

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



Agenda of:	May 18, 2016
Item No.:	4.a.
Staff:	Jennifer Franich

SPECIAL USE PERMIT REVISION

FILE NUMBER: S99-0001-R/Phoenix School

APPLICANT: Khinh Hoang

REQUEST: Special use permit revision request to reduce the maximum number of students and increase the number of staff at an existing private school, due to the addition of an infant-to-5 years of age bracket.

LOCATION: West side of Robert J. Mathews Parkway, approximately 500 feet west of the intersection with Golden Foothill Parkway, in the El Dorado Hills area, Supervisorial District 1 (Exhibit A).

APN: 117-085-19 (Exhibit B)

ACREAGE: 1.001 acres

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

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

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15301; and
2. Approve Special Use Permit S99-0001-R based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Special Use Permit revision for an existing private school in the El Dorado Hills Business Park would alter the conditions of approval from the original permit to allow fewer students, but more employees. No construction or other changes in use are proposed. Schools are allowed in the Research and Development (R&D) Zone, with a Special or Conditional Use permit. Staff has determined that the proposed project is consistent with the R&D land use designation and zone, as well as other applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

PROJECT INFORMATION

Site Description: The subject property is located in the Research and Development (R&D) zone. The property is relatively flat, and has an existing 6,000 square foot school surrounded by a parking area with a drop-off area, playground, and landscaping (Exhibit E). The development and land use was approved under S99-0001. The site is surrounded by other developed parcels containing warehouses with wholesale, retail, schools and daycare, gyms, and other businesses. Access to the site is provided by Robert J. Mathews Drive, a public road.

Project Description: This application requests a revision to the existing conditions of approval, which limited the use to a school for kindergarten through sixth grade, with seven classrooms, no more than 100-150 students and eight to nine employees. The applicant is proposing to alter allowance for age of students to include infants and allow up to 13 employees in order to meet the needs of infant care and younger students. The maximum number of students would be limited to 71. No construction or other improvements are proposed at this time.

STAFF ANALYSIS

Environmental Review: Staff has prepared a Notice of Exemption. Staff has determined that the proposed project would not have a significant effect on the environment and the project is Categorical Exempt pursuant to CEQA Guidelines Section 15301.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings
Conditions of Approval

Exhibit A.....Location Map
Exhibit B.....Assessor's Parcel Number Map
Exhibit C.....General Plan Land Use Designations Map
Exhibit D.....Zoning Designations Map
Exhibit E.....Aerial Map

FINDINGS

Special Use Permit Revision S99-0001-R/Phoenix School Zoning Administrator/May 18, 2016

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines. As no new structures are proposed and there will be a negligible expansion of an existing use, this project would not have a significant impact to the environment. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.
- 1.0 The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Division at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS **2.2.1.2. The project is consistent with General Plan policy**

The Research and Development (R&D) land use designation establishes areas for 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.

Rationale: The El Dorado County General Plan designates the subject R&D. The site is currently used as a private school. This use is consistent with the intent of the Research and Development land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The site contains an existing private school surrounded by offices, research and development facilities, and other schools and daycare facilities. Both the building and the use are existing, and no additions or changes to the site design are proposed. Conditions of approval limiting the use of the facility to a low number of students and employees will maintain the compatibility of the use with the surroundings.

2.3 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project would not increase the need for public services or utilities, since fewer students and a negligible number of additional staff are proposed as part of this project. The project would not generate a substantial increase in solid waste, however, the project would be required to comply with county recycling standards and follow CalGreen requirements during operation.

2.4 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The site is currently served by El Dorado Irrigation District for potable water and El Dorado Hills Fire for fire protection. No comments or concerns on the project were provided by these agencies. The project does not include any proposed new construction. The project would increase the maximum number of staff allowed from 9 to 13, and decrease the maximum number of students from 150 to 71. No additional water would be needed for this project.

2.5 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The original Special Use permit included review of the site plan for adequate access for emergencies. The Transportation Division and Long-Range Planning Division reviewed the application materials. The project was required to address the adequacy of vehicle parking for anticipated demand, vehicle types, and zoning requirements. It was determined that a traffic study was not required, and the on-site transportation review was waived based on the minimal number of new on-site trips. No additional site access or improvement to the existing roads are required. The project is in compliance with the General Plan Policy.

2.6 The project is consistent with General Plan Policy 6.5.1.7.

Policy 6.5.1.7, Noise Standards, require that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

Rationale: Noise levels are not expected to increase as a result of the project, as the use of the site is not changing. Noise generated during operation and any potential future construction will be required to comply with the noise standards established in the Zoning Ordinance.

3.0 ZONING FINDINGS

3.1 The project is consistent with Title 130.

The R&D zone is intended to provide areas for high technology, non-polluting manufacturing plants, research and development facilities, corporate and industrial offices, and support service facilities in a rural or campus-like setting, such as a business park environment.

Rationale: The parcel is zoned Research and Development (R&D). Elementary and Secondary Private Schools are allowed in this zone with a Conditional Use Permit. As indicated in Sections 130.40.230, as part of discretionary approval, the review authority shall determine:

1. There is sufficient land or structures available in the adjacent area or business park in which the school is located to accommodate the expected demand for light industrial uses.

The site lies within the existing urbanized area known as the El Dorado Hills Business Park. The parcels adjacent to the subject site are currently used for wholesale, retail, research and development companies, and support services. There is also ample space for new uses within the business park, as there are several vacant lots. Expanded demand for light industrial uses could be accommodated.

2. Sufficient outdoor play area is provided to accommodate the number of children anticipated or approved by the discretionary permit, with age-appropriate play facilities on the site of the school.

The site has a playground, which has been sufficient for the number of students currently approved under S99-0001. The proposed project would reduce the number of students. As required by Section 130.40.230 (D), the outdoor play area is separate from the parking and/or loading areas and is enclosed by secure fencing. The existing playground is sufficient for the proposed project. The facility to the south of the site also has a playground area, which borders the west side of the school building.

3. The location of the school will not detract from or compromise current or future light industrial uses in the vicinity.

The site lies within the existing urbanized area known as the El Dorado Hills Business Park. The original Special Use Permit was approved in 2000, and no compatibility issues or negative effects have occurred upon the R&D uses. The project, as conditioned, does not have any significant impacts on any adjacent industrial uses.

4. The private school conforms to all other requirements of this Title, including, but not limited to parking and signs (Chapters 130.35 (Parking and Loading) and 130.16 (Signs), respectively).

The project has been analyzed in accordance with Zoning Ordinance Section 130.23.030 (Development Standards) for minimum lot size, dimensions, height and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards. The building and landscaping are existing, as approved under the original Special Use permit, and no changes are proposed. Parking and loading were analyzed according to the use type, and the current parking situation would be sufficient for the increase in the numbers of staff and the decrease in the number of students (see Finding 3.2).

3.2 The project is consistent with Chapter 130.18: Off-Street Parking and Loading.

Section 130.18.060 of the Zoning Ordinance establishes off-street parking requirements by use. Schools defined as Child daycare centers, preschools, and nursery schools are required to have 1 parking space per eight children, plus 1 space per 2 employees. The number of handicapped parking spaces is calculated based on the total number of spaces, with 1 to 25 spaces requiring 1 handicapped space, pursuant to the California Building Code.

Rationale: The proposed use change would allow up to 71 students and 13 employees. For this number of students and employees, 15 parking spaces are required. There are currently nine on-site parking spaces with one of the spaces designated as a handicapped parking space. The on-street parking adjacent to the site provides up to 6 additional spaces, excluding areas with poor sight distance and the fire lane to the north of the site. The total number of parking spaces meets the minimum number required and is consistent with the parking and loading standards. As required by Section 130.40.230 (D), a drop-off and pick-up area also exists on the site, will continue to be used, and does not conflict with traffic flow or impact parking areas.

3.3 The project is consistent with the El Dorado County Parking and Loading Standards.

The El Dorado County Parking and Loading standards augment the portions of the Zoning Ordinance pertaining to parking. According to Section 4.4 (B), on-site parking reduction can be applied where on-street parking is available on public streets fronting the subject property. The required off-street parking may be reduced by one space for each available on-street space adjoining the property. The parking reduction may only be made as allowed by Section 4.4 (A)(2) of the Parking and Loading Standards, as follows:

The number of parking spaces required for commercial and industrial uses may be decreased from the requirements of this Chapter where the review authority finds all of the following:

- a. The intent of the parking ordinance is preserved;
- b. The parking provided is sufficient to serve the use for which it is intended; and
- c. The modification will not be detrimental to the public health, safety, or welfare.

Rationale: For this project, 15 parking spaces are required to accommodate staff and the number of students. There are currently nine on-site parking spaces with one of the spaces designated as a handicapped parking space. The on-street parking adjacent to the site provides up to 6 additional spaces, excluding areas with poor sight distance and the fire lane to the north of the site. The total number of on- and off-street parking spaces meets the minimum number required and is consistent with the parking and loading standards, and is therefore consistent with the intent of the parking ordinance. Additionally, the use at the site is changing slightly from the current operation, but is not anticipated to substantially affect the amount of parking needed. The parking currently available has been able to accommodate employees and parents of the students. In addition, the drop-off area allows for parents to drop off students without using the on-site parking spaces. The parking provided in the site plan is anticipated to be sufficient for the intended use. The use is consistent with the surrounding land uses. There is ample parking along the streets in the business park, and the proposed use is not anticipated to result in a shortage of parking to the surrounding businesses. Therefore, the parking modification would not be detrimental to the public health, safety, or welfare.

According to Section 4.4(A)(3), in considering requests for an increase or decrease in the number of parking spaces, the review authority shall consider:

- a. Size and type of use or activity;
- b. Composition and number of tenants;
- c. Peak traffic and parking loads;
- d. Rate of turnover based on the following criteria, as applied in Table 17.35.040.1:
 - 1) High intensity areas are those having rapid turnover of less than two hours;
 - 2) Medium intensity areas are those where vehicles are parked from two to four hours;

- 3) Low intensity areas have minimum turnover and few repeat users, such as long-term and employee parking lots.
- e. Availability of public transportation including carpools or employer-provided transportation.
- f. Payment of in-lieu fees authorized by the County Transit Authority for public transportation facilities, if available, or other options that support mass transportation alternatives.
- g. The extent and effectiveness of a proposed TDM program including its monitoring plan.

Rationale: The parking provided in the site plan is anticipated to be sufficient for the intended use. The proposed change to the existing use would reduce the maximum number of students to from 100-150 to 71 and increase the number of employees from 8-9 to a maximum of 13. The parking currently available has been able to accommodate the existing size and type of use. The use at the site is changing slightly from the current operation, but is not anticipated to substantially affect the amount of parking needed. The site plan was reviewed by the County's Transportation Engineer and will not conflict with traffic flow. The revision did not require a new traffic study, and there were no changes required to the on-site parking and circulation. The drop-off area allows for parents to drop off students without using the on-site parking spaces during the peak use times. The parking spaces also do not encroach on the fire lane to the north of the site. The total number of on- and off-street parking spaces meets the minimum number (15) required and is consistent with the parking and loading standards, and is therefore consistent with the intent of the parking ordinance.

4.0 SPECIAL USE PERMIT FINDINGS

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

Rationale: As discussed above in Section 2.0 General Plan Findings, the special use permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

Rationale: The use will not significantly conflict with surrounding uses. The proposed use will comply with the Development Standards of the R&D zone district. The proposed use is consistent with the surrounding land uses which include wholesale, retail, offices, gyms, and other schools. The project is not expected to result in any changes to the current use or condition of the site. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

4.3 The proposed use is specifically permitted by Conditional Use Permit.

Rationale: A school is specifically permitted by Conditional Use Permit pursuant to Section 130.23.020. The subject property is located in the R&D zone district . The Industrial and Research and Development matrix of allowed uses establishes those uses that are permitted and those that require approval by a Special Use Permit in the R&D zone district. The matrix includes civic uses, specifically elementary and secondary private schools.

CONDITIONS OF APPROVAL

Special Use Permit Revision S99-0001-R/Phoenix School Zoning Administrator/May 18, 2016

1. This Special Use Permit is based upon and limited to compliance with the project description and conditions of approval.

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.

Approval of the Special Use Permit authorizes an increase in the allowed number of employees from 9 to 13, a decrease in the number of students from 150 to 71, and a change to the age range of the students to include infant through sixth grade students. No activity authorized by this special use permit may commence until all of the conditions of approval have been complied with in full.

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 must be submitted for review and approval and shall be implemented as approved by the County.

Development Services Division (Planning)

1. ~~This special use permit for the private school within the R&D Zoning District shall be valid commencing ten (10) years from the date of approval. However, if at the end of the described period, the Business Park has not yet reached 75% buildout, then the Planning Director may grant additional extensions not to exceed a total of five (5) additional years. When making the extension decision, the Planning Director shall consider the need of the subject site for business jobs/employment and shall limit the length of extension granted if 75% buildout is eminent.~~
2. This use permit is limited to those uses described in the Project Description as follows: Continued use ~~Construction~~ of a 6,000-square-foot structure for an Infant-kindergarten through sixth grade private school, housing seven classrooms, no more than ~~100-150~~ 71 students and ~~eight to nine~~ 13 employees. A five-foot-high ~~W.I.~~ fence will surround the entire site to match the existing fence located on the adjacent pre-school site and a 20-square-foot (4' X 5') monument sign is located at the corner of the two access streets.
3. The use shall conform to the approved site plan (Exhibit D of the original staff report), which includes two points of access; one from Hillsdale Circle and one from Robert J.

Mathews Parkway, parking consisting of ~~eight~~ nine off-street parking stalls and ~~four~~ six on-street parking spaces and a separate drop-off and loading area proposed away from the parking area and the inclusion of either a sidewalk or a hard surface walking path designed so as to provide a safe walkway from the street frontage to the structure.

4. The structure shall be designed in such a way as to be easily converted to an office building at such time that the conversion would be necessary in the Business Park. A letter from a licensed contractor shall be submitted to the Planning Department at the time of building permit approval stating that such a conversion is reasonably feasible.
5. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation 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*, and the *Drainage Manual*, and the State of California Handicapped Accessibility Standards.
6. The applicant may be subject to a grading permit fee commensurate with the scope of the proposed project prior to obtaining a building permit.
7. The applicant shall be subject to the El Dorado Hills/Salmon Falls Area Road Impact Fee. Pursuant to Resolution 33-98, said fee shall be due upon issuance of a building permit. If prior to application for a building permit for said project, a revised fee is established, such revised amount shall be paid.
8. The applicant shall be subject to the State System Infrastructure Traffic Impact Mitigation Fee. Pursuant to Resolution 31-98, said fee shall be due upon the issuance of a building permit. If prior to the application for a building permit for said project, a revised fee is established, such revised amount shall be paid.
9. The applicant shall be subject to two encroachment permits, Standard Plan 103G.
10. The potable water system for the purpose of the fire protection for this development shall supply a minimum fire flow that is in excess of the maximum daily domestic consumption rate of 1,500 gallons per minute with a minimum residual pressure of 20 psi for a duration of two hours. This requirement is based upon a wood framed commercial building that does not exceed 6,000 square feet. Any buildings exceeding 6,000 square feet may/will cause an increase in the fire flow requirement. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the Fire Department for review and approval.
11. To provide this development with adequate fire and emergency medical response service during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible wood members as specified in El Dorado Hills Fire Department Standard 103.

12. The applicant shall submit to the Planning Department a letter from EID which states that adequate sewer treatment capacity exists to serve the development prior to issuance of a building permit.
13. A minimum five foot fence shall be installed to enclose the entire facility in order to prevent students from inadvertently wandering off the school site. This fence shall be designed to match or complement the existing fence surrounding the adjacent pre-school facility.