

ELDORADO COUNTY DEVELOPMENT SERVICES STAFF REPORT



Agenda of: September 6, 2006
Item No.: 6.b.
Staff: Jonathan Fong

SPECIAL USE PERMIT

FILE NUMBER: S 06-0006 Sierra Capitol Planning, Inc.

OWNER/APPLICANT: Michael Doran

REQUEST: Special Use Permit to allow a home occupation with two employees.

LOCATION: On the north side of Foothill Drive, approximately 1.5 miles south of the intersection with Mother Lode Drive in the Shingle Springs area. (Exhibit A)

APN: 090-131-05

ACREAGE: 0.64 acres

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

ZONING: One-family Residential (R1) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorical Exemption pursuant to CEQA Guidelines Section 15301

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: Building Permit 106690 was issued on April 10, 1997 to allow an addition to the primary residence. The addition included a recreation room and deck above the existing garage. The recreation room is approximately 350 square feet which includes a 24 square foot bathroom. The proposed home business will be located in the recreation room.

On February 10, 2006 a Code Enforcement violation courtesy notice was mailed to the applicant. A complaint had been filed alleging the applicant had been operating a home business in violation of County standards. In response to the Code Enforcement violation, the applicant has submitted Special Use Permit S06-0006 to allow a home business with two employees.

The project site is located within the Holiday Hills Estates Unit #1 Subdivision. Holiday Hills Estates Unit #1 is subject to Conditions, Covenants, and Restrictions (CC & R's) recorded on September 10, 1959. On February 27, 1997 the CC & R's were amended by a majority vote of the recorded owners.

Section 1 of the CC & R's states in part that:

The term "Private Residence," as used herein, is intended to exclude every form of boarding or lodging house, licensed child care facility, sanitarium, hospital, and the like but not intended to exclude "Guest House" for the entertainment of social guests, nor servants quarters for servants or other employees employed on the premises.

The CC & R's impose restrictions on employees operating on the premises of private residences within the subdivision. As discussed in the General Plan section of this staff report, the General Plan encourages home businesses to the extent they are compatible with surrounding land uses and requires that home businesses comply with standards in the Zoning Ordinance.

The Zoning Ordinance establishes that home businesses which include special considerations such as the use of employees require approval of a special use permit.

STAFF ANALYSIS

Project Description: The project will allow the applicant to use the existing recreation room as a business office including two employees. The home business will supplement the business activities of the Sierra Capital Planning, Inc headquarters which is located at 4068 Mother Lode Drive in Shingle Springs.

The applicant has supplied a project narrative detailing the hours of operation and scope of work to be done in the home business (Exhibit D). As shown on the site plan, the applicant has provided an area for two (2) parking spaces. The proposed parking spaces are located on an unimproved dirt area west of the paved driveway (Exhibit E).

Site Description: The residence is located at 4655 Foothill Drive in the Shingle Springs area. The project site is located in a residential area with minimal vehicular traffic during the morning and daytime hours.

Natural vegetation along the property boundaries provides screening of the residence and driveway from Foothill Drive. The existing recreation room is located on the south end of the residence directly above the garage. The recreation room is accessed via an exterior stairway. The recreation room cannot be directly accessed from the primary residence.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1	MDR	Single-family Residence
North	R1	MDR	Single-family Residence
South	R1	MDR	Single-family Residence
East	R1	MDR	Single-family Residence
West	R1	MDR	Single-family Residence

Discussion: The project site is located within an area of residential development. The proposed home business as conditioned/proposed does not propose conflicts with the existing surrounding land uses. The hours of operation and the number of employees allowed will be limited which would reduce the potential conflicts with the surrounding land uses.

General Plan: The General Plan designates the subject site as Medium Density Residential (MDR). This establishes areas suitable for detached single-family residences. The MDR land use designation does not address home businesses within residential areas. However, the General Plan Policies listed below and the applicable zoning provisions allow the home business upon approval of a special use permit.

As listed in *Table 2-4, General Plan Land Use Designation and Zone District Consistency Matrix*, One-family Residential (R1) is not consistent within the Medium Density Residential Land Use area. However, the zoning predates the MDR designation of the 2004 General Plan and therefore this parcel is considered legal non-conforming.

Discussion: The General Plan land use designation of the project parcel (MDR) is not consistent with the One-family Residential (R1) Zone District. However, because the project will involve the conversion of an existing structure, staff finds the project is consistent with the MDR land use designation.

Policy 10.1.7.4: *Home occupations shall be encouraged and permitted to the extent that they are compatible with adjacent or surrounding properties.*

Discussion: The home business will be conducted primarily via phone, mail and internet. No equipment or machinery will be required that may generate excessive noise in the area. All parking will be restricted to on-site spaces. As proposed and conditioned, the proposed home business will be compatible in the area.

Program 10.1.7.4.1: *Establish standards in the Zoning Ordinance that provide compatible home businesses that complement residential uses in the Community Regions, Rural Centers, and Rural Regions*

Discussion: As discussed in the Zoning section below, the proposed home business requires approval of a Special Use Permit. Approval is contingent on findings that determine the home business would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

Program 10.1.7.4.2: *Land use regulations shall disallow Conditions, Covenants, and Restrictions that preclude home occupations or work-at-home activities.*

Discussion: As listed in the Background section above, the CC&R's restrict employees on the premise but do not mention home businesses occurring in the residence. The proposed project may need to demonstrate compliance with the approved CC&R's prior to approval from the Holiday Hills Homeowner's Association.

Conclusion: Approval of the special use permit would allow the use of an existing recreation room as a home business with two employees. As proposed and conditioned, staff finds the project to be consistent with the General Plan.

Zoning: The project parcel is located within the One-family Residential (R1) Zone District. *Section 17.28.020 C.* lists home occupations that are permitted by right within the One-family Residential (R1) Zone District. The zoning section requires that home occupations be conducted by mail or telephone on the premises where the activities do not create a traffic problem; provided, that instruction is not given to groups in excess of four, and concerts or recitals are not held, and no display of goods is visible from the outside of the property; such use must be carried on by a resident thereon.

Pursuant to Section 17.28.030 H. of the Zoning Ordinance, a Special Use Permit is required for home occupations which require special consideration provided the use does not change the residential character of the premises, or adversely affect the other uses permitted in a residential area. The use of employees in a home business has been interpreted to be a 'special consideration' for a home business and pursuant to *Section 17.28.030 H.* requires approval of a special use permit.

Discussion: The proposed home business would be carried out within the existing recreation room. The recreation room is located above the existing garage and is accessed through an exterior stairway. The recreation room cannot be accessed from the main residence.

As discussed in the Project Narrative (Exhibit D), two (2) employees will work in the home office. The home business will supplement the activities of Sierra Capital Planning, Inc. which operates its main office in the Shingle Springs area. Meetings and customer appointments will not occur at the home business. Activity at the home business will be limited to the two (2) employees who will conduct business by mail, phone and internet.

As shown on the Site Plan (Exhibit E), two (2) parking spaces have been provided on site. No employee parking will occur along Foothill Drive. The parking spaces have been provided adjacent to the existing driveway which provides access from Foothill Drive. The two (2) spaces for the home business employees and the two (2) spaces provided in the garage meet the minimum parking requirements necessary pursuant to the off-street parking requirements listed in *Section 17.18.060* of the *Zoning Ordinance*.

Existing vegetation along Foothill Drive will screen the employee parking area from view. The vehicle trips generated by the employees will be limited to the hours of operation. Traffic impacts will not significantly affect the neighborhood.

The business activities conducted in the home business will require the use of computers and telephones. No equipment is necessary that would generate substantial noise in the neighborhood.

The proposed home business as proposed and conditioned does not change the residential character of the premises, or adversely affects the other uses permitted in a residential area.

Section 17.22.540 A. of the Zoning Ordinances establishes findings required to be made by the approving authority prior to approval of a Special Use Permit:

Findings Required:

1. The issuance of the permit is consistent with the general plan;
2. The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and
3. The proposed use is specifically permitted by special use permit pursuant to this Title.

Discussion: As discussed in the staff report and summarized in the *Findings of Approval* listed in Attachment 2, the proposed home business meets the findings as required pursuant to Section 17.22.540A of the Zoning Ordinance.

Parking: *Section 17.18.020* of the Zoning Ordinance requires off-street parking when a more intensive land use is established requiring more parking than a previous use, or at the time an application request for a special use permit is filed.

Section 17.18.070 C. requires that parking areas for single-family residential developments in Class 1 subdivisions be graded and surfaced with a minimum of two inches of asphaltic concrete over four inches of aggregate base or equivalent in concrete.

Discussion: The *El Dorado County Design and Improvements Manual* defines Class 1 subdivisions as subdivisions of five or more parcels less than two acres in size. The parcels located within the Holiday Hills subdivision shall meet the requirements of *Section 17.18.070C*. As listed in the conditions of approval, the applicant will be required to pave the two employee parking spaces.

Conclusion: Staff finds that as proposed and conditioned, the project meets the requirements of the Zoning Ordinance.

Agency and Public Comments: The following agencies provided comments on this application:

El Dorado County Fire Protection District:

Comments were received are located under conditions of approval.

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

Building Services
Department of Transportation
Environmental Management

At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines stating that conversion of small existing structures from one use to another are exempt. Pursuant to *Resolution No. 240-93*, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

Certify that the project is Categorical Exempt from CEQA pursuant to Section 15303 and approve the special use permit 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/ A.P.N. Page
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Project Narrative
Exhibit E	Site Plan

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number S06-0006 – Sierra Capitol Planning, Inc.
Zoning Administrator Hearing September 6, 2006

CONDITIONS OF APPROVAL

El Dorado County Planning Services

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

Approval of a home business to include two (2) employees. The proposed home business shall comply with the Project Narrative attached as Exhibit D and the Site Plan attached as Exhibit E.
2. Prior to occupancy, the applicant shall obtain all appropriate development permits for the conversion of the recreation room to occupancy suitable for commercial business use.
3. All parking shall be on-site, located in the parking areas as shown on the site plan.
4. The areas designated as parking as shown on Exhibit E shall be graded and surfaced with a minimum of two inches of asphaltic concrete over four inches of aggregate base or equivalent in concrete.
5. Hours of operation shall be limited to 6:00 a.m. to 4:00 p.m. Monday through Friday.
6. No additional employees or customers may be allowed in the home business.

El Dorado County Fire Protection District

7. A fire alarm is required for this project. The alarm system will be a NFPA72 standard system and approved by Fire District prior to occupancy.
8. Any gates that are not shown will require Fire District approval.
9. The required fire flow for this project is 1,000 GPM @ 20 PSI for 2 hours.

ATTACHMENT 2

FINDINGS

File Number S 06-0006 – Sierra Capitol Planning, Inc.
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CEQA Findings

- 1.0 The project has been found to be Categorical Exempt from CEQA pursuant to *Section 15303* stating that conversion of small structures from one use to another is exempt.

Administrative Findings

- 2.1 The proposed use is consistent with the policies in the El Dorado County General Plan.
- 2.2 The use is found to comply with the requirements of the *Zoning Ordinance Chapter 17.22, Special Use Permits*, and the proposed use is not considered 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.

Special Use Permit Findings

Section 17.22.540 A. of the Zoning Ordinances establishes findings required to be made by the approving authority prior to approval of a Special Use Permit:

- 3.1 The issuance of the permit is consistent with the general plan;

Discussion: As discussed in the General Plan section of this staff report, General Plan policies encourage home businesses that are compatible with the surrounding land uses. The proposed home business is limited in size and would not substantially alter the residential nature of the neighborhood

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

Discussion: The proposed home business will include two (2) employees that will work during a specified time. All activities are to occur inside the recreation room, with all parking located on site. The home business as proposed and conditioned will not be detrimental to the public health, safety and welfare or injurious to the neighborhood.

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

Discussion: As discussed in the *Zoning* section of this staff report, a home business with employees is allowed upon approval of a Special Use Permit.