

Agenda of: October 27, 2005

Item No.: 8.a.

Staff: Lillian MacLeod

STAFF REPORT - SPECIAL USE PERMIT

FILE NUMBER: S05-0003/Diamond Villa Senior Housing

APPLICANT: Diamond Springs, LLC

AGENT: Ron Regan

REQUEST: Special use permit to allow a phased senior housing development to include both assisted and independent living facilities.

LOCATION: On the west side of Panther Lane, approximately one mile south of the intersection of Fowler Lane and State Route 49, in the Diamond Springs area. (Exhibit A)

APN: 054-431-21

ACREAGE: 4.2 acres

1996 and 2004 GENERAL PLANS: Multi-family Residential (MFR) (Exhibit B)

ZONING: Single-family Residential/Limited Multi-family Residential (R1/R2-DC) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Conditional approval.

BACKGROUND: Tentative Parcel Map P89-92 was approved by the Zoning Administrator on October 5, 1989, to create four parcels from the 4.22 acre subject parcel. Two time extensions were approved; however, the parcel map expired on June 3, 1996.

A well destruction permit, 90-001850, was finalized November 19, 1992, on the site.

Design Review DR90-36 was approved by the Planning Commission on September 18, 1991, which allowed construction of five buildings and one accessory building for 50 senior board and care units. The project was never constructed, and approval expired September 18, 2003.

A rough grading permit was issued on August 26, 2003, and finalized December 15, 2003.

STAFF ANALYSIS

Project Description: The project consists of a full service assisted living facility for residents age 65 and older. The facility will be developed in two phases as follows:

Phase I: Fifty assisted living units to consist of 25 private units and 25 semi-private for a total of 75 beds. Services will be provided for ambulatory and non-ambulatory residents who require a greater level of support, with 12 of the beds dedicated to residents with cognitive impairments. Thirty six employees are required who will be divided into 3 shifts in a 24 hour period, 7 days per week. A maximum of 18 employees will work the day shift beginning at 6:00 AM. Staff will be employed 7 days a week in administration, personal care, housekeeping, and maintenance duties. The building will measure 37,829.5 square feet and will consist of 2 single-story structures connected by a covered breezeway. An indoor atrium is planned for the larger of the two buildings while an outdoor atrium is planned at the entrance to the smaller building under the breezeway.

Phase II: Fifty independent living units to consist of 36 private units, 7 semi-private, and the remaining 7 for couples, for a total of 64 beds. Services will be provided for independent, elderly residents who have the functional capability to meet their personal needs without substantial assistance. A kitchenette is provided within each unit. Twenty-five employees are required who will be divided into 3 shifts in a 24-hour period, seven days per week. A maximum of 10 employees will work the day shift beginning at 6:00 AM. The building will measure 14,677 square feet and will be of 2-story construction.

A dining room within each building will provide three meals per day and snacks for the residents. A facility van will be available to provide transportation to medical appointments, social events, shopping, and other outside activities.

Three monument signs are proposed to be situated at the main entrance facing Fowler Way and Panther Lane and in front of each building for identification. Each sign face will measure 40 square feet and will be flanked by two columns to stand an overall height of five feet. Pendant lighting to illuminate each sign face is proposed. A pedestal light will be mounted on each of the two supporting columns.

The buildings will be finished with cement plaster and wood trim. The roofing material will be concrete tile shingles. Balconies and stairways will be a metal, cable railing system. The color palette will consist of beige to medium brown. Windows will be a dark bronze aluminum storefront system.

Site Description: The 4.22-acre, irregularly configured site is relatively flat. The site is undeveloped with limited vegetation. A few black and live oak trees are located on the site. In the

past, a structure was located on the site; however, any traces of the building, including the foundation, have been removed. The site has been graded since the structure was removed.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2-DC / R1	MFR	Undeveloped
North	R2-DC	MFR	Senior apartment complex
South	RF / R1	MFR	Single family dwelling
East	R20K / R1	MFR / HDR	Single-family dwellings
West	C-DC / R2-DC	C	Single-family dwelling

General Plan: The General Plan designates the subject site as multi-family residential. This designation permits high-density multifamily structures to be located in areas with the highest degree of access to transportation facilities, employment, shopping, and other amenities. The designation is appropriate only within Community Regions and Rural Centers.

The Housing Element states that community care facilities are permitted only by issuance of a special use permit in the One-family Residential (R1) and Limited Multifamily Residential (R2) Zone District. The use is further encouraged under Policy HO-4a.

Policy 2.2.1.5 provides building intensities in each land use designation through Table 2-3. The MFR designation restricts impervious surfaces to 75 percent of the site. The overall site plan for the project indicates an impervious surface area that covers 72.3 percent of the parcel, thereby meeting the standard.

Policy 7.4.4.4 determines applicable tree canopy retention standards. The project parcel has an existing canopy of 3.04 percent requiring 90 percent retention. The applicant is proposing to retain 100 percent of the canopy. However, of the nine existing trees, tree number 186.18, as indicated on the tree preservation plan, has the northern parking lot overlying its root zone. The applicant can either remove this tree and still meet the 90 percent retention rate, or eliminate some parking spaces, as the site has more than required. If the choice is to remove the tree, the proposed landscape plan indicates that 66 Valley oaks (*Quercus lobata*) will be planted, more than exceeding the 1:1 replacement ratio required under this policy.

Additionally, two black oaks shown on the tree preservation plan as numbers 44.98 and 1651.96 located on the southwestern property line are designated for preservation. The landscaping plan does not show these trees; rather, it shows landscaping that will most likely require irrigation. Also, a wall is shown to be placed within the dripline of the larger tree. Both compaction of earth within the dripline, and irrigation of the root system can be fatal to an oak tree. Conditions of approval will address protection and preservation measures consistent with requirements in the Design and

Improvement Standards Manual [Volume II, § 2(c) (1) (a-c)] that will ensure protection of these oak populations and consistency with General Plan policy.

Conclusion: Staff finds that the applicant has made the proper request for the use through the special use permit process and that the project, as proposed/conditioned, conforms to the General Plan in that it is within the Community Region of Diamond Springs in an area of relatively high commercial development, is located near the major traffic arterials of State Route 49 and Pleasant Valley Road, and meets impervious surface standards along with tree canopy retention and replacement standards.

Zoning: The proposed use is permitted in both the R1 and R2 Zone District, pursuant to Sections 17.28.030 (J) and 17.28.110 (E), which allows community care facilities with a special use permit. In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood.

Parking: Based on County parking ordinance §17.18.060, a nursing home, the most applicable use for Phase 1, requires one space per three beds. Phase 2 requirements correspond to those for a boarding home at one space per bedroom. Using these figures, the parking requirements are 25 spaces for Phase 1 and 50 spaces for Phase 2, for a total of 75 spaces. Of these, three are required to be ADA compliant, with one van accessible. The proposed project provides 100 parking spaces, with three ADA compliant and two van accessible.

Lighting: Pole lights measuring 22 feet high are proposed for the parking lot areas and entranceways. Based on the submitted photometric plan, some light will spill onto adjacent developed properties in non-compliance with §17.14.170 of the Ordinance. Staff recommends a condition that eliminates twin head pole lights and that requires all proposed pole lighting to be set back 20 feet from adjacent developed property lines. Wall lighting will be required to conform to §17.14.170 for full shielding, as well.

Fencing: To mitigate light spillage from wall lighting as well as to buffer noise from traffic and parking on adjacent properties, staff recommends the project be conditioned to require a six-foot redwood fence around all property lines except that fronting Panther Lane. The fence along the private driveway used to access Assessor's Parcel Number 097-050-09 will be placed so as to allow the property owner access to their driveways, one off Fowler Lane and one at the end of the private driveway that accesses their garage. As no landscaping was proposed to screen the parking lot from this adjacent property owner, the fencing will serve the purpose, bringing the project into consistency with parking lot landscaping and buffering standards under §17.18.090.

Based on comments received from public agencies, citizens' groups, and impacted neighbors, as discussed below, staff finds that the project, as conditioned regarding issues discussed above will not be detrimental to the public health, safety and welfare or injurious to the neighborhood.

Agency and Public Comments: The following agencies provided comments on this application. Copies of their written comments are available at the Planning Services office. From these comments, the following issues were raised:

Department of Transportation – Conditions regarding improvements to the Panther Lane/Fowler Lane intersection were proposed, as well as standard conditions for grading and drainage.

Diamond Springs-El Dorado Fire Protection District – Fire safe requirements for emergency access, to include a widened entrance to Phase 1 along with a hammerhead turn, and red curbing along the main entrance road, will be applied. The applicant has indicated on the phased site plans that the buildings will be equipped with fire sprinkler systems. The systems will also be required under a condition of approval, based on the location of the facility on a dead-end road, and the aged and infirm nature of the residents inhabiting the facility.

El Dorado Irrigation District – Improvement plans have been approved for Phase 1 development. A new Facility Improvement Letter will be required at the building permit stage prior to Phase 2 development.

Air Quality Management District – Condition regarding fugitive dust and asbestos hazard dust mitigation will be applied.

These agencies had no specific concerns regarding the proposed special use permit:

El Dorado County Resource Conservation District

Early comments from the public and citizens' groups include a phone call from a neighbor living across Panther Lane who opposed the project due to its commercial nature. Additional issues may be raised as a result of the public notice of the hearing.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

RECOMMENDATION

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Special Use Permit S05-0003 based on the findings in Attachment 2, subject to the conditions in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Overall Site Plan
Exhibit E	Master Site Plan
Exhibit F	Phase 1 Site Plan
Exhibit G	Phase 2 Site Plan
Exhibit H	Elevations
Exhibit I	Sign Plan
Exhibit J	Photometric Plan
Exhibit K	Preliminary Landscape Plan
Exhibit L	Assessor's Parcel Map

ATTACHMENT 1 **CONDITIONS OF APPROVAL**

FILE NUMBER S05-0003

This special use permit approval is based upon and limited to compliance with the project description, dated October 27, 2005, and Conditions of Approval set forth below. 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.

1. The project, as approved, consists of the following:

Phase I: Fifty assisted living units to consist of 25 private units and 25 semi-private for a total of 75 beds. Services will be provided for ambulatory and non-ambulatory residents who require a greater level of support, with 12 of the beds dedicated to residents with cognitive impairments. Thirty six employees are required who will be divided into 3 shifts in a 24 hour period, 7 days per week. A maximum of 18 employees will work the day shift beginning at 6:00 AM. Staff will be employed 7 days a week in administration, personal care, housekeeping and maintenance duties. The building will measure 37,829.5 square feet and will consist of two single-story structures connected by a covered breezeway. An indoor atrium is planned for the larger of the 2 buildings while an outdoor atrium is planned at the entrance to the smaller building under the breezeway.

Phase II: Fifty independent living units to consist of 36 private units, 7 semi-private, and the remaining 7 for couples, for a total of 64 beds. Services will be provided for independent, elderly residents who have the functional capability to meet their personal needs without substantial assistance. A kitchenette is provided within each unit. Twenty-five employees are required who will be divided into 3 shifts in a 24-hour period, 7 days per week. A maximum of 10 employees will work the day shift beginning at 6:00 AM. The building will measure 14,677 square feet and will be of 2-story construction.

A dining room within each building will provide three meals per day and snacks for the residents. A facility van will be available to provide transportation to medical appointments, social events, shopping, and other outside activities.

Three monument signs are proposed to be situated at the main entrance facing Fowler Way and Panther Lane and in front of each building for identification. Each sign face will measure 40 square feet and will be flanked by two columns to stand an overall height of five

feet. Pendant lighting to illuminate each sign face is proposed. A pedestal light will be mounted on each of the two supporting columns.

The buildings will be finished with cement plaster and wood trim. The roofing material will be concrete tile shingles. Balconies and stairways will be a metal, cable railing system. The color palette will consist of beige to medium brown. Windows will be a dark bronze aluminum storefront system.

Parking shall be a minimum of 75 spaces with 3 designated ADA, of which one shall be van accessible.

2. All site improvements shall conform to the site plan(s) attached as Exhibits D, E, F, and G with the exception of pole lighting which is addressed under Condition 5.
3. All retained oak trees on the project site shall be preserved and protected as follows:
 - a. A circle having a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of each tree. Limbs may not be removed or cut back to alter the dripline. Removal of limbs for project purposes does not change the dripline.
 - b. In order to avoid damage to the oak trees and their root systems, highly visible temporary fencing or other similar protective barrier shall be installed around the driplines of the oak trees to be preserved within 50 feet of any ground disturbing activity prior to initiating any grading or construction activity on the site. Barriers may be temporarily moved during construction to accommodate site work in the driplines of oak trees to be retained.
 - c. All grading and construction activities shall be limited to the greatest extent possible to planned road and parking lot alignments and building envelopes. Limited ground disturbance, grading (grade cuts or fills), impervious surfaces, or landscaping under the canopy or within the defined dripline of any preserved oak tree shall be allowed only as shown on the approved grading and improvement plans. In the case where grading or ground disturbances affect a preserved oak tree, and the tree weakens and dies within five years of the completion of construction, the affected tree shall be replaced on an inch-for-inch basis and become part of the five year monitoring program.
 - d. No signs, ropes, cables, or other devices may be attached to preserved oak trees.
 - e. No vehicles, equipment, mobile home/temporary office facilities, or materials shall be placed under the canopy or within the dripline of any preserved oak tree.
 - f. Construction shall not alter drainage patterns so that water collects or stands within the dripline of any preserved oak tree.

Historian approved by the Deputy Director of Planning shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

8. In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to §7050.5 of the Health and Safety Code and §5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.
9. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Storm Water Management Plan*, the *Off-Street Parking and Loading Ordinance*, and the *State of California Handicapped Accessibility Standards*. A commercial grading permit is required.
10. The applicant shall install a stop sign, legend, and striping at the Panther Lane/Fowler Lane intersection as detailed in the *Design and Improvement Standards Manual*. An encroachment permit will be required for any of this work that occurs in the County right-of-way of Fowler Lane.
11. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.
12. The applicant shall be subject to the County traffic impact mitigation fee program. Said fees shall be due upon the issuance of a building permit. The amount of fees shall be those in effect at the time of building permit application.
13. The applicant shall provide a soils report at time of grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, and pavement section based on TI and R values. The report shall include recommended design criteria for any retaining walls. Any export to be deposited within El Dorado County shall require an additional grading permit.

14. The applicant shall provide a drainage report at time of grading permit application, consistent with the *Drainage Manual* and the *Storm Water Management Plan*, which addresses storm water runoff increases, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
15. The applicant shall be required to install automatic fire sprinkler systems in each building prior to final occupancy. Further, the applicant shall be required to comply with all requirements of the Diamond Springs-El Dorado Fire Protection District regarding access to the site prior to final occupancy.
16. A new EID Facility Improvement Letter will be required at the building permit stage prior to Phase 2 development.
17. If the project includes the disturbance of 20 cubic yards or more of earth the applicant shall comply with Air Quality Management District (AQMD) Rule 223-2 Fugitive Dust-Asbestos Hazard Mitigation, which includes an asbestos dust mitigation plan submittal, fugitive dust prevention, speed limits, warning signs, track out prevention, excavated soil management, and post-construction mitigation. This information must be submitted to the Air Quality Management District for review and approval prior to issuance of a grading permit.

Alternately, the applicant may have a California Professional Geologist inspect the project site and provide the AQMD with a report demonstrating there is no Naturally Occurring Asbestos on the project site. This evaluation must be submitted to the AQMD with the current review fee.

If there is no naturally occurring asbestos or less than 20 cubic yards of earth is disturbed, the applicant must still comply with AQMD Rule 223-1 Fugitive Dust-Construction Activities. If a County grading permit is required, the applicant will be required to submit a Fugitive Dust Plan to the AQMD prior to issuance of a grading permit.

19. Prior to grading permit issuance Section 404 Nationwide permit to allow filling of the remaining seasonal wetland and to allow on-site channels to be piped shall be issued.
20. The proposed food facilities must meet the minimum requirements of the Health and Safety Code – California Uniform Retail Food Facilities Law (CURFFL). Prior to construction of the facility, the plans and permit application must be submitted to Environmental Health for review and approval.
21. The removal of medical waste, such as used needles, from the site may require a Medical Waste Permit. The applicant shall be required to seek a determination from Environmental Management as to whether a permit is required prior to building permit issuance. In the event a permit is not required, the applicant shall be required to contract with either their waste management provider or the medical vendor for proper disposal of medical/hazardous waste.

22. The Deputy Director of Planning may approve minor modifications to an approved project where he finds the change:
- a. Is consistent with all applicable provisions of Title 17;
 - b. Does not involve a feature of the project that was specifically addressed in the conditions of approval, mitigation measures, or findings for approval of the project;
 - c. Does not result in an expansion of the project; and
 - d. Does not substantially alter the original approval action.
23. The special use permit shall be null and void if project implementation of Phase 1 does not occur within 24 months and Phase 2 within 5 years from the date of approval. Either time limit will be waived if one of the following has occurred:
- a. A building permit has been issued and at least one inspection has occurred.
 - b. An extension of time has been granted by one of the following methods:
 - (1) The Deputy Director of Planning finds that substantial progress has been made in implementing the permit, and not more than 12 months will be necessary to comply with the requirements of subsection (a) listed above.
 - (2) A written request for an extension of time has been approved by the issuing authority, provided that no change in conditions or circumstances has occurred that would have been grounds for denying the original application, the applicant has been diligently pursuing implementation of the permit, and modified conditions have been imposed as necessary which update the permit to reflect current adopted standards and ordinance requirements.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER S05-0003

1. The proposed project will not have a significant effect on the environment, based on the analysis contained in the Initial Study **and the mitigation measures identified therein**, and a Negative Declaration has been filed. Under the previous approval of DR90-36, Diamond Villas, a U.S. Army Corps of Engineers Section 404 Nationwide permit (Regulatory No. 9100522) was issued on the site. The permit allowed the fill of approximately 0.76 acres of seasonal wetland in exchange for seasonal credits from the Wildlands Mitigation Bank. The seasonal credits were purchased in September 2003 under Contract No. WMB1-03-351. Approximately 0.05 acres of seasonal wetland remain. In addition, two channels measuring 0.045 acres have been determined to be waters of the U.S. The applicant has completed a jurisdictional delineation for the waters of the U.S. in support of an application for a U.S. Army Corps of Engineers Section 404 Nationwide permit to allow filling of the 0.05 acres of seasonal wetland and to allow the channels to be piped. With the issuance of this permit, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the U.S. Department of the Interior, or the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable.
2. The proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report, in that it is within the Community Region of Diamond Springs in an area of relatively high commercial development, is located near the major traffic arterials of State Route 49 and Pleasant Valley Road, and meets impervious surface standards along with tree canopy retention and replacement standards.
3. The use is found to comply with the requirements of Chapter 17.22, Special Use Permits, for a community care facility within a residential zone. The proposed use, to provide senior housing, is consistent with residential development including other senior housing facilities in the area. The commercial components of the project involve the degree of care, the in-house dining facilities and the transportation and housekeeping services. These components are consistent with residential zoning and are not considered to be incompatible with the surrounding area. The project, as conditioned, will not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.