



## CONDITIONS OF APPROVAL

### Conditional Use Permit CUP18-0010/K & K Pet Care Zoning Administrator/December 19, 2018

#### Planning Services

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the current Site Plan (Exhibit E), and the Conditions of Approval set forth below.

The project description is as follows:

A Conditional Use Permit to operate a veterinary clinic consisting of:

- a. The tenant improvement to an existing 10,943 square foot structure;
- b. Operation of a Veterinary Clinic for household pets to include grooming, boarding, and 24-hour emergency veterinary clinic;
- c. Veterinary Wellness Center open Monday through Friday from 8 a.m. to 6 p.m. Saturday from 8 a.m. to 3 p.m.;
- d. Boarding open seven days per week from 7 a.m. to 7 p.m.; and
- e. Grooming Monday through Saturday, 8 a.m. to 6 p.m. and Sunday from 9 a.m. to 4 p.m.;
- f. Incidental sales of food and equipment;
- g. No new signs are approved with this application.

Any deviations from the project description, conditions, or exhibits shall 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 grading, 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.

2. Any future signage for the veterinary clinic shall meet the requirements of County Code Chapter 130.16 (Signs).
3. Noise associated with veterinary clinic operations shall be limited to a time-averaged level of 50 dBA and maximum of 60 dB from 7 a.m. to 7 p.m., and an average of 45 dBA and maximum of 55 dBA from 7 p.m. to 10 p.m., measured at the property line of the nearest residence, consistent with Chapter 130.37 of the Zoning Ordinance.
4. Dogs should be kept in their boarding areas during evening and nighttime hours excepting emergency services.

5. Exterior roll-up doors associated with the exercise or boarding areas will only be opened when deemed necessary per operational requirements, but should remain closed during nighttime hours (7:00 P.M. - 7:00 A.M.) except in cases of an emergency.
6. Clinic staff should take action to minimize barking at this facility through use of appropriate techniques.
7. If repeated significant and valid noise complaints are received by the County, the responsible party shall hire an acoustical engineer to prepare a noise study. Planning Services will review the third party report and may reverse their decision or not. If the responsible party fails to comply with a Department's decision that a violation exists, enforcement will proceed in accordance with the enforcing Department's process and may result in the suspension or revocation of a permit (which is appealable) or the issuance of an administrative or misdemeanor citation (which may be heard before a hearing officer or judge).
8. 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 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 subdivision, which action is brought within the time period provided for in Section 66499.37.

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