

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: March 9, 2006
Item No.: 9.a.
Staff: Tom Dougherty

PLANNED DEVELOPMENT

FILE NUMBER: PD95-0001R2

APPLICANT: Don Zebrak-Corman Communities, Inc.

OWNER: Corman Communities, Inc.

REQUEST: Request for a revision to a planned development to allow the construction of a 5,600 square-foot retail building on Parcel 2 and a 4,440 square-foot office building on Parcel 5.

LOCATION: Southeast corner of the intersection of State Route 193 and State Route 49, in the Cool area. (Exhibit A)

APN: 071-480-02 (Parcel 2) and 071-480-05 (Parcel 5)

ACREAGE: 0.812 and 0.733

GENERAL PLAN: Commercial (C) (Exhibit B)

ZONING: General Commercial-Community Design Review-Planned Development (CG-DC-PD) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Previous Environmental Impact Report (EIR)

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND

On August 12, 1997, the Board of Supervisors adopted Resolution No. 191-97 certifying a Final Environmental Impact Report for the Cool Village Development, adopting Findings of Fact, a Statement of Overriding Consideration, and a Mitigation Monitoring and Reporting Program. Ordinance No. 4461 was adopted rezoning the property from Exclusive Agriculture (AE) to General Commercial-Planned Development (CG-PD). The Board of Supervisors adopted Planned Development PD95-0001, a Final Development Plan for Phase I, and a Conceptual Development Plan for Phases II through IV of the Project. Resolution No. 193-97 was adopted approving Tentative Map No. P95-0002.

On September 18, 1997, El Dorado County Taxpayers for Quality Growth petitioned for a Writ of Mandate requesting the determination that the EIR for the project was inadequate under CEQA. A hearing on the Taxpayers' petition for Writ of Mandate in the lawsuit occurred on November 16 and 17, 1998. On November 17, 1998, the parties terminated the hearing and stipulated on the record in open court to all essential terms of an agreement that resolved their differences (Stipulation for Judgment, Superior Court of the State of California Case No. PV-002933).

The Agreement stipulated that Phase I of Planned Development PD95-0001 gained final development approval and Phases II through IV obtained conceptual approval. This conceptual approval was limited to development of a maximum of 50 percent of the square footage for the phases that were originally proposed in the project submittals and analyzed in the EIR. Development of Phases II through IV was not to exceed the square footage for each use specified in the "Reduced Project," column of Table 1.4-1 of the EIR. Prior to each approval of a final development plan or any other future discretionary land use approval for Phase II through IV of the Project, the County is required to complete and make available for public review an Initial Study in conformance with CEQA. The County is also required to complete any and all additional environmental documentation that is necessary to comply with CEQA, given the conclusions of the Initial Study and the public review of the Initial Study. The Stipulation for Judgment was signed by the El Dorado County Taxpayers for Quality Growth, Cool Investments, and the El Dorado County Board of Supervisors.

Phase I includes the parcels identified by current Assessor's Parcel Numbers 071-480-01 through 05. This revision concerns in particular, parcel numbers 071-480-02 and 071-480-05. Previous Assessor's Parcel Number 071-032-38 was the parent parcel of Phase I, and the current building permits in progress are tied to that parcel number.

In August 2003, an Addendum to the EIR was prepared to address circulation and modifications to the onsite sewage waste disposal system.

Corman Communities, Inc., the new property owner, is pursuing Phase I of the project development and has obtained a building permit for the proposed grocery store on Parcel 4 and one for the multi-tenant shops on adjoining Parcel 3. Prior to beginning that construction, the owner requested approval from Planning Services to update the exterior of the buildings with new colors and materials and to make minor changes in the exterior façade (PD95-0001R1). Section 17.04.070(A) of the County Code states, "Minor changes in the adopted development plan may be approved by the

Planning Department provided that the changes:

1. Do not change the boundaries of the subject property;
2. Do not change any use as shown on the official development plan;
3. Do not change the intent of the official development plan.”

The following description describes the context of PD95-0001R1: “Issuance of a Planned Development Permit Revision (PD95-0001R) for the Cool Village shopping center development which includes an update to the materials and color board, including upgrades to the building facades. Each building façade includes a split face concrete masonry unit (CMU) field, with a split face center score CMU band and a split face fluted CMU parapet band. The grocery store entry on the northwest elevation is to have a board and batten system, with stone veneer (Fog Southern LedgeStone Cultured Stone), wood truss accents, wood outriggers, foam shape cornices, and cement plaster. The glass/aluminum storefront system is to be anodized bronze. The roof is to be standing seam metal in a hemlock green color.”

The color scheme for the shopping center is extensive, with neutral earth tones chosen. Four cement plaster samples have been provided, which include Kelly Moore Paints, Western Wear, Balsam Brown, Gold Promise and Western Pursuit, all of which are a shade of tan, except for Western Pursuit which is a shade of brown. Two painted CMU samples have been provided, which include Kelly More Paints, Tropical Tan and Cushy Suede which are shades of dark tan and khaki.

Existing Permits and Current Status of Development: Currently, the Phase I site work for the 7.7 plus/minus acre 58,200 square foot retail/commercial center is nearly complete. The building pads, parking lot, landscaping, lighting, and utilities have been installed. In addition, the State Route 49 and 193 improvements were constructed in the Fall of 2005. The final overlay and striping for these improvements will be completed in Spring 2006 when weather permits.

The State approved wastewater treatment infrastructure associated with each parcel has been installed, including the associated leach field. The main treatment facility system is scheduled to be installed in the Spring of 2006 when weather permits. All wastewater facility improvements have been or will be installed consistent with Order No. R5-2003-0023, Waste Discharge Requirements/Monitoring & Reporting Program.

The building permits for Parcels 3 and 4 were issued by the County in September 2005 (No. 159904 and 159905). Construction of the 25,000 square foot *Holiday Market* on Parcel 4 is expected to begin in late February or early March. Construction of the 11,900 square foot in-line shops building is expected to commence about 30 days after construction on the market starts.

STAFF ANALYSIS

Project Description The project is a request for a revision to a planned development to allow the construction of a 5,600 square-foot retail building on Parcel 2 and 4,440 square-foot office building on Parcel 5. New landscaping along the sides and rear of both buildings is included in the proposal.

Condition 7 for PD95-0001 states that “Final development plans, pursuant to Section 17.14.030, shall be submitted for Planning Commission review for all phases of development with the exception of lots 1 and 4 of Phase 1.” Lot (Parcel) 1 includes the existing *Red Roof Realty* building, and Lot (parcel) 4 includes the proposed *Holiday Market* (Building Permit No. 159904, issued September 13, 2005). Lot (parcel) 3 includes the retail tenant shops attached to the grocery store to the east, (building permit 159905, issued September 8, 2005). All grading exclusive of the two parcels subject to this permit request was completed under El Dorado County Department of Transportation Grading Permit No. 151657, issued July 30, 2004.

It should be noted that Exhibit C in the EIR Addendum is a conceptual representation of the future proposed phases and will be referred to in the context of this report as the “conceptual Phase map.” While this is the only map to show the potential phases, it should be noted that it is dated and does not show the current parcel map numbering. For clarification, see Exhibit K of this staff report.

Site Description: The rough sewer, water, parking spaces, lighting poles and associated landscaping are existing around the subject parcels. Both of the subject parcels have been previously graded.

Adjacent Land Uses:

The subject property is surrounded by the following land uses:

	Zoning	General Plan	Land Use/Improvements
Site	CG/PD	C	Cool Village rough infrastructure
North	C/DC	C	Vacant and/ coffee sales/automotive service and repair/vacant (from west to east)
South	AE	C	Vacant
East	AE	MDR	Old pear orchard, “Threkel House”
West	C-DC	C	Vacant/restaurant (from south to north)

Development of the two subject parcels within the previously approved Cool Village Shopping Center, “Phase 1, would be consistent and compatible with the development plan and with the existing retail/office development on the parcels to the northwest.

General Plan:

The El Dorado County 2004 General Plan designates the subject site as Commercial (C). The proposed commercial buildings are consistent with the Commercial land use designation. The following General Plan policies also apply to this project:

Policy 2.1.2.1: This policy defines Cool as a “Rural Center” which is defined as existing defined places as centers within the Rural Regions which provide a focus of activity and provides goods and services to the surrounding areas.

Policy 2.1.2.3: “To meet the commercial and service needs of the residents of the Rural Centers and Rural Regions, the predominant land use type within Rural Centers shall be commercial and higher density residential development.”

Discussion: The proposed uses are retail and office which can potentially meet certain needs of the community.

Policy 2.2.1.5: The General Plan shall provide for the following building intensities in each land use designation as shown in Table 2-3.

Excerpt from Table 2-3: BUILDING INTENSITIES		
Land Use Designation	Floor Area Ratio	Maximum Impervious Surface in %
Commercial	.25	85

The site area for Parcel 2 is 0.812 acres, or 35,371 square feet, with a floor area of 5,600 square feet, which equates to a floor area ratio of 0.16. The impervious surface area has been determined to be approximately 20,950 square feet, which is 60 percent of the site area.

The site area for Parcel 5 is 0.733 acres, or 31,930 square feet, with a floor area of 4,400 square feet, which equates to a floor area ratio of 0.14. The impervious surface area has been determined to be approximately 12,560 square feet, which is 39 percent of the site area.

Discussion: The proposed buildings occupy the same footprint conceptually approved by the Planning Commission for PD 95-0001. As proposed, the project complies with the 0.25 floor area ratio and the 85 percent maximum impervious surface intensity allowed by General Plan Policy 2.2.1.5.

Policy 2.2.5.2: “Applications for discretionary projects or permits, including land divisions and rezones, shall be reviewed to determine consistency with General Plan policies. No approvals shall be granted unless a finding is made that the Project or permit is consistent with the General Plan.”

Discussion: The project is for a revision to a planned development and has been reviewed according to the General Plan policies, and it can be found that the project is consistent with the General Plan.

Policy 2.2.5.20: “Development involving any structure greater than 120 square feet in size or requiring a grading permit shall be permitted only upon a finding that the development is consistent with this General Plan and the requirements of all applicable County ordinances, policies and regulations. For projects that do not require approval of the Planning Commission or Board of Supervisors, this requirement shall be satisfied by information supplied by the developer demonstration compliance.”

Discussion: The applicant has a previously approved planned development permit, which was conditioned to require Planning Commission approval for all phases of development, with the exception of Parcels 1 and 4. As proposed, and along with the previous conditions of approval for

PD 95-0001 which also govern this revision, the project complies with General Plan policies applicable to it.

Policy 2.5.2.1: Neighborhood commercial centers shall be oriented to serve the needs of the surrounding area, grouped as a clustered, continuous center where possible, and should incorporate but not be limited to the following design concepts as further defined in the Zoning Ordinance:

- A. Maximum first floor building size should be sized to be suitable for the site;
- B. Residential use on second story;
- C. No outdoor sales or automotive repair facilities;
- D. Reduced setback with landscaping and walkways;
- E. Interior parking, or the use of parking structure;
- F. Bicycle access with safe and convenient bicycle storage area;
- G. On-street parking to reduce the amount of on-site parking;
- H. Community bulletin boards/computer kiosks;
- I. Outdoor artwork, statues, etc., in prominent places; and
- J. Pedestrian circulation to adjacent commercial centers.

Discussion: The proposed buildings are for retail and office uses, and neither has a residential component. No auto repair or outdoor sales are included in the shopping center proposal at the present time. There are currently no walkways present on State Route 49 or State Route 193. Walkways within the project permit pedestrian traffic between Parcels 2-5. Due to the location of the project, on-street parking is not feasible and will not be provided. There are currently no other commercial retail establishments adjoining to the site in which to provide walkways and sidewalks for pedestrians. Sidewalks along State Route 49 and State Route 193 are recommended by Cal Trans but are not required to be completed by Phase I. Walking to the shopping area to the northwest would mean crossing SR 49 at SR 193. Since there is no traffic signal light at that intersection at this time, and none required as a condition of Phase 1, the connection by pedestrians to that existing commercial area to the northwest is presently considered by staff to be unsafe. That intersection currently has stop signs and a flashing red light overhanging the middle of it. This project is part of “Approved Phase I” of Cool Village and is under review pursuant to Condition 7 which states that “final development plans, pursuant to Section 17.14.030, shall be submitted for Planning Commission review for all phases of development with the exception of lots 1 and 4 of Phase 1.” Should Phases II through IV, which were conceptually approved for PD 95-0001, be implemented, each phase would need traffic studies and Caltrans and Planning Commission review to determine if and when the stoplight and sidewalks are warranted. The design of the existing walkway that connects Parcels 2 and 5 that runs in front of the proposed market, by design, does not direct pedestrians anywhere but between buildings on Parcels 2-5. Proposed Condition 7 will require incorporating bike racks into the development.

Policy 2.6.1.1: “A Scenic Corridor Ordinance shall be prepared and adopted for the purpose of establishing standards for the protection of identified scenic local roads and State highways...”

Policy 2.6.1.8: “In addition to the items referenced in Policy 2.6.1.1, the Scenic Corridor Ordinance shall consider those portions of Highway 49 through El Dorado County that are appropriate for scenic highway designation and pursue nomination for designation as such by Caltrans.”

Objective 2.7.1: Signs Regulation: Regulation of the location, number and size of highway signs and elimination of billboards along identified scenic and historic routes.

Policy 2.7.1.1: The Sign Ordinance shall include design review for signs within the foreground and background of the designated scenic corridors commensurate with the goal of scenic corridor viewshed protection.

Policy 2.8.1.1: “Development shall limit excess nighttime light and glare from parking area lighting, signage, and buildings. Consideration will be given to design features, namely directional shielding for street lighting, parking lot lighting, sport field lighting, and other significant light sources, that could reduce effects from nighttime lighting. In addition, consideration will be given to the use of automatic shutoffs or motion sensors for lighting features in rural areas to further reduce excess nighttime light.”

Discussion: Although State Route 49 is not currently designated as a Scenic Highway, it may be eligible for that designation in the future. Because the pole lights and rear of the building on Parcel 5 are wide open to public view from State Route 49, proposed Condition 3 requires that the proposed building on Parcel 5 be partially shielded by native El Dorado County shrubs and that indigenous evergreen interior live oak trees be planted along the portion of Phase I that is visible from State Route 49 in order to partially screen the view upwards towards the 25-foot tall pole light and tops of the buildings, and to attempt to soften the impact of the nighttime lighting on the vehicular traffic. Proposed Condition 4 will limit nighttime lighting impacts by motion sensors and limiting the number of lights shining after business closure.

Policy TC-4j: “Within Community Regions and Rural Centers, all development shall include pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities where feasible. In Rural Regions, pedestrian/bike paths shall be considered as appropriate.”

Discussion: On January 25, 2005, the El Dorado County Board of Supervisors adopted the 2005 El Dorado County Bicycle Transportation Plan. The plan provides a blueprint for the development of a bicycle transportation system on the western slope of El Dorado County. The plan updates the currently adopted El Dorado County Bicycle Master Plan, which was adopted in May 1979. The following is an excerpt from Chapter 5, *Proposed Improvements*:

5.9-Recommended Bicycle Support Facilities for El Dorado County:

- Bike racks in the Raley’s and El Dorado Hills Town Centers
- Bike racks in the Village Center shopping center in El Dorado Hills
- Bike racks at all schools and parks
- Bike racks at all public libraries
- Bike racks at all grocery stores and shopping centers

Discussion: Planning staff recommends that bike racks be included for Parcels 2 and 5 and for the major tenant building (Condition 7).

Policy 5.4.1.1: “Require storm drainage systems for discretionary development that protect public health and safety, preserve natural resources, prevent erosion of adjacent and downstream lands, prevent the increase in potential for flood hazard or damage on either adjacent, upstream or downstream properties, minimize impact to existing facilities, meet the National Pollution Discharge Elimination System (NPDES) requirements, and preserve natural resources such as wetlands and riparian area.”

Discussion: Discussions and issues of concern about storm drainage have been included in a drainage study for PD95-0001, the EIR and Addendum for Cool Village, and by the California Regional Water Quality Control Board, Central Valley Region Waste Discharge Order R5-2003-0023 and the Revised Monitoring and Reporting Program of the same.

Policy 5.7.2.1: “Prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development.”

Discussion: The El Dorado County Fire Protection District has reviewed the project and can provide service to the project site. The District requires final approval of their requirements as a condition of final approval of the building permits.

Policy 6.5.1.2: “When proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in project design.”

Discussion: An Acoustical Analysis that included these two building proposals was prepared for PD95-0001 in compliance with this policy. (The Acoustics and Vibration Group, March 1, 2002). The analysis determined that an analysis of interior noise levels shall be conducted when building plans and floor plans have been completed for any office use proposed within the 65 dB Ldn contour. If it is determined that interior noise levels would exceed 45 dB Leq, improvements to the building shall be required as necessary to reduce interior noise levels to below 45 dB Leq.

Office uses shall be sited outside the 65 dB Ldn contour, whenever possible, using the following distances based on the year 2015 traffic noise levels:

- State Route 49: 84 feet; and
- State Route 193: 81 feet.

The office uses are within this contour range as proposed and thus will need an analysis of interior noises in conjunction with a building permit. Proposed Condition 2 will implement this requirement.

Policy 7.3.2.2: “Projects requiring a grading permit shall have an erosion control program approved, where necessary.”

Discussion: The Department of Transportation has determined that this current proposal will not require a grading permit, because only foundation digging and light surface finish grading are proposed. Erosion control measures for all previously approved grading permits are in progress for all current development surrounding the parcels and will be incorporated into the construction of these two buildings as required.

Policy 7.3.5.1: “Drought-tolerant plant species, where feasible, shall be used for landscaping of commercial development. Where the use of drought-tolerant native plant species is feasible, they should be used instead of non-native plant species.”

Policy 7.3.5.2: “A list of appropriate local indigenous drought tolerant plant materials shall be maintained by the County Planning Department and made available to the public.”

Policy 7.4.4.2: “Through the review of discretionary projects, the County, consistent with any limitations imposed by State law, shall encourage the protection, planting, restoration, and regeneration of native trees in new developments and within existing communities.”

Discussion: Landscaping consisting of a variety of low water-using shrubs would be installed in at-grade planters along the rear and sides around both proposed buildings. Landscaping is required to meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2, and 7.4.4.2. The final revised landscape plan shall meet the intent of the General Plan to include El Dorado County native plants from the site vicinity, and be approved by the Planning Services before the building permit can be issued. The applicant will be required to install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any future permit. There would be no conflict with this policy.

Policy 7.5.1.3: “Cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects. Studies may include, but are not limited to, record searches through the North Central Information Center at California State University, Sacramento, the Museum of Paleontology, University of California Berkley, field surveys, subsurface testing, and/or salvage excavations. The avoidance and protection of sites shall be encouraged.”

Discussion: An Archeological Survey Report had been previously prepared by Dana Supernowicz for PD 95-0001 in January of 1992. The study found no evidence of any prehistoric period occupation or use of the pad areas directly involved with this permit.

Objective 9.1.2: County Trails: “Provide for a County-wide, non-motorized, multi-purpose trail system and trail linkages to existing and proposed local, State, and Federal trail systems. The County will actively seek to establish trail linkages between schools, parks, residential, commercial, and industrial uses and to coordinate this non-motorized system with the vehicular circulation system.”

Policy 9.1.2.3: “The County will assume the responsibility, where possible, of acquiring and developing regional trails outside the boundaries of the cities, Community Service Districts, and park and recreation districts having park and recreation taxing authority and will assist areas such as the Georgetown Divide Recreation District with exceptionally large geographic areas with acquisition and development of trails.”

Policy 9.1.2.4: “Evaluate every discretionary application as well as public facilities planning with regard to their ability to implement the Hiking and Equestrian Trails Master Plan and the Bikeway Master Plan.”

Policy 9.1.2.: “All discretionary applications may be conditioned to provide an irrevocable offer of a trail easement dedication and construction of trails as designated on the Trails Master Plan provided it can be shown that such trails will serve as loops and/or links to designated or existing trails, existing or proposed schools, public parks and open space areas, and existing or proposed public transit nodes (e.g., bus stops, park and ride lots). Parkland dedication credit shall be given where applicable for provision of land and trail improvements that aid in implementing the Trails Master Plan.”

Objective 9.1.3: Incorporation of Parks and Trails: “Incorporate parks and non-motorized trails into urban and rural areas to promote the scenic, economic, and social importance of recreation and open space areas.”

Discussion: Planning staff attended a meeting with the Cool-Pilot Hill Advisory Committee (CPHAC) Thursday, January 5, 2006, and the Divide Horseman’s Association on January 12, 2006, in reference to this project. It was noted that in general CPHAC members desire that this project include an area that allows horsepersons to tie up their horses, park bikes, or hike up and shop. There is a strong community desire by both groups to have a connection from the proposed shopping area to the existing non-motorized vehicle easement existing on the north side of Knickerbocker Creek within the Cool Village project area. They recommend incorporating trails into all future discretionary projects in the Georgetown Divide area.

The Divide Horseman’s Association, El Dorado County Trails Advisory Committee, El Dorado Equestrian Trails Foundation, and Georgetown Recreation District are currently working with El Dorado County Recreation District on coordinating information about the Georgetown Divide area for the *Hiking and Equestrian Trails Master Plan*, which was last updated in 1997, and coordinating Geographical Information System (GIS) maps so County departments can have a reliable and convenient way to see trail potential and to plan for future connectivity potential.

Condition 7 requires that bicycle parking and lockers be provided within this development in order to help prepare for the future opportunities. (see Exhibit I). Although the project area is not shown on the County’s Hiking and Equestrian Trails Master Plan (March 29, 1990 as having a trail, a 15-foot non-vehicular trail easement along Knickerbocker Creek was created as a result of PD95-0001/P95-0001 (Parcel 8 of PM 48-125).

Since Phase I of Cool Village has been approved with the 15-foot trail easement on Parcel 8, and that this revision for the two commercial buildings on Parcels 2 and 5, there are no additional

requirements for additional trail easements at this time. Development of the future phases of Cool Village and surrounding properties would result in further review for trail opportunities pursuant to the General Plan Policies.

Zoning:

The subject site is zoned General Commercial-Community Design Review-Planned Development (CG-DC-PD). The retail shopping center use in the General Commercial Zone District is permitted by right but only after obtaining approval of a planned development permit.

For purposes of the planned development, the development plans have been reviewed to determine that all the CG-DC-PD District regulations have been complied with and that the Planning Commission can make the following findings:

- a. The proposed development is so designed to provide a desirable environment within its own boundaries.

Discussion: The project is for retail and office purposes. The design of the interior parking provides adequate vehicle circulation. The uses will not increase the need for any more parking than was originally planned for and approved. The project provides circulation for pedestrian foot traffic within the center from northeast to south west, between Parcels 2 and 5.

- b. Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.

Discussion: The exceptions to the standard requirements of the zone regulations include relief from the loading zone requirements and RV spaces. Due to the nature of the businesses within the two proposed buildings of a bank and professional medical offices, the traditional loading zone or docks have been determined not to be necessary. Planning staff will be recommending the businesses receive deliveries during non-business hours (Condition 5). Relief from the loading requirements has been justified by the hours of deliveries and the variety of tenants that will occupy the two buildings. Relief from the RV requirements is justified by the nature of the actual business that are currently proposed (office and bank) and the fact that, pursuant to the applicant, concrete bumpers are not proposed, and RVs would be able to park using two end-to-end spaces.

- c. The site is physically suited for the proposed uses.

Discussion: The relatively flat lots are suited for the proposed uses. Both lots have been cleared, and the rough infrastructure is in place.

- d. Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.

Discussion: The Georgetown Divide Public Utility District (GDPUD) has provided a letter dated December 16, 2005, indicating that the subject parcels are entitled to derive service for water and that the applicant is responsible for meeting all requirements of the District to receive that service.

The El Dorado County Department of Transportation approved the existing site improvements of the overall Cool Village site including curb and gutter, pavement, and driveway encroachments under a previous grading permit that excluded these two sites.

Sewage disposal is proposed through a joint septic system regulated by the California Water Quality Control Board (CWQCB)-Central Valley Region. The CWQCB requires the system be operated and maintained by a public or private entity.

“A. Discharge Prohibitions:

1. The discharge of wastewater to the WWTF is prohibited until the Discharger has submitted, and the Executive Officer has approved, documentation that either (a) a public entity has accepted the ownership and operation of the WWTF or (b) a private entity has been created with adequate long-term financial resources and expertise to operate and maintain the WWTF in compliance with this Order.” (California Regional Water Quality Control Board (CWQCB), Central Valley Region, Order No. R5-2003-0023, pg. 7 ‘A’).

Discussion: Planning staff attended a meeting with the Cool-Pilot Hill Advisory Committee Thursday, January 5, 2006, in reference to this project and noted their concern that this project be reviewed for total compliance with California Regional Water Quality Control Board (CWQCB), Central Valley Region, Order No. R5-2003-0023 and the seven-page Revised Monitoring and Reporting Program before the building permits are issued for these two buildings. Concern was voiced that even though the Addendum was approved in 2003, the original studies about wastewater were done in 1995-1996, and the wastewater system should be looked at against any changed or updated CWQCB policies that could potentially apply differently today and as potentially required by CEQA for studies that could be outdated.

CC&Rs have been recorded to establish a Property Owners Association, and they comply with the California Regional Water Quality Control Board, Central Valley Region, Order No. R5-2003-0023 and the 7-page Revision. The following conditions are recommended to be added to verify compliance with this order:

17. All wastewater generated from the development of this project shall be compliant with Order No. R5-2003-0023, California Regional Water Quality Control Board.
18. The discharge of wastewater to the Waste Water Treatment and Disposal Facility (WWTF) shall be prohibited until the Discharger has submitted, and the Executive Officer has approved, documentation that either (a) a public entity has accepted the ownership and operation of the WWTF or (b) a private entity has been created with adequate long-term financial resources and expertise to operate and maintain the WWTF in compliance with this Order. A letter from the California Regional Water Quality Control Board showing proof of compliance with the above mentioned requirements shall be received by Planning Services prior to the discharge of waste.
19. At least 30 days prior to use, the Discharger shall submit a report certifying that the WWTF has been constructed in accordance with. Order No. R5-2003-0023, a letter of compliance from the California Regional Water Quality Control Board, Central Valley Region shall be

submitted to Planning Services and El Dorado County Environmental Management Department-Environmental Health Division.

20. At least 30 days prior to use, the Discharger shall submit and implement an Operation and Maintenance (O&M) Plan for the WWTF and leachfield in accordance with. Order No. R5-2003-0023. A letter of compliance from the California Regional Water Quality Control Board, Central Valley Region shall be submitted to Planning Services and to El Dorado County Environmental Management Department-Environmental Health Division.
 - e. The proposed uses do not significantly detract from the natural land and scenic values of the site.

Discussion: The current overall direct vicinity of Phase 1 is currently devoid of natural features other than four blue oaks (*Quercus douglasii*) outside the direct project area. The surrounding parcels on the east south and west are Blue Oak Woodland, an abandoned pear orchard and a variety of herbaceous plants and annual grasses. The introduction of a commercial development into such an environment would naturally detract from the intrinsic scenic and natural system land values of those communities. The previous approval processes and Environmental Impact Report (Cool Village FEIR March 18, 1997) have addressed those impacts including the introduction of these two buildings.

Buildings and Design:

The two project sites subject of this review are proposed to be developed as a bank on Parcel 2 and a proposed medical office building on Parcel 5. Site and elevation plans have been provided (Exhibits D and E). The following table provides the entire shopping center details:

Parcel Number	Parcel Size (acre or sq. ft.)	Building Size (square feet)	Proposed Use
1	0.667 acre	1,500	Existing real estate office
2	0.812 acre	5,600	Bank
3	1.842 acres	Covered entry = 2,640 Shell/unimproved space = 11,900	Multi tenant retail shops
4	2.606 acres	Canopy = 2,933 Deli = 2,161 Grocery Store = 18,580 Office = 1,569 Storage = 3,750	Major grocery
5	0.733	4,400	Medical offices
Totals	6.66	55,033	Retail and office uses

The site layout of the two proposed buildings complies with the 10 foot front yard setback and the 5 foot side yard setback requirements. The proposed structures are to be slab-on-grade stucco buildings. The finish is to be plaster with moldings for trim and cornices and stone veneer accent sections along the walls. The project elevations have been included for review (Exhibit E).

The color palette for the site has been proposed and is extensive. The colors include: Hemlock Green metal roofing, Fog Southern LedgeStone-Cultured Stone, Balsam Brown, Gold Promise, and Western Pursuit (shades of tannish brown) plaster, Tropical Tan and Cushy Suede trim/accent boards. The color palette and façade designs were updated by the staff level approval of PD95-0001R1 and are the same designs and colors. Color samples and colored renderings will be available for review at the Planning Commission meeting.

Planned Lighting Program:

The photometric plan and Planned Lighting Program, including fixture details were provided during the approval of PD 95-01 and this revision for the construction follows those approved designs. The final light plan for these buildings will be required to meet County Lighting Ordinance before the building permit will be issued.

Planned Sign Program:

Tenants of the two proposed pads are required to have signs to the specifications specified in the Sign Program approved December 9, 2003, for the entire Cool Village Shopping Center for DR01-0017 and the final designs must be approved by the Landlord and County. Seven wall signs are shown on the elevations submitted for Parcel 5 and nine for Parcel 2. Complete details and sign exhibits are provided in the Sign Program (Exhibit F).

Landscaping:

Landscaping consisting of a variety of low water-using shrubs would be installed in at-grade planters along the rear and sides around both proposed buildings. The final revised landscape plan shall meet the intent of the General Plan policies to incorporate El Dorado County native plants indigenous to the site vicinity and shall be approved by the Planning Services before the building permit can be issued. Proposed Condition 2 requires the planting of five gallon interior live oaks (*Quercus wislizenii*) in groups of threes along the western southern boundaries of Parcel 5 in order to buffer lighting onto State Route 49 and attempt to soften the look of the light towers and rear portions of the buildings from a potential State Scenic Highway. *Quercus wislizenii* will be recommended because it will give year round shielding, needs no water after one year, will tolerate the high magnesium content of this serpentine rock based soil, and because it is indigenous to the project site

Project Access, Parking, and Loading:

The submitted site plan was reviewed to verify compliance with Zoning Ordinance on-site parking requirements. Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. The whole Cool Village project site is to have 188 standard spaces and 4 RV parking spaces provided, as detailed in the table below:

PARKING REQUIREMENTS For All of Phase 1		
Parking Stall Standard	No. of Spaces Required	No. of Spaces Provided

Standard Space	46,900/250 = 182	225
Compact Space	35 percent allowed	0
Disabled Space	6	10
Recreational Vehicle Space	2 each for Parcels 2 and 5.	0
Totals	190	235

The project exceeds the on-site parking requirements with the exception of the recreational spaces needed. The parking is shared within the shopping center and was calculated using Zoning Code Section 17.16.020, 20 (b) for district/community shopping centers which requires 1 space per 250 square feet of gross floor area.

The requirement for RV parking will be waived based on the tenant mix of the shopping center and the design waiver of the parking lot to allow RVs and auto/trucks with trailers to “pull through” and use two end-to-end stalls if necessary.

Agency and Public Comments:

Agency and Public Comments: The following agencies and public organizations provided comments on this application. Copies of their written comments are available at the Planning Department office. From these comments, the following issues were raised:

Air Quality Management District: The District responded with issues that need to be addressed during any development that arises as a result of this project. These issues are covered by the existing project conditions of approval.

El Dorado County Fire Protection District: The Fire District has reviewed the project and has recommendations to be incorporated into this project in order for the project to comply with the Districts requirements. These requirements are standard conditions that will all be addressed in the normal building permit process and will require District approval before the building permit may be finalized.

El Dorado County Department of Transportation: The Department responded that they will require copies of all encroachment permits between the applicant and Caltrans.

El Dorado County Environmental Management Department-Environmental Health Division: The Division recommended reminders be added to the conditions that state the need for the project to adhere to Waste Discharge Requirements. Their specific recommended conditions are listed in the Conditions 17 through 19. Planning staff added Condition 20 for additional assurance of compliance with Waste Discharge Order R5-2003-0023 discussed above in the Zoning section.

The following agencies and public organizations were solicited for comments and either did not respond with concerns or responded they had no recommended conditions of approval:

Caltrans District 3

El Dorado County Environmental Management Department-Solid Waste/Hazardous Materials

El Dorado County Pioneer Cemeteries
Georgetown Divide Resource Conservation District
Black Oak Mine Unified School District

Planning staff attended meetings with the Cool-Pilot Hill Advisory Committee (CPHAC) Thursday, January 5, 2006, and the Divide Horseman's Association on January 12, 2006. CPHAC was also distributed to during the original project distribution. Their primary concerns are discussed above in the General Plan and Zoning sections.

At the time of the preparation of this report, staff had not received any other comments from the public.

Summary: The original conditions and mitigation measures for PD95-0001 and P95-0001 and the FEIR were approved by the Board of Supervisors on August 12, 1997.

Planned Development PD95-0001R1 was approved by Planning Staff on October 5, 2005, and updating the exterior of the buildings with new colors and materials and to making minor changes in the exterior facade.

Planned Development PD 95-0001R2 concerns just the buildings proposed to be built on Parcels 2 and 5 pursuant to Condition 7 of the approved conditions of PD95-0001. All prior conditions and mitigations are still applicable and are recommended to address current County requirements, as built conditions, and all revisions to date.

The conditions in Attachment 1 include all changes recommended in this project phase by underline and strikeout.

ENVIRONMENTAL REVIEW

Based on the Cool Village Final Environmental Impact Report (EIR) State Clearinghouse number 96032077, Findings of Fact, Statement of Overriding Consideration and Mitigation and Monitoring Program certified by the El Dorado County Board of Supervisors on August 12, 1997, and the Addendum to the Cool Village Final EIR from August 2003, staff finds that the project could not have a significant effect on the environment as "significant" potential environmental concerns were addressed for the Cool Village project and that analysis included conceptual architectural renditions of the two buildings proposed. There are no new environmental impacts associated with this project, including new and revised conditions that were not covered in the Project EIR and Addendum.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Approve Planned Development PD05-0001R2, subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval

Attachment 2Findings

Exhibit AVicinity/Parcel/Assessor’s Maps/Aerial Photo

Exhibit BGeneral Plan Land Use Map

Exhibit CZoning Map

Exhibit D1Site Plan “Parcel Exhibit” dated September 21, 2005

Exhibit D2Site Plan Schneller Engineering, dated January 2004

Exhibit EElevations dated January 24, 2006

Exhibit FSign Program

Exhibit GDraft Landscape Plan

Exhibit HSite Visit Photos December 2005

Exhibit IBike Rack Options

Exhibit J1California Regional Water Quality Control Board,
Central Valley Region, Order No. R5-2003-0023

Exhibit J2Revised Monitoring and Reporting Program (MRP)
for Order No. R5-2003-0023

Exhibit KOriginal Conceptual Phase Map from the EIR
Addendum/the Current Parcel Map
Configuration/Applicant’s Colored Rendition of the
Combination of the Two Called “Parcel Exhibit”
(Submitted January 24, 2006).

ATTACHMENT 1
CONDITIONS OF APPROVAL AND MITIGATION MEASURES

PLANNED DEVELOPMENT REVISION FOR THE COOL VILLAGE

Assessor's Parcel Numbers 071-480-02 and 071-480-05

The following is a revised and updated overall project description for PD95-001 as of January 17, 2006:

Pursuant to Cool Village project approvals (PD95-0001, a Final Development Plan for Phase I, Resolution No. 193-97, Tentative Map No. P95-0002, 7/28/03 Improvement Plans and the August 2003 Addendum EIR), the project has Final Development Approval for the following:

<u>APN:</u>	<u>Square Feet:</u>	<u>Approved Use/Description:</u>
Parcel 2	5,600	Office/Commercial
Parcel 3	11,900	Service/Retail/Restaurant/In-line Shops
Parcel 4	25,000	Grocery/Market
Parcel 5	4,400	Office/Commercial
Parcel 6	11,300	Office/Commercial

The shopping center has been designed with pop-outs, a tower element and a varying color scheme to add visual relief and interest throughout the center. Each building façade includes a split face concrete masonry unit (CMU) field, with a split face center score CMU band and a split faced fluted CMU parapet band. The Market main entry on the northwest elevation will have a board and batt system, with stone veneer, wood truss accents, wood outriggers, foam shape cornices and cement plaster. The glass/aluminum storefront system will be anodized bronze. The roof will be standing seam metal. The CMU main structure of the Market is 24 feet high. The Market main entry tower element is 32 feet high with additional elements at heights of 26 and 22 feet.

The metal roof element and front façade for the In-line Shops will be wood framed with stucco and stone veneer. The elevation height of the In-line Shop center section is 24 feet high. The elevation height for the side sections is 22 feet high.

The color palette for the Market and In-line Shops have been approved by the County (See PD95-0001R, October 2005) The colors include: Hemlock Green metal roofing, Fog Southern LedgeStone Cultured Stone, Balsam Brown, Gold Promise and Western Pursuit (shades of tannish brown) plaster, Tropical Tan and Cushy Suede trim/accent boards.

The buildings for Parcels 2 and 5 are proposed to follow the architectural theme, design and color palette of the Market and In-line Shops. The maximum height of these structures is 26 feet. No building is proposed at this time for Parcel 6.

Cool Village will provide 235 spaces, including 10 disabled spaces. The total number of parking spaces required is 210. The parking lot is designed to provide 84 spaces where recreational vehicles and vehicles with trailers can be accommodated.

The proposed structures are to be slab-on-grade stucco buildings. The finish is to be plaster with moldings for trim and cornices and stone veneer finish along the store fronts. Fabric and steel awnings are to be used throughout the shopping center. Accent steel features are also proposed. The shopping center has been designed with pop-outs, tower elements and a varying color scheme to add visual relief and interest throughout the center. Shop B has an entry tower element, with a maximum height of 38 feet, and additional elements at heights of 31 feet and 28 feet. Shop C has an entry element with a height of 29 feet. Shop D has an entry element, with a maximum height of 30 feet. Major D has an entry element with a height of 30 feet. Pad F has an entry element with a maximum height of 31 feet.

The color palette for the sites has been proposed. The colors include: Hemlock Green metal roofing, Fog Southern Ledge Stone “Cultured Stone,” Balsam Brown, Gold Promise and Western Pursuit (shades of tannish brown) plaster, Tropical Tan and Cushy Suede trim/accent boards.

The site is to include two, 4,000 square foot restaurant uses, with a maximum seating capacity of 120 seats. Based on the seating capacity, each restaurant would be required 80 regular or compact parking spaces and four recreational parking spaces. Both restaurants also propose drive thru facilities; therefore, parking space credit is given for the stacking lane (each 24 foot length). The remaining 56,079 square foot shopping center is to be retail shopping, with one major pharmacy retailer, which will also have a drive thru facility. The parking required for the retail users is 224 spaces. The total number of parking spaces required is 312 spaces, with six spaces required to be available for the disabled and eight for recreational vehicles. The developer has provided 320 parking spaces, 171 standard parking spaces, 110 compact spaces, 14 disabled spaces, eight recreational vehicle spaces and 17 drive thru stacking lane spaces. The following table provides details on the required and provided on-site parking:

PARKING REQUIREMENTS			
Parking Standard	Stall	No. of Spaces Required	No. of Spaces Provided
Standard Space		298	171
Compact Space		35 percent allowed	110
Disabled Space		6	14
Recreational Vehicle Space		8	8
Drive Thru Stacking Space		1 space credit for each 24 feet of stacking lane	17
Loading Zone		3	1 (plus behind Shop E)
Totals		315	320

PARKING REQUIREMENTS For All of Phase 1			
Parking Standard	Stall	No. of Spaces Required	No. of Spaces Provided

Standard Space	46,900/250 = 182	225
Compact Space	35 percent allowed	0
Disabled Space	6	10
Recreational Vehicle Space	2 each for Parcels 2 and 5.	0
Totals	190	235

The project has been designed to include one dedicated loading space for the major pharmacy retailer. The loading dock for the pharmacy has been designed to be 14 feet wide and 58 feet long, exceeding the County Standards for loading docks. The developer has not designed truck loading docks for the bulk of the shopping center because it does not necessitate the use of loading docks due to the individual tenant sizes and needs. The drive aisle/service lane behind and to the south of Shops B, C, and D will be utilized for deliveries.

Mitigation Measures

The following mitigation measures are required as a means to reduce potentially significant environmental effects to a less than significant level:

1. Project facilities shall be designed in accordance with the County building codes which incorporate the seismic design for Zone 3 provisions of the 1994 Uniform Building Code.

Building contents in all proposed commercial, office, and light industrial facilities shall be secured to the extent feasible. All shelving shall be secured to structural elements of the floor, wall, or ceiling. Heavy display items and merchandise shall be placed on lower shelves and secured to building elements where possible.

2. Prior to issuance of a grading permit, an erosion control, landscaping, and revegetation plan shall be prepared for review and approval by the El Dorado Resource Conservation District and the El Dorado County Department of Transportation. The landscaping and revegetation plans shall incorporate plant species that are compatible with the soils and growing conditions found at the project site to ensure healthy growth of all planted materials. A letter stating approval by said agency shall be submitted to the Surveyor's Office prior to recording the parcel map.

All grading and erosion control, including driveway construction, shall be conducted in compliance with the requirements of Chapter 15.14 of the El Dorado County Code, Grading, Erosion, and Sediment Control Ordinance. A letter stating approval by the El Dorado County Department of Transportation shall be submitted to the Surveyor's Office prior to recording the parcel map.

3. All expansive soils shall be removed from the building footprint prior to construction, and appropriate soil mixtures shall be used for building and pavement foundations. All fill materials shall be free of organic material, and rocks larger than six inches shall be removed. Fill placed within 30 inches of slab subgrades shall have low expansion potential. Soil

stabilizers or lime treatment shall be used where necessary to reduce the shrink-swell potential of native soils or imported material used for low-expansion fill. Compliance with this measure shall be verified by a geologist in a letter to the Planning Department prior to issuance of a building permit.

4. Prior to the approval of a specific use on the project site, the project applicant shall submit to the County Environmental Health Division a sewage disposal plan that includes estimated wastewater flows, disposal area location and size, average percolation rate and depth to groundwater at the proposed disposal site, any special designs being utilized, and details regarding operation and maintenance of the system. The County Environmental Health Division will be responsible for reviewing and approving the sewage disposal plan prior to the approval of a proposed use at the project site. Project-level grading plans shall also be submitted to the County Department of Environmental Health prior to approval to ensure that soils within proposed septic disposal areas are protected from disturbance and that all required setbacks are maintained.

Wastewater discharges for proposed uses may not exceed the calculated capacity of the proposed wastewater disposal system. If the projected wastewater discharges for a specific use are higher than what can be accommodated within the sewage disposal area, the disposal area may be enlarged provided that a corresponding reduction in another septic disposal area is made. In order to maintain the viability of designated septic disposal areas for future commercial use, no septic disposal area (with the exception of the disposal areas designated for parcels 2 and 14) may be reduced below a minimum capacity of 300 gallons per day.

The County Environmental Health Division shall review each sewage disposal plan to identify any proposed non-domestic waste discharges. If non-domestic waste discharges are proposed by a project applicant, the County shall require the applicant to obtain a letter from the Regional Board indicating whether the Regional Board will regulate such discharges, and, if so, obtain and comply with Regional Board waste discharge requirements, including any special provisions requiring that a financially responsible entity operate and maintain the facility.

5. The project applicant shall contract to have all parking and loading areas cleaned with a vacuum truck on a weekly basis.

The project applicant shall develop a plan and implement practices to reduce discharges of petroleum products into the storm drainage system. Practices considered by the project applicant shall include installation of containment facilities around petroleum product storage areas and installation of County approved facilities for the removal of petroleum products from storm water runoff.

The project applicant shall retain a qualified erosion and sediment control specialist to prepare a project Storm Water Pollution Prevention Plan (SWPPP) which emphasizes storm water best management practices (BMPs). The SWPPP is required by the State Water Resources NPDES General Construction Activity Storm Water Permit (Appendix B, page 5

of the Draft EIR). The objectives of the SWPPP are to identify the sources of sediment and other pollutants that affect the quality of storm water discharges and to describe and ensure the implementation of practices to reduce sediment and other pollutants in storm water discharges. A copy of the General Construction Activity Stormwater Permit shall be filed with the Department of Transportation prior to issuance of a grading permit. The SWPPP shall include the following elements:

·Grading and earthwork shall be limited to the dry season (April through October) to the extent feasible to minimize soil exposure.

·New cut and fill slopes and soil stockpiles shall be revegetated, mulched, or otherwise protected immediately upon completion of permanent or temporary winter slopes.

·Runoff shall be diverted away from construction areas that have been denuded or otherwise disturbed.

·Sediment shall be retained on-site by the proper use of silt fences, hay bales, sedimentation basins, or other structures.

·All erosion and sediment control facilities shall be inspected routinely by the County Department of Transportation and maintained by the applicant until the newly-disturbed ground surfaces are stabilized.

6. The project applicant shall provide the GDPUD with estimated demand requirements for each specific use proposed at the project site.

The project applicant shall be required to install all on-site and off-site improvements necessary to serve the proposed use with adequate water for commercial and fire protection purposes.

Water meters shall be installed by the GDPUD upon proper application and payment of the appropriate charges.

A water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to the property shall be submitted to the Planning Department prior to approval of the final map or issuance of any building permits, whichever occurs first.

7. The applicant shall grade the site such that all finished floor elevations are at least 1 foot higher than the 100-year flood elevation that would result if the project is developed as proposed, subject to Department of Transportation approval.
8. The applicant shall retain a qualified native revegetation specialist to review and provide recommendations on the native revegetation component of the landscaping plan proposed by the project applicant (identified as Natural Areas on the landscape plan). Recommended changes and modifications shall be reviewed by the El Dorado County Planning Department

and incorporated into the plan as determined to be appropriate, prior to the issuance of a grading permit. The revised landscape plan shall, at a minimum, incorporate the following revisions:

If the project applicant is not able to maintain at least 90 percent of the existing tree canopy cover, then a revegetation plan shall be prepared which provides for replacement of all oak trees with a DBH greater than 8 inches at a 3:1 ratio;

Revegetation materials shall be limited to species that currently exist on the project site or in oak-dominated plant communities in similar ecological settings in the project region;

The percentage of planted oaks in relation to all other planted trees in this area shall be no less than 50 percent (Policy 7.4.5.2 of the El Dorado County General Plan);

Exotic or introduced plant species not consistent with the blue oak woodland community present on the project site shall be excluded;

Trees shall be planted in clusters within irregular, naturalistic spacing;

Oak plantings shall utilize material grown in leach tube (supercell) and/or deep pot oak liners, or other suitable liners generally recognized by native revegetation specialists as appropriate for use with native oaks;

Drip irrigation shall be installed for all native plantings, and irrigation shall be applied through the end of May during the first spring season and periodically as needed during the second spring season; and

Screening or the use of “super tubes” shall be required in conjunction with smaller plantings if more than 20 percent of these plantings are damaged by herbivores during the first year after planting.

The project applicant shall guarantee a 90 percent survival rate for all replacement trees by signed contract with a qualified landscape professional or by posting a performance bond. Trees shall be replanted as necessary to meet this performance standard.

In accordance with the County of El Dorado Design and Improvement Standards Manual, the following measures to protect existing oak trees (in situations where construction activity is proposed within 50 feet of the tree) shall be implemented:

Place a six-foot-tall temporary fence around the protected area prior to any construction activity;

Prohibit grading activities in areas within protected areas unless specifically indicated in plans;

Prohibit trenching within the protected area. If such trenching is necessary to install underground utilities, the trench shall be hand dug so as not to cut any roots over 2 inches in diameter;

Allow only a licensed arborist to remove dead, weakened, diseased, or dangerous branches. Any roots 2 inches in diameter or greater that must be cut shall be cleanly cut with pruning shears and not excavation equipment; and

Hose off all dust from foliage of oak trees once every week during construction of the project.

Leach field lines shall be placed outside the dripline of all oak trees (DBH. greater than 8 inches) when feasible. If avoidance cannot be attained, then replacement mitigation (as described previously) shall be implemented.

Oak trees (d.b.h. greater than 8 inches) with leach lines installed within 10 feet of the dripline shall be monitored by a licensed arborist annually for a period of ten years to ensure survival. Oak trees lost within this 10-year period as a result of root disturbance and excessive subterranean moisture associated with leach field lines shall be replaced at a 3:1 ratio.

9. A qualified wildlife biologist shall be retained to conduct a Site Assessment for California red-legged frog between June and November. The Site Assessment shall follow the USFWS, February 1997 guidelines (Guidance on Site Assessment and Field Surveys for California red-legged frog). The protocol describes two separate phases for assessing potential impacts to California red-legged frog in the vicinity of a project site: 1) a Site Assessment, and 2) Field Surveys. The focus of the Site Assessment shall be a portion of the Knickerbocker Creek drainage within the project site boundaries. A copy of the completed Site Assessment report shall be submitted to the El Dorado County Planning Department and the USFWS. The project applicant has established a 100-foot buffer between project activities and perennial waters.

Field Surveys shall be conducted if required or requested by the USFWS. Field Surveys require four separate field days to complete, and require the preparation of a report. The completed Field Survey report shall be submitted to El Dorado County Planning Department and the USFWS. If California red-legged frog is found to occur in Knickerbocker Creek, the project applicant shall initiate an informal consultation with the USFWS. Depending on the potential for “take” of habitat or loss of individual red-legged frogs, the USFWS may request that a formal Section 7 or 10(a) consultation, as appropriate, be conducted. If required by USFWS, the applicant shall prepare a mitigation and monitoring plan that will address potential impacts and mitigation measures.

9. If California red-legged frog is found to occur in Knickerbocker Creek, the project applicant, based on consultation with the U.S. Fish and Wildlife Service (USFWS), shall be required to develop and implement mitigation measures that would achieve a no-net-loss of California

red-legged frogs, prior to construction of project facilities (buildings or infrastructure) within any parcel located adjacent to Knickerbocker Creek.

10. Raptor nesting surveys (March or April) by a qualified wildlife biologist shall be conducted each year that grading or construction will occur to locate and map all active raptor nests that are within 500 feet of proposed construction activity.

If active raptor nests are located on or within 500 feet of an active or scheduled construction site, then appropriate buffer zones shall be established in consultation with the CDFG, and construction activities shall be prohibited within this buffer zone until the end of the nesting season (April-July) or until the young have fledged (i.e., have attained the power of flight). A qualified wildlife biologist shall monitor the nest to determine when the young have fledged and submit weekly reports to the CDFG and the El Dorado County Planning Department throughout the nesting season.

Nest trees may only be removed prior to the onset of the raptor nesting season (March) or after young have fledged (July).

11. A qualified botanist shall be retained to conduct focused plant surveys, sometime between April and June, on each of the parcels associated with Phases II through IV prior to the approval of a final development plan for the affected parcels. The survey shall focus on plant species designated as rare, threatened, or endangered at the time of the survey and that have potentially suitable habitat at the project site.

If special-status plants are located during the surveys, the population sites shall be avoided to the extent feasible through modification of the proposed site design and placement of protective exclusion zones. If a special-status plant population cannot be avoided, appropriate salvage and relocation measures shall be required, as determined in consultation with the CDFG, to achieve a no-net-loss standard for special-status plants.

12. To the fullest extent possible, project facilities shall be located in areas that would avoid wetland fill.

The project applicant shall reapply for a Nationwide Permit 26 for any wetland fill above 0.95 acre or fill that will occur after January 21, 1998. If deemed necessary by the Corps, another wetland delineation shall be performed.

Pursuant to General Plan Policy interpretation, if wetlands above 1/3 acre of fill cannot be avoided and no significant habitat is involved, an appropriate wetlands mitigation and monitoring plan shall be prepared in consultation with the Corps of Engineers. The project applicant shall either create new wetlands at a 1:1 ratio or restore wetlands at a 2:1 ratio for each acre of proposed wetland fill. Note that a 1:1 ratio will only be allowed by the Corps in situations where wetlands have been successfully created prior to project-related disturbances. If wetlands creation occurs after project-related disturbance, a 1.5:1 mitigation ratio may be required. Creation of new wetlands is possible through: 1) building and

reconstructing wetlands in areas where they previously have not occurred or have been historically eliminated; or 2) participating in a wetlands mitigation program. Restoration involves the re-establishment of biological and/or physical function in sites where some portion of wetlands still remain intact, although in a highly degraded state.

The mitigation and monitoring plan shall include a description of the wetland mitigation area, basis for replacement/restoration ratio, specific monitoring actions, and criteria for determining wetland mitigation success.

The wetlands mitigation and monitoring plan will also identify a suitable financing mechanism for the long-term maintenance of wetlands preserved on-site, as well as the recordation of deed restrictions which would maintain on-site avoidance, preservation, and buffer areas as wetland preserves and wildlife habitat in perpetuity (as required in the January 5, 1996 Nationwide Permit Number 26 conditions).

To ensure success of the creation or restoration of wetlands, post-construction monitoring shall be conducted by a qualified restoration scientist annually for five years. Annual reports shall be submitted to the CDFG, Corps, and USFWS. If mitigation appears to be failing at any time during the five-year monitoring period, the El Dorado County Planning Department will ensure that the non-effective elements of the mitigation program are corrected or replaced by the project applicant.

The project applicant shall secure a Stream Bed Alteration Agreement prior to any construction activities that may occur within an area subject to Section 1601 of the California Fish and Game Code.

13. In the event that buried cultural resources are discovered during the course of project grading or construction activities, operations shall immediately stop in the vicinity of the find, and a qualified archaeologist who fulfills the Secretary of the Interior standards shall be notified immediately to evaluate the find and to determine the proper procedure for dealing with the resource. Cultural resources could consist of, but not be limited to, artifacts of stone, bone, wood, shell, or other materials, or features, including hearths, structural remains, or dumps. If it is not possible to avoid the resource by project redesign, a research design should be prepared that outlines the recording and evaluation procedures to be followed. If necessary, a data recovery plan should be prepared in order to guide any subsurface testing and/or excavation required to mitigate impacts to the resource.

Grading and/or excavation on Parcel 16 shall be monitored by a qualified archaeologist to determine if a significant archaeological component exists below ground.

If human burials are encountered anywhere on the project site, all work in the area shall stop immediately and the County Coroner's Office shall be notified within 48 hours. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA [Appendix K]; Health and Safety Code Section 7050.5; Public

Resources Code Section 5097.89). The procedures set forth in Supplemental Document J, Section VIII of the CEQA Guidelines concerning treatment of remains shall be followed.

14. In order to reduce impacts to the Threlkel House from conversion activities, renovation of the structure shall follow the guidelines presented in the California State Historical Building Code (California Health and Safety Code Sections 18950 through 18961), and the El Dorado General Plan Policies 7.5.2.1 through 7.5.2.6.
15. The parcels involved with Phases II, III, and IV shall be resurveyed for cultural resources (since the original 1991 survey will have occurred over five years before), and those resources fully recorded and evaluated prior to the commencement of construction activities. Evaluation shall include archival/background research to develop the historic contexts necessary for the determination of resource significance and possible inclusion in the California Register of Historic Places.
16. The project applicant shall comply with General Plan Policy 3.11.1. Road improvement plans shall incorporate and include the proposed County Arterial Route Bikeway along State Route 193 and the proposed Trans-County Route Bikeway along State Route 49.
17. The project applicant shall relocate the existing park-and-ride lot to Caltrans standards. The park-and-ride lot could be located in approximately the same location if shifted to the south of its present location. The existing number of spaces shall not be reduced.
18. The applicant shall contribute a portion of the cost for the westbound left-turn lane (along with the addition of the traffic signal discussed in Mitigation Condition 20) on a fair share cost basis.

The applicant shall comply with the following General Plan Goals and Objectives (and associated Policies):

Transportation Demand Management (TDM)

Goal 3.9: Reduce the level of demand on County roads through the implementation of policies and programs that minimize congestion, improve level of service, conserve energy, and minimize air pollution.

Objective 3.9.1: Policy 3.9.1.6.

19. The County shall require project applicants for future phases of development at the Cool Village Project site (Phases II through IV) to conduct a project-level traffic analysis which identifies the existing plus project LOS based on current traffic counts. If the existing plus project LOS falls within the standards established by General Plan policy, the project will have a less-than-significant impact and may be approved. If the existing plus project LOS exceeds the standards established by General Plan Policies 3.5.1.1, 3.5.1.6 and 3.5.1.7, the

project will have a significant impact; and in order to comply with General Plan policy, the project will have to be denied or mitigated to a level that achieves compliance with the General Plan LOS standards.

20. The applicant shall construct a traffic signal at the intersection of State Route 49 and State Route 193. During the review of Phases II, III, and IV, a traffic study will be required to determine when the improvement is required as a result of that phase. When the traffic study indicates that the improvements listed in this mitigation measure are necessary, then the applicant shall construct the improvement and may be entitled to a credit and/or reimbursement for improvements made beyond the project's fair share, as described in an agreement with the County. The State Highway Traffic Impact Fee Program may reimburse the applicant the difference between the cost of the improvement and the applicant's "fair-share" portion.
21. Comply with APCD Rule 223-Fugitive Dust, Rule 224-Cutback and Emulsified Asphalt Paving Materials, and Rule 502-General Conformity.

In addition, the following on-site mitigation measures shall be implemented for the duration of grading, excavation, and construction activities to control dust:

- Construction site watering. All grading and construction contracts shall require that exposed soils at active construction sites be watered at least twice daily. A fully operational water truck shall be on-site at all times during grading and excavation, when soils are exposed. Special attention shall be given to areas upwind of residences adjacent to the site. The frequency of watering shall be increased when average wind speeds are above 15 mph.
- Unpaved surfaces. All unpaved roads, parking areas, and staging areas shall be watered at least three times daily or treated with non-toxic soil stabilizers.
- Soil stockpiling. All soil stockpiles or other materials that can be blown by wind shall be enclosed, covered, watered at least twice daily, or treated with non-toxic soil binders.
- Restrict traffic speeds. Traffic speeds on all unpaved surfaces at the site shall be limited to 15 mph.
- Sweep roads and parking areas. All paved access roads, parking areas, and staging areas shall be swept at least once daily (preferably with water sweepers).
- Suspend grading activities. Grading and/or excavation activities shall be suspended when winds exceed 25 miles per hour.
- Erosion Control. Sandbags or other erosion control measures shall be used to prevent silt runoff to public roadways.

- Dust suppressants. Approved chemical soil stabilizers shall be applied to all inactive construction areas, in accordance with manufacturers' specifications. Alternatively, inactive construction areas may be hydro seeded.
- Pave and revegetate surfaces. Ground cover shall be replaced with pavement or vegetation as quickly as possible and no more than 30 days after the completion of grading and site stabilization activities.

The following off-site mitigation measures shall be implemented for the duration of grading, excavation, and construction activities to control dust:

- Cover haul loads. Trucks hauling dirt or other loose materials shall be covered.
- Mud removal. All trucks and equipment shall be washed off prior to leaving the site.
- Sweep off-site roads. Street sweeping shall be conducted (preferably with water sweepers) at least once daily where visible soil material is carried onto adjacent public streets.
- Pave access roads. The primary access road to the site shall be paved for at least 100 feet onto the site from the main road. The paved on-site portion of the road shall be watered at least twice daily.

The following mitigation measures shall be implemented for the duration of grading, excavation, and construction activities to control equipment and truck exhaust emissions:

- Equipment maintenance. Construction equipment shall be maintained and tuned at the interval recommended by the manufacturers to minimize exhaust emissions.
- Limit equipment idling. Equipment idling shall be kept to a minimum when equipment is not in use. No piece of equipment shall be left to idle in one place for more than 30 minutes.
- Limiting truck trips. Construction truck trips for trucks using nearby roadways shall be scheduled during non-peak traffic hours so as not to cause additional traffic congestion.

22. Use the appropriate Best Available Control Technology for controlling air pollutant emissions to the extent practicable for each industry located on the project site.

After land development, prohibit any open burning and require mandatory garbage collection.

To mitigate carbon monoxide emissions, require wood burning stoves to be EPA-approved and require fireplaces to have EPA-approved inserts.

23. Parking lots shall be located more than 160 feet from existing residences. As an alternative, sound barriers shall be constructed to attenuate noise levels.

A detailed analysis of potential noise impacts associated with loading dock activities shall be conducted when specific information on the locations of loading docks and the number of delivery trucks to the project site is available. Noise control measures such as use of setbacks or sound barriers shall be required as necessary to ensure that noise levels do not exceed 50 dB Ldn at existing residences.

A detailed analysis of noise levels shall be conducted when specific information on the mechanical equipment to be used at the project site is available. Noise control measures such as enclosures, barriers, or roof line parapets shall be required as necessary to ensure that noise levels do not exceed 50 dB Ldn at existing residences.

24. Office uses shall be sited outside the 65 dB Ldn contour, whenever possible, using the following distances based on the year 2015 traffic noise levels:

- State Route 49: 84 feet; and
- State Route 193: 81 feet.

An analysis of interior noise levels shall be conducted when building plans and floor plans have been completed for any office use proposed within the 65 dB Ldn contour. If it is determined that interior noise levels would exceed 45 dB Leq, improvements to the building shall be required as necessary to reduce interior noise levels to below 45 dB Leq.

25. The landscaping plan shall include additional tree plantings along the eastern boundary of Parcel 15 to ensure that lighting associated with parking areas would be screened.
26. Hazardous Waste. Surface soil samples shall be collected in the area east of Road "D" prior to the issuance of a grading permit and analyzed for chlorinated pesticides and arsenic by a Cal/EPA Environmental Laboratory Accreditation Program (ELAP) certified laboratory using EPA approved analytical methods. Results shall be compared to regional background soil concentrations (for arsenic) and to the EPA's preliminary remediation goals for soil (for both arsenic and chlorinated pesticides) to determine if chemical residues present a potential human health risk to construction workers or future site occupants.

If chemicals are present at hazardous concentrations, as defined by Title 22 CCR 66261.24, excavated soil shall be handled in compliance with applicable local, state, and federal regulations and/or guidelines for hazardous waste. Remediation and/or disposal of all materials deemed to be hazardous shall be conducted following applicable regulatory agency regulations and/or guidelines. All evaluations, remediation, treatment, and/or disposal of

hazardous waste shall be supervised and documented by qualified hazardous waste personnel.

Asbestos-containing Serpentine Materials. A preconstruction soil/rock survey shall be conducted by a California Registered Geologist to identify any suspected asbestos-containing serpentine materials. If areas containing serpentine rock or soils are detected in the preconstruction survey, such areas shall be avoided during construction to the maximum extent possible. If avoidance is not possible, the areas shall be sampled and tested to determine whether concentrations of asbestos exceed one percent (pursuant to Title 22 CCR 66261.24). If asbestos is detected at or above this level in the samples, engineering controls shall be implemented to protect workers and downwind receptors during on-site construction activities that may disturb the asbestos-containing serpentine materials. These controls are similar to those required to reduce dust emissions as described in Section 3.7, Air Quality.

- Excavated serpentine material shall be wetted to minimize potential for asbestos-containing dust emissions. Excess watering shall be avoided to prevent erosion and washing of asbestos particles into watercourses.
 - Excavated materials identified as asbestos-containing serpentine shall be isolated from exposure by daily covering.
 - Personnel respiratory protection and training shall be provided to workers as required by Cal/OSHA.
27. The project applicant shall contract with an independent septic service and coordinate the scheduling of septage treatment and disposal with the El Dorado County Environmental Management Department - Septic Services Division to ensure that the 10,000 gallon daily limit for treatment is not exceeded.
28. The project applicant will be required to pay an agreed upon amount to fund for additional staffing of law enforcement, fire protection, and emergency service personnel as a conditional of project approval. Such payment and/or agreement shall be made prior to building permit issuance.
29. Prior to issuance of any building permits for any phase, the project applicant shall provide PG&E with an application, specific project site plans, and improvement plans. A letter from PG & E, verifying the receipt of such application, shall be sent to the Planning Department prior to building permit issuance.

Conditions - PD95-0001R2

Underlines and strike out in this section indicate recommended changes pursuant to PD 95-0001R2.

1. **The project description is as follows:**

Approval of a Planned Development (PD95-0001R2 to allow the construction of a 5,600 square-foot retail building on Parcel 2 and 4,440 square-foot office building on Parcel 5. (Modified by R2; 2006).

The location and all roads, structures, and other site improvements shall conform to the approved development plan for lots 1 and 4, and Parcels (lots) 2 and 5 of Phase I. This planned development permit approval and all resulting site improvements are based upon and limited to compliance with the Site Plans, dated September 21, 2005 (Exhibit D1) and January 2004 (Exhibit D2), the Elevations dated September 21, 2005 (Exhibit E) and Conditions of Approval set forth below. Adjustments to the location of parcel boundary lines, interior driveways, and minor streets to accommodate the site plan require approval by the Department of Transportation and Planning Director prior to submittal of the final map to the Board of Supervisors.

A Sign Programs was approved by Planning Services December 9, 2003, for the shopping center and is provided as Exhibit F and includes updated elevations of the monument/pylon signs. A preliminary landscape plan for Parcels 2 and 5 has been provided as Exhibit G. (Modified by R2; 2006).

2. An analysis of interior noise levels shall be conducted when building plans and floor plans have been completed for the buildings proposed for Parcels 2 and 5. If it is determined that interior noise levels would exceed 45 dB Leq, improvements to the building shall be required as necessary to reduce interior noise levels to below 45 dB Leq. Planning Services approval of the noise mitigations is required before final occupancy for the two buildings is granted. (Modified by R2; 2006).
- 2.3. All additional landscaping for Parcels 2 and 5 is required to meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2 and 7.4.4.4. The final revised Landscape Plan shall meet the intent of the General Plan to incorporate El Dorado County native plants and shall provide for the planting of five gallon interior live oaks (*Quercus wislizenii*) which shall be planted all along the western and southern boundaries of Parcels 5 in groups of three at the top of the embankment. A final set of landscape, lighting, and irrigation plans and specifications for Parcels 2 and 5 shall be submitted to the Planning Services for evaluation and approval prior to issuance of any building permit and shall include the following shrubs: California coffeeberry (*Rhamnus californica*) holly-leaf redberry (*Rhamnus crocea* var. *ilicifolia*), toyon, California Christmasberry (*Heteromeles arbutifolia*). All planting areas shall be irrigated with low precipitation drip irrigation and bubblers with no overhead sprinklers. A final set of landscape, lighting, and irrigation plans and specifications for Phase I, following the County Water Conserving Landscaping Standards, shall be submitted to the Planning Department for evaluation and approval prior to issuance of any building permit. (Modified by R2; 2006).
4. All outdoor lighting shall conform to § 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. 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 the Planning Department, including the following: (Modified by R2; 2006).

- a. Parking lot and any outdoors security lighting shall be side and top shielded to prevent any light or glare from leaking onto adjacent properties or roadways (street lights for illumination of public roads are excluded from this provision).
 - b. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
 - c. No outdoor floodlights shall project above 20 degrees below the horizontal plane.
 - d. Lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Security lighting shall be designed with motion-sensor activation.
3. 5. A complete signing program shall be submitted and approved by the Planning Director prior to the issuance of any occupancy permits for the tenant spaces, and parcels 3, 5, and 8 of Phase I. All signs must comply with all applicable conditions of the "Sign Program" approved by Planning staff for DR01-0017 on December 9, 2003. Any signage subsequent to the approval of this permit shall conform to Chapter 17.32.140 (D) and Chapter 17.16 of the El Dorado County Zoning Ordinance and shall be provided to, and then approved by, the planning director prior to issuance of a building permit. (Modified by R2; 2006).
4. 6. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. The requirement for a dedicated loading zone under §17.18.080 is waived for Parcels 2 and 5. Deliveries to the buildings shall be handled by small delivery trucks or vans, which can utilize existing parking space, as this activity is usually of short duration. Delivery activities that require utilization of a larger vehicle requiring larger parking space shall occur before and/or after business hours. The requirement for dedicated RV spaces under §17.18.060 numbers 16 and 17 is waived as long as concrete tire stops are not installed in the areas with facing parking spaces. (Modified by R2; 2006).
7. The applicant shall include provisions for bicycle parking on the site by providing a minimum of 2 bicycle spaces/racks each within Parcels 2 and 5. The bike racks shall be installed prior to final occupancy. It is recommended, but not required that a minimum of 4 bicycle spaces/racks be located adjacent to the major tenant. (Added by R2; 2006).
5. Provide 2 recreational vehicle parking stalls each for building pads within parcels 3 and 5 of Phase I. (Deleted by R2; 2006).
6. 8. Subject to compliance with all applicable conditions of approval of tentative parcel map P95-02. (Number modified by R2; 2006).

7.9. Final development plans, pursuant to Section 17.04.030, shall be submitted for Planning Commission review for all phases of development with the exception of lots 1 and 4 of Phase I. (Number only modified by R2; 2006).

8. 10. All phases will provide for the placement of commercial dumpsters and truck maneuvering areas to service the dumpsters. Each dumpster area shall be landscaped and screened from public view. (Number only modified by R 2; 2006).

9. 11. The development plan for PD95-0001 consists of the following exhibits that are attached to that prior approved staff report: (Modified by R2; 2006).

Exhibit E		Preliminary Site Plan Sheet A1
Exhibit E1	Preliminary Site Plan Sheet A2	
Exhibit F		Preliminary Grading Plan Sheet
G1.1		
Exhibit F		Preliminary Grading Plan Sheet
C1		
Exhibit F2	Preliminary Grading Plan Sheet C2	
Exhibit G		Building Elevations Sheet A5.1
Exhibit G1	Building Elevations Sheet A5.2	
Exhibit H		Tree Preservation Plan
Exhibit J		Preliminary Landscape Plan
Phase I		
Exhibit J1	Preliminary Landscape Plan/Project Site/Sheet 1	
Exhibit J2	Preliminary Landscape Plan/Project Site/Sheet 2	
Exhibit K		Lighting Plan Sheet A1.1
Exhibit L		Pole Lighting Exhibit
Exhibit M	Free-Standing Plaza Tenant Sign	
Exhibit N		Cool Plaza Material Sample
Board		

12. The prior staff approved development plan for PD95-0001R1 consists of the following condition which is listed as Condition of Approval number 2 in that staff report: (Modified by R2; 2006).

All site improvements shall conform to the elevations dated August 18, 2005, the color rendering dated August 19, 2005 and with the color and materials board dated September 6, 2005.

10.13. Pursuant to General Plan Policy 10.2.1.5, a public facilities and services financing plan shall be submitted to the Planning Department when the total approved phasing would exceed 20 acres or 100,000 square feet of gross floor area, whichever occurs first. (Number only modified by R2; 2006).

14. The Mitigation Monitoring Program shall be reviewed annually. (Number only Modified by R2; 2006).

Air Quality Management District

15. An Asbestos Dust Mitigation Plan (ADMP) Application shall be submitted to and approved by the District prior to issuance of a Building Permit or Grading Permit. (Added by R2; 2006).

El Dorado County Department of Transportation

16. The applicant shall provide copies of the Caltrans encroachment permits for SR 49 and SR 193 to the Department of Transportation. (Added by R2; 2006).

El Dorado County Environmental Management Department-Environmental Health Division

17. All wastewater generated from the development of this project shall be compliant with Order No. R5-2003-0023, California Regional Water Quality Control Board. (Added by R2; 2006).
18. The discharge of wastewater to the Waste Water Treatment and Disposal Facility (WWTF) shall be prohibited until the Discharger has submitted, and the Executive Officer has approved, documentation that either (a) a public entity has accepted the ownership and operation of the WWTF or (b) a private entity has been created with adequate long-term financial resources and expertise to operate and maintain the WWTF in compliance with this Order. A letter from the California Regional Water Quality Control Board showing proof of compliance with the above mentioned requirements shall be received by Planning Services prior to the discharge of waste. (Added by R2; 2006).
19. At least 30 days prior to use, the Discharger shall submit a report certifying that the WWTF has been constructed in accordance with. Order No. R5-2003-0023, a letter of compliance from the California Regional Water Quality Control Board, Central Valley Region shall be submitted to Planning Services and El Dorado County Environmental Management Department-Environmental Health Division. (Added by R2; 2006).
20. At least 30 days prior to use, the Discharger shall submit and implement an Operation and Maintenance (O&M) Plan for the WWTF and leachfield in accordance with. Order No. R5-2003-0023. A letter of compliance from the California Regional Water Quality Control Board, Central Valley Region shall be submitted to Planning Services and to El Dorado County Environmental Management Department-Environmental Health Division. (Added by R2; 2006).

Conditions - P95-0002

1. A comprehensive traffic study, identifying the LOS and any roadway and intersection improvements needed to mitigate the adverse impacts of the project will be required at locations recommended by El Dorado County DOT and Caltrans. All impacts to State Route (SR) 49 and 193 are subject to Caltrans requirements. Access points (and control) along both State highways will need to be identified and approved by Caltrans. Future right-of-way dedication shall be as required by Caltrans.
2. Subject to the applicable traffic impact mitigation (TIM) fee as adopted in Resolution No. 258-91. If a revised fee is adopted prior to the proponent's attainment of a building permit for the subject project, then the revised TIM fee shall be applied.
3. Subject to improving the on-site road easements to Standard Plan 101A. Pavement design shall be based upon the traffic index for a 20-year design life, and on-site R-values.
4. The access road connections to State Route 49 and State Route 193 shall comply with State standards and be constructed under an Encroachment Permit from Caltrans.
5. A deeded restriction for vehicular access onto State Route 49 and State Route 193 shall be shown for all parcels adjacent to them, except for Caltrans approved accesses.
6. Improvement plans for on-site road improvements shall be prepared by a registered engineer and shall be subject to County Department of Transportation approval.
7. A construction permit shall be obtained from the Department of Transportation prior to commencement of any road construction.
8. Street signs, in conformance with Standard Plan 105 (B-1), shall be installed at all intersections.
7. Stop signs, per Standard Plan 105-A, shall be installed at the following intersections:
 - a. Road A at State Route 49 and Road D
 - b. Road C at State Route 193 and at Road A
 - c. Road D at State Route 193
 - d. Road B at Road A
10. A final drainage plan shall be prepared by the developer which mitigates those impacts identified by the Drainage Study completed for the Cool Village EIR. Said study and plan shall be subject to the review of and approval by the Department of Transportation.

At the discretion of the developer and with approval by the County, the drainage plan may be limited to on-site mitigation measures. On-site mitigation shall reduce downstream impacts from this project to less than significant. Peak runoff rates shall be controlled to pre-development quantities. The developer shall demonstrate that on-site mitigation measures will not aggravate flooding problems downstream of the project site during design storm or

other return period events. The developer shall install drainage facilities as shown on said plan. These requirements shall be satisfied with each phase of development.

At the discretion of the developer and with approval by the County, the drainage plan may include or be completely comprised of downstream mitigation measures. Said measures shall be designed to accommodate build-out of the entire tributary catchment assuming ultimate build-out densities designated within the General Plan and currently adopted upstream specific plans. Said plan shall extend to a point downstream identified within the drainage study as being subject to no significant, adverse impact from the future development of the entire catchment. The developer shall install all drainage facilities as shown on said plan with the proposed Phase I development of this project. The developer shall establish a reimbursement agreement for drainage infrastructure improvement costs expended which exceed the pro rata share of this project as defined within the drainage study.

11. An irrevocable offer of dedication of the roadways, public utility and drainage easements shall be made on the parcel map with rejection by the County. A property owners' association shall be established for the maintenance of these facilities.
12. A northbound right-turn lane on State Route 49 shall be constructed for the proposed driveway to parcel 2. The driveway connection shall be constructed to Caltrans public road approach standards. A continuous 12-foot median lane will be required on State Route 49 between the new driveway and State Route 49/193 intersection.
13. During Phase I, access to Parcel 1 may be provided from Parcel 2 if the existing driveway on State Route 193 to Parcel 1 is eliminated as determined necessary by Caltrans. This driveway must be closed if access to Parcel 1 is taken from Parcel 2.
14. Provide left-turn channelization on State Route 193 at Road C along with an additional 12-foot of pavement plus shoulders between Road C and the State Route 49/193 intersection.
15. Development of Parcel 8 prior to construction of Road A will require left-turn channelization on State Route 193 at the future intersection of Road A, along with the construction of a commercial road approach to Parcel 8.
16. Pedestrian and/or bicycle facilities shall be provided within State right-of-way. Any additional right-of-way needed, as determined by Caltrans upon review of the traffic study, will be dedicated to the County.
17. All work within, next to, or that may encroach within Caltrans right-of-way, including utilities, road improvements and drainage work, must receive an encroachment permit from Caltrans.
18. Subject to compliance with all applicable conditions of approval of development plan PD95-01.

19. The subdivider shall provide to the County for review by County Counsel and Planning, prior to recordation of a final map, the Covenant, Conditions and Restrictions (CC&Rs) which are to be recorded against the subject property. The CC&Rs shall provide master guidelines and restrictions regulating the uses, architectural theme and control, signs, maintenance of common areas and facilities and the formation of any necessary property owners' association to implement and enforce the CC&Rs. Upon approval and recordation, the Master CC&Rs shall be deemed part of the planned development for the parcels shown on the tentative map.
20. Subject to Environmental Health approval of the on-site sewage disposal systems as required by Chapter 15.12 of the County Code.
21. Comply with APCD Rule 223-Fugitive Dust, Rule 224-Cutback and Emulsified Asphalt Paving Materials, and Rule 502-General Conformity.
22. Fire hydrant(s) shall be installed, in compliance with the provisions of the Uniform Fire Code, Section 10.301, in locations acceptable to the El Dorado County Fire Protection District. A letter of compliance with the condition shall be submitted by the fire district to the Planning Department prior to issuance of building permits.
23. A fuel modification plan shall be provided to meet fire safe regulations as required by Public Resources Code Sections 4126, 4127, and 4291. Additional precautions including, but not limited to, emergency access, signing and building numbering, and water supply shall be required as determined by the fire chief.
24. A 15-foot-wide non-vehicular pedestrian trail easement shall be provided within and contiguous to the required 100 foot setback along the easterly side of Knickerbocker Creek within the project boundary. The easement shall extend from Cherry Acre Road to the southwest corner of the applicant's property and be recorded on the final parcel map.

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ATTACHMENT 2
FINDINGS

PLANNED DEVELOPMENT FOR THE COOL VILLAGE

Assessor's Parcel Numbers 071-480-02 and 071-480-05

FILE NUMBER PD95-0001R2

1.0: CEQA FINDING

- 1.1: The Planning Commission has considered the previous Cool Village Final Environmental Impact Report (EIR), Findings of Fact, Statement of Overriding Consideration and Mitigation and Monitoring Program certified by the El Dorado County Board of Supervisors on August 12, 1997, and the Addendum to the Cool Village Final EIR from August 2003, together with the comments received and considered during the public hearing process. The above said documents reflect the independent judgment of the Planning Commission and has been completed in compliance with CEQA, and are adequate for this proposal.
- 1.2: The Planning Commission finds that the proposed project could not have a significant effect on the environment.
- 1.3: The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.
- 1.4: The proposed project will not have a significant effect on the environment, based on the analysis contained in the Environmental Impact Report and the mitigation measures identified therein, and an EIR has been filed. A de minimis finding on the project's effect on fish and wildlife resources cannot be found and the project is therefore subject to the payment of State Fish and Game fees pursuant to State Legislation (California Fish and Game Code Section 711.4).

2.0: ADMINSTRATIVE FINDINGS

- 2.1: Issuance of Planned Development Permit PD95-0001R2 for construction of a 5,600 square-foot retail building on Parcel 2 on a 0.812-acre parcel and a 4,440 square-foot office building on 0.733-acre Parcel 5 within the General Commercial-Community Design Control-Planned Development (CP-DC- PD) Zone District.
 - 2.1.1: The project is for retail and purposes. The design of the interior parking provides the best possible circulation. The project does provide appropriate circulation for pedestrian traffic within the center between the subject parcels.
 - 2.1.2: The exceptions to the standard requirements of the zone regulations include relief from the loading zone and RV space requirements. Due to the nature of the businesses within the

center, the traditional loading zone or docks have been determined not to be necessary for these two buildings. Deliveries will be received during non-business hours. Relief from the loading requirements has been justified by the hours of deliveries and the variety of tenants that will occupy the center. Relief from the RV reserved spaces is granted because of the nature of the businesses and the fact concrete tire bumpers are not proposed which allows RV and trailer parking in numerous spaces in tandem.

- 2.1.3: The flat, previously graded site lot is suited for the proposed uses. The lot has been cleared and is ready for development.
- 2.1.4: The Georgetown Divide Public Utility District has provided a letter indicating that water can be provided to the site. The El Dorado County Department of Transportation has recommended approval of the Project with proof of road encroachment permits for entrance onto State Route 49 and State Route 193, and compliance with all previous conditions of the original PD95-0001, were asked as the only requirement of this project approval.
- 2.1.5: The project is within the core area of the Cool commercial area. The existing and required landscaping is intended to increase the scenic value of the site as much as a commercial project could potentially be.

2.2: General Plan Consistency

- 2.2.0: The 2004 General Plan designates the subject site as Commercial (C). The purpose of the Commercial 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. It can be found through the discretionary planned development permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan. Staff finds that the project, as conditioned, will be compatible with the adjacent and surrounding properties, and conforms to the General Plan.
- 2.2.1: The proposed uses are retail and office which can potentially meet certain needs of the Cool-Pilot Hill Rural Center communities in conformance with Policies 2.1.2.1 and 2.1.2.3.
- 2.2.2: The proposed buildings occupy the same footprint conceptually approved by the Planning Commission for PD95-0001. As proposed, the project complies with the 0.25 floor area ratio and the 85 percent maximum impervious surface intensity in conformance with Policy 2.2.1.5.
- 2.2.3: The applicant has a previously approved Planned Development permit, which was conditioned to require Planning Commission approval for all phases of development, with the exception of Parcels 1 and 4. As proposed, and along with the previous Conditions of Approval for PD 95-0001 which also govern this revision, in conformance with Policies 2.2.5.5 and 2.2.5.20.

- 2.2.4: The proposed project is consistent with the General Plan Policy 2.5.2.1 because it is oriented to serve the needs of the surrounding area, and incorporates design concepts consistent with the intent of this policy because it provides amenities that include the potential for pedestrian and bike travel between the buildings, limits the types of businesses and types of construction, and addresses the aesthetics of signs, lighting, landscaping, and building exteriors.
- 2.2.5: It can be found that the scenic values and viewsheds on State Route 49 have been addressed with buffering with landscaping of the buildings and lighting, and with design review considerations for color and composition of the buildings in conformance with Policies 2.6.1.1, and 2.6.1.8, Policy 2.7.1.1, and Policy 2.8.1.1.
- 2.2.6: The inclusion of bike racks and lockers will facilitate the potential future inclusion of trails into future phases in conformance with the intent of Policy TC-4i.
- 2.2.7: Discussions and issues of concern about storm drainage have been included in a drainage study for PD 95-0001, the EIR and Addendum for Cool Village, and by the California Regional Water Quality Control Board, Central Valley Region Waste Discharge Order R5-2003-0023, and the Revised Monitoring and Reporting Program of the same in conformance with Policy 5.5.1.1.
- 2.2.7: The El Dorado County Fire Protection District has reviewed the project and can provide service to the project site. The District requires final approval of their requirements as a condition of final approval of the building permits and thus the project will be in conformance with Policy 5.7.2.1.
- 2.2.8: An Acoustical Analysis that included these two building proposals was prepared for PD 95-0001 in compliance with Policy 6.5.1.2. (The Acoustics and Vibration Group, March 1, 2002). The office uses are within this contour range as proposed and thus will need an analysis of interior noises in conjunction with a building permit. Proposed Condition 2 will implement this requirement in order to ensure conformance with Policy 6.5.1.2.
- 2.2.9: EDCDOT has determined that this current proposal will not require a grading permit because only foundation digging and light surface finish grading are proposed. Erosion control measures for all previously approved grading permits are in progress for all current development surrounding the parcels and will be incorporated into the construction of these two building. These measures will ensure the project will be in conformance with Policy 7.3.2.2.
- 2.2.10: The final revised Landscape Plan will meet the General Plan intent on incorporating native plants and be approved by the Planning Services before the building permit can be issued. Applicant will be required to install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any

future permit. As approved and conditioned the project is in conformance with Policies 7.3.5.1, 7.3.5.2, and 7.4.4.2.

2.2.11: An Archeological Survey Report had been previously prepared by Dana Supernowicz for PD 95-01 in January of 1992. The study found no evidence of any prehistoric period occupation or use of the pad areas directly involved with this permit, in conformance with Policy 7.5.1.3.

2.2.12: Condition 7 requires that bicycle parking and lockers be provided within this development in order to help prepare for the future opportunities (see Exhibit I). Although the project area is not shown on the County's Hiking and Equestrian Trails Master Plan (March 29, 1990 as having a trail, a 15-foot non-vehicular trail easement along Knickerbocker Creek was created as a result of PD95-0001/P95-0001, (Parcel 8 of PM 48-125). Since Phase I of Cool Village has been approved with the 15-foot trail easement on Parcel 8, and that this revision for the two commercial buildings on Parcels 2 and 5, there are no additional requirements for additional trails easements at this time, and thus the project is currently in conformance with Policies 9.1.2.3, 9.1.2.4, 9.1.2.5, and Objective 9.1.3 as they stand at the time of this permit approval.