

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of:	November 21, 2018
Item No:	4.a.
Staff:	Emma Carrico

CONDITIONAL USE PERMIT

FILE NUMBER: CUP18-0008/Montano Dentist

APPLICANT: Steven Walls DMD

AGENT: Vinal Perkins

OWNER: Arrowest Properties Inc.

REQUEST: Conditional Use Permit request to allow operation of an approximately 2,000 square foot dental office in an existing commercial suite in the Montano De El Dorado commercial plaza.

LOCATION: Southeast side of White Rock Road, approximately 150 feet east of the intersection with Latrobe Road, in the El Dorado Hills Area, Supervisorial District 2. (Exhibit A)

APN: 118-010-12 (Exhibit B)

ACREAGE: 16.852 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Commercial, Regional (CR) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to 15301, Existing Facilities, of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Find that the project is Categorically Exempt pursuant to California Environmental Quality Act Section 15301, Existing Facilities; and
2. Approve Conditional Use Permit CUP18-0008 based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Conditional Use Permit would allow an approximately 2000 square foot dentist office to operate in an existing commercial suite located in the Montano De El Dorado commercial plaza development. Medical offices are a conditionally allowed use in the Commercial, Regional Zone District. Staff has determined that the proposed project is consistent with the El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

PROJECT INFORMATION

Site Description: The project site is located on the south east side of White Rock Road, approximately 150 feet east of the intersection with Latrobe Road, in the El Dorado Hills area. The proposed use would be within an existing commercial building (suite 500) in the existing commercial plaza Montano De El Dorado. The plaza was developed under Design Review Permit DR04-0019, with construction completed in 2008.

Project Description: Approval of this Conditional Use Permit would allow an approximately 2000 square foot dentist office to operate in an existing vacant commercial suite located in the Montano De El Dorado commercial plaza development. No external building or façade changes are proposed beyond an updated wall mount sign in compliance with DR04-0019. The parking and loading available on-site through the shared Montano De El Dorado parking meets and exceeds the minimum number and dimensions required under the parking and loading standards of one space per 200 square feet of active use area. If this CUP is approved the project will then undergo review for compliance with any conditions of approval through a tenant improvement building permit.

ENVIRONMENTAL REVIEW

The project has been found to be Categorically Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities, which consists of the operation of existing public or private structures involving negligible or no expansion of use.

A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption (NOE). The filing of the NOE is optional; however, not filing the NOE extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

CONSISTENCY

As discussed in the findings section below, the project conforms with General Plan policies regarding land use compatibility and site adequacy, as well as all Zoning Ordinance provisions including consistency with applicable development standards.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Location Map

Exhibit B.....Assessor's Plat Map

Exhibit C.....General Plan Land Use Map

Exhibit D.....Zoning Map

FINDINGS

Conditional Use Permit CUP18-0008/Montano Dentist Zoning Administrator/November 21, 2018

1.0 CEQA FINDINGS

- 1.1 The project has been found to be Categorically Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities. The proposed use would be in an existing commercial building suite located within the Montano De El Dorado commercial plaza, and would not be a significant expansion of use for the suite or the surrounding plaza.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Planning and Building Department at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

2.1 The proposed use is consistent with General Plan Policy 2.2.1.2.

Commercial (C)-“The purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.”

Rationale: The project is consistent with the Commercial (C) land use descriptions defined by General Plan Policy 2.2.1.2. The project proposes a dentist office that would provide service uses to surrounding residents. This use is consistent with the intent of the Commercial land use designation.

2.2 The proposed use 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 project site is surrounded by residential estate land uses to the east, commercial uses within the Town Center East Planned Development to the north, and primarily vacant Research and Development land to the west and south. Existing development on the subject property is the Montano De El Dorado commercial plaza which currently includes retail, general office, and food service uses. The proposed use would be substantially consistent with existing and potential uses on surrounding land.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.22.

The Regional Commercial zoning designation provides for large-scale retail services for a regional trade area. The CR zone applies to regional shopping centers that serve a market beyond the community.

Rationale: The parcel is zoned Regional Commercial (CR). The Zone 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 CR zone district. The matrix includes medical offices, which are allowed by Conditional Use Permit.

The proposed use is within an existing building that is consistent with Zoning Ordinance Section 130.22.030 (Development Standards) for minimum lot size, dimensions, building height, and building setbacks.

3.2 The proposed use is consistent with Chapter 130.35, Parking and Loading.

This Chapter contains standards for off-street parking requirements for residential and non-residential uses.

Rationale: Section 130.35.030 - Off-Street Parking and Loading Requirements requires medical and dental offices to include one Off-Street Vehicle Parking space per 200 square feet of active use area (AUA). The parking and loading available on-site through the shared Montano De El Dorado parking meets and exceeds the minimum number and dimensions required under the parking and loading standards, no other provisions of the standards apply, and the site is therefore consistent with the intent of the Parking and Loading standards.

3.3 The proposed use 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: No new structures or remodeling of structures is included in this proposal, thus it is not anticipated that there would be any short-term construction-related noise impacts. Long-term noise is not anticipated from the operation of the proposed use.

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 surrounding area.

Rationale: The proposed use will not conflict with surrounding uses. The existing structure complies with the Development Standards of the CR zone district. The project is not expected to result in any changes to the current condition of the site. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding area.

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

Rationale: Medical offices are specifically permitted by Conditional Use Permit pursuant to Section 130.22.020. The subject property is located in the CR zone district. Section 130.2 establishes the proposed uses that require approval by a Conditional Use Permit. This application meets the requirement of the applicable provisions above subject to a Conditional Use Permit.

CONDITIONS OF APPROVAL

Conditional Use Permit CUP18-0008/Montano Dentist Zoning Administrator/November 21, 2018

Planning Services

1. This Conditional Use Permit is based upon and limited to compliance with the project description and the Conditions of Approval set forth below.

The project description is as follows:

A Conditional Use Permit to operate a 2000 square foot dental office in an existing commercial suite in the Montano De El Dorado commercial plaza.

Any deviations from the project description, conditions, or exhibits shall 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.

The grading, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below.

2. Any signage for the office shall meet the requirements of County Code Chapter 130.16 (Signs).
3. 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, as provided in Section 66474.9(b) of the California Government Code.

The applicant 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 subdivision, which action is brought within the time period provided for in Section 66499.37.

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

Environmental Management Department

4. The applicant is required to complete and return a medical waste generator registration in accordance with the California Medical Waste Management Act. The registration process includes describing the types and amount of medical waste that will be produced by the dental office, including sharps waste such as needles and disposal of pharmaceutical waste such as used lidocaine cartridges.

5. If the facility will store or handle oxygen, nitrogen, or nitrous oxide in quantities greater than 1000 cubic feet the facility will be required to submit a consolidated contingency plan, chemical inventory forms, site map, and business forms into CERS within 30 days of being operational.