

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: August 20, 2008
Item No.: 5.a.
Staff: Gordon Bell

SPECIAL USE PERMIT

FILE NUMBER: S08-0015

APPLICANT: Busy Bees Preschool

AGENT: Suzanne Kerr

REQUEST: Special Use Permit to allow for a 36-student preschool in an existing commercial building.

LOCATION: On the east side of Golden Foothill Parkway, approximately 0.2 miles south of the intersection with Latrobe Road in the El Dorado Hills area, Supervisorial District II. (Exhibit A)

APN: 117-060-40

ACREAGE: 7.494 acres

GENERAL PLAN: R&D - DC (Research & Development – Design Control), (Exhibit B)

ZONING: R&D (Research & Development) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15301(a) of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND

The applicant currently operates a preschool out of the home, and has for a period of 5 years. It is the desire of the applicant to expand the preschool. In order to do so, it is necessary to move the preschool out of the home and into an appropriate facility. The applicant has entered into a lease agreement with Roebbelen Land, LLC to operate a 36-student preschool facility in an existing commercial building.

STAFF ANALYSIS

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

Project Description: Special Use Permit (SUP) to allow for the operation of a 36-student preschool in a 2,484 square foot lease space in an existing commercial building. The existing 2,484 square foot lease space would be converted to two classrooms, each capable of handling 18 students. Hours of operation for the preschool would be Monday through Friday, 8:20 a.m. to 3:25 p.m. Extended day care may be provided until 6:00 p.m. No kitchen facilities are proposed as part of the facility. The facility would employ 5 individuals. An approximately 3500 square foot area would be developed just north of the classrooms for an outdoor play area. The play area would be enclosed with a 6'-high gated chain link fence to be locked during business hours. Development of the play area will require removal of 8 existing parking spaces and existing landscaping on the north side of the building. Employee parking would be provided as well as parking spaces for drop off of children and visitors.

Site Improvements: As discussed in the project description, a 2,484 square foot portion of an existing office building would be improved for use by the preschool facility. All structural improvements are interior to the building, and would not involve any modifications of the building that would require modification of the original development plan. The improvements would consist of portioning the lease area to allow for two classrooms and a common area. Improvements include soundproofing of walls on the southern and eastern portions of the lease area to avoid any noise conflicts with office space located adjacent to the facility. The lease area is an end unit, and thus soundproofing is not necessary along the northern wall. Other improvements include removal of 8 parking spaces in the parking lot located just north of the facility. This area, which constitutes approximately 3500 square feet, will be used as a hard surface play area, and will be surrounded by a 6-foot high chain link fence which will be gated to allow access from the parking lot. A drop-off area shall be provided adjacent to the play area in order to facilitate traffic flow. Existing landscaping immediately adjacent to the facility on the northern side which will be designated for the play area will be removed with the exception of existing trees. This area will be developed as an appropriate play area for the children with safety conscious groundcover. No large play structures are proposed within this area. See **Exhibit D**, for proposed development areas.

Traffic: The proposed project is not expected to create significant traffic impacts given that it is located in an existing office building and will be offsetting some traffic that would be generated by

the office use allowed by right in the lease space area. In addition, the facility is expected to be utilized by employees of the offices occupying the parcel, further reducing trip generation elsewhere. However, it is expected that the project will generate A.M. peak hour trips in excess of that typically generated by an office use. With a 36-student enrollment and a start time of 8:25 a.m., it is expected that at least 36 a.m. peak hour trips (PHTs) would be generated by the proposed students and perhaps another 5 a.m. PHTs for employees in a worst-case scenario. Typical general office uses would generate approximately 4 a.m. PHTs and 4 p.m. PHTs. Given that children attending the facility would generally be picked up before the P.M. Peak Hour, the project is not expected to contribute to impacts to the P.M. peak hour, as they are not proposing to provide extended day care at this time. However, this option is available to the applicant should they choose to do so. The project therefore is expected to generate a traffic impact not originally contemplated when the original project was approved. However, given that the area is currently underbuilt as contemplated by the 2004 El Dorado County General Plan, and the road infrastructure in the area is planned to accommodate large amounts of traffic from future development, the impact of the additional 37 peak hour trips that could be generated by the project is considered to be an insignificant impact.

Parking: The proposed project is required to provide off-street parking the amount of 8 spaces pursuant to Section 17.18.060.22 of the El Dorado County Code. The property owner has proposed to designate 8 spaces solely for the use of the preschool facility. It is recommended that these spaces be provided directly across from the play area and on the easterly side of the parking lot as designated on **Exhibit D**. In addition, a drop off area shall be designated directly adjacent to the play area to facilitate drop offs and pick ups. Existing onsite parking consists of 259 spaces. With the removal of the 8 parking spaces, there will be a total of 251 spaces, bringing the total below that originally permitted. However, one of the buildings proposed in the development plan has not yet been constructed, and the applicant has plans to add an additional 51 spaces in their storage yard, bringing the overall total of parking spaces to 302, well in excess of that required by the zoning ordinance. As such, allocation of 8 spaces to the preschool facility as well as a drop off area will have no effect on existing or future parking needs.

Circulation: The applicant has proposed a circulation pattern as part of the project description. This pattern consists of parents entering the parking lot from the entrance on Golden Foothill Parkway, proceeding to the rear of the parking lot, dropping off children at the play area, and exiting via the Hawks Flight Court driveway. Planning staff recommends that the circulation pattern be reversed to avoid traffic conflicts and allow for parents to drop off their children with the passenger side door facing the play area. This circulation pattern should minimize effects to other parking areas located on the project site. Proposed circulation patterns are shown on **Exhibit E**. The applicant will be provided to provide literature to parents detailing pick up and drop off procedures and designated parking areas upon enrollment at the school. Employees shall be available to monitor these procedures at the beginning and end of school sessions.

Site Description: The project site is located in the community of El Dorado Hills, south of Highway 50 in an area currently developed with business parks designated for research and development/commercial-type uses. The site is located at an elevation of approximately 540 feet above mean sea level (AMSL). Topography in the area is relatively flat. The 7.494-acre site is presently developed with a business park that includes two multi-tenant buildings, storage facilities,

parking lots, and associated landscaping. There are no sensitive flora or fauna located on the site, nor are any cultural resources expected to exist onsite as the entire parcel is developed.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R&D	R&D - DC	Research & Development/Commercial buildings
North	R&D	R&D - DC	Research & Development/Commercial buildings
South	R&D	R&D - DC	Research & Development/Commercial buildings
East	R&D	R&D - DC	Research & Development/Vacant land
West	R&D	R&D - DC	Research & Development/Commercial buildings

General Plan: The General Plan designation of the project is Research & Development (R&D). The purpose of this land use designation is to provide areas for the location of high technology, nonpolluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a rural or campus-like setting which ensures a high quality, aesthetic environment. This designation is highly appropriate for the business park/employment center concept. Lands designated as R&D can be located in Community Regions and in Rural Centers. Additionally, the following General Plan policies also apply to this project:

Policy 2.2.5.2 All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Consistent: *As discussed in Attachment 2, staff finds that the project, as proposed/conditioned conforms to the General Plan.*

Policy 2.2.5.21 Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be

designed in a manner that avoids any incompatibility or shall be located on a different site.

Consistent:

The project is situated in a location on the property that avoids incompatibility with surrounding land uses. The facility is located in an end unit at the rear of the existing parking lot. It has been soundproofed to avoid noise impacts to adjacent office space. Surrounding land uses consist of office uses and storage facilities, none of which create significant noise, dust, odors, or other nuisances. The property is located away from significant roadways and is generally shielded from the major roadway in the area, Latrobe Road, by a tall cement wall and surrounding buildings. Several other schools and preschools are located in the immediate vicinity of the project site, illustrating the appropriateness of the proposed use.

Zoning: The subject site is zoned R&D (Research & Development). Pursuant to Section 17.35.020.B (8) of the El Dorado County Zoning Code, day care centers are allowed in the R&D zone district. However, day care permitted by right are only allowed when they are directly associated with businesses operating onsite. This facility would be considered an independent day care facility, and thus would be subject to a Special Use Permit pursuant to Section 17.35.025.B. This section allows for the following types of uses within the R&D zone district with a special use permit: Churches and other places of worship, independent day care facilities, and elementary and secondary schools.

This section of the zoning ordinance specifies certain submittal requirements in order to determine whether or not the proposed use is appropriate for the subject site. Some of the submittal requirements have been waived in this instance based upon the location of the site and the proposed use. An explanation of the submittal requirements and the project’s relationship to those requirements are provided below:

Submittal Requirement	Discussion
Location. The location of churches, places of worship, independent day care facilities or schools shall be evaluated as to their proximity to industrial uses that use or produce hazardous or toxic chemical.	The closest industrial type use is the EID wastewater treatment plant located approximately 0.3 miles east of the project site. As the majority of school activities would take place indoors, and the plant does not and is not required to emit noxious odors, impacts from this facility are determined to be insignificant.
Occupancy and Use. The student enrollment for a school shall be evaluated for building and safety and circulation.	The school would have a maximum licensed enrollment of 36 children. The circulation plan proposed by the applicant would isolate the school use from other circulation within the office park.
Hours of Operation. Hours of operation of the school facility shall not conflict with other uses in the building with regard to noise, parking, and building safety.	The school would operate from 8:25 a.m. to 3:25 p.m., with the possibility that extended day care may be provided until 6:00 p.m. in the future. These hours of operation are within normal business hours of operation would not conflict with other building uses which typically operate from 8:00 a.m. to 5:00 p.m.
Noise. The use shall comply with the interior and exterior noise level standards established in Table 6-1 of	Table 6-1 of the General Plan designates 60 dB/CNEL as the acceptable outdoor noise level, and 40 dB/CNEL.

<p>the El Dorado County General Plan. An acoustical analysis shall be submitted with a Special Use Permit application to verify compliance with these requirements.</p>	<p>Upon conducting a site visit, it was clearly evident that outdoor activity areas would not be exposed to noise levels in excess of 60 db/CNEL as surrounding land uses consist of office facilities and storage facilities which do not generate significant noise levels. The site itself is located approximately 800 feet from Latrobe Road, which would be the major source of noise in the area. In addition, the play area is shielded from Latrobe Road by thick concrete walls and buildings, thus further reducing the potential for noise generation. Interior noise will be attenuated by soundproofing measures currently being installed within the building between adjacent offices. The facility is located on an end unit and is also separated from other onsite buildings by approximately 170 feet. All of these surrounding office uses are insulated from exterior noise by existing windows and walls designed to attenuate noise. Given all of these factors, an acoustical study was not required of the applicant, as the existing setting does not exhibit any characteristics that would suggest exceedance of General Plan standards.</p>
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The proposed independent day care facility would comply with all development standards of the R&D zone district as to minimum lot area, minimum lot coverage, minimum lot width, minimum yard setbacks and maximum building height, as the project is considered a tenant improvement that involves no exterior structural modifications.

Pursuant to Section 17.35.025 (17) of the El Dorado County Zoning Code, “Not more than 5 percent of the land area within the R&D zoning district shall be developed with churches, places of worship and schools.” The entire project site is 7.494 acres (345,866 square feet) and is developed with uses permitted by right within the R&D zone district. The proposed preschool, which consists of approximately 5,984 square feet of lease area, would constitute less 2 percent of the land area on this site and thus would comply with the section of the zoning ordinance.

Agency and Public Comments:

No agencies provided comments on the proposed project.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 (a) of the CEQA Guidelines which apply to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

- 1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15305(a); and
- 2. Approve Special Use Permit S07-0014 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 Showing Development Areas & Designated
Parking Areas
Exhibit ESite Plan Showing Approved Circulation Pattern
Exhibit FAerial Photo Showing Parcel Boundaries

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number S 08-0015

Conditions of Approval:

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

This special use permit revision is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits A-F (Special Use Permit) dated August 20, 2008, 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.

Project Description: Special Use Permit (SUP) to allow for the operation of a 36-student preschool in a 2,484 square foot lease space in an existing commercial building. The existing 2,484 square foot lease space would be converted to two classrooms, each capable of handling 18 students. Hours of operation for the preschool would be Monday through Friday, 8:20 a.m. to 3:25 p.m. Extended day care may be provided until 6:00 p.m. No kitchen facilities are proposed as part of the facility. The facility would employ 5 individuals. An approximately 3500 square foot area would be developed just north of the classrooms for an outdoor play area. The play area would be enclosed with a 6'-high gated chain link fence to be locked during business hours. Development of the play area will require removal of 8 existing parking spaces and existing landscaping on the north side of the building. Employee parking would be provided as well as parking spaces for drop off of children and visitors.

2. All site improvements shall conform to Exhibits A-F.

Planning Services

3. The property owner/applicant shall delineate eight (8) parking spaces solely for the use of Busy Bees Preschool. Five (5) of these spaces shall be designated for employee parking and the remaining three (3) spaces shall be designated for visitor parking. Spaces shall be painted to indicate that spaces are reserved for the school. The applicant shall also designate a drop off/pick up area adjacent to the play area capable of accommodating a minimum of 2 vehicles.

4. The applicant shall adhere to the proposed circulation plan which provides for entrance at the Hawks Flight Court driveway and exit via Golden Foothill Parkway the driveway. Literature detailing drop off/pickup procedures, and on site circulation shall be provided to all parents at the time of enrollment. Staff shall be available at the beginning and end of school sessions to assist in efficient and safe traffic circulation. The circulation plan shall be reviewed by El Dorado County Planning Services prior to operation of the school.
5. No kitchen facilities shall be allowed within the proposed facilities.
6. 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.

The developer and land owner 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 Special Use Permit.

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

7. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
8. Prior to issuance of a building permit or 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 prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
9. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall be responsible for meeting all appropriate fire and building codes and shall obtain sign offs from appropriate agencies.
10. The applicant shall sprinkler the proposed structure if so recommended by the El Dorado County Fire Protection District.
11. The applicant shall provide written proof that all necessary State permits have been issued for operation of the preschool/daycare facility.

ATTACHMENT 2

FINDINGS FOR APPROVAL

File Number S 08-0015

1.0 CEQA Finding

1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301(a) of the CEQA Guidelines which apply to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

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 Division at 2850 Fairlane Court, Placerville, CA.

2.0 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the General Plan;

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.2 (General Plan Consistency), 2.2.5.20 (General Plan Consistency Compliance), The proposed project is also consistent with the General Plan Land Use Designation of R&D (Research & Development) which allows for preschools/daycare with a special use permit.

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

The proposed preschool/daycare facility will comply with the Development Standards of the R&D zone district. The proposed Special Use Permit has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, based on the conclusions contained in the staff report.

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

The proposed use is specifically permitted by special use permit in the R&D zone district pursuant to 17.35.025 (B) of the El Dorado County Code.

3.0 ADMINISTRATIVE FINDINGS

- 3.1 The proposed use conforms to the Zoning Ordinance because the project meets all development standards for a preschool within the R&D Zone District.