

# FINDINGS

## **Conditional Use Permit S17-0011/Blissful Gardens Planning Commission/June 14, 2018**

### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.3 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 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.**

The Multifamily Residential (MFR) land use designation identifies areas suitable for high-density residential development. Typical uses include single family and multifamily design concepts such as apartments, single-family attached dwelling units, and small-lot single-family detached dwellings. The allowable density for this designation is a minimum of five dwelling units per acre and a maximum of 24 dwelling units per acre.

Rationale: The El Dorado County General Plan designates the subject site as Multifamily Residential. The site is proposed for use as an assisted living facility. This use is consistent with the intent of the Multifamily Residential 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 proposed site is currently vacant. The site plan (Exhibit F) shows proposed buildings complying with setbacks. Surrounding uses include

other multifamily residential developments, commercial development, and vacant land. As conditioned, the project would be compatible with the adjoining land uses.

**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: Public water and sewer are available for service to the site. The project would generate an increase in solid waste, and 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 County Fire Protection District (EDC FPD) for fire protection. The EDC FPD did not have any comments or concerns on the project after their review. Public water and sewer would serve the project site.

**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 EDC FPD and the Transportation Department reviewed the application materials and site plan for adequate access for emergencies. It was determined that an On Site Transportation Review (OSTR) was a sufficient level of traffic analysis, as the proposed use would generate minimal trips. The roads serving the development have sufficient capacity to accommodate any added traffic without resulting in unacceptable levels of service. On-site circulation was reviewed through the site plan and OSTR, which allows for sufficient access, parking, and maneuvering space. EDC FPD determined that the proposed fire apparatus turnaround meets requirements. An encroachment permit would be required for access to Product Drive. The project is in compliance with the General Plan Policy.

### **3.0 ZONING FINDINGS**

#### **3.1 The project is consistent with Title 130.**

The Multi-Unit Residential (RM) zone identifies lands which are most capable of supporting the highest density of development within the County, based on topography, infrastructure, and circulation availabilities and constraints, as well as proximity to employment centers, public facilities recreation, and shopping.

Rationale: The parcel is zoned Multi-Unit Residential (RM). The Residential Zone Use matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the RM zone district. The matrix includes Residential uses such as large Community Care Facilities (serving 7 or more persons) which are specifically permitted by Conditional Use Permit pursuant to Section 130.24.020.

The project has been analyzed in accordance with Zoning Ordinance Section 130.24.030 (Development Standards) for minimum lot size, dimensions, and height and building setbacks. Setbacks for residential structures must be a minimum of 20 feet from front lot line, 5 feet from side lot lines, and 10 feet from rear lot lines, with a maximum height of 50 feet. According to the proposed site plan, all proposed structures would meet these requirements. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards. Parking and loading were analyzed according to the use type, and the proposed parking would be sufficient for the proposed uses (see Finding 3.3).

#### **3.2 The project is consistent with Chapter 130.35: Off-Street Parking and Loading.**

Section 130.35 of the Zoning Ordinance establishes off-street parking requirements for businesses.

Rationale: This Conditional Use Permit request proposes buildings that consist of multiple types of Residential use. For this reason, parking requirements are calculated based upon each type of use. Assisted living is classified as long term care facility and is required to have 1 space per 4 beds. Thus the 40 beds proposed as assisted care in the main building require a total of ten spaces. Independent living requires one space per bed. Thus the nine independent living units proposed require a total of ten spaces. General office requires one space per 250 square feet, thus the 244 square feet of general office proposed requires one space. Total parking requirements for the project requires a total of 20 parking spaces. The project proposes 23 paved parking stalls. Additionally, the site provides passenger loading and

unloading areas which would reduce the need for parking. The amount of proposed parking exceeds the parking requirements and is consistent with the parking standards established in the Zoning Ordinance.

### **3.3 The project is consistent with Chapter 130.36: Signs.**

Section 130.36 of the Zoning Ordinance establishes sign regulations that are consistent with the goals, objectives and policies of the El Dorado County General Plan and the County's visual and aesthetic goals, and provide adequate identification for establishments.

Rationale: The project is proposing one monument sign within the Shingle Springs community region. In accordance with subsection 130.16.080 of the Zoning Ordinance, a sign permit will be required for the sign. The design would be reviewed for compliance with all regulations for monument signs within a community region, including those for compatibility with colors of on-site structures, sign size and placement. The sign as proposed is designed to have a stucco finish and paint color to match the building. Actual sign face area is approximately 24.5 feet which is less than the maximum allowable sign face area of 25 square feet. The monument sign will also act as a wall screen for a propane tank.

### **3.4 The project is consistent with Chapter 130.37: Noise Standards.**

Chapter 130.37, Noise Standards, requires that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 130.37.060.1 for noise-sensitive uses.

Rationale: Noise levels are not expected to exceed maximum levels as a result of the project, as there is no outdoor amplified noise proposed. Noises associated with the project would consist of typical residential noise. The nearest residence is a multi-unit development located along Product Drive, on the immediately adjacent parcel to the south of the proposed project site. The next-nearest noise-sensitive receptors are more than 1,000 feet from the proposed project site. Noise generated during operation and any potential future construction will be required to comply with the noise standards established in the Zoning Ordinance.

## **4.0 CONDITIONAL 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 Conditional 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 RM zone district. The proposed use is consistent with the surrounding land uses which include multifamily residences, commercial, and vacant land. 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: Large Community Care Facilities (serving seven or more) are specifically permitted in the RM Zone with a Special or Conditional Use permit pursuant to Section 130.24.020. The subject property is located in the RM zone district. The Residential Zone Districts matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the RM zone district. The matrix includes residential uses, specifically large community care facilities (serving seven or more) which are allowed with a Conditional Use Permit in the RM zone.