

**EL DORADO COUNTY DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** January 10, 2008  
**Item No.:** 7.b.  
**Staff:** Tom Dougherty

**SPECIAL USE PERMIT REVISION**

**FILE NUMBER:** S00-0028R, Telos Youth Outpost

**APPLICANT:** Telos Youth Outpost

**REQUEST:** Revision to a special use permit to allow the expansion of a 24-hour licensed residential care facility to increase the number of residents from 8 to 12 and a 1,391 square-foot addition of 2 new bedrooms and 2 new classrooms.

**LOCATION:** East side of State Route 49, approximately 1.4 miles south of the intersection with Crystal Boulevard, Supervisorial District II. (Exhibit A)

**APN:** 092-231-19 (Exhibit B)

**ACREAGE:** 5 acres

**GENERAL PLAN:** Low – Density Residential – Platted Lands (LDR – PL) (Exhibit C)

**ZONING:** Estate Residential Five-acre (RE-5) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15301 (e) of the State CEQA Guidelines.

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

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15301 (e) of the State CEQA Guidelines and;
2. Approve the Special Use Permit S00-0028R subject to the Conditions of Approval in Attachment 1, based on the Findings in attachment 2.

**BACKGROUND:** The current 5.003-acre parcel was created by Parcel Map 25-141 on December 20, 1979.

Since March of 1996, Telos had operated a six-bed residential care and psychological treatment facility 24 hours per day, 365 days a year for boys ages 11 through 17 in a 2,208 square-foot residence with four bedrooms and three full baths. A separate Dutch barn-style building contains an office and the counseling center above and a wilderness center on the first floor. On November 15, 2000 the El Dorado County Planning Commission approved Special Use Permit S00-0028 to allow the expansion of the use of the facility to permit eight beds/residents with no new construction required. The facility operates under State of California Department of Social Services license number 097000519 originally issued in February of 1996 and revised to permit the capacity change from six to eight ambulatory males ages 11 through 18, (*wards/dependents*) in December of 2000. At the time of approval the square footage was erroneously listed as 2,350 square feet. A subsequent appraisal was done in 2001 that determined that the actual square footage of the existing building is 2,208 square feet. That floor plan of the existing building is included as Exhibit J.

At present Telos has two to four staff members on day shift, three to five on the afternoon shift and one on the night shift. With this proposed expansion, Telos will add one employee to each shift and a two-person teaching staff.

The proposed project was deemed complete for agency review on December 19, 2006. During that review it was determined by Diamond Springs – El Dorado Fire Protection District that the original 1,624 square-foot expansion warranted bringing in piped water service from El Dorado Irrigation District because facilities over 3,600 square feet need a sprinkler system and the existing facilities could not provide the needed water pressure. The applicants then revised the building size to 1,391 square feet with their revised site plan received by Planning Services on October 29, 2007. The total square footage now for the existing building and the addition is proposed to be (2,208 + 1,391 = 3,599 square feet).

**STAFF ANALYSIS**

**Project Description:** The applicant is proposing the expansion of a 24-hour licensed residential care facility to increase the number of residents from eight to twelve and a 1,391 square-foot addition to the existing 2,208 square-foot residence to house two (2) new bedrooms, two (2) new classrooms, two (2) full-sized baths and one classroom sink area. The expansion includes the following rooms/uses as shown on Sheet A – 1 in Exhibit G:

Room Label	Square Footage (outside measurements)	Proposed Use
BDRM - 1	12.83' by 12.33' (158 square feet)	Bedroom
BDRM - 2	11.17' by 12.33' (138 square feet)	Bedroom
CLASS RM – 1	12.83' by 14.17' (182 square feet)	Classroom
CLASS RM - 2	28' by 20.83' (583 square feet) including a 11.17' by 7.33' (82 square feet) bathroom	Classroom/bathroom
LN.	8.83' by 11.17' (99 square feet)	Classroom sink area.
BA - 1	5.33' by 11.17' (60 square feet)	Bathroom
	<b>Total Square Footage: 1,391</b>	

**Site Description:** The 5.003-acre site is located at the 1,240-foot elevation above sea level and slopes uphill to the east from the intermittent stream along State Route 49 with slopes varying from 10 to over 30 percent slopes. The majority of the parcel to the east of the existing buildings has greater than 30 percent slopes. The riparian area along the intermittent stream is essentially devoid of trees except for a few scattered mature oaks. The areas around the existing buildings and parking areas have annual grasses and random oaks and the portion up the hill to the east is covered in oak canopy.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	RE - 5	LDR - PL	Residential, single family dwelling
<b>North</b>	RE - 5	LDR - PL	Residential, single family dwelling
<b>South</b>	RE - 5	LDR - PL	Residential, single family dwelling
<b>East</b>	RE - 5	LDR - PL	Residential, single family dwelling
<b>West</b>	RE - 5	LDR - PL	Residential, single family dwelling

**Discussion:** The surrounding parcels are predominately 5 acres or larger and generally have single family dwellings with accessory buildings clustered around them.

**General Plan:** The General Plan does not specifically address the types of special use permits that may be issued in each land use category. Lacking a specific policy either permitting or discouraging such a use, the long-term practice of allowing special uses as identified in the Zoning Ordinance is a practice deemed consistent with the General Plan. However, it can be considered consistent only when the use is found to satisfy the provisions and required findings of Chapter 17.22 of the Zoning Ordinance, and is consistent with applicable General Plan policies.

The General Plan designates the subject site Low-Density Residential (LDR) which *establishes areas for single-family residential development in a rural setting and is applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available.* **Policy 2.2.5.2** requires that applications for discretionary projects, such as a special use permit, shall be reviewed to determine consistency with General Plan policies. In addition, the following General Plan policies also apply:

**Policy 2.2.5.9** directs the *County recognizes the need to allow for certain types of extended family support services and institutional uses in areas in which residential uses are allowed on the General Plan land use map. This policy recognizes the need to provide for support services to both the urban and rural residential areas throughout the County. While allowing for the establishment of such support services, this policy will protect the residential areas by only allowing the establishment of such support services with a special use permit. This will require a finding that the establishment of the uses will have no significant adverse effect on surrounding property or the permitted uses thereof.*

*Uses which are recognized to be consistent with this policy are those that provide a direct service to the family and/or community and include educational institutions, day care services, places of worship, cemeteries, community and group meeting centers, fire stations, libraries, public utility facilities, other public facilities, and recreational facilities. These uses would be consistent in the Multifamily Residential, High-Density Residential, Medium-Density Residential, Low-Density Residential, and Rural Residential land use designations.*

The use has existed in the same location since 1996 with no noted complaints from the surrounding neighbors on file. Staff has found that the expansion could be approved as it has been found to be a minor expansion of the current use with less than significant impacts on the current natural environment and to the existing infrastructure.

**Policy 2.2.5.21** directs that development projects *shall 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 project is proposed.* Staff has found the design of the projects physical elements and its isolated and buffered location can be found to be compatible as expected for this type of facility, with the surrounding uses.

**Policy 7.1.2.1** directs that *development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access. The County may consider and allow development or disturbance on slopes 30 percent and greater when:*

- *Reasonable use of the property would otherwise be denied.*
- *The project is necessary for the repair of existing infrastructure to avoid and mitigate hazards to the public, as determined by a California registered civil engineer or a registered engineering geologist.*
- *Replacement or repair of existing structures would occur in substantially the same footprint.*
- *The use is a horticultural or grazing use that utilizes “best management practices (BMPs)” recommended by the County Agricultural Commission and adopted by the Board of Supervisors.*

*In the circumstance where an existing and legally-created parcel is comprised of slopes of 30 percent or greater gradient, the above policy provides that the County may consider and allow development or disturbance on slopes 30 percent and greater when reasonable use of the property would otherwise be denied.*

Planning staff has found that because of the fact the majority of the parcel has slopes over 30 percent that it can be found that the expansion of the existing facility can be approved as the impacts will be in line with the prior impacted area and options to expanding in other parts of the parcel are extremely limited. The 30 percent area proposed to be impacted measures approximately 45 feet by 45 feet.

**Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards. The Interim Interpretive Guidelines for General Plan Policy 7.4.4.4 requires retention of 60 percent of the oak tree canopy on Assessor’s Parcel Number 092-231-19. Approximately 80 percent of the parcel is covered by indigenous oak tree canopy. The proposed residential development will cause a removal of approximately 1 percent of canopy cover resulting in 99 percent canopy retention.

The subject parcel is within the blue oak – foothill pine habitat types. (El Dorado County General Plan EIR, 5.12-7, May 2003). The Interim Interpretive Guidelines for Policy 7.4.4.4 states that, all oak trees, of all sizes, are included in the measurement of oak canopy. Additionally, the Guidelines require the project applicant to replace woodland habitat removed at a 1:1 ratio. The 1:1 ratio for woodland replacement is based on a formula, which accounts for the number of trees and the acreage affected. Pursuant to the Interim Guidelines for Policy 7.4.4.4, the permit is subject to tree canopy replacement requirements. The applicant supplied an arborist report dated October 6, 2004 that stated eleven (11) oak trees are proposed to be removed during the building and septic system expansions. The square footage of 2,178 square feet of canopy (2,178/43,560) to be removed equates to 0.05 acre. Using this formula, the applicant would be required to replant ten one-gallon sized valley oak (*Quercus lobata*) or blue oaks (*Quercus douglasii*) trees (200 trees x 0.05 acre = 10). The areas identified as suitable for replanting, as well as the recommended planting techniques are identified in Exhibits M1, M2 and M3. Prior to final occupancy, the applicant will be required to enter into an *Agreement for Replacement Maintenance of Oak Trees*. With the adoption of the recommended Condition No. 2, the project will be compliant with Policy 7.4.4.4.

**Conclusion:** The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies, and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

**Zoning:** The property is zoned Estate Residential Five-acre (RE-5). Chapter 17.28.200 of the Zoning Ordinance lists the proposed use as one that is permitted by issuance of a special use permit within this zone district. Chapter 17.22 of the Zoning Ordinance permits the processing and approval of such listed uses as long as the appropriate findings of Section 17.22.050 can be made.

**Other Issues:**

**Exterior Lighting Plan:**

A preliminary lighting plan was provided to which shows two exterior lights are proposed for the new addition (Exhibit I). The proposed project lighting, with the recommended condition of approval added, meets the intent of Section 17.14.170 of the County Code. All lights would be shielded and downward-directed so light does not spill over onto adjacent parcels and into the sky, and security lighting recommended conditions are included in Attachment 1.

**Project Access, Parking and Loading**

Access to the proposed project would be from an existing encroachment onto State Route 49 and travels through an easement with the parcel adjoining to the north for a short distance.

The submitted parking plan included six total parking spaces, with potential overflow parking spaces at the end of the driveway running parallel to the creek. The existing parking for the building is adequate for the existing employees with space for visitors.

Conclusion: Staff finds that the necessary findings can be made to support approval of the Special Use Permit revision request. The details of those findings are contained in Attachment 2.

**ENVIRONMENTAL REVIEW**

This project is found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 (e) of the CEQA Guidelines stating that; *additions to existing structures provided that the addition will not result in an increase of more than:*

*(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or*

*(2) 10,000 square feet if:*

*(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and*

*(B) The area in which the project is located is not environmentally sensitive.*

Staff has determined that the to increase the number of residents from eight to twelve and a 1,391 square-foot addition adding two (2) new bedrooms and two (2) new classrooms will not create the need for unobtainable services and as conditioned, the environmental impacts can be considered insignificant as they occur in previously developed and impacted areas.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	Assessor's Parcel Map
Exhibit C .....	General Plan Land Use Map
Exhibit D .....	Zoning Map
Exhibit E .....	Parcel Map 25 – 141
Exhibit F .....	Site Plan labeled Sheet 1 of 2, received by Building Services December 13, 2006
Exhibit G .....	Floor Plan, Sheet A – 1, dated 9/03
Exhibits H1, H2 .....	Elevations Sheets A – 2 revised 10/15/07, and C1 dated 10/07
Exhibit I .....	Electrical Plan Sheet E – 1, revised 10/15/07 showing the two proposed outside lights
Exhibit J .....	Floor plan from the appraiser for existing building labeled <i>Sketch Addendum</i>
Exhibit K .....	Slope map, labeled Sheet 1 of 1 dated 11/1 06
Exhibit L .....	Conditions of Approval for S00-0028 approved November 15, 2000 the El Dorado County Planning Commission
Exhibits M1, M2 and M3 .....	Oak tree revegetation and restoration plan
Exhibits N1, N2 .....	Site visit photographs from December 12, 2006
Exhibits O1, O2 .....	Aerial photographs

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL**

**File Number S00-0028R**  
Telos Youth Outpost Special Use Permit

**CONDITIONS OF APPROVAL**

**Planning Services**

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through S dated January 10, 2008, and conditions of approval set forth below. 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 will constitute a violation of permit approval.

The project description is as follows:

Special Use Permit to allow the expansion of a 24-hour licensed residential care facility to increase the number of residents from eight to twelve and a 1,391 square-foot addition to the existing 2,208 square-foot residence to house two (2) new bedrooms, two (2) new classrooms, two (2) full-sized baths and one classroom sink area. The expansion includes the following rooms/uses as shown on Sheet A – 1 in Exhibit G:

<b>Room Label</b>	<b>Square Footage (outside measurements)</b>	<b>Proposed Use</b>
BDRM - 1	12.83' by 12.33' (158 sq. ft.)	Bedroom
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CLASS RM – 1	12.83' by 14.17' (182 sq. ft.)	Classroom
CLASS RM - 2	28' by 20.83' (583 sq. ft.) including a 11.17' by 7.33' (82 sq. ft.) bathroom	Classroom/bathroom
LN.	8.83' by 11.17' (99 sq. ft.)	Classroom sink area.
BA - 1	5.33' by 11.17' (60 sq. ft.)	Bathroom
	<b>Total Square Footage: 1,391</b>	

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, 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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

### **Planning Services Site Specific and Standard Conditions**

2. The applicant is required to replant a combination of 10 one-gallon sized valley oaks (*Quercus lobata*) either/or blue oaks (*Quercus douglasii*) trees (200 trees x 0.05 acre = 10). The areas identified as suitable for replanting, as well as the recommended planting techniques are identified in Exhibits M1, M2 and M3. Prior to final occupancy, the applicant is required to enter into an *Agreement for Replacement and Maintenance of Oak Trees* through Planning Services. Applicant shall adhere to the *Revegetation and Restoration Plan* in Exhibit M2 and shall annually report planting status with a letter to Planning Services each year for a period of ten years from the date of the said agreement.
3. During all grading and construction activities in the project area on the proposed parcel, an archaeologist approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
4. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
5. Prior to issuance of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition of approval imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
6. All outdoor lighting shall conform to County Code Section 17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The final lighting plan shall be submitted for review and approval by Planning Services with the building permit, shall conform to Exhibit H and shall be reviewed for conformance prior to issuance of a building permit. In addition, the following shall apply:
  - a. Security lighting shall be designed with motion-sensor activation.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

7. Building design and placement shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall conform to Exhibits F, G, H1, H2, and I. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by the Development Services Director or designee prior to project modifications.
8. All Planning Services fees shall be paid prior to issuance of any building permits.
9. 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.

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

#### **Diamond Springs - El Dorado Fire Protection District**

10. The applicant shall meet with the District and determine where the proper fire lanes and signage shall be installed and identified at the site, so as to provide for easy access by fire and emergency apparatus during incidents that occur at the site.
11. Applicant shall comply with all applicable Building and Fire Codes. A full set of building and site plans shall be provided to the District for review and approval prior to certificate of occupancy.
12. Fire Alarm system shall be installed for this building according to NFPA 72 standards.
13. All existing fire apparatus access driveways shall contain all weather access surfacing capable of supporting a 40,000 pound load with a vertical clearance of 13 feet 6 inches. Said requirement shall be fulfilled prior to final occupancy.

14. Fire flow of 1,500 gallons per minute for 2 hours at 20 psi. shall be met. In lieu of available fire flow, 3,000 gallons of on-site water storage, dedicated for fire protection shall be made available, with Fire District plan review and approval prior, to building permit issuance.

# ATTACHMENT 2 FINDINGS

## FILE NUMBER S00-0028R

### 1.0 CEQA Findings

- 1.1 The project has been found to be Categorical Exempt from CEQA pursuant to Section 15301 (e) of the CEQA Guidelines stating that; *additions to existing structures provided that the addition will not result in an increase of more than:*
- (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or*
  - (2) 10,000 square feet if:*
    - (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and*
    - (B) The area in which the project is located is not environmentally sensitive.*
- 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 Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

### 2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the General Plan which designates the subject site as Low-Density Residential (LDR) because lacking a specific policy either permitting or discouraging such a use, the long-term practice of allowing special uses as identified in the Zoning Ordinance is a practice deemed consistent with the General Plan. However, it can be considered consistent only when the use is found to satisfy the provisions and required findings of Chapter 17.22 of the Zoning Ordinance, and is consistent with applicable General Plan policies which it has been found to do.
- 2.2 As conditioned and mitigated, the proposal is consistent with the intent of General Plan Policies 2.2.5.2, 2.2.5.9, 2.2.5.21, 7.1.2.1 and 7.4.4.4, because of the review for General Plan consistency and impacts of the proposal on existing natural resources and compatibility with the community, review of the proposal by the Diamond Springs – El Dorado Fire Protection District, no history of complaints from neighbors and adequate buffering from surrounding residences, reasonable use determination concerning 30 percent slopes, and that it is conditioned to replace impacted oak tree canopy.

### 3.0 Zoning Findings

- 3.1 The project is zoned Estate Residential Five-acre (RE-5) Chapter 17.28.200 of the Zoning Ordinance lists the proposed use as one that is permitted by issuance of a special use permit within this zone district. Chapter 17.22 of the Zoning Ordinance permits the processing and approval of such listed uses as long as the appropriate findings of Section

17.22.050 can be made and Planning Services has determined they can be made as discussed in section 4.0 below.

#### **4.0 Special Use Permit Findings**

- 4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.
- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood,** based on the conclusions contained in the staff report. The use will not conflict with the adjacent uses as it will be contained, for the most part, within an existing development area. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the construction of the 1,391-foot expansion, will not have a detrimental affect nor be injurious to the neighborhood.
- 4.3 **The proposed use is specifically permitted by special use permit pursuant to** County Code Section 17.28.200 of the Zoning Ordinance lists the proposed use as one that is permitted by issuance of a special use permit within this zone district.