

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



Agenda of: March 18, 2009
Item No.: 5.a.
Staff: Jonathan Fong

SPECIAL USE PERMIT

FILE NUMBER: S09-0002 Kidspark Daycare

OWNER: CSS Properties LLC

APPLICANT: Cameron and Kittie Emami

AGENT: Marcher Covington Architects

REQUEST: Special Use Permit to allow for a daycare facility 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: 117-250-03 (Exhibit B)

ACREAGE: 7.494 acres

GENERAL PLAN: R&D (Research & Development) (Exhibit C)

ZONING: R&D-PD (Research & Development- Planned Development) (Exhibit D)

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

RECOMMENDATION: Planning Services staff recommends the Zoning Administrator take the following action:

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15305(a); and
2. Approve Special Use Permit S09-0002 subject to the Conditions of Approval in Attachment 1 and Findings in Attachment 2.

BACKGROUND

The applicant is proposing to locate a Kidspark Daycare Facility within an existing commercial building within the El Dorado Hills Business Park.

Building Permit Application 191410 was submitted on November 17, 2008 as a Tenant Improvement (TI) to an existing building. The Development Services Permit Center identified the proposed daycare use as a use requiring a Special Use Permit (SUP) within the Research and Development Zone District. The applicant was advised of the requirement and the TI request was forwarded to Development Services Discretionary Planning for processing of a SUP application.

Building Permit Application 191410 was approved by Planning Services on February 25, 2009. This approval would allow the permit to be issued, but final approval of the permit would be subject to approval of the Special Use Permit application. The applicant was advised that in the event the SUP was not approved, that the Building Permit approval would be revoked and considered null and void.

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: A Special Use Permit (SUP) to allow for the operation of an hourly daycare facility within a 4,126 square foot lease area of an existing building within the El Dorado Hills Business Park. The facility would be staffed by 12 employees for the daycare operation. A maximum of 50 students are anticipated at the facility with the exact maximum number of children subject to approval of a daycare license by the State Department of Social Services. All activities would occur within the enclosed building. No outdoor play areas would be provided as part of the project.

Site Improvements: As discussed in the project description, a 4,126 square foot portion of an existing office building would be improved for use by the daycare facility. All structural improvements would be within the building, and would not involve any that would require modification of the original development plan. The improvements would consist of portioning the lease area to allow for play areas, activities and toddler areas. All site improvements would be within the existing lease space. No outdoor areas would be proposed as part of this Special Use Permit. See **Exhibits E and F**, for proposed development areas.

Hours of Operation: As part of the application submittal, the applicant has proposed the following house of operation:

- Sunday: 10:00am to 7:00pm
- Monday through Friday: 8:00am to 10:00pm
- Friday: 8:00am to 12:00pm
- Saturday: 10:00am to 12:00pm

Traffic: The proposed project is not expected to create significant traffic impacts given that it would be located within an existing office. In addition, the facility is expected to be utilized by employees of the offices occupying the parcel, further reducing trip generation elsewhere. It is expected that the project will generate A.M. peak hour trips in excess of that typically generated by an office use. However, the Department of Transportation has reviewed the project and did not require further traffic analysis as a requirement of project approval.

Parking: The El Dorado County Code establishes parking requirements for daycare facilities. In accordance with Section 17.18.060(22) off-street parking for daycare facilities is required at a ratio of 1 space for each 10 students with a drop-off area, or 1 space for each 5 students when no drop-off area is provided. As shown on the Site Plan, no exterior modifications to the site are proposed. Based on a maximum capacity of 50 students, 10 spaces would be required.

The original shell building was approved through Site Plan Review SPR00-06. The SPR application determined parking on a ratio of 80 percent office and 20 percent warehouse uses. Based on a ratio of 1 space for 250 square feet of office and 1 space for 2,000 square feet of warehouse, the 4,126 lease area was required to provide 13 parking spaces. Therefore the proposed conversion from office/warehouse use to daycare use would be compatible with parking requirements.

Circulation: The project site would be located within an existing business center comprised of five buildings with shared parking and two encroachments onto Robert J Matthews Parkway. Parking areas and drive aisles would be clearly marked. The proposed daycare facility would utilize the existing circulation pattern and would not significantly impair circulation through the project site.

Site Description: The project site is located within a business center in the El Dorado Hills Business Park. The site has been developed with existing buildings, landscaping and parking areas. No critical biological or riparian features exist on-site. The project would allow a conversion of an existing office/warehouse use to daycare use which would require interior modifications only.

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	Undeveloped commercial
South	R&D	R&D - DC	Undeveloped commercial
East	R&D	R&D - DC	Existing Offices
West	VV-SP	AP	Residential (Valley View Specific Plan)

The project site is located within the El Dorado Hills Business Park. The adjacent residential lands are buffered from Latrobe Road with significant setbacks and soundwalls portioning the residential uses from Latrobe Road and the Business Park. The project would allow for interior modifications only with no outdoor play areas. The project would not result in an incompatible land use in the surrounding area.

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 requires that all discretionary applications be found to be consistent with the General Plan. As discussed in the findings in Attachment 2, the proposed daycare facility is a use permitted by Special Use Permit within the R&D Zone District. The project would not alter the exterior of the building or detract from the General Plan Land Use objectives of the R&D designation.

Policy 2.2.5.21 requires that all development be designed to avoid incompatibility with the surrounding land uses. As discussed in the project description, the project would allow for a daycare facility within an existing building. The project would result in no addition sources of noise, lighting or traffic in the surrounding area.

The project would result in minor interior modifications to an existing building. As proposed staff finds the project to be consistent with applicable policies of the General Plan.

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 0.5 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 50 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.	As discussed in the project description, the proposed hours of operation would not conflict with normal operating business hours.
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 50 children. The circulation plan proposed by the applicant would isolate the school use from other circulation within the office park.
Noise. The use shall comply with the interior and exterior noise level standards established in Table 6-1 of the El Dorado County General Plan. An acoustical analysis shall be submitted with a Special Use Permit application to verify compliance with these requirements.	No outdoor play areas would be proposed as part of the project. The proposed daycare would not violate the noise standards of Table 6-1. A revision to the Special Use Permit would be require if outdoor uses were to be considered in the future.
Build-out. Not more than 5% of the land area within the R&D zoning district shall be developed with churches, places of worship and schools.	The El Dorado Hills Business Park is comprised of over 900 acres of R&D-zoned lands. Recent review by Planning Services staff has determined that the existing developed lands consisting of churches and schools does not exceed 5% of the land area.
Traffic/Circulation. A circulation plan shall be submitted for school uses to determine whether a 15-vehicle loading and unloading area has been provided. A project specific traffic study shall be submitted for each discretionary project to determine whether the project will create, or significantly contribute to, non-peak and peak period traffic congestion below the required Level of Service. (Ord.4603, §1, 2002)	The project would utilize the existing circulation system for the business center. The project would not likely increase the traffic in the project area and no additional traffic analysis would be required.

The proposed independent day care facility would be located within an existing building which had been reviewed and determined compliant 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. As discussed in the Project Description, the proposed daycare facility would not exceed the off-street parking provided for the site. Therefore staff finds the project would be consistent with the Zoning Ordinance.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically 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.

SUPPORT INFORMATION

Attachments:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	Assessors Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Site Plan
Exhibit F	Floor Plan

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S09-0002
Kidspark Daycare
HEARING DATE March 18, 2009

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 E-F (Special Use Permit) dated March 18, 2009, 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 an hourly daycare facility within a 4,126 square foot lease area of an existing building within the El Dorado Hills Business Park. The facility shall be staffed by 12 employees for the daycare operation. The facility shall have a maximum of 50 students subject to approval of a daycare license of the State Department of Social Services. All activities shall occur within the enclosed building. No outdoor play areas shall be provided as part of the project.

The facility shall have the following hours of operation:

Sunday: 10:00am to 7:00pm
Monday through Friday: 8:00am to 10:00pm
Friday: 8:00am to 12:00pm
Saturday: 10:00am to 12:00pm

Planning Services

2. All site improvements shall conform to Exhibits E and F. Planning Services shall verify the site improvements prior to final issuance of a building permit.

3. A revision to this Special Use Permit shall be required if outdoor uses are to be considered. This revision shall be subject to review and approval by the Zoning Administrator.
4. The property owner/applicant shall delineate ten parking spaces solely for the use the Kidspark Daycare. Planning Services shall verify the parking provision prior to final issuance of a building permit.
5. No kitchen facilities shall be allowed within the proposed facilities. Planning Services shall verify this requirement prior to final issuance of a building permit.
6. The applicant shall provide written proof that all necessary State permits have been issued for operation of the preschool/daycare facility. Planning Services shall review the documentation prior to final issuance of a building permit.
7. 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.

8. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
9. 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.
10. 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.

ATTACHMENT 2
FINDINGS FOR APPROVAL

Special Use Permit S09-0002
Kidspark Daycare
HEARING DATE: March 18, 2009

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. The project would require interior modifications to an existing building and would not violate applicable policies of the General Plan or objectives of the R&D land use designation.

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. The project would be an interior modification to an existing structure which was previously reviewed and determined to be consistent with the Zoning Ordinance through SPR00-06.