

**EL DORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** May 14, 2009  
**Item No.:** 8  
**Staff:** Lillian MacLeod

**STAFF REPORT - DESIGN REVIEW**

**FILE NUMBER:** DR00-0011 – 76 Gas Station/Circle K Mini Mart

**APPLICANT:** ConocoPhillips

**AGENT:** Griffin Williamson

**REQUEST:** Design Review for a proposed:

1. 2,976 square foot Circle K mini-mart; and
2. 76 gas station, with 6 fuel stations, for a total of 12 fueling positions, under a 4,000 square foot canopy.

**LOCATION:** The site is located on the south side of U.S. Highway 50 at the southeast corner of the intersection of Mother Lode Drive and South Shingle Road in the Shingle Springs area, Supervisorial District II. (Exhibit A)

**APN:** 090-430-42 (Exhibit D)

**ACREAGE:** 0.64 acres

**GENERAL PLAN:** Commercial (C) (Exhibit B)

**ZONING:** Commercial (C) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Environmental Impact Report (EIR) prepared

**SUMMARY RECOMMENDATION:** Conditional approval

**BACKGROUND:**

**April 14, 2000:** Design review application, DR00-11, submitted.

**May 3, 2000:** Special use permit application, S00-11, was submitted for an on-site 35 foot high, 166 square foot free-standing sign to be processed concurrently with the design review. Lot line adjustment, BLA00-35, was also submitted relocating the south and east property lines in order to increase the project parcel by an additional 3,854 square feet. A joint access was delineated between the project parcel and the adjacent automobile dealership to its south.

**May 17, 2000:** BLA00-35 was approved by the Planning Director to modify the project site increasing the size from approximately 27,792 to 31,646 square feet (Exhibit L). To date, it has not been recorded pending approval of the subject design review.

**September 29, 2000:** Both DR00-11 and S00-11 were revised in response to comments received from the Department of Transportation requiring realignment of the driveway on South Shingle Road to line up with Durock Road, as well as grading and site plan revisions to accommodate required frontage improvements.

**November 22, 2000:** A Mitigated Negative Declaration was filed that required improvements to the Mother Lode Drive/U.S. 50/South Shingle Road intersection in order to reduce Level of Service (LOS) from LOS F to LOS C. Improvement plans were required to match the proposed ultimate improvements to the Mother Lode Drive/South Shingle Road intersection pursuant to the Department of Transportation.

**January 25, 2001:** The project was heard before the Planning Commission with a recommendation for conditional approval by staff. After discussing the degree of review required on design review applications, as well as the mitigation measures from Environmental Management and the Department of Transportation, the Planning Commission moved to continue the matter to the hearing of February 22, 2001, to facilitate more discussion on the actual design of the project as well as proposed signage.

**February 22, 2001:** Continuance to a March hearing date requested by the applicant.

**March 16, 2001:** Letter from applicant formally requesting to withdraw the sign permit, S00-11, from consideration.

**March 22, 2001:** S00-11 withdrawn and the remaining matter was continued off-calendar by the Planning Commission until issues regarding air quality, groundwater quality, and traffic were addressed.

**June 14, 2001:** Hearing before the Planning Commission at which the following action was taken:

A. Negative Declaration was adopted to include the following mitigation measures:

- “1. The applicant shall construct/install a fully functional traffic signal at the intersection of Mother Lode Drive/South Shingle Road/U.S. Highway 50 Eastbound on-off ramps intersection prior to issuance of a Certificate of Occupancy for the proposed building/gas station. Signal installation shall include appropriate pavement widening and turn lanes/pockets. A portion of the signal installation costs may be reimbursable/creditable under the provisions of the West Slope Traffic Mitigation Fee Program, Resolution 32-98 and the State Transportation Mitigation Fee Program, Resolution 31-98.
2. The applicant shall construct a two-way left-turn lane on Mother Lode Drive along the northerly property frontage. All improvements on Mother Lode Drive shall be constructed to match the proposed ultimate improvements to Mother Lode Drive. The improvements shall be to the specifications of the El Dorado County Department of Transportation.”

B. DR00-11 was approved based on findings proposed by staff, subject to the conditions as modified.

**June 27, 2001:** Decision of the Planning Commission to adopt the Mitigated Negative Declaration appealed by the *Friends of Shingle Springs Interchange, Inc.*

**August 14, 2001:** Hearing on appeal by the Board of Supervisors, who determined that the Mitigated Negative Declaration was inadequate. The project was referred back to staff for review of new information presented, and for a determination of whether an EIR or revisions to the Mitigated Negative Declaration was necessary. Based on the outcome of that decision, the project was to be brought back to the Planning Commission or Board for final decision.

**April 22, 2002:** Revised Mitigated Negative Declaration submitted to the State Clearinghouse.

**June 11, 2002:** Revised Mitigated Negative Declaration brought before the Board, who acted unanimously to require the preparation of an Environmental Impact Report for the project.

**October 2002:** A Notice of Preparation was circulated with the comment period open from October 14, 2002 to November 13, 2002. Contract issues delayed further progress on the project.

**February 1, 2005:** New contract executed, to expire December 31, 2005 with a one year time extension. A Notice of Preparation was reissued on May 24, 2005 to solicit comments from interested parties; the comment period closed on June 20, 2005.

**November 28, 2005:** Draft EIR prepared and received by Planning Services. Notice of Completion circulated, with the public comment period open from December 14, 2005 to January 27, 2006.

**May 4, 2006:** Based on comments received, it was determined further analysis was required regarding access and on-site turning movements, specifically for fuel tankers and RV's towing vehicles, along with recirculation of the Draft EIR. Timelines were suspended during subsequent discussions regarding the revised scope of work, the extent of future improvements to the intersection necessary for analysis, and recirculation of the document.

**November 16, 2006:** Revised scope of work submitted by the consultant to Planning Services in preparation for the Final EIR.

**January 3, 2007:** Authorization received from the applicant accepting the revised scope of work.

**September 18, 2007:** Hearing before the Board to execute a new contract funding the revised scope of work, incorporating the remaining funds from the original contract for preparation of the Final EIR. The action was approved authorizing the Chairman to sign the Agreement for Consultant Services with Pacific Municipal Consultants and the Reimbursement Agreement for Funding of Consultant Service with ConocoPhillips, to expire September 17, 2009.

**April 8, 2008:** Administrative Draft Final EIR (ADFEIR) received and circulated, with agency comments submitted to and received by PMC on April 29, 2008.

**May 13, 2008:** In response to Comment Letter 3-6 in the ADFEIR, traffic safety impact analysis of the accident history at the project site was submitted by PMC. Proposed mitigation was forwarded to the Department of Transportation for their additional review and comment.

**August 18, 2008:** Comments received from the Department of Transportation requiring further improvements to the site in order to reduce traffic impacts based on the accident history.

**September 24, 2008:** Final EIR, CEQA Findings and Mitigation Monitoring Program received from PMC.

**November 4, 2008:** Hearing before the Board to consider certification of the EIR and final approval of the project. The Board acted on the advice of County Counsel that since preparation of the EIR constituted approval of the appeal, the matter should be referred back to the Planning Commission. Measure Y amendments approved by the voters of El Dorado County (Attachment 5).

**January 5, 2009:** Revised conditions and mitigation measures received from the Department of Transportation based on amendments to Measure Y approved by the voters in November 2008.

## **STAFF ANALYSIS**

### **Project Description:**

The proposed project is a design review for a combined 76 Gas Station and Circle K Mini-Mart facility. Access to the site will be provided by two driveway entrances: one from South Shingle Road and the other from Mother Lode Drive. A shared access easement is being proposed along the southern property line with the adjoining auto dealership. Further details regarding the gas station and mini-mart are provided below.

**Gas Station**

The gas station component includes a 76 Gas Station with six fueling stations for a total of 12 fueling positions. The project would include three underground fuel storage tanks consisting of two 15,000 gallon tanks for unleaded fuel and one 12,000 gallon tank for diesel fuel, as well as underground piping from the storage tanks to the six fueling stations.

The fueling stations would be covered by a 20-foot high, approximately 4,000 square foot canopy. The canopy would provide protection from the elements, as well as illumination of the fueling stations below. The concrete pad beneath the canopy would have a finished floor elevation of 1,534 feet above mean sea level.

**Mini-Mart**

The project includes a 2,976 square foot Circle K Mini-Mart. The mini-mart structure would be 16 feet tall and slightly elevated above the rest of the parking lot, with a finished floor elevation of 1,536 feet above mean sea level.

**Site Description:** The project parcel comprises a fairly level corner lot. The existing grade on the parcel is approximately four to eight feet above the existing road grades for Mother Lode Drive and South Shingle Road. The site has been substantially graded and cleared in the past. No significant vegetation is located on the parcel except for grasses and weeds. A Pacific Gas and Electric (PG&E) vault/transformer is located in the southeast corner of the parcel and is proposed to be removed and relocated by PG&E elsewhere on the site prior to construction of the mini-mart building.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
Site	C	C	Undeveloped
North	C	C	Strip mall w/market and gas pumps
South	C	C	Automobile Sales/Storage
East	C	C	Automobile Sales Dealership
West	C	C	Park & Ride Facility

**GENERAL PLAN:** The General Plan designates the subject site as Commercial. This designation permits “a full range of commercial retail, office, and service uses” and is appropriate only in Community Regions and Rural Centers under Policy 2.2.1.2. Under Policy 2.1.1.1, Shingle Springs is identified as a Community Region. The following General Plan policies also apply to this project:

*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:*

<b>General Plan Table 2-3 Building Intensities</b>	
<b>Land Use Designation</b>	<b>Floor Area Ratio</b>
<b>Commercial</b>	<b>0.85</b>

Discussion: The project consists of an approximately 3,000 square foot mini-mart with a 4,000 square foot fuel dispensing area on a 27,792 square foot lot. The floor area ratio for the project equals 0.25, in compliance with the General Plan. After recordation of BLA 00-35, the floor area ratio will decrease to 0.22.

*Policy 2.4.1.4:*

*Strip commercial development shall be precluded in favor of clustered contiguous facilities. Existing strip commercial areas shall be developed with common and continuous landscaping along the street frontage, shall utilize common driveways, and accommodate parcel-to-parcel internal automobile and non-automobile circulation where possible.*

*Policy 2.5.2.2:*

*New commercial development should be located nearby existing commercial facilities to strengthen existing shopping locations and avoid strip commercial.*

Discussion: The proposed Circle K mini-mart and 76 gas station are located within the area that is considered the commercial core of Shingle Springs. To the west is located the commercial development on Durock Road, to the east and south a car dealership and feed store, and to the north a strip mall providing various retail and service uses, including a small market with adjoining gas station. A shared access agreement is being proposed between the project lot and the existing auto dealership at their shared property line that runs east to west. This will enable the auto dealership to bring their vehicles for fueling without having to exit from their site onto the public roadway and then exit the public roadway into the project site.

*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: All proposed exterior lighting, including the gas canopy lighting, is to be full cut-off rated pursuant to Illuminating Engineering Society of North America (IESNA) in order to reduce glare. The project will be conditioned to require motion sensors, where feasible, to reduce light intensity and glare while ensuring public safety.

*Policy TC-Xa:*

*The following policies shall remain in effect until December 31, 2018:*

*. . . 3. Developer-paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county.*

*Policy TC-Xd:*

*Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2, ~~or after December 31, 2008, Table TC 3.~~ The volume to capacity ratio of the roadway segments listed in Table TC-2 ~~and TC-3 as applicable~~ shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.*

*Policy TC-Xf:*

*At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: ( 1 ) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the county's 10 year CIP. ~~and those projects are programmed. The determination of compliance with this requirement shall be based on existing traffic plus traffic generated from the project and from other reasonable foreseeable projects.~~*

*For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.*

*Policy TC-Xg:*

*Each development project shall dedicate right-of-way and construct or fund improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. For road improvements that provide significant benefit to other development, the County may allow a project to fund its fair share of improvement costs through traffic impact fees or receive reimbursement from impact fees for construction of improvements beyond the project's fair share. The amount and timing of reimbursements shall be determined by the County.*

*Policy TC-4e:*

*The County shall require that rights-of-way or easements be provided for bikeways or trails designated in adopted master plans, as a condition of land development when necessary to mitigate project impacts.*

Discussion: The Public Review Draft EIR prepared by Pacific Municipal Consultants (November 2005) identified traffic and circulation impacts associated with the development of the proposed project. An analysis was prepared by kdAnderson, focusing on potential impacts from the project on adjacent roadways, roadway intersections, internal site circulation, and bicycle/pedestrian interfaces (see Appendix E of said document). Mitigation measures were drafted requiring the applicant to construct all necessary road improvements in order to reduce the project's impacts to less than significant. However, a subsequent version of Measure Y that was approved by the voters in November 2008, amended General Plan Policies TC-Xd and TC-Xf, as reflected above, so that the applicant is no longer required to construct road improvements if they are included in the County's 20 year Capital Improvement Plan (CIP).

The mitigation measures proposed under the draft and final EIR required some improvements to vicinity roadways and intersections that are now included as part of the CIP. Based on review of the draft Mitigation Measures against the amendments to the applicable policies, the Department of Transportation has proposed revisions to Mitigation Measures 4.12.1a, 4.12.1b, and 4.12.1c that demonstrate compliance with these policies. As such, rather than require the applicant to construct the improvements, which may only be part of the overall CIP project, the applicant will be required to pay Traffic Impact Mitigation Fees (TIM fees) in lieu of construction. Some construction of project-specific improvements will still be required of the applicant. Payment of TIM fees and construction of the project-specific improvements will result in Level of Service (LOS) E or better during a.m. and p.m. peak hours on the project area roadways and a reduction in the effects of traffic to the site, in conformance with the amended Policies TC-Xd and TC-Xf, and Policy TC-Xg. Further, the required frontage improvements include installation of sidewalks and bicycle lanes along those portions of Mother Lode Drive and South Shingle Road in conformance with Policy TC-4e.

*Policy 2.6.1.3:*

*At a minimum, all permits and discretionary applications, with the exception of single-family residential units and agricultural uses and structures, located adjacent to a State highway shall be subject to design review.*

**Discussion:** The project is adjacent to and visible from State Highway 50 requiring a Design Review application for any new commercial construction on the site. The applicant has complied with this policy with the submittal of the subject application.

**Conclusion:** As discussed above, staff finds that the project, as proposed and mitigation/conditioned, conforms to the General Plan Policies 2.2.1.2, 2.2.1.5, 2.4.1.4, 2.5.2.2, 2.8.1.1, TC-Xd, -Xf and -Xg, TC-4e, and 2.6.1.3 in that the site is located within the Community Region of Shingle Springs in an area of existing commercial facilities, proposed development falls well under the building intensity threshold for the site, the use is consistent with commercial development as defined under the Commercial land use designation, conditions and mitigation measures consisting of right-of-way dedications, roadway and frontage improvements, and payment of TIM fees will reduce traffic impacts from both the design and use of the site to less than significant, and the subject application, DR00-11, complies with the requirement for discretionary review.

**ZONING:** The subject site is zoned Commercial (C) which permits the proposed use on a minimum lot size of 5,000 square feet. The existing 27,792 square foot (0.64 acre) lot conforms to this standard. Recordation of BLA 00-35 will further increase the lot size to 31,646 square feet (0.73 acre).

The proposed mini-mart and canopied fueling area meets the Commercial Zone development standards for setbacks, 60 percent maximum building coverage, 50 foot maximum building height, and, with the shortest property line measuring 170 feet in length, the minimum lot width of 50 feet.

Section 17.32.020.B allows the proposed use by right; however Section 17.14.130 requires projects adjacent to a State Highway to go through a Design Review. Analysis under the subject Design Review is as follows:

**Design Criteria:**

**Elevations:** The building and gas canopy consist of the standard corporate architecture. The mini-mart is a single-story structure with access through a main, double-door entrance facing South Single Road. A mansard canopy extends out five feet from the walls and covers two-thirds of the front (west) elevation and half of the north elevation facing Mother Lode Drive. The roofline is slanted to the rear of the building and is concealed entirely behind parapet walls. An ice dispenser will be embedded in the exterior wall approximately 25 feet to the right of the entrance. In addition to the main entrance, the mini-mart will have two rear doors on the east elevation. (Exhibits F, and G)

**Building Materials:** The exterior finish materials will consist of stucco walls with tile wainscoting. The mansard canopy will be surfaced with anodized corrugated metal (ACM) panels.

The gas station will consist of steel columns supporting a canopy, with its fascia surfaced in ACM panels. Steel guard pipes filled with concrete will be located at the end of each row of pumping stations.

**Colors:** The stucco walls of the mini-mart will be painted in Sherwin Williams “Egret White”. The wainscoting will consist of 6x6 inch ceramic tile in “Sierra Aspen” with contrast trim in “Vermillion Red”. The mansard canopy will be painted to match the walls, with contrasting stripes and logo in Sherwin Williams “Circle K Red”, or as an alternative, 8x8 inch ceramic tile in “Circle K Red Vinyl”.

The gas station columns will be painted in “Oasis White”, while the canopy fascia will receive basically the same color treatment (“Oasis White, Red, and Silver”) to match the mini-mart. (Exhibits F1 and G1)

**Signage:** Two, Circle K logo signs consisting of backlit lexan will be located on the building’s mansard canopy, with one over the entrance doors, and one facing Mother Lode Drive. The signs will measure 25 square feet each. The gas station canopy fascia will have a three foot diameter, backlit 76 logo sign in one corner of each elevation. They will all be considered wall signs and, as such, do not exceed the size requirements under Section 17.16.030.

One, freestanding double-faced sign measuring approximately 70 square feet, and standing 35 feet high, will be located at the northwest corner of the property to be visible from both roadways and U.S. 50. The sign does not exceed maximum thresholds for both size and height under Commercial zone requirements in Chapter 17.32. Two monument price signs, measuring 18 square feet each, will be located one at each entrance to the site. The signage will be situated so as not to impede line of sight visibility. (Exhibit K)

**Access:** Primary access to the site will be from two proposed driveway encroachments, one accessing Mother Lode Drive and the other South Shingle Road directly opposite its intersection with Durock Road. A dedicated deceleration lane along Mother Lode Drive allowing right turns into the site will enable access without impeding through traffic. In addition, the applicant is proposing to record a shared access agreement with the owner(s) of the lot adjoining its southern property line, as a means of providing ingress and egress for the existing auto dealership.

**Parking:** Section 17.18.060 of the Zoning Ordinance establishes off-street parking requirements by use. General retail uses, as well as auto service stations with retail space require one parking space for each 300 square feet of retail area. The proposed Circle K mini-mart is 2,976 square feet in area. Therefore, the total on-site parking requirement is for a minimum of 10 parking spaces. Based on this number, California Building Code Section 1129.B requires a minimum of one ADA parking space, which must be van accessible. The project proposes 16 parking spaces of which one is ADA compliant and designated van accessible. Ten of the spaces, including the handicapped space, are located immediately adjacent to the mini-mart.

**Landscaping:** Review of the preliminary landscape plan indicates it meets the screening requirements of parking areas contained in Section 17.18.090 of the Zoning Ordinance (Exhibit J). Approximately 15 percent of the existing project site will be landscaped with trees, shrubs and ground cover, and as such will be subject to Water Conserving Landscape Standards. Planting areas are proposed along portions of the site bordering South Shingle Road, Mother Lode Drive, and the adjoining auto dealership to the east and south. The applicant will be required to maintain these planting areas free of obstruction within the cross-visibility areas in order to insure line of sight visibility from the driveways. Several smaller planting areas are proposed within the project site adjacent to the parking stalls. A final landscape plan, to include a Water Conservation Concept Statement, shall be submitted during the building permit process and will be reviewed and approved by staff for substantial compliance with the preliminary plan. An on-site inspection verifying compliance with the plan will be performed by staff prior to final occupancy.

**Lighting:** Five, pole-mounted lights, 16 feet in height, are proposed at both driveway entrances, as well as at multiple locations throughout the project site. Wall sconce lighting is proposed for the side and rear walls of the mini-mart. Canopy lighting is to be installed to illuminate the gas fueling area. All exterior lighting, including the canopy, is rated full cut-off pursuant to the Illuminating Engineering Society of North America (IESNA) standards. (Exhibit I)

**Discussion:** General Plan Policy 2.8.1.1 states “Development shall limit excess nighttime light and glare from parking area lighting, signage, and buildings.” Under the Community Design Guidelines “exterior lighting should be subdued and avoid creating a glare for occupants or neighboring properties. Lighting should enhance the building design and landscaping, as well as providing for safety and security.” In consideration, the applicant has reduced the proposed number of pole lights from eight to five, and has reduced the wattage and luminance of all non-canopy lighting by approximately 25 and 60 percent, respectively, from what was originally proposed. Motion sensors will be required for the rear wall lighting, in order to reduce light intensity and glare while ensuring public safety.

**Trash Enclosure:** The trash receptacle will be sited in the northeast corner of the parking lot, and will be fully enclosed behind a concrete block wall and metal gates. All enclosure components will be finished with textured paint to match the mini-mart building (Exhibit H). The preliminary landscape plan indicates that vines will be planted at the base of each of the three walls. The project will be conditioned to require the enclosure doors to remain closed at all times when not in use.

**Mechanical equipment:** No roof-mounted equipment is being proposed. PG & E will relocate a transformer from the southeast corner of the property to the east property line north of the mini-mart building. It will be situated within a landscaped area.

**Other Issues:** The project parcel has a flat grade with no trees on site. The existing grade varies from four to eight feet above the frontage roadways. The applicant proposes to reduce the site grade to the grade levels of the adjoining roadways. Retaining walls on the east and south lot lines may be installed as a result. Off-site grading will be necessary to accomplish this; however, it will occur on the existing car dealership site, which has been previously graded. A commercial grading permit will be required to insure compliance with the Grading, Erosion, and Sediment Control Ordinance.

## **ENVIRONMENTAL REVIEW**

The 76 Gas Station & Circle K Mini-Mart Environmental Impact Report (EIR) (consisting of the Draft EIR (DEIR) and Final EIR (FEIR)) identified significant impacts associated with project approval. Specifically, CEQA Guidelines Section 15091 requires lead agencies to make one or more of the following written findings:

1. Changes or alterations have been required for the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, social or other considerations make infeasible the mitigation measure or project alternative identified in the final EIR.

As a result of the environmental analysis for the project, the County determined that impacts associated with aesthetics, air quality, biological resources, cultural and historic resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, population, housing and socioeconomics, public services and utilities, and traffic and circulation were projected to have potentially significant impacts based on the Initial Study prepared for the project. During the Notice of Preparation (NOP) and initial review process conducted for the EIR, it was determined that agricultural resources, mineral resources, and utilities and services would not be adversely affected by the proposed project and therefore were not analyzed in the supplemental EIR (page 1.0-6 of DEIR).

Therefore, CEQA Findings of Fact have been prepared, as required by the Board of Supervisors, to certify the EIR. During its evaluation of the proposed project, the County's review of resource issues addressed in the EIR determined that the Project would cause new potentially significant impacts, but that all impacts would be reduced to a less than significant level with mitigation. Each of these impacts, including those regarding growth inducement and cumulative impacts, are described in Attachment 3, which has been revised based on amendments to General Plan Policies TC-Xd and TC-Xf in conformance with Measure Y, subsequently approved by the voters of El Dorado County.

In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,818.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee is to be submitted to Planning Services and must be made payable to El Dorado County. A \$50.00 recording fee will be deducted from the amount and the remaining \$2,768.25 will then be forwarded to the State Department of Fish and Game for use in defraying the cost of managing and protecting the State's fish and wildlife resources.

## **RECOMMENDATION**

Staff recommends the Planning Commission take the following action:

1. Certify the Environmental Impact Report (EIR) based on the findings in Attachment 3;
2. Adopt the Mitigation Monitoring and Reporting Program in Attachment 4; and
3. Approve the design review, DR00-0011, as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report and the modification of the project to include mitigation measures and conditions itemized in Attachment 1.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Design Review Findings of Fact
Attachment 3 .....	CEQA Findings of Fact
Attachment 4 .....	Mitigation Monitoring and Reporting Program
Attachment 5 .....	Measure Y Revisions to the General Plan
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Zoning Map
Exhibit D .....	Assessor's Parcel Map
Exhibit E .....	Site Plan
Exhibit E1 .....	Site Plan Color Overview
Exhibit F .....	Building Elevations
Exhibit F1 .....	Building Color Elevations
Exhibit G .....	Canopy Elevations
Exhibit G1 .....	Canopy Color Elevations
Exhibit H .....	Trash Enclosure Details
Exhibit I .....	Lighting Plan
Exhibit J .....	Landscape Plan
Exhibit K .....	Sign Plan
Exhibit L .....	Boundary Line Adjustment, BLA00-0035
Exhibit M .....	Public Comments

**ATTACHMENT 1  
CONDITIONS OF APPROVAL  
DESIGN REVIEW  
FILE NUMBER DR00-0011**

**CONDITIONS OF APPROVAL**

**Development Services:**

1. The project, as approved, shall allow a 2,976 square foot Circle K mini-mart and 76 gas station with 6 fueling stations under a proposed 4,000 square foot canopy conforming to Exhibits E, F, F1, G, G1, and H. The following building colors are to be used:

**Circle K Building**

Wainscoting = Beige tile

Walls = White paint

Accent= Red paint/tile

Sign = Circle K logo

**Canopy**

Sides = Oasis White and Red

Accent = Oasis Silver

Sign = 76 logo

2. Landscaping along the road frontages shall be maintained to insure line-of-sight visibility pursuant to American Association of State Highway and Transportation Officials (AASHTO) or Caltrans Highway Design Manual standards to the satisfaction of the Department of Transportation. At a minimum, no foliage, sign or structural feature between the height of 30 inches and seven feet above grade shall extend into the cross-visibility areas (CVA) defined as follows:
  - a. At a corner formed by any encroachment onto the roadway, the CVA shall be a triangle having two sides 15 feet long, running along the driveway/encroachment edge and the roadway edge-of-pavement, said length beginning at their intersection, and the third side formed by a line connecting the two ends.
  - b. At any street corner intersection, the CVA shall be a triangle having two sides 35 feet long, running along each roadway edge of pavement, said length beginning at their intersection, and the third side formed by a line connecting the two ends.
3. A final landscape plan, to include a Water Conservation Concept Statement, shall be submitted during the building permit process and will be reviewed and approved by staff for substantial compliance with Exhibit J, the preliminary landscape plan. An on-site inspection verifying compliance with the plan will be performed by staff prior to final occupancy.
4. All exterior lighting shall conform to Exhibit I. Motion sensor activation will be required for the rear wall lighting.

5. Signage shall conform to Exhibit K.
6. The trash receptacle enclosure doors shall remain closed at all times when not in use.
7. The project shall be subject to the issuance of a building permit from the El Dorado County Building Department.
8. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,768.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.

**Department of Transportation:** (as revised January 5, 2009 based on amendments to Measure Y)

9. **Encroachment Permits:** The applicant shall obtain an encroachment permit from the Department of Transportation and shall construct the driveway encroachments from the proposed project onto Mother Lode Drive and South Shingle Roads to the provisions of Standard Plan 110 of the County *Design and Improvement Standards Manual (DISM)*. The encroachments shall be located as far away from the intersection of Mother Lode Drive / South Shingle Road / US Highway 50 Eastbound on and off ramps as feasible. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.
10. **Deceleration Lane Improvements:** The applicant shall modify the right only lane on the US Highway 50 Eastbound off-ramp at Mother Lode Drive to a through lane and provide a deceleration lane for turning into the project site from Mother Lode Drive. The improvements shall be completed to the satisfaction of the Department of Transportation prior to final occupancy approval.
11. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee, a 50 foot right-of-way (half-width) along the entire frontage of South Shingle Road and Mother Lode Drive and a 20 foot radius at the northwest property corner as determined by the Department of Transportation prior to issuance of a building permit. This offer will be accepted by the County. The applicant shall also irrevocably offer to dedicate a slope easement adjacent to the proposed right-of-way along South Shingle Road and Mother Lode Drive of sufficient width to accommodate the proposed slope and 5 feet beyond the top of slope.
12. **Construction Easements:** The applicant shall provide any required temporary construction easements needed for the approved U.S. Highway 50/Ponderosa/South Shingle Roads Interchange Improvement CIP Projects Nos. 71333 and 71338 within 14 days of written request for said easement.

13. **On-site Frontage Improvements:** The applicant shall improve the project frontage consistent with the provisions of the *DISM* Standard Plans 101A and 109 in effect at the time improvement plans are submitted for review and approval. The Department of Transportation may determine at the time of improvement plan submittal, given the status and timing of the forthcoming CIP projects, that installation of these frontage improvements is not appropriate. If so, the applicant shall submit a cash in-lieu payment to the County at the time of permit issuance for the curb, gutter, and sidewalk improvements. The improvements shall be completed to the satisfaction of the Department of Transportation prior to issuance of a building permit.
14. **Right-in / Right-out:** Due to the proposed CIP projects and the improvements to the adjacent intersections and interchange, the driveway encroachments may be restricted to right-in / right-out vehicular access as determined by the Department of Transportation . This condition shall appear on all site plans and installation of appropriate signage may be required by the Department prior to issuance of a building permit.

**Department of Transportation Standard Conditions:** (as updated in compliance with current standards and requirements)

15. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
16. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 50-foot wide (half-width) non-exclusive road and public utility easement along South Shingle Road and Mother Lode Drive, prior to issuance of building permits. Slope easements shall be included as necessary.
17. **Sidewalks:** Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department prior to improvement plan approval.
18. **Curb Returns:** All curb returns at pedestrian crossings will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
19. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the County prior to being used.

20. **Construction Hours:** Construction activities shall be conducted in accordance with the General Plan Public Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
21. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the *DISM* from the County Department of Transportation, and pay all applicable fees prior to issuance of a building permit.
22. **Import/Export Grading Permit:** Any import or export to be deposited or borrowed within the County shall require an additional grading permit for that offsite grading.
23. **Grading Permit / Plan:** A commercial grading permit is required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County's "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of the Department of Transportation and/or Development Services (whichever is applicable).
24. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the County's Resource Conservation District (RCD) and the Department of Transportation or Development Services (whichever is applicable). The RCD shall review and make appropriate recommendations to the County. Upon receipt of the RCD's report, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the *Grading Ordinance* and *Storm Water Management Plan*. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
25. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the RCD. If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation or Development Services (whichever is applicable) shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.

26. **Soils Report:** At the time of submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report subject to the requirements of the *Grading Ordinance* for review and approval from the Department of Transportation or Development Services (whichever is applicable). Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
27. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation or Development Services (whichever is applicable).

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or the applicant shall be required to demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed to the approval of the Department of Transportation or Development Services (whichever is applicable), prior to final occupancy.

28. **Drainage (Cross-Lot):** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size

or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary.

29. **Drainage Easements:** Pursuant to Section 4.D of the *DISM*, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans.
30. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) with the State Water Resources Control Board (SWRCB) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity. This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, filing fee, location map, and Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the filing shall be submitted to the County prior to building permit issuance and, in compliance with state law, must be done prior to commencing construction.
31. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation that contains the drainage report, structural wall calculations, and geotechnical reports in PDF format, and the record drawings in TIF format.
32. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time of issuance of the first building permit.

### **Environmental Management:**

33. The applicant shall comply with all County and State requirements relative to the use, storage, and monitoring of all hazardous materials stored and/or utilized on the site.
34. Plans for the convenience store must be submitted to and approved by Environmental Health at the time of construction. All plans must be in compliance with the requirements contained in the California Uniform Retail Food Facilities Law.
35. The project is subject to the issuance of a permit from the Environmental Management Department for the installation of all components related to the gasoline fueling station. This will require the submittal of plans for review and approval with the payment of fees.
36. Should ground water be encountered at the site during the installation of fuel storage tanks, a vadose zone, or well monitoring system will be required. The design and installation of same will be subject to the review and approval of the Environmental Management

Department. To assure compliance with this issue the applicant shall notify the Environmental Management Department once all tank excavation is complete and prior to the placement of any bedding or backfill material to verify the existing field conditions as they relate to the presence of groundwater.

37. The on-site facility improvements shall include the installation of one or more oil / water separators as a component of the surface water runoff controls. The design and installation of this system shall be subject to the review and approval of the Environmental Management Department.
38. A Hazardous Materials Management Plan (HMMP) shall be prepared for this facility. This plan is subject to the review and approval of the Environmental Management Department. All contact information, as required as a part of this plan, shall be provided to the Department prior to the use of this facility by the public.

**El Dorado County Fire Protection District:**

39. The location of fire hydrants and systems for fire flows are to meet the requirements of the El Dorado County Fire Protection District. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the District.

## **ATTACHMENT 2 DESIGN REVIEW FINDINGS OF FACT**

### **FILE NUMBER DR00-0011**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

#### **FINDINGS FOR APPROVAL**

1. The proposed project, as mitigated and conditioned, will not have a significant effect on the environment and an EIR has been filed. Further, the project will not affect wetlands, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services located at 2850 Fairlane Court, Placerville, CA.
  
2. The proposed use and design conforms to the General Plan General Plan Policies 2.2.1.5, 2.4.1.4, 2.5.2.2, 2.8.1.1, TC-Xd and TC-Xf (as amended by voter approval of Measure Y in November 2008), TC-Xg, TC-4e, and 2.6.1.3 in that the site is located within the Community Region of Shingle Springs in an area of existing commercial facilities, proposed development falls well under the building intensity threshold for the site, the use is consistent with commercial development as defined under the Commercial land use designation, conditions and mitigation measures consisting of right-of-way dedications, roadway and frontage improvements, and payment of TIM fees, as reflected in revisions to Mitigation Measures 4.12.1a, .1b, and .1c, will reduce traffic impacts from both the design and use of the site to less than significant, and the subject application, DR00-11, complies with the requirement for discretionary review.

Further, the proposed use and design, as mitigated and conditioned, conforms to the Zoning Ordinance by being a use allowed by right within the Commercial Zone that is consistent with the development standards of setbacks, minimum lot size and width, and maximum building coverage and height. Further, in compliance with the requirements for a design review due to its visibility from U.S. Highway 50, the proposed site design conforms to signage, parking, landscaping, and lighting requirements under Chapters 17.16, 17.18, and Section 17.14.170, respectively.

3. The proposed use and design will not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood, as the potential impacts were analyzed and found to be less than significant under the CEQA Findings in Attachment 3, subject to the mitigation measures and required monitoring program, conditions of approval, and compliance with all applicable provisions under the County Code.