

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



Agenda of:	August 4, 2021
Item No.:	5.a.
Staff:	Bret Sampson

CONDITIONAL USE PERMIT

FILE NUMBER: CUP21-0002/Live 58 Church

APPLICANT/OWNER: Ken Burkey

ENGINEER: N/A

REQUEST: Conditional Use Permit (CUP) to conduct Sunday church services in an existing building.

LOCATION: Located on the corner of Investment Boulevard and Robert J. Mathews Parkway, in the El Dorado Hills area, Supervisorial District 2 (Exhibit A).

APN: 117-084-016

ACREAGE: 3.76 acres

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

ZONING: Research & Development-Design Control Overlay (R&D-DC) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines (Existing Facilities).

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

1. Find the project Exempt under Section 15301 of the CEQA Guidelines; and
2. Approve Conditional Use Permit CUP21-0002, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

The proposed project includes a CUP to conduct Sunday church services in an existing building. Operation of a church is an "Allowed Use" on this property under the zoning designation Research and Development (R&D) and with the General Plan land use designation of R&D with issuance of a CUP.

OTHER PROJECT CONSIDERATIONS

Community Design Review Zoning Overlay (-DC): The project parcel is mapped within a Community Design Review (-DC) combining zone district. However, under Title 130 Section 130.27.050.D.1 (Exemptions), typical structures and site development within an R&D zone that is combined with a (-DC) designation are exempt from County Design Review and would be reviewed by the El Dorado Hills Business Park Association in this location. However, no structures and or site development is proposed as part of this CUP and no design review is necessary from either entity.

BACKGROUND/HISTORY

The project parcel is located within the El Dorado Hills Business Park, a campus-like setting for high technology, manufacturing uses and business offices, established in the early 1980's.

EXISTING CONDITIONS/SITE CHARACTERISTICS

The project site consists of 3.76 acres and is located within the El Dorado Hills Business Park. The site is relatively flat, and is located at an elevation of approximately 500 feet above mean sea level. The project site is fully developed with office buildings. The majority of the neighboring properties are similarly zoned and designated as R&D with residential uses approximately 800 feet to the west (Exhibit C). Much of the surrounding area has been developed.

PROJECT DESCRIPTION

The proposed project includes a CUP request for the operation of a church located at 1165 Investment Boulevard, El Dorado Hills CA. This use would include Sunday morning church services being conducted in an existing 4,272 square foot suite and would accommodate up to 128 people. Services would only be conducted on Sunday mornings. Operation of a church is an allowed use in the R&D zone with the issuance of a CUP. No expansion of the buildings are proposed as part of this project. Furthermore, no signs are being proposed as part of this project.

ANALYSIS

General Plan Consistency: The project is consistent with all applicable General Plan policies including Policy 2.2.1.2. (Research and Development Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21(compatibility with adjoining land uses), Policy

5.1.2.1 (adequacy of public services and utilities), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 5.7.1.1 (fire protection in Community Regions) and Policy 6.2.3.2 (adequate access for emergencies). Further details are discussed in the Findings section below.

Zoning Ordinance Consistency: Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Ordinance Code (Zoning Ordinance). The project parcel is zoned R&D and the project has been analyzed in accordance with all applicable development standards for this zone district.

AGENCY COMMENTS:

The project was distributed to all applicable local and state agencies for review and comment. Comments were received from the El Dorado Hills Fire Department and Pacific Gas and Electric. The County's Department of Transportation (DOT) did not require a traffic study and or other study as traffic generated by this proposed project would be less than significant. No agencies expressed any issues or concerns regarding this project.

ENVIRONMENTAL REVIEW:

Conditional Use Permit CUP21-0002 has been found Categorical Exempt pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines. The proposed use would result in no expansion the existing structures and would not expand the former or existing use. Furthermore, none of the exceptions to a Categorical Exemption pursuant to Section 15300.2 apply to the proposed project. Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County's decision that the project is exempt from CEQA. The applicant shall submit a \$50.00 recording fee to Planning Services in order for the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings
Conditions of Approval

Exhibit A.....Location Map
Exhibit B.....General Plan Map
Exhibit C.....Zoning Map
Exhibit D.....Site Plan

FINDINGS

Conditional Use Permit CUP21-0002/Live 58 Church Zoning Administrator/August 4, 2021

1.0 CEQA FINDINGS

- 1.1 Conditional Use Permit (CUP) CUP21-0002 has been found Categorically Exempt pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines. The proposed use would result in no expansion the existing structures and would not expand the former or existing use. Furthermore, none of the exceptions to a Categorical Exemption pursuant to Section 15300.2 apply to the proposed project.
- 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 Services 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. Lands designated as R&D can be located in Community Regions and in Rural Centers.

Rationale: Implementation of church services is consistent with this policy with the issuance of a CUP. The site is within the El Dorado Hills Community Region. The proposed project is compatible with the land use designation.

2.2 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 section on General Plan findings to document the project's consistency with the policies of the General Plan.

2.3 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 project site is fully developed. The adjoining properties to the north, east and south are similarly zoned and designated as R&D. On the west, the site borders residential uses. The residential uses are located approximately 800 feet away from the project site and no land use conflicts are anticipated. Therefore, the project has been located and designed to be compatible with adjoining land uses.

2.4 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 proposes to utilize El Dorado Irrigation District (EID) water and sewer services. No change in the use of water, sewer, and or electrical services are proposed beyond what is currently being utilized on the project site. Public services and utility impacts would be less than many other allowed uses on the site due to the fact that church services will only be conducted on Sundays.

2.5 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 project was reviewed by the El Dorado Hills Fire Department (EDHFD), and EID for adequate public services capacity. The project is consistent with this policy.

2.6 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 for fire protection would be provided concurrent with development.

Rationale: EDHFD currently provides fire protection service to the project site. EDHFD has determined that there is adequate water supply, storage, conveyance and site access for fire protection for the project.

2.7 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: EDHFD reviewed the application materials and have not provided any project specific requirements.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.23.030.

Section 130.23.030 (Industrial/R&D Zone Development Standards) prescribes site-specific development standards for new lots, allowed uses and associated structures within the R&D Zone District.

Rationale: The proposed operation of Sunday church services is allowed within the R&D zoning designation with approval of a CUP.

CONDITIONS OF APPROVAL

Conditional Use Permit CUP21-0002/Live 58 Church Zoning Administrator/August 4, 2021

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 D.....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 project includes a Conditional Use Permit for the operation of a church located at 1165 Investment Boulevard, El Dorado Hills CA. This use includes Sunday morning church services being conducted in an existing 4,272 square foot suite and accommodates up to 128 people. Services are only conducted on Sunday mornings. Operation of a church is an allowed use in the Research and Development zone with the issuance of a CUP. No expansion of the buildings are part of this project. Furthermore, no signs are part of this project.

The development, use, and maintenance of the property, the size, shape 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.

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 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. **Notice of Exemption (NOE) Recording Fee:** The applicant shall submit to the Planning Services Division a \$50.00 recording fee for the County Recorder to file the Notice of Exemption. Checks shall be payable to El Dorado County. No permits shall be issued or parcel map filed until said fees are paid.

4. **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 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 Parcel Map.

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

5. **Change in Ownership:** In the event of any change of ownership of the subject parcel (APN: 117-084-016) 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.
6. **Days of Operation:** Church services shall be limited to Sundays. Support services such as administrative duties and counseling services may be conducted on days other than Sundays, but no crowds of any size are allowed on any day other than Sunday.
7. **Noise Generation:** No adverse noise impacts to the residents to the west are anticipated with implementation of the project due to the distance and also the fact that church services will be conducted inside. However, if noise complaints are received by the County, the project applicant will hire a certified acoustical professional to conduct noise measurements along the western property line to ensure that County noise thresholds are not being exceeded during church services. These measurements shall be presented to the County for review and approval.

El Dorado Hills Fire Department

8. **New Buildings and Structures:** New buildings and structures, or changes of use within an existing structure, shall comply with all applicable fire safety regulations found in California Code of Regulations Titles 14, 19, 24 and El Dorado Hills Fire Department ordinances and regulations.