

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION STAFF REPORT**



Agenda of: May 10, 2007

Item No.: 9.b.

Staff: Jason R. Hade

SPECIAL USE PERMIT

FILE NUMBER: S06-0020/Kallabis Preschool

APPLICANT: Harry and Cindra Kallabis

REQUEST: Special use permit to allow an existing single-family residence to be used as a preschool with a maximum of 30 students and three teaching staff members and a 10 square foot sign in excess of an unlighted six square foot sign permitted by right within the One-acre Residential (R1A) Zone District.

LOCATION: On the north side of Mother Lode Drive, approximately 1,221 feet east of the intersection with El Dorado Road, in the Placerville area, Supervisorial District III. (Exhibit A)

APN: 329-050-19

ACREAGE: 1.0 acre

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit B)

ZONING: One-acre Residential (R1A) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15303(c) of CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit requests, and issues for Planning Commission consideration are provided in the following sections.

Project Description

A special use permit request to allow an existing single-family residence to be used as a preschool with a maximum of 30 students and three teaching staff members and a 10 square foot sign in excess of an unlighted six square foot sign permitted by right within the R1A zone district. Proposed hours of operation are 8:30 a.m. to 4:30 p.m. Monday through Friday. The school is to operate from mid-August to end of May each year.

Site Description

The project site lies at an elevation of approximately 1,600 feet above mean sea level. The front section of the lot is relatively flat while the fenced backyard is moderately sloped to the northeast. An existing 1,776 square foot home and 420 square foot garage are located at the subject site. A driveway provides access to Mother Lode Drive. Residential development borders the subject site on all sides.

Adjacent Land Uses

	Zoning	General Plan	Land Use/Improvements
Site	R1A	MDR	Single-family residence
North	R1A	MDR	Undeveloped
South	R1A	MDR	Single-family residence
East	R1A	MDR	Single-family residence
West	R1A	MDR	Single-family residence

Access

Access to the project site will be from Mother Lode Drive. Onsite circulation includes the improvement of an existing driveway to serve as a drop-off area and provide access to the parking stalls. Department of Transportation staff reviewed the proposal and recommends the applicant be required to improve the driveway encroachments to Standard Plan 103C, provide new cross culverts, and improve the roadside drainage facility along the frontage of this parcel between these encroachments, should the Planning Commission approve the project. Mother Lode Drive would also need to have the shoulder frontage adjacent to the project site improved to a four-foot wide paved shoulder. The installation of these road improvements will reduce any significant traffic hazards resulting from project implementation. The project is consistent with General Plan Policy 6.2.3.2 as the Diamond Springs – El Dorado Fire Protection District has reviewed the project and confirmed that the proposed access is adequate for the use.

Air Quality

A health risk assessment was prepared by the applicant and submitted to the Air Quality Management District for review and approval. Issues addressed within the health risk assessment include airborne toxic pollutants to be generated by the project, asbestos-containing serpentine, and potential impacts on public health. The report indicates “that no serpentine outcrops are located on or near your [subject site] parcel.”

Bicycle Transportation

The *El Dorado County Bicycle Transportation Plan* was adopted by the Board of Supervisors on January 25, 2005. Within the adopted bicycle transportation plan, Mother Lode Drive is designated to have a Class II bike lane installed. Pursuant to General Plan Policy TC-4e, the County shall require that rights-of-way or easements be provided for bikeways or trails designated in adopted master plans, as a condition of land development when necessary to mitigate project impacts. The Department of Transportation has not recommended the applicant be required to dedicate sufficient right-of-way for the planned Class II bike lane or install such a bike lane because of the small scope of the project and limited road frontage of approximately 225 feet.

Building Design

As no new construction is proposed, the existing exterior of the single-family home will not be altered.

Circulation

Department of Transportation's review of the project concluded that it will generate less than 100 average daily trips. As such, the project does not trigger the requirement for an initial DOT project review and related traffic study. Staff anticipates a minor increase in traffic on Mother Lode Drive if the project is approved.

The 2004 General Plan Policies TC-Xe and TX-Xf (which incorporate Measure Y) require that projects that "worsen" traffic by 2 percent, or 10 peak hour trips, or 100 average daily trips must construct (or ensure funding and programming) of any improvements required to meet Level of Service standards in the General Plan Transportation and Circulation Element. The Department of Transportation reviewed the proposed project and determined that it does not trigger the threshold described above because of its limited size.

Exterior Lighting

No exterior lighting is proposed at this time according to the applicant. However, any outdoor lighting proposed in the future shall conform to Section 17.14.170 of the Zoning Ordinance by being fully shielded to prevent light and glare from escaping the property.

Fire

The Diamond Springs - El Dorado Fire Protection District reviewed the proposed project and will require the installation of a fire alarm system and verification of adequate fire access roads. Fire issues are addressed within the conditions of approval. Further coordination between the Fire District and applicant to address any additional issues will occur during the state licensing review process.

Landscaping

Preliminary landscaping is identified on the site plan (Exhibit E) which is consistent with the requirements contained within Section 17.18.090 of the Zoning Ordinance. Because of potential site distance safety issues concerning project access to Mother Lode Drive, staff recommends the applicant install groundcover within the landscape buffers rather than trees and large shrubs. The applicant shall submit a final landscape plan at the time of building permit submittal which will be reviewed by permit center staff at that time. Additionally, staff will conduct an onsite inspection to verify compliance with the final landscape plan.

Land Use Compatibility

As discussed above, the subject site is surrounded by residential uses. Proposed maximum number of students is 30 with operating hours from 8:30 a.m. to 4:30 p.m. Monday through Friday. Potential noise and traffic impacts on adjoining properties are anticipated to be less than significant because of the limited size of the preschool. Therefore, the proposed school will fit within the context of these existing residential uses pursuant to General Plan Policy 2.2.5.21.

Noise

As proposed, the project is consistent with General Plan Policy 6.5.1.8 as the proposed use will not be exposed to existing or projected levels of noise from transportation noise sources which exceed the levels specified in Table 6-1 of the General Plan. The home is set back approximately 45 feet from Mother Lode Drive while the proposed outdoor play area is set back approximately 75 feet from the roadway. Although the site has existing single-family residences within approximately 20 feet of the proposed use, noise impacts to these surrounding homes are anticipated to be minimal because of the school's limited size and operating hours. Noise levels created by the proposed use are also not expected to exceed the noise level standards of Table 6-2 for noise-sensitive uses in the General Plan. As such, the project is consistent with General Plan Policy 6.5.1.7.

Parking

Section 17.18.060.22 of the Zoning Ordinance requires one space per each five children or one space for each 10 children if a drop-off area is provided. The proposed preschool use includes 30 students and three teaching staff members. As the project site includes a drop-off area, three parking spaces are required including one handicap parking stall. Staff believes that three parking spaces is inadequate for the proposed use. The applicant has agreed to install a total of five parking spaces at the site in addition to the drop-off area. The parking and drop-off area shall be graded and surfaced with a minimum of two inches of asphaltic concrete over four inches of aggregate base or equivalent in concrete.

Public Transit

The El Dorado County Transit Authority reviewed the proposed project and had no concerns or specific conditions of approval requested.

Signage

The applicant has proposed one sign approximately six feet in height with 10 square feet of display area to be mounted on wooden posts, as illustrated in Exhibit F. The sign is to be located adjacent to Mother Lode Drive within the landscaped buffer near the drop-off area. No lighting is proposed for the sign. Although the proposed sign exceeds the sign size permitted by right within the R1A Zone District by four square feet, staff feels that the proposed sign is of appropriate size to advertise the proposed activities at the subject site without creating any negative visual impacts on the surrounding community. As proposed, the sign size is consistent with existing signage along Mother Lode Drive near the project site.

State Licensing

Prior to final occupancy, the applicant will be required to obtain the appropriate license to operate the preschool from the State of California – Health and Human Services Agency, Department of Social Services, Community Care Licensing Division Child Care Offices and provide proof of receipt of such license to permit center staff. The project was routed to the Department of Social Services for review and comment, but no comments were received.

Solid Waste

If approved, the applicant would be required to contact El Dorado Disposal to create a commercial garbage account to provide adequate size enclosures for the required garbage and mixed recyclables containers. Trash containers are to be kept within the garage except for pick-up days or fully screened from public view by fencing and/or landscaping. Sufficient capacity exists within the solid waste system for the proposed use as required under General Plan Policy 5.5.2.1.

Wastewater

Prior to building permit issuance, the Environmental Management Department will require a complete septic system evaluation be submitted for review and approval. Modifications to the existing septic system, including additional leachlines, may be required.

Water

The site is currently served, and will continue to be served, with public water from the El Dorado Irrigation District (EID). Expansion of EID facilities to serve the proposed use is not required.

GENERAL PLAN

The project has been reviewed in accordance with the applicable El Dorado County 2004 General Plan policies, including 2.2.5.21, TC-Xe ,TX-Xf, TC-4e, 5.5.2.1, 6.2.3.2, 6.5.1.7, and 6.5.1.8 concerning land use compatibility, traffic, bicycle transportation, solid waste capacity, fire safe access, and noise; and it has been determined that the project is consistent with the General Plan.

Further discussion of each of these General Plan policies as they relate to this project is provided above. Findings of consistency with the General Plan are provided in Attachment 2.

ZONING

As discussed above, staff believes the proposed project is consistent with the lighting, landscaping, parking, and applicable development standards in the Zoning Ordinance. The proposed use and signage is permitted by special use permit in the R1A Zone District, pursuant to Section 17.28.070.B and 17.28.070.E. In order to approve the use, the Planning Commission 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. Based on staff analysis and comments received from affected public agencies, staff recommends the Planning Commission find that the project would not be detrimental to the public health, safety and welfare and would not be injurious to the neighborhood.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303(c) of the CEQA Guidelines stating that “a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area” is exempt from further environmental review. Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15303(c) of the CEQA Guidelines; and
2. Approve S06-0020 subject to the conditions of approval in Attachment 1, based on the findings in Attachment 2.

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 Assessor’s Map
Exhibit E Site Plan
Exhibit F Signage
Exhibit G Applicant’s Project Description

ATTACHMENT 1 **CONDITIONS OF APPROVAL**

FILE NUMBER S06-0020

Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Planning Commission Exhibit E, "Site Plan," and Exhibit F, "Signage," dated November 29, 2006, 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.

The project description is as follows:

S06-0020 shall consist of the use of an existing single-family residence at the subject site as a preschool with a maximum of 30 students and three teaching staff members. Hours of operation are 8:30 a.m. to 4:30 p.m. Monday through Friday. The school may only operate from mid-August to May 31 each year. One 10 square foot sign is permitted consistent with Exhibit F. Site improvements shall include the provision of a drop-off area with five parking spaces. A five-foot wide landscape buffer shall be installed consistent with Exhibit E. Access is provided by Mother Lode Drive. Public water is provided to the site by the El Dorado Irrigation District and a septic system will provide sewage disposal subject to Environmental Management Department review and approval.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as landscape and tree protection plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. 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 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 the project, which action is brought within the time period provided for in Section 66499.37.

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

3. Prior to building permit issuance, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
4. The applicant is responsible for providing five off-street parking spaces at all times while the preschool is in operation pursuant to 17.18.060 of the Zoning Ordinance. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of the County Code.
5. The Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance) shall be incorporated into the site plan and final landscape plan and be approved by Planning Services prior to issuance of a building permit. The applicant shall submit a final landscape plan at the time of building permit submittal which will be reviewed by planning staff at that time. Additionally, staff will make an on-site inspection to verify compliance with the final landscape plan prior to occupancy.
6. Trash containers are to be kept within the garage except for pick-up days or fully screened from public view by fencing and/or landscaping.
7. Prior to final building occupancy, all outdoor lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation, as determined by Planning Services.
8. Prior to occupancy of the structure as a preschool, the applicant shall pay all Development Services fees.

Department of Transportation

9. The applicant shall improve the property frontage with a four (4) foot wide paved shoulder, measured from the existing white edge line, along the property frontage from the eastern boundary to the western encroachment of this site. This paved shoulder shall be constructed to the requirements of El Dorado County DOT, prior to occupancy, as determined by DOT.
10. The applicant shall construct both driveway encroachments onto Mother Lode Drive to the provisions of County Standard Plan 103C and provide new cross culverts and improve the roadside drainage facility along the frontage of this parcel between these encroachments.

The applicant shall obtain an encroachment permit from DOT for the construction of these facilities and the required paved shoulder, prior to occupancy, as determined by DOT.

11. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to commencement of any improvements on the project facilities.
12. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
13. The developer 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 *Off-Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards. The improvements shall be substantially completed, to the approval of the Department of Transportation, prior to occupancy.
14. Any import or export to be deposited within El Dorado County shall require an additional grading permit for that offsite grading.
15. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
16. The applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations.
17. The project applicant shall incorporate final drainage plans into the improvement plans and obtain approval of the El Dorado County Department of Transportation. These final drainage plans shall demonstrate that future post-development storm water discharge levels from the project will remain at existing storm water 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 1996. The drainage plans 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 Best Management Practices to reduce erosion and alter quality degradation. All onsite drainage facilities shall be constructed using El Dorado County Minimum Construction Site Storm Water Management Practices (March 31, 2004) and to the satisfaction of El Dorado County Department of Transportation. BMPs shall be implemented throughout the construction process and permanent BMPs shall be included in the grading plan.

18. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
19. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
20. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
21. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.
22. The applicant shall pay the traffic impact fees in effect for the changed use at the time of occupancy of the structure as a preschool.

Diamond Springs – El Dorado Fire Protection District

23. Prior to building permit issuance, the applicant shall meet with the Fire District to determine the appropriate location for fire lane and signage installation.

24. Prior to final occupancy, a fire alarm system shall be installed to the satisfaction of the Fire District.
25. Prior to final occupancy, a fire apparatus access road shall be provided within 150 feet of all portions of the building, as determined by the Fire District.

Environmental Management Department

26. Prior to building permit issuance, the Environmental Management Department will require a complete septic system evaluation be submitted for review and approval.
27. Prior to final occupancy, the applicant shall contact El Dorado Disposal to create a commercial garbage account to provide adequate size enclosures for the required garbage and mixed recyclables containers and provide evidence of such contact to the Environmental Management Department.

State of California – Health and Human Services Agency, Department of Social Services, Community Care Licensing Division Child Care Offices

28. Prior to final occupancy, the applicant will be required to obtain the appropriate license to operate the preschool from the State of California – Health and Human Services Agency, Department of Social Services, Community Care Licensing Division Child Care Offices, and provide proof of receipt of such license to permit center staff.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER S06-0020

1.0 CEQA FINDINGS

- 1.1 The Planning Commission has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to 15303(c) of the CEQA Guidelines.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Medium-Density Residential (MDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the MDR land use designation permits such uses where the character of an area is single-family residences.
- 2.2 The proposal is consistent with General Plan Policies 2.2.5.21, TC-Xe ,TX-Xf, TC-4e, 5.5.2.1, 6.2.3.2, 6.5.1.7, and 6.5.1.8 concerning land use compatibility, traffic, bicycle transportation, solid waste capacity, fire safe access, and noise. Because of the project's compatibility with surrounding land uses, insignificant traffic impacts, provision of adequate waste containers and fire safe access and insignificant noise levels, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by special use permit in the One-acre Residential (R1A) Zone District, pursuant to Section 17.28.070.B provided that the administrative findings outlined below can be made by the Planning Commission.
- 3.2 As proposed, the project meets all applicable development standards contained within the *El Dorado County Zoning Ordinance* because sufficient landscaping and parking is provided.

4.0 ADMINISTRATIVE FINDINGS

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

As discussed above, the issuance of the permit is consistent with the General Plan because of the project's consistency with policies 2.2.5.21, TC-Xe ,TX-Xf, TC-4e, 5.5.2.1, 6.2.3.2,

6.5.1.7, and 6.5.1.8 concerning land use compatibility, traffic, bicycle transportation, solid waste capacity, fire safe access and noise.

- 4.2 *The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and*

The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood as it will fit within the context of the surrounding mix of residential and commercial land uses adjacent to Mother Lode Drive and result in insignificant noise and traffic impacts to surrounding residents and businesses.

- 4.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

The proposed use is specifically permitted by special use permit pursuant to Section 17.28.070.B of the *El Dorado County Zoning Ordinance* as the required findings detailed above may be made by the Planning Commission.