

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: February 9, 2006
Item No.: 7.d.
Staff: Lillian Mac Leod

SPECIAL USE PERMIT

STAFF REPORT - SPECIAL USE PERMIT

FILE NUMBER: S03-0035R

APPLICANT: Rolling Hills Christian Church

AGENT: Pete Bernardoni

REQUEST: Special use permit revision to:

1. Eliminate Condition 18 requiring construction of a sidewalk on Windfield Way; and
2. Eliminate the requirement under Condition 19 for a handicapped path of travel to Windfield Way.

LOCATION: On the south side of White Rock Road, approximately one mile west of the intersection with Latrobe Road in the El Dorado Hills area. (Exhibit A)

APN: 108-040-49 and 108-500-03

ACREAGE: 11.315 and 6.64 acres, respectively

GENERAL PLAN: Adopted Plan - Carson Creek Specific Plan (AP-CCSP), and Research and Development (R&D), respectively. (Exhibit B)

ZONING: Carson Creek Single-family Residential, and Research and Development (R&D), respectively. (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically exempt under Section 15301 of the CEQA Guidelines.

SUMMARY RECOMMENDATION:

Denial

BACKGROUND: The subject property is within Phase 1 of the Carson Creek Specific Plan (CCSP). Phase 1 has been approved under a tentative map, Euer Ranch (TM96-1317). A phasing map (P99-0012) was filed on the northern 74.9 acres to create the 12.86 acre parcel currently used as the project site for the Rolling Hills Christian Church.

The subsequent design review application (DR00-16), proposing a three phase development of the church facilities, was found to be consistent with the intent of P99-0012 and the Carson Creek Specific Plan and was approved by the Planning Commission on December 14, 2000. Subsequently, Phase 2 and 3 developments were revised under S03-0035 by approval of the Planning Commission on May 13, 2004. Under conditions of approval, the applicant was required to file a boundary line merge application for the two parcels. As a result, BLA04-0085 was finalized and recorded on February 24, 2005.

STAFF ANALYSIS

Project Description: The applicant is requesting a revision to approved Special Use Permit S03-35, eliminating the requirement for a sidewalk on Windfield Way under Condition 18, which reads as follows:

18. *The applicant shall be obligated for construction of concrete sidewalk on Windfield Way adjacent to the property frontage generally conforming to Standard Plan 101A.*

The applicant is also requesting a revision of Condition 19, in part, to eliminate the requirement for a handicapped access to Windfield Way.

19. *The applicant shall provide a handicapped path of travel connection between all buildings and to White Rock Road and Windfield Way as called for in CalUBC and ADA standards.*

Site Description: The parcels lie in a developing area of El Dorado Hills. The subject parking lot site, fronting Windfield Way and White Rock Road, lies at a lower elevation than the church site. The parcel slopes gently down to Windfield Way. Phase 2 parking lot development is currently under construction. The remaining vegetation on this parcel consists only of grasses.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	CCSP-SFR, R&D	AP-CCSP, R&D	Rolling Hills Christian Church
North	R1A, CG	MDR, AP-CCSP	Springfield Meadows/Stonebriar subdivisions
South	SP-2, R&D	LDR, R&D	El Dorado Hills Business Park
East	R&D	R&D	El Dorado Hills Business Park, Undeveloped
West	R1	HDR	Rough graded and undeveloped

Discussion:

In order to analyze the impacts of the revisions, staff will address them through a paraphrased version of the standard findings utilized for a variance request or waiver of design standards, as follows:

- a. *There are special conditions or circumstances peculiar to the property which would justify the adjustment,*

Discussion: The proposed sidewalk would terminate at the southern property line and not connect with any sidewalk system as current development standards for the El Dorado Hills Business Park, of which the subject parcel is a part, did not require sidewalks in front of existing development. However, the parking lot that will be fronted by the sidewalk in question is to be used during the week either as shared parking for the surrounding Business Park, or as a park-and-ride. As the project parcel is located at the corner of a very busy intersection with White Rock Road, the sidewalk will provide a safe means for people to walk from the parking lot to adjacent businesses.

The applicant states in their request to eliminate part of Condition 19 that handicap accessibility and path of travel between all buildings and to White Rock Road have been complied with. However, staff finds that if the sidewalk requirement on Windfield Way is upheld by the Planning Commission, the requirement under Condition 19 to provide handicap accessibility from the parking lot to the sidewalk on Windfield Way should be upheld, as well.

- b. *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property,*

Discussion: The applicant cites costly adjustments to the existing utility infrastructures in order to accommodate the sidewalk, causing budgetary constraints on the Church. However, in response to the request for comment, the El Dorado Hills Community Services District and the El Dorado Hills Area Planning Advisory Committee (APAC) have suggested either relocating the sidewalk or creating one that meanders around the utility vaults and structures, allowing them to remain in place.

- c. *The adjustment would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,*

Discussion: Eliminating safety features, such as the sidewalk and ADA accessible path of travel through the parking lot to the sidewalk, would be considered detrimental to the safety and convenience of the public, and the finding could not be made for approval of these requests.

- d. *The adjustment would not have the effect of nullifying the objectives of any other law or ordinance applicable to the approved special use permit.*

Discussion: Approving the revisions to the conditions of approval will have the effect of nullifying the objectives of the *Design and Improvement Standards Manual*, as well as California Building Code and ADA requirements.

Conclusion: The findings cannot be made supporting either request for revision of the conditions of approval; therefore staff recommends denial of both requests.

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: Recommended denial of requests for revisions.

El Dorado Hills Community Services District: Recommended denial of requests for revisions.

El Dorado Hills Fire Protection District: Comments were requested, but to date none were received.

Early comments from the public and citizens' groups include El Dorado Hills Area Planning Advisory Committee who recommended denial of the requests. Additional issues may be raised as a result of the public notice of the hearing.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines stating that "Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structure . . . involving little or no expansion of use beyond that existing at the time of the lead agency's determination . . . Examples include but are not limited to: (c) . . . sidewalks." Either upholding or removing both conditions that were previously reviewed and approved under CEQA will not further impact the environment as either decision will not expand the originally approved use. Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

- 1. Certify that the project is categorically exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines; and
- 2. Deny the following revisions to the conditions of approval of Special Use Permit S03-35:
 - a. Eliminate Condition 18 requiring a sidewalk consistent with Standard Plan 101A on Windfield Way.
 - b. Eliminate Condition 19, in part, requiring a handicap accessible path of travel to Windfield Way.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval, S03-35
Attachment 2Findings
Exhibit AVicinity Map
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit DSite Plan
Exhibit EAssessor’s Parcel Maps

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER S03-0035R

S03-0035 – As approved by the Planning Commission on May 13, 2004

Conditions

Planning Department

1. The project, as approved, consists of the following:
 - a) Conversion of the existing Phase I building from sanctuary use to Christian educational use (Sunday school and Bible study classes) with the addition of 964 square feet.
 - b) Phase 2 construction of a single-story sanctuary building consisting of 47,410 square feet to be used for assembly space, Sunday school rooms, administrative offices, coffee room and resource center.
 - c) Expansion of the existing parking area of 318 spaces to include Phase 2 addition of 363 spaces, and Phase 3 addition of 284 spaces for a total of 965 spaces at build-out. Pursuant to these calculations, parking shall conform to ADA requirements for 20 handicapped access spaces to include 3 van accessible spaces.
2. Prior to issuing a grading permit allowing paving of the parking lot for Phase III, the applicant shall submit a parking agreement to the Planning Department. The agreement shall be with either the El Dorado Transit Authority or with neighboring landowners within the Business Park demonstrating that the parking facility is available for use on week days as a park and ride or as parking for Business Park uses.
3. All site improvements shall conform to Exhibits E, F, G, and H.
4. The final landscape plan shall substantially conform to the preliminary landscape plan, Exhibit I, and shall require submittal of a Water Conserving Landscape Statement for review and approval prior to building permit issuance.
5. Lighting shall conform to 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation.
6. Rooftop equipment shall be shielded from the view of surrounding, higher elevation homes.

7. In the event that project-related ground disturbance uncovers a buried archaeological deposit or other item of historical or archaeological interest, work in the area shall be halted and, at the expense of the applicant, an archaeologist or historian approved by the Planning Director shall be contacted to evaluate the significance of the find and make recommendations as to its deposition. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be significant. The project grading plans shall include this mitigation measure or condition.
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 measure or condition.
9. The applicant shall file a request for annexation of both parcels into the El Dorado Hills Community Service District prior to final occupancy. Failure to complete the annexation process within one year shall result in a hearing to consider revocation of the special use permit.
10. Within 60 days of approval of this permit, the applicant shall file an application to merge Parcels 108-040-33 and 108-500-03. The merger must be approved and recorded prior to the issuance of any development permits, including grading permits.

Department of Transportation

11. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation 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 Off-Street Parking and Loading Ordinance, the State of California Handicapped Accessibility Standards. A commercial grading permit is required.
12. 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.
13. The project shall be subject to El Dorado County fee programs. Said fees shall be due upon the issuance of a building permit. If prior to the application for a building permit for said project a revised fee is established, such revised amount shall be paid.

14. The applicant shall provide a soils report at time of grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing 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 be subject to the grading ordinance.
15. The applicant shall provide a drainage report at time of grading permit application addressing storm water runoff increases, impacts to downstream facilities and properties to the satisfaction of the Department of Transportation. Mitigation to any significant impacts shall be included in the report and in the project design. The report shall include water quality facilities (BMP's), oil/grease separators, etc. The report shall discuss the necessity of storm water detention as mitigation to maintain storm drainage flows to pre-project levels. If needed, the project shall include these detention facilities in the construction design. Parking lot storm drainage shall include facilities to separate oils and grits from storm water. Storm waters shall flow through landscape areas and grassy swales to the greatest extent possible. Detailed references for water quality facilities and BMP's may be found at:
 1. California Stormwater Quality Association (CASQA) "Construction Handbook", January 2003. Available online at: <http://www.cabmphandbooks.com/>
 2. Caltrans "Statewide Storm Water Quality Practice Guidelines", April 2002. Available online at: <http://www.dot.ca.gov/hq/env/stormwater/special/index.htm>
16. The applicant shall implement the traffic control measures as implied in the traffic impact analysis and as required by the Department of Transportation. Said traffic control measures include, but are not limited to location and type of driveway approaches, dedicated turn pockets, striping, signage, and clear vision areas.
17. The applicant shall be subject to encroachment permits, Std. Plan 103G (modified) for driveways on Windfield Way.
18. The applicant shall be obligated for construction of concrete sidewalk on Windfield Way adjacent to the property frontage generally conforming to Standard Plan 101A.
19. The applicant shall provide a handicapped path of travel connection between all buildings and to White Rock Road and Windfield Way as called for in CalUBC and ADA standards.
20. The applicant shall be obligated for construction of a Class II Bikeway along the White Rock Road frontage of both parcels.
21. The applicant shall be obligated for the ultimate half width roadway improvements, 84-foot total width, for White Rock Road adjacent to the project frontage generally conforming to Standard Plan 101B. Improvements include, but are not limited to, engineering design, land survey, plan preparation, construction management, roadway excavation/fill, asphalt pavement section, signing and striping, concrete curb, gutter and sidewalk, together with

associated grading, drainage facilities and landscaping, all to the requirements of the Department of Transportation.

Note that the Department of Transportation, together with an adjacent developer, are in a design process for White Rock Road across the frontage of the subject property and the extent of the above requirements are dependent on completion of the current design process.

22. Upon demand by the County, the applicant shall make an irrevocable offer of dedication (IOD) for any required additional right of way, together with easements for slope purposes (5-feet from either top of cut to toe of fill), along White Rock Road due to realignment of the centerline, changes in the roadway width, or changes in the right of way width. The limits of the dedication shall be approved by the Department of Transportation. The County may compensate the applicant for the dedication of this right of way and/or easements in accordance with the El Dorado Hills/Salmon Falls Road Improvement Fee (RIF) program. Said compensation shall be limited to the amount provided in the RIF program for right of way acquisition. The applicant may enter into a reimbursement agreement with the County to achieve these actions.

El Dorado Hills Fire Department

23. The potable water system for the purpose of fire protection for this commercial project shall provide a minimum fire flow of 3250 GPM for three hours duration while maintaining a 20-psi residual pressure. A set of engineering calculations for the water system reflecting compliance with the fire flow requirements shall be supplied to the Fire Department for review and approval prior to building permit issuance.
24. The applicant shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this project shall not exceed 300 feet. The exact location of all fire protection equipment shall be determined by the Fire Department.
25. To enhance nighttime visibility, each hydrant shall be painted with white safety enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and Fire Safe Regulations.
26. In order to provide this project with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103.
27. The applicant shall be prohibited from installing any type of speed bumps or traffic calming devices within the private roadway system that interferes and delays the response of emergency apparatus and personnel.

28. Building accessibility for emergency response shall be reviewed and approved by the Fire Department prior to building permit issuance.

Air Pollution Control District

29. The applicant shall submit a Fugitive Dust Prevention and Control Plan and a Contingent Asbestos Hazard Dust Mitigation Plan to the District for review and approval prior to grading permit issuance.
30. The applicant shall obtain a permit from the District prior to the burning of wastes as a result of land development clearing. Only vegetative waste material may be disposed of using an open outdoor fire.

El Dorado Irrigation District

31. A 12-inch water line exists in White Rock Road and Windfield Way, and a 10-inch water line exists on-site. In order to achieve the necessary fire flow requirements of the El Dorado Hills Fire Department the applicant shall construct a 10-inch water line loop.

Mitigation Measures

32. a. The project applicant shall comply with El Dorado County Air Pollution Control District ("APCD") Rule 223 as required by the Air Pollution Control Officer. The project applicant shall prepare a fugitive dust control plan to be submitted to, and approved by, the APCD prior to the commencement of construction. Control measures to be outlined in the plan may include, but are not limited to, the following:
 - Application of water or suitable chemicals or other specified covering on materials stockpiles, wrecking activity, excavation, grading, sweeping, clearing of land, solid waste disposal operations, or construction or demolition of buildings or structures (all exposed soil shall be kept visibly moist during grading);
 - Installation and use of hoods, fans and filters to enclose, collect, and clean the emissions of dusty materials;
 - Covering or wetting at all times when in motion of open-bodied trucks, trailer or other vehicles transporting materials which create a nuisance by generating particulate matter in areas where the general public has access;
 - Application of asphalt, oil, water or suitable chemicals on dirt roads;
 - Paving of public or commercial parking surfaces;
 - Removal from paved streets and parking surfaces of earth or other material that has a tendency to become airborne;
 - Limiting traffic speeds on all unpaved road surfaces to 15 mph;
 - Suspending all grading operations when wind speeds exceed 20 miles per hour (including instantaneous gusts);
 - Alternate means of control as approved by the Air Pollution Control Officer.

- b. Construction equipment engines shall be maintained in proper operating condition.

4.6-2 Phase II (Facilities Phase) Construction Emissions.

- a. Low emission mobile construction equipment shall be used (e.g., tractor, scraper, dozer, etc.).
 - b. Construction equipment engines shall be maintained in proper operating condition.
 - c. Low-emissions stationary construction equipment shall be used.
 - d. A trip reduction plan shall be developed and implemented to achieve 1.5 average vehicle occupancy (AVO) for construction employees.
 - e. Construction activity management techniques, such as extending construction period, reducing number of pieces used simultaneously, increasing distance between emission sources, reducing or changing hours of construction, and scheduling activity during off-peak hours shall be developed and implemented.
 - f. The project applicant shall comply with El Dorado County APCD Rule 224.
 - g. The project applicant shall comply with El Dorado County APCD Rule 215.
33. Prior to the issuance of building permits, all structures shall be designed in accordance with the UBC, Chapter 23. Although wood frame buildings of not more than two stories in height in unincorporated areas are exempt under the California Earthquake Protection Law, structures shall adhere to the design factors presented for UBC Zone 3, as a minimum. Final design standards shall be in accordance with the findings of detailed geologic and geotechnical analyses for proposed building sites. Prior to the approval of subdivision maps in the vicinity of the Mormon Island Fault Zone, a ground acceleration analysis shall be conducted for the Mormon Island Fault Zone. All structures shall be designed in accordance with the ground acceleration analysis for the Mormon Island Fault Zone and the on-site ground accelerations anticipated from the Bear Mountains Fault Zone.
34. Prior to the approval of the first tentative subdivision or parcel map, a condition of approval shall be placed on the tentative map that states that, prior to the issuance of a grading plan, the project applicant shall submit and obtain approval of final drainage plans by the El Dorado County Department of Transportation. These final drainage plans shall demonstrate that future post-development stormwater discharge levels from the project will remain at existing stormwater discharge levels and detention basins will be permanently maintained. The drainage plan shall be prepared by a certified Civil Engineer and shall be in conformance with the El Dorado County Drainage Manual adopted by the Board of Supervisors in March 1995. The project applicant shall form a drainage zone of benefit

(ZOB) or other appropriate entity to ensure that all stormwater drainage facility maintenance requirements are met. The drainage plan shall include, at a minimum, written text addressing existing conditions, the effects of project improvements, all appropriate calculations, a watershed map, potential increases in downstream flows, proposed on-site improvements, and drainage easements, if necessary, to accommodate flows from the site and implementation and maintenance responsibilities. The plan shall address storm drainage during construction and proposed BMPs to reduce erosion and water quality degradation. All on-site drainage facilities shall be constructed to El Dorado County Department of Transportation satisfaction. BMPs shall be implemented throughout the construction process. The following BMPs, or others deemed effective by the Department of Transportation, will be implemented as necessary and appropriate:

- Soil Stabilization Practices
 - Straw Mulching
 - Hydro-mulching
 - Jute Netting
 - Revegetation
 - Preservation of Existing Vegetation

- Sediment Barriers
 - Straw Bale Sediment Barriers
 - Filter Fences

- Site Construction Practices
 - Winterization
 - Traffic Control
 - Dust Control

- Runoff Control in Slopes/Streets
 - Diversion Dikes
 - Diversion Swales
 - Sediment Traps

- Straw Bale Drop Inlet Sediment Barriers

ATTACHMENT 2 **FINDINGS**

FILE NUMBER S03-0035R

1. The project has been found to be Categorically Exempt from CEQA pursuant to Section 15301 stating that “Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structure . . . involving little or no expansion of use beyond that existing at the time of the lead agency’s determination . . . Examples include but are not limited to: (c) . . . sidewalks.”
2. There are no special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or revision. The parking lot that will be fronted by the sidewalk in question is to be used during the week either as shared parking for the surrounding business park, or as a park-and-ride. As the project parcel is located at the corner of a very busy intersection with White Rock Road, the sidewalk will provide a safe means for people to walk from the parking lot to adjacent businesses.

If the sidewalk requirement on Windfield Way is to be upheld, then the requirement under Condition 19 to provide handicap accessibility from the parking lot to the subject sidewalk is to be upheld, as well.

3. Strict application of County design and improvement requirements would not cause extraordinary and unnecessary hardship in developing the property because even though the applicant cites costly adjustments to the existing utility infrastructures in order to accommodate the sidewalk, either relocating the sidewalk or creating one that meanders around the utility vaults and structures, would eliminate the costs associated in moving them.
4. The adjustment or revisions would be injurious to adjacent properties and detrimental to the health, safety, convenience and welfare of the public as they involve eliminating safety features of the sidewalk and ADA accessible path of travel through the parking lot to the sidewalk.
5. This waiver(s) would have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code along with nullifying the standards of the *Design and Improvement Standards Manual*, as well as California Building Code and ADA requirements.