

EL DORADO COUNTY DEVELOPMENT SERVICES STAFF REPORT



Agenda of: June 6, 2007
Item No.: 4. b.
Staff: Tim Chamberlain

SPECIAL USE PERMIT

FILE NUMBER: S97-0008-R

APPLICANT: Faith Episcopal Church

AGENT: Father Kent McNair

ENGINEER: WMB Architects

REQUEST: Revision to existing Special Use Permit (S97-0008) to allow a change in the design of the proposed freestanding chapel building. The original approval allowed for a 1,200 square foot oval structure and the revision request would change the chapel to a 1,560 square foot triangular structure. This revision would also remove eight (8) of the existing 184 parking spaces.

LOCATION: On the east side of Country Club Drive 1.5 miles east of the intersection with Bass Lake Road, in the El Dorado Hills area, Supervisorial District I. (Exhibit A)

APN: 119-280-08

ACREAGE: 9.43 acres

GENERAL PLAN: High Density Residential (HDR) (Exhibit B)

ZONING: Estate Residential Five-acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorical exemption pursuant to Section 15303(c) of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND

Special Use Permit S97-0008 was approved by the Planning Commission on September 25, 1997 to allow a three phase church development. The 14,000 square foot main building, as well as parking and minor accessory structures, were built as part of Phase 1. Faith Episcopal Church has not progressed to Phase 2 of the development and is proposing a change to the design and size of the chapel building.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit request and issues for Zoning Administrator consideration are provided in the following analysis.

Project Description: Faith Episcopal Church is requesting a revision to an existing Special Use Permit S97-0008 to change the design and size of the proposed chapel building as part of Phase 2 of this church development. The request is to allow a 1,560 square foot triangular building to replace the original un-built 1,200 square foot oval building. The change in design of the structure would require removal of eight of the 184 parking spaces proposed for this development. The landscaping around the parking areas and buildings would be changed to match the new configuration.

At its greatest measurements, the proposed chapel would have a triangular footprint, 168 feet long by 46 feet wide. The structure would have a maximum height of 27 feet, which is less than the 35 feet that was approved for the original chapel design. The structure would include a garden at the entrance, the main chapel seating area for approximately 100 people, a restroom facility, and a memorial garden. The colors used in the construction materials for this building would be in conformance with the original Special Use Permit (S97-0008) approval and would match the existing structures.

Site Description: This site is a 9.43 acre multi-use church development that was approved as a phased project. Currently, the main general use 14,000 square foot building, a majority of the parking areas, an activity field and a courtyard are completed. The future phasing includes a 19,200 square foot sanctuary building, a 9,200 square foot education building, a bell tower, additional parking areas, additional signage, and the proposed revised chapel building. The chapel would be built in roughly the same footprint as originally approved.

The church site is located at an elevation of approximately 1,200 feet with mild slopes. Vegetation on-site is comprised of mature trees and brush. Mature trees on this site provide screening of the church site from the parcels to the north and east.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	HDR	Faith Episcopal Church
North	R1	HDR	Single family development
South	TC	HDR	U.S. Highway 50
East	R3A	HDR	Church of the Foothills
West	RE-10	AP-BLH	Undeveloped (Bass Lake Hills Specific Plan)

The Faith Episcopal Church is bordered by residential development to the north, U.S. Highway 50 to the south, Church of the Foothills to the east, and undeveloped residential property to the west. The proposed revision to the chapel building would not have a negative visual impact on the surrounding properties. A change to the proposed use of the building has not been requested.

General Plan: The General Plan designation of the subject site is High Density Residential (HDR). General Plan, Section 6.5.1 provides policies to discourage noise-sensitive uses from locating near sources of high noise levels. This church development is noise-sensitive but the revision does not significantly intensify the proposed use of the facility and does not create a conflict to any of the General Plan Policies under 6.5.1. The proposed change would increase the square footage of the chapel from 1,200 to 1,560 square feet and would not present a significant increase in the noise sensitivity from surrounding parcels. Based on the surrounding land uses, the only problem area would be from U.S. Highway 50 to the south of the site (see Policy 6.5.1.5). The development was originally approved considering noise impacts which resulted in setting the development back more than 110 feet from the U.S. Highway 50 right-of-way. The proposed chapel building is located at more than 200 feet from the U.S. Highway 50 right-of-way and would not be negatively impacted by the noise generated by traffic on the highway.

Zoning: Pursuant to County Code Section 17.28.200(C) construction of churches are permitted in the Estate Residential Five-acre (RE-5) Zone District upon approval of a special use permit. Furthermore, Section 17.22.540 (A) requires the following findings to be made prior to approval of a special use permit:

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.

The required special use permit findings can be met and have been included as Attachment 2 of this staff report.

The requested revision would change the size, design, and shape of the chapel building, and would remove eight (8) parking spaces from the development. The change to the design of the building would increase the footprint, but would decrease the height of the building and reduce a potential visual impact to the residential development to the north. The change in size of the building would be an increase of 360 square feet.

Parking was extensively analyzed under the original entitlements of the Special Use Permit. The required parking for this development was set at 186 spaces; 88 spaces for the 350 seat auditorium and 98 spaces for the accessory uses proposed including the freestanding chapel, the main sanctuary, and the education building. The new development plan submitted with this application to revise the Special Use Permit demonstrates that 184 parking spaces were developed during the construction of Phase I. These spaces would be reduced to 176 with the development of the revised chapel building. However, 176 parking spaces would be sufficient parking for the development including the chapel in its current stage of development. Furthermore, an additional 70 parking spaces would be provided in conjunction with the construction of the 19,200 square foot sanctuary building which would have the greatest need for additional parking outside the main existing building.

Based on the plans provided, staff finds that the proposed removal of eight (8) parking spaces for the construction of the revised chapel is consistent with the requirements of zoning. The remaining 176 parking spaces will be adequate for the current and future phases of this project prior to construction of the Sanctuary. Future development of the site (future phases) need to be reviewed by Planning Services to ensure that an adequate level of parking is maintained.

The proposed structure is consistent with the development standards of the Estate Residential Five-acre (RE-5) Zone District pursuant to Section 17.28.210 of El Dorado County Code. The proposed structure meets the 30 foot setback and 45 foot building height requirement.

Agency and Public Comments: The following agencies provided commented on this application. Copies of their written comments are available at the Planning Services office. From these comments, conditions of approval have been incorporated into the project, listed in Attachment 1 of the staff report.

The following agencies were solicited for comments and either did not respond or responded they had no recommended conditions of approval:

- El Dorado Hills Area Planning Advisory Committee
- El Dorado Hills Community Services District
- El Dorado Hills Fire Department
- Cameron Park Design Review Committee
- El Dorado County Department of Transportation
- El Dorado County Environmental Management
- El Dorado County Air Quality Management District (conditions provided)

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. The section establishes that new construction or conversion of small structures is Categorically Exempt.

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 that the Zoning Administrator take the following actions:

- 1. Certify the project is Categorically Exempt from CEQA pursuant to Section 15303(c) of the CEQA Guidelines.
- 2. Approve Special Use Permit S 97-0008-R subject to the Conditions of Approval in Attachment 1 and Findings in Attachment 2.

SUPPORT INFORMATION

Attachments:

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit AVicinity Map
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit DSite Plan / Elevations

ATTACHMENT 1

CONDITIONS OF APPROVAL

Zoning Administrator June 6, 2007
File Number S 97-0008R - Faith Episcopal Church

El Dorado County Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibit D (Site Plan / Elevations) dated October 20, 2006, and the 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.

Project Description: Special Use Permit S97-0008R is a request to revise an existing special use permit to change the design and size of the proposed chapel building as part of Phase 2 of this church development. The request would revise the special use permit to allow a 1,560 square foot triangular building to replace the original 1,200 square foot oval building. The change in design of the structure would also remove eight of the 184 parking spaces proposed for this development.

At its greatest measurements, the proposed chapel would have a footprint of 168 feet by 46 feet. The structure would have a maximum height of 27 feet, which is less than the 35 feet that was approved for the original chapel design. The structure would include a garden at the entrance, the main chapel seating area, a restroom facility, and a memorial garden. The colors used in the construction materials for this building would be in conformance with the original special use permit approval and would match the existing structures.

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. All site improvements shall conform to the site plan and elevations attached as Exhibit D.

3. Development of this property is subject to review and issuance of a building permit from El Dorado County Building Services. Demonstration of conformance to all conditions of approval is a requirement of a complete building permit submittal.
4. Build-out of the last 70 parking spaces shall be completed in conjunction with the development of the 19,200 square foot sanctuary building. These additional parking spaces are necessary to meet the zoning code parking requirement for the completed church development. Planning Services shall verify additional on-site parking on development plans prior to occupancy of a building permit for the sanctuary building.
5. Prior to issuance of any building permit, all Planning Services fees shall be paid.
6. 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 an 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 the appropriate measures are taken or the site is determined not to be of significance.
7. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 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.
8. Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval.
9. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

El Dorado County Air Quality Management District

9. The applicant shall submit and pay the appropriate fees for an Asbestos Dust Mitigation Plan. The District shall review and approve the plan prior to project construction.
10. The applicant shall adhere to all District rules during project construction

ATTACHMENT 2

FINDINGS OF APPROVAL

Zoning Administrator June 6, 2007
File Number S 97-0008R - Faith Episcopal Church

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303(c) of the CEQA Guidelines which establishes that new construction or conversion of small structures is categorically exempt.
- 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 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the general plan;

General Plan section 6.5.1 provides polices to discourage noise-sensitive uses including churches from locating near sources of high noise levels. The church development is noise-sensitive, but the revision does not significantly intensify the proposed use of the facility and does not propose a conflict to any of the General Plan Policies under 6.5.1. Noise generated from the adjacent section of U.S. Highway 50 has been mitigated by the distance the church buildings have been set back from the U.S. Highway 50 right-of-way: 110 feet from the closes building and over 200 feet for the proposed chapel building.

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

The church development including the proposed revision would not create hazards that would be detrimental to the public health, safety and welfare or injurious to the neighborhood. The proposed revision does not significantly intensify the use of this permit and this finding was made under the original special use permit entitlement.

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

Section 17.28.200 of the Zoning Ordinance permits the construction of church facilities in a Estate Residential Five-acre (RE-5) Zone District subject to approval of a special use permit.

3.0 ADMINISTRATIVE FINDINGS

3.1 The proposed use and design conforms to the Zoning Ordinance.

The proposed structure is consistent with the development standards of the Estate Residential Five-acre (RE-5) Zone District pursuant to Section 17.28.210 of El Dorado County code. The proposed structure meets the 30 foot setback and 45 foot building height requirement.

Staff reviewed the development plan for on site parking and finds that the proposed removal of eight (8) existing spaces is consistent with the Zoning Code Requirements. This project is proposed for several phases and the existing 176 are adequate for the current phase of the church development. An additional 70 parking spaces are proposed in conjunction with the development of a 19,200 square foot sanctuary building and those spaces are required to maintain conformance with code by the time of build out.