

Findings

1.0 CEQA FINDINGS

- 1.1** Conditional Use Permit (CUP) CUP24-0005 has been found Categorically Exempt pursuant to Section 15301, Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines. The proposed use will result in negligible expansion of the existing structure and require minor interior alterations to portions of the existing structure to accommodate the proposed use.
- 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 Planning and Building Department, Planning Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 identifies that the purpose of the Research & Development (R&D) 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. R&D designations is highly appropriate for the business park/ employment center concept and the zone can be located in Community Regions or in Rural Centers.

Rationale: Policy 2.2.1.2 establishes the uses allowable for R&D. The project does not propose any changes to the land use designation and a Private School is substantially consistent and is allowable with the approval of a CUP. The project is compatible with the R&D land use designation and General Plan Policy 2.2.1.2.

2.2 The project is consistent with General Plan Policy 2.2.1.5

General Plan Policy 2.2.1.5 identifies the allowable building intensities for land use designation.

Rationale: Policy 2.2.1.5 identifies the allowable building intensity or Floor Area Ration (FAR) for Research & Development land use designation as .50. The current project FAR for the site is .24 found by dividing current total floor area of 16,180.3 sq ft by total parcel area 68,831 sq ft. The project is compatible with General Plan Policy 2.2.1.5.

2.3 The project is consistent with General Plan Policy 2.2.5.2

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this Findings section to document the project's consistency with the policies of the General Plan.

2.4 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 that are permitted by the policies in effect at the time the development project is proposed. Those 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.

Rationale: The adjoining parcels are zoned R&D-DC and are also located within the El Dorado Hills Business Park. The property to the north, south and east are developed and occupied with various uses including light manufacturing, offices, and warehouses. The property directly west is vacant with no projects or permits are being processed. The proposed project would be substantially consistent with the surrounding operations as the proposed Private School will be conducted entirely within the existing structure. The project will not be expected to result in land use conflicts with adjoining land uses.

2.5 The project is consistent with General Plan Policy TC-5

This policy requires that roads adjacent to schools or parks shall have curbs and sidewalks.

Rationale: The project site is located within a previously developed Business Park, with curb, but without sidewalks. As proposed all students are transported in passenger vehicles operated by Summit View staff. The project will not create a substantial need for pedestrian facilities. Sidewalks are not required for this project.

2.6 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 proposed project is within an existing building located within a business park with adequate public services and utilities. No impact to existing public services and utilities is anticipated. No substantial comments were received from affected public utilities. The project will not result in

impacts to public services or utility services and those public services and public utilities are adequate.

2.7 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 proposed project parcel has one (1) fire hydrant and the El Dorado Hills Fire Department and did not require additional fire apparatus. The parcel is serviced by El Dorado Irrigation District which took no exception to the project. The County of El Dorado Environmental Health Department did not have comments as “the parcel is served by public water and sewer. The project is consistent with policy 5.2.1.2.

2.8 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1 (Fire Protection in Community Regions) requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access are available, or are provided for, concurrent with development.

Rationale: The El Dorado Hills Fire Department currently provides fire protection service to the project site. There will be no significant changes to the current site water supply, storage, conveyance, or site access. The site will remain in compliance with policy 5.7.1.1.

2.9 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2 (Adequate Access for Emergencies) requires 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 proposed use of a Private School within an existing structure on a previously developed parcel has vehicular access via a driveway along the eastern property line that connects to Golden Foothill Parkway. There are no proposed changes to site access. The project is consistent with policy 6.2.3.2.

2.10 The project is consistent with General Plan Policy 6.7.6.1.

Policy 6.7.6.1 requires that new facilities in which sensitive receptors are located (e.g., schools) are sited away from significant sources of air pollution.

Rationale: The project is located within the El Dorado Hills Business Park, which is zoned to allow for office, research and development and industrial uses. The

applicant is aware that there is the potential to expand industrial uses in the future within the vicinity of the proposed private school. Currently the closest identified potential sources of significant air pollution is the El Dorado Hills Fire Training Facility, located approximately 0.25 mile south of the project site (Exhibit A). Due to distance and use the training facility is not anticipated to significantly affect the proposed private school.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.23.020.

Section 130.23.020 Matrix of Allowed Uses for the Industrial / R&D Zones (Industrial and Research and Development Zone Development Standards) describes zone-specific allowed uses within the R&D Zone District.

Rationale: The Private School is an allowed use through the approval of a CUP. With the approval of CUP24-0005, the project will be consistent with R&D zoning.

3.2 The project is consistent with Section 130.27.050 Design Review-Community (-DC) Combining Zone.

Section 130.27.050 Design Review-Community (-DC) Combining Zone implements the General Plan by establishing a Design Review-Community (-DC) Combining Zone which includes standards and site review procedures.

Rationale: The proposed project will result in internal modifications to the existing building. Internal changes within an existing structure, including changes in the use of the existing structure, is exempt from the design review process.

3.3 The project is consistent with Section 130.40.230 Private Schools in Light Manufacturing Facilities.

Section 130.40.230 requires Private Schools and their accessory uses allowed under the matrices for zones allowing light manufacturing uses to make the following findings:

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.

Rationale: The proposed Project is located within the El Dorado Hills Business Park, with a zoning designation of R&D. The R&D zoning designation allows for light manufacturing uses and facilities. The El Dorado Hills Business Park established 832 acres of R&D uses, of which 500 acres has yet to be developed. The 33-acre R&D zoned parcel directly to the west of the

property is currently undeveloped. There is adequate land within the adjacent area/business park to accommodate expected demand for light industrial uses.

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.

Rationale: The project is not proposing outdoor play facilities. Aside from occasional outdoor walks, project activities will be conducted inside the existing building.

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

Rationale: The project is located within an existing structure designed and built in accordance with the Research and Development Design Standards. The applicant is aware that there is the potential to expand industrial uses in the future within the vicinity of the proposed private school. No exterior alterations are being proposed. Aside from occasional outdoor walks, project activities will be conducted inside the existing building. As proposed the Private School will not detract from or compromise current or future light industrial uses.

4. The private school conforms to all other requirements of this Title, including, but not limited to parking and signs in Article 3 of this Title.

Rationale: The proposed project was reviewed on conformance with all standards and requirements of Title 130.

4.0 CONDITIONAL USE PERMIT FINDINGS

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

Rationale: The proposed use is consistent with the policies and requirements in the General Plan as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable General Plan policies as discussed in Finding 2.0 above.

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

Rationale: The proposed use will not conflict with adjacent uses. As proposed and conditioned, the project will be compatible with other R&D uses within the

El Dorado Hills Business Park. The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood. The project is consistent with this policy.

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

Rationale: Private Schools are allowed as a conditional use in the R&D zoning designation under the El Dorado County Code Section 130.23.020 (Matrix of Allowed Uses). The proposed project is consistent with this policy.

Conditions of Approval

1. This Conditional Use Permit (CUP) is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit F.....Site Plan

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 would constitute a violation of permit approval.

The project description is as follows:

The proposed project requests a CUP for a Private School with related offices within an existing structure. The project is a certified Non-Public School (NPS) that provides special education and supplemental mental health services for students. The proposed use would typically have 20 students at a time with a maximum of 28 students and would employ a maximum of 35 employees. The regular hours of operation will be from 8:00am-5:00pm Monday through Friday. Typical onsite activities include therapeutic groups, individualized instruction, social skills activities and various extracurricular activities.

No new landscaping, parking, or exterior lighting is being proposed as part of this project. Vehicular access to the property is taken from Golden Foothill Parkway. As the Planning Division understands the project, students are not permitted to drive to the school per the Summit View internal and regulatory guidelines. All students are transported in passenger vehicles operated by Summit View staff. Students typically arrive on-site by van at 8:30 am and leave at 4:30 pm. The parking provided is sufficient to serve the proposed project.

Planning Services Division

2. **Permit Implementation:** In compliance with County Code Section 130.54.060 (Time Limits, Extensions, and Permit Expiration), implementation of the project must occur within 24 months of approval of this CUP, unless a timely filed time extension is filed, or the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
3. **Indemnity:** 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 landowner 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 Conditional Use Permit.

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

4. **Change in Ownership:** In the event of any change of ownership of the subject parcel (APN: 117-100-035) or any change in primary or accessory use, it is the responsibility of the future property owners to ensure all changes are consistent with this CUP, the El Dorado County General Plan, Zoning Ordinance, and all applicable standards in place at such time.
5. **Wildfire Hazards:** The proposed project shall meet the current 2019 CA Fire Code, El Dorado County Fire Ordinance 2019-02, National Fire Protection Association (NFPA) standards, and other appropriate standards to ensure site-specific wildland fire risks would be minimized during construction and operation of the proposed project.

El Dorado Hills Fire Department

6. **Plan Submittal:** The applicant shall meet the following: Architectural Plans shall be submitted and approved prior to Final Building Permit being issued. Fire Sprinkler and Fire Alarm plans shall be submitted prior to Final building Permit being issued.
7. **Roof Coverings:** Residential roof coverings shall consist of materials having a minimum Class A rating.
8. **Open Space Fencing:** Lot that abut open space shall be required to utilize non-combustible type fencing abutting the open space.
9. **Address:** Approved numbers or addresses shall be placed on all new or existing buildings in such a position as to be easily read from the street or road fronting the property. The minimum size of the numbers shall not be less than eight (8) inches and shall be internally illuminated or mounted immediately adjacent to a light source and shall also contrast with their background.

Surveyors Department

10. **Monuments:** All boundary monuments that may be disturbed or destroyed during project construction shall be identified and references and/or reset by a Professional land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code.
11. **Addressing:** Applicant will be required to coordinate with the County Surveyor's Office to ensure that all buildings on the subject parcel are addressed in compliance with County Code, Chapter 110.04.