



*"Placerville, a Unique Historical Past Forging into a Golden Future"*

## Planning Commission Staff Report

**Meeting Date:** September 15, 2020

**Prepared By:** Andrew Painter, City Planner

### ITEM 4: BUZY BEEZ CHILDCARE - CUP20-03; CHANGE TO SPR88-06-R

#### PROJECT INFORMATION SUMMARY

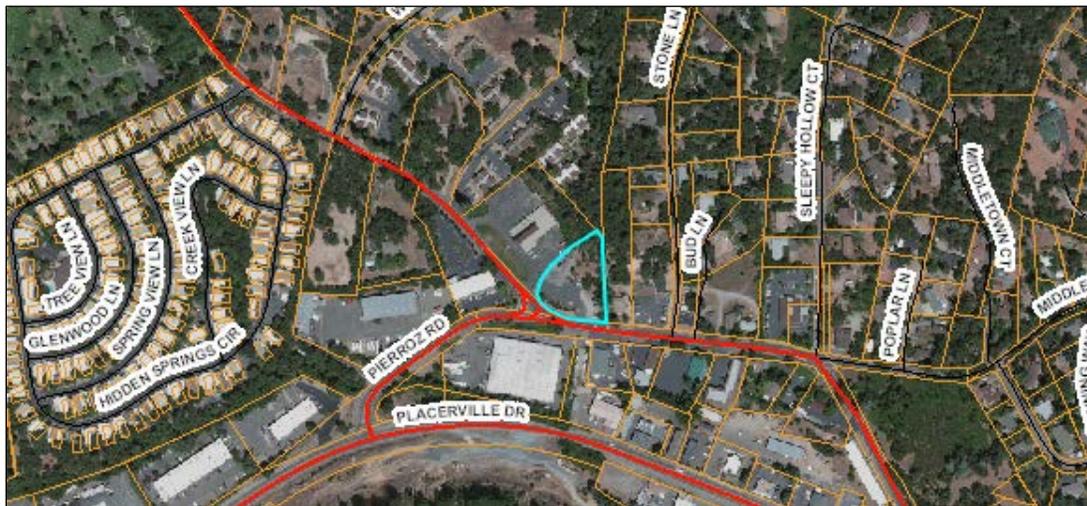
**Request:** To consider a Conditional Use Permit (CUP) to allow the conversion of an existing approximately 1,600-square-foot building and one acre site into a child care center facility for up to 36 children, six weeks to five years old; to consider a change to Site Plan Review (SPR) 88-06, authorized for an automobile dealership in 1988, to be changed to accommodate the proposed child care center use; and, to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303, "Conversion of Small Structures."

#### **Recommendations:**

- 1) Open/close the public hearing;
- 2) Determine the project can be found exempt from environmental review pursuant to Section 15303 – "Conversion of Small Structures" of the CEQA Guidelines;
- 3) Approve Conditional Use Permit No. CUP20-03 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval; and,
- 4) Approve Changes to Site Plan Review 88-06-R based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval

**Project Site, Size, Location and Parcel Number:** The 1.00-acre project site is located at 2869 Cold Springs Road, northwest corner of the intersection of Cold Springs and Pierroz Roads. The Assessor's Parcel Number is 323-440-013. See Figures 1 and 2.

Figure 1 Project Location: 2869 Cold Springs Road



**Representatives:** Buzy Beez Childcare, Gilinda Haverson, Applicant  
Jose Dominguez, Property Owner

**General Plan:** Commercial (C)

**Zoning:** Commercial (C)

**Decision Making Authority:** Per Placerville Zoning Code (PZC) 10-3-1(C) and 10-3-6, the Planning Commission is the decision-maker for conditional use permits and site plans.

## **PUBLIC NOTICE**

Written notice for this public hearing was mailed to property owners within three hundred feet (300') of the project site, posted at Placerville City Hall, as well as the City's website (cityofplacerville.org), and published in the Mountain Democrat. No public comments were received as of the date of this report.

## **DISCUSSION**

### **Environmental Review**

This project qualifies as a Class 3 categorical exemption pursuant to Guideline 15303 of the California Environmental Quality Act (Conversion of an Existing Structure from One Use to Another), in that the request would convert an existing structure from an office and vehicle sales use to an educational land use (child care center) when the new use is consistent with the current zoning and General Plan land use designation of the site.

### **Surrounding Uses**

	<b>General Plan</b>	<b>Zoning</b>	<b>Current Land Use</b>
<b>On-Site:</b>	Commercial	C	Vacant Commercial
<b>North:</b>	Commercial	R1-20, R4	Single-Family and Multi-Family Residential
<b>South:</b>	Commercial	C	Commercial Retail, Commercial Storage, Auto Service
<b>East:</b>	Commercial	C	Single-Family home, Retail and Commercial Service,
<b>West:</b>	Commercial	C	Mortuary, Office Use, Fraternal Lodge

### **Background and Previous Actions**

The subject site contains an approximate 1,600-square foot commercial building, paved driveway and parking area, exterior lighting, drainage system, street frontage improvements of curb, gutter and sidewalk and landscaping were approved under the authority granted in 1988 under CUP88-04 and SPR88-06 for an automobile sales yard and office, and a second phase involving the construction of a commercial building. Conditions of Approval for CUP88-04 and SPR88-06 and the approved 1988 Site Plan are provided in Attachment "C." Figures 1 through 4 show the existing condition of the subject site. Construction was completed under permit in

1989 for the automobile sales yard, office and street frontage improvements. The second phase was never constructed and thus has expired.

City file records indicate the perimeter fencing and slats along the western property boundary were approved by staff in 1988 per condition “c” of SPR88-06. Site interior fencing was not part of the 1988 approvals. It is not known to staff when the interior fencing was constructed, but likely during other uses that have occupied the site after 1991.

CUP88-04 and SPR88-06 files however do not contain a copy of a staff approved landscaping plan as conditioned under SPR88-06 as condition “b.” Provided as Figure 5 (Images A, B, C and D) are publicly accessible aerial and street view photo images over recent years, and a staff image, that show low growing shrubs once dominated the landscape planter along Cold Springs Road, consistent with the language in SPR88-06 condition “b.” The exception is a mature pine and immature oak trees present within this landscape space.

According to City Business License information, in 1992 the auto sales business did not renew its license. The most recent construction permit record for the site is a 1993 interior improvement to a bathroom within the commercial building. Staff understanding is that around this time a daycare center use began operating at this location. Various daycare businesses existed there until 2010. There is no record of a conditional use permit being applied for during that time period, nor a change in building occupancy from the Business occupancy (B) of the auto sales use to Education occupancy (E) for a child care center. Since 2010, Business License records indicate that a medical lab and then a tire business have occupied the site. The building is currently vacant. The City considers the status of CUP88-04 as abandoned as the auto sales use ceased since at least 1993.

The closest residential uses to the project site boundaries are those located north and east of the site. Distances range between approximately 20 feet to the single-family residence that is adjacent and east, to 175 feet to multi-family and other dispersed single-family residences.

### **Project Description**

Attachment “A” contains applicant Gilinda Haverson’s project narrative, child care center operations information, and site and floor plans for the proposed use. The request would convert an existing commercial building and site to a child care center facility with a maximum enrollment of 36 children ages six weeks to 5 years. The center would operate from 6:30AM to 6:00PM Monday through Friday. Enrollment would be open to the general public. The facility will have a staff size of 4-6 adults. Parents and children would arrive at staggered drop-offs and pick-ups times. No child care would be offered on weekends or for overnight stays. Occasional events after hours or on a weekend are anticipated.

The center would have three child care rooms, two restrooms, a kitchen, and a small office. Provided care would primarily be indoors in an educational setting as described by the Applicant. Outdoor areas of the center include a planned location for picnic tables, a playground and 10’x12’ Tuff Shed located within the existing fenced area around the building, along with a second playground and garden area near the east property boundary, adjacent to the side yard of an existing single-family residence. Use of playgrounds and other outdoor

spaces by children would be under a staggered schedule where not all the children would be outside at a time.

A new 6 foot high chain link fence with plastic privacy strips or other type of privacy covering, its location indicated on the site plan, would extend from the east side of the building, down along the parking lot/driveway and then across to the property line about 20 feet from the road. A total of 21 on-site parking spaces are shown on the Site Plan with access from Cold Springs Road to serve the use.

## **PROJECT ANALYSIS**

### **General Plan Consistency**

The General Plan land use designation for the site is Commercial. This land use designation is intended to provide for the following: 1) retail sales and services, including entertainment and other commercial activities to serve the residents of the community. 2) development of commercial facilities concentrated in well-defined and well designed areas. 3) Create conditions conducive to a convenient and desirable environment for customers and employees. 4) Protect areas in this designation from encroachment by heavy commercial, residential, or other incompatible uses.

**Land Use Goal C:** To protect and provide for the expansion of Placerville's commercial services sector to meet the needs of both Placerville area residents and visitors.

**Analysis:** Staff believes that the proposed use of the site as a preschool and child care facility is consistent with the General Plan, in that it conforms to Land Use Goal C because it would provide for the expansion of childcare services, convenient to meet the needs of working parents in the project vicinity and the greater Placerville area residents.

### **Zoning Classification and Regulations Consistency**

#### **Zone Classification**

The project site is located within the Commercial (C) zoning district (PZC 10-5-15). This zoning district was established to allow for retail sales and services, entertainment and other light commercial activities to serve the residents of the community, planned in well-planned areas properly located in relation to access, topography and residential areas.

The zoning district requires Planning Commission approval of a conditional use permit for a Community Care Facility use, of which a daycare / preschool is a subcategory of a Community Care Facility. Per PZC 10-3-3, the Commission may approve conditional uses where such uses are:

- deemed essential or desirable to the public convenience or welfare;
- in harmony with the various elements or objectives of the general plan, and
- not detrimental to surrounding property.

Per PZC 10-3-6(D), the Commission may require such terms and conditions to the granting of a conditional use permit as the Commission may deem necessary.

**Analysis:** Staff believes the site is suitable and adequate for the proposed use and is in harmony with the various elements or objectives of the general plan, because it would be located within an area that is accessible by existing streets, not located in a sensitive area, and would not require site work (e.g., grading) as the building a site already exists. In addition, the use is necessary or desirable for the development of the community, in that a child care center would provide a valuable service to working families living and working in the neighborhood. Also, the proposed use would not be detrimental to the public health, safety, or welfare in that the site and use operation is limited to 36 children in three age groups; use operation would minimize impacts resulting from noise generated by children through a staggered scheduled use of the playground and other outdoor spaces, where not all children would be outside at a time; and, there would be sufficient parking and circulation areas to meet the anticipated demands resulting from the proposed child care center.

### **Development Regulations**

#### **City Parking Regulations (PZC 10-4-4)**

Minimum on-site parking standards for various uses are provided under Subsection (E) of PZC 10-4-4. The minimum parking standard for a nursery school use (synonymous with a preschool or child care center) is one parking space per 500 square feet of gross building floor area.

#### **Parking Stall and Parking Aisle Requirements (PZC 10-4-4(C))**

Each parking stall shall have a minimum size of nine feet by eighteen feet (9'x18') when free of obstructions such as columns or walls; ten feet by eighteen feet (10'x18') where columns or walls are located adjacent to space (PZC 10-4-4(C)3).

Parking aisles shall have a minimum width of twenty four feet (24') when stalls are at an angle between seventy degrees (70°) and ninety degrees (90°) (PCZ 10-4-4(C)4).

Driveways parking stalls, and all parking lots for commercial uses shall be graded, drained, and surfaced with a minimum of two inches (2") of asphaltic concrete over four inches (4") of aggregate base, as per city standards (PZC 10-4-4(D)1).

Accessible parking is required under the California Building Code, with a minimum of one van accessible space (twelve feet by eighteen feet (12'x18')) and accessible space access aisle width of five feet for a parking area consisting of one to 25 spaces.

**Analysis:** Twenty-one on-site parking spaces, including a van accessible space, are shown on the Site Plan for the proposed use request. These spaces exceed the minimum required under the Placerville Zoning Ordinance (PZC) for a preschool / child care center. A minimum of four spaces would be required per PZC 10-4-4(E) under the parking ratio of one space per 500 square feet for a 1,600-square foot building preschool (PZC 10-4-4(E)). The excess space capacity will be helpful as no drop-off zone is required or proposed as all parents are required

under State law at a licensed child care center to accompany their child into and out of the facility to sign in and to sign out.

Parking aisle width and parking space dimensions shown on Site Plan are consistent with PZC10-4-4. Existing space striping on site has faded and in others areas is non-existent. Staff recommends conditions that require that all parking on site be striped and maintained to meet minimum City and State requirements; that parking shall only be located where authorized under the approved Site Plan, and that no pressure washing of the parking or driveway areas, the picnic and playground areas, or the trash storage area unless the city approves a collection system to keep water from entering the storm drain.

### **Site Plan Review Change**

Changes to an approved Site Plan Review are classified as either *major* or *minor*. Major changes will be any change that would alter the appearance, character or intent of the approved Site Plan. The Planning Commission must approval all major changes to an approved Site Plan Review.

**Analysis:** Changes to the site proposed with the child care center use from its 1988 approved Site Plan Review are considered major changes. The intent and character of the site would change in a positive way with the child care use. Portions of the pavement originally intended and used for auto display inventory would now be used as a playground and picnic area. The location of the second playground and garden area is planned where in 1988 it was intended for a second phase of the site for a second commercial building and parking but was never built. Proposed chain link fencing and slats would match that already in use and approved in 1988.

Landscaping is an important site design component under Site Plan Review Criteria. Plantings provide a desirable and attractive transition between the street and site uses. As evidenced by the images provided as Figure 5, a deterioration of the landscape area between Cold Springs Road and the parking area has occurred over time. Staff recommends that condition “b” of SPR88-06 be modified to require the submittal of site and species specific planting and irrigation plans to staff for approval for the planter area along the Cold Springs Road parcel frontage. Plans shall show existing plants and trees, along with new plantings of compatible, native, and drought-tolerant plant species to fill-in areas devoid of plant species. To comply with PZC 10-4-9(G)3(n), a recommended condition requires the recording of a landscape maintenance agreement between the property owner, applicant and the City, utilizing a form prepared by staff, to ensure the ongoing maintenance of landscaping.

### **Compliance Status of 1988 Approved CUP88-04 and SPR88-06 Conditions of Approval**

See Attachment “C” of the Staff Report.

### **CONCLUSION**

The purpose of the CUP is to ensure the proposed establishment is appropriately located and operated. In addition, conditions may be placed on the business in order to protect the public health, safety, peace, and welfare. The CUP process also allows the City to monitor the use and verify that it is operating in accordance with the terms of its CUP. In reviewing the application

and site conditions, staff finds that the proposed child care facility will be compatible with the adjacent uses as conditioned, because the proposed use will be conducted entirely within the building and project parcel. Also, there are no sensitive uses or receptors (e.g. schools, senior residential care facilities) in the area that would be negatively affected by the proposed use.

Changes to the 1988 approved SPR88-06 include the designation of two playgrounds, garden and picnic areas, new fencing within the site as shown on the Site Plan provided within Attachment "A".

## **RECOMMENDED PLANNING COMMISSION ACTION**

### **I. CEQA Determination**

**Motion:** Determine the project request can be found exempt from environmental review pursuant to Section 15303 – "Conversion of Small Structures" of the CEQA Guidelines based on the findings included in the Staff Report.

#### **CEQA Findings:**

1. The project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guideline 15303 which exempts projects involving the conversion of an existing facility from one land use to another when the new use is consistent with the current zoning and General Plan land use designation of the site.

### **II. CUP20-03 Determination**

**Motion:** Approve Conditional Use Permit No. CUP20-03 located at 2869 Cold Springs Road, APN 323-440-013, based on the project information and findings included in the Staff Report, and subject to the recommended Conditions of Approval.

#### **Project Findings:**

1. The proposed use is consistent with the General Plan as set out in the staff report because it would expand child care services within the community, desirable to the public convenience.
2. The proposed facility would be compatible with the uses in the immediate vicinity because the facility would be located within a free-standing building; the project site provides sufficient parking and circulation areas to meet the anticipated additional demands resulting from the proposed change in use from auto sale to child care center.
3. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the proposed facility would serve residents and employees in the vicinity. The proposed child care center would bring vitality to the site and surroundings by occupying an existing building that has been vacant, under-utilized for an extended period of time. Staggered scheduling of child use of the outdoor play area at the

center that would minimize noise impacts on neighboring residential and commercial uses.

### III. Change to SPR88-06-R Determination

**Motion:** Approve Change to SPR88-06-R located at 2869 Cold Springs Road, APN 323-440-013, based on the project information and finding included in the Staff Report, subject to the recommended Conditions of Approval.

**Project Finding:**

1. The proposed site improvements, as conditioned and analyzed, are consistent with the Site Plan Review regulations.

**Attachments:**

- A. [Applicant Submittal Package](#)
- B. [Recommended CUP 20-03 & SPR88-06-R Conditions of Approval](#)
- C. [1988 Conditions of Approval and Compliance Status for CUP88-04 \(March 15, 1988\) and SPR88-06 \(April 21, 1988\); and Approved SPR88-06 Site Plan](#)

**The decision of the Planning Commission is final unless the project or project conditions are appealed to the City Council within ten calendar days.**

**Figure 2 Street view of 2869 Cold Springs Road. Staff photo.**



**Figure 3 West and south building elevations. Staff photo.**



Figure 4 East building elevation and site. Staff



Figure 5 Images A, B, C and D.

Image A: 2011 GOTNET – El Dorado County



Image B: March 2019 Google Streetview



**Image C: 2014 Microsoft Streetside Image**



**Image D: September 8, 2020. Staff Image**

