

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



<b>Agenda of:</b>	<del>October 13, 2011</del> <u>December 8, 2011</u>
<b>Item No.:</b>	<u>89</u>
<b>Staff:</b>	Tom Dougherty

**REVISED REZONE/PLANNED DEVELOPMENT/PARCEL MAP**

**FILE NUMBER:** Z10-0009/PD10-0005/P10-0012/Creekside Plaza

**APPLICANT:** Grado Equities VII, LLC

**AGENT/ENGINEER:** Lebeck Young Engineering

**REQUEST:** The project consists of the following requests:

1. Rezone from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and Open Space-Planned Development (OS-PD);
2. Development Plan to construct three commercial buildings totaling 30,572 square feet maximum;
3. Tentative Parcel Map to create three commercial parcels and one open space parcel;
4. Finding of Consistency with General Plan Policy 7.1.2.1 to allow development and disturbance on slopes of 30 percent or greater gradient; and
5. Finding of Consistency with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to zero, with portions of the development area within the required setback; and
6. Finding of General Plan Consistency for the General Vacation of Portions of the Forni Road Right-of-Way.

**LOCATION:** Northwest corner of the intersection of Forni Road and Missouri Flat Road in Placerville area, Supervisorial District 3. (Exhibit A).

**APNs:** 327-211-14, -16, and -25 (Exhibit B)

**ACREAGE:** 4.132 acres (~~includes 0.22 acre of Forni Road Right-of-Way~~)

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

**ZONING:** One-Acre Residential (R1A) (Exhibit E)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**RECOMMENDATION:** Staff recommends that the Planning Commission recommend that the Board of Supervisors take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines Section 15074(d) incorporating the Mitigation Measures in the Conditions of Approval as listed in Attachment 1;
3. Approve Rezone Z10-0009 based on the Findings in Attachment 2;
4. Approve Planned Development PD10-0005, adopting the Development Plan as the official Development Plan, based on the Findings in Attachment 2 and subject to the Conditions of Approval in Attachment 1;
5. Approve Tentative Parcel Map P10-0012 based on the Findings in Attachment 2 and subject to the Conditions of Approval in Attachment 1;
6. Find the project consistent with General Plan Policy 7.1.2.1 to allow development and disturbance on slopes of 30 percent or greater gradient; ~~and~~
7. Find the project consistent with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to zero, with a portion of the development area within the required setback; and
8. Find that the General Vacation of portions of the Forni Road Right-of-Way is consistent with the General Plan in accordance with Government Code 65402(a).

**STAFF ANALYSIS:** Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

**Project Description:** Request for a rezone, Development Plan, and Tentative Parcel Map for a proposed commercial center containing one, two-story, 20,070 square-foot mixed use professional office/retail building, one, single story, either 6,600 or 4,775 square foot retail building, and one single story building including 1,352 sq. ft. of retail space and a 2,550 square foot fast food restaurant with a drive-up window. The project also includes three bike racks, ten monument signs, three trash enclosures, four-foot tall black powder-coated wrought-iron fencing, and 26, 20-foot tall pole lights. In addition, the project proposes to rezone the three

subject parcels from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and to create three commercial parcels and one open space parcel.

The requests are detailed as follows:

**Rezone:** Request to rezone the three parcels totaling 4.32 acres from One-Acre Residential (R1A) to 3.1-acres of General Commercial-Planned Development (CG-PD). The 1.14-acre open space area (proposed Parcel A) ~~is~~ shown in Exhibit F-1 would be rezoned to Open Space-Planned Development (OS-PD).

**Planned Development:** The Development Plan proposes a commercial complex to include the construction of three buildings totaling a maximum of 30,572 square feet as follows:

Building (as labeled on Sheets S1, S2)	Proposed Uses	Square footage
<b>A (two-story)</b>	Mixed use, professional office/retail	Ground floor: 10,184 Second floor: 9,859 Second floor deck: 325
<b>B (one-story)</b>	Retail/fast food restaurant	Restaurant: 2,550 Retail: 1,352
<b>C (one-story)</b>	Retail	6,600 maximum
		<b>Total: 30,572</b>

The Development Plan includes the site plan and parking (Exhibits F-1, F-1-A), sign package (Exhibits L-1 to L-9), buildings and elevations/color palette (Exhibits G-5 to H-3, and I-2 to J), outdoor lighting (Exhibit M), landscaping (Exhibits K-1, K-2), bike racks (located as shown in Exhibit F-1, F-1-A), and trash enclosures (located as shown in Exhibit F-1, F-1-A). The buildings are proposed to be slab-on-grade buildings with flat roofs surrounded by sloped metal roofing, with walls covered with a combination of horizontal cement lap siding with vertical battens and veneers of cast concrete stone, surrounded by landscaping and including four outdoor patio sitting areas. The parking, access and landscaping areas are proposed to be shared by the project parcels with a common maintenance agreement between each parcel owner. Two potential options for Building C are included as shown on Sheets S1 and S2. The S2 option includes a drive-thru and reduced building square footage.

**Tentative Parcel Map:** The Parcel Map request proposes to create three commercial parcels; and one common area parcel for the wetland area preservation.

The parcel sizes are proposed as follows:

Creekside Plaza Tentative Parcel Map Individual Parcel Area Summary		
Lot No.	Acres	Parcel Type
1	0.72	Commercial
2	0.90	Commercial
3	1.56	Commercial
A	1.14	Open Space
<b>Total Project Acres</b>	4.32	

**Findings of Consistency:** Request for a Finding of Consistency with General Plan Policy 7.1.2.1 to allow development and disturbance on slopes of 30 percent or greater gradient, and with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to zero with portions of the development area within the required setback.

**Site Description:** Elevations are between 1,723 feet to 1,761 feet above sea level. According to the soils map, as well as the submitted archeological report, portions of the area were placer mined at one time and tailing piles are present along the creek. Since then, a portion of the site has been graded and filled flat on the south side of the creek. This portion of Missouri Flat Road has been developed with retail outlets and offices, although some residential housing still exists along Forni Road and Road 2233. The majority of the three-parcel project area is dominated by a stream channel within a ravine that is fed from a culvert located under Forni Road. The submitted Slope Map shows that approximately 30 percent of the parcel contains slopes below ten percent, with an estimated 22 percent having slopes over 30 percent. The majority of those steeply sloped portions adjoin the areas previously filled and graded with imported soil. All three parcels are currently undeveloped with the pronounced creek bed flowing southeast to northwest. Vegetation is comprised of riparian trees and oaks along the ravine with the remainder covered by annual non-native grasses. A tree canopy analysis performed for the parcels identified that approximately 13.3 percent of the project parcels are covered by oak canopy. There is approximately 17 percent more tree canopy comprised predominately of riparian trees such as willows and cottonwoods.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
Site	R1A	C	Commercial/Vacant
North	R1A	C/MDR	Residential/Single family residences.
South	C/CG	C	Commercial/Missouri Flat Road, Walgreens and one 12.5-acre vacant parcel located on the opposite side of the road.
East	R1A/C	C/PF	Commercial/Forni Road, public facility (Herbert Green Middle School), and Schools Credit Union located on the opposite side of the road
West	R1A	C	Commercial/Missouri Flat Road and two single family residences on Road 2233.

The subject project is located within the El Dorado-Diamond Springs Community Region. As discussed below the project includes road improvements and design elements to reduce the impacts to the surrounding existing and future residential land uses and to match the future road, bike lane, and sidewalk improvements within the area. As conditioned and mitigated, the project would be consistent and compatible with the existing commercial development to the east and south.

**Project Issues:** Discussion items for this project include biological resources, bus stop/public transit, drive-thru lane evaluations, grading/drainage, lighting, parking, Missouri Flat Circulation and Funding Plan (MC&FP), Missouri Flat Design Guidelines, parking, right-of-way acquisition traffic/circulation, utilities, wetlands and riparian habitat.

**Biological Resources:** The project site is located within Mitigation Area 2. Mitigation Area 2 is defined as lands not known to contain special status species, but located within the EID service area. The applicants submitted a *Biological Resource Assessment for the Creekside Plaza Study Area* which concluded that the project site does not provide habitat for special status wildlife species because of the site's proximity to developed areas, and that no special status plant species were present. Wetlands and riparian habitat are discussed below within this Project Issues section, and potential impacts to migrating birds are discussed below in the General Plan 7.4.1.5 section.

**Bus Stop/Public Transit:** The Diamond Springs and El Dorado Community Advisory Committee has recommended that a bus turnout/bus stop along Missouri Flat Road be added to the project plans. The minutes of their April 21, 2011 meeting are included as Exhibit O. The El Dorado County Transit Authority has recommended a condition of approval be added to require this of the project as well. The El Dorado County Transportation Commission are also supporting the addition of the bus stop to the project requirements as well. At the request of the El Dorado County Transit Authority, DOT supports the placement of a bus turnout and shelter along the Missouri Flat Road project frontage. They determined the following: *Development of this parcel is the last of the four parcel intersection of Missouri Flat and Forni Road Intersection. A bus turnout and shelter exist on the southbound Missouri Flat Road just south of the intersection. This project will provide the northbound compliment of the existing bus stop. These improvements are in accordance with General Plan Goal TC-2 to provide alternative transit systems to automobile use and are especially important for those who cannot or do not drive.*

The applicant is opposed to being required to provide the bus stop. Since the development area is narrow due to the ravine, the project would need to be redesigned to accommodate the bus stop and the parking lot would lose an unspecified number of spaces.

Planning staff has some reservations about recommending that the project be required to be responsible for this bus stop at this particular location, as it was not included in the Coordinated Public Transit-Human Services Transportation Plan, adopted August 28, 2008, and there is a question as to whether there is an adequate nexus for this project to shoulder this requirement alone. Planning staff is of the opinion that the size of this development does not warrant that the developer pay the full cost of a bus stop. A developer is only required to pay for a fair share

based on the impact of the project. However, the DOT recommended condition is included in Attachment 1 and reads as follows:

32. *Bus Turnout and Shelter: The applicant shall construct a bus turnout and shelter along Missouri Flat Road in accordance to El Dorado Transit's standards. The installation will include a bus turnout, bus shelter with bench, illumination, Americans with Disabilities (ADA) pad, trash receptacle, and bus stop sign. The improvement plans for bus turnout and shelter to be approved by El Dorado Transit prior to issuance of building permit. The improvements shall be completed to the satisfaction of the Department of Transportation and the El Dorado County Transit Authority prior to issuance of any building permit.*

**Drive-thru Lane Evaluations:** The submitted *Creekside Plaza Draft Traffic Impact Analysis Revised Drive-thru Lane Evaluation*, January 18, 2011, describes the following details for the drive-thru lane proposed for Building B:

*The revised site plan indicates the following vehicle storage lengths for the drive-thru lane:*

- 1) *Distance from the pick-up window to the order board is 85.5 feet, which is adequate to accommodate 4 vehicles.*
- 2) *Distance from the order board to the drive-thru lane entrance is 105.8 feet, which is adequate to accommodate 5 vehicles.*
- 3) *Total vehicle storage length of the drive-thru lane is 191.3 feet, which is adequate to accommodate **9 vehicles**.*

*To accommodate vehicle stacking generated by the vast majority of land uses with drive-thru lanes, the distance from the pick-up window to the order board should be at least 80 feet, the distance from the order board to the drive-thru lane entrance should be at least 100 feet, and the total length of the drive-thru lane should be at least 190 feet. The proposed design of the drive-thru lane noted above includes distances that exceed these recommended minimum distances. As a result, the proposed drive-thru lane appears to be adequately designed.*

The project proposes a second potential drive-thru to be approved to have that option open to potential future tenants of proposed Building C. The analysis in the preceding paragraph is used to analyze this proposed alternative option. The proposed distance from the menu order board to the pickup window is 139 feet (80 feet is recommended), the distance from the order board to the drive-thru lane entrance is 75 feet (100 feet is recommended), the total length of the drive-thru lane from start to the pickup window is 214 feet (190 feet is recommended). This is adequate to accommodate **10 vehicles**. The space from the start of the lane to the order board would therefore allow space for the stacking of three vehicles rather than the recommended five. By comparison, as described below, the existing McDonalds (Golden Center Plaza) fast-food restaurant accommodates one vehicle to stack before the order board.

For comparison purposes, staff has evaluated the McDonalds fast-food restaurant at the northwest corner of Golden Center Drive and Missouri Flat Road using field measurements and

photos. That restaurant has an order board, a payment window and a pickup window. The measurement for space for each vehicle is 20 feet:

- a) Distance from the pickup window to the payment window is 46 feet. Distance from the payment window to the order board is 71 feet. Total distance from the pickup window to the order board is 117 feet (46 + 71). This is adequate to accommodate five vehicles
- b) Distance from the order board to the drive-thru lane entrance is 36 feet. This is adequate to accommodate one vehicle.
- c) Total vehicle storage length of the drive-thru lane is 153 feet. This is adequate to accommodate **6 vehicles**.

Staff has determined that both drive-thrus could be approved as proposed as it appears that, by comparison, both would be of adequate length to facilitate the potential use by businesses wishing to use that option. The only potential flaw being stacking before the reader board for Building C however, both DOT and the Diamond Springs-El Dorado Fire Protection District have also reviewed both drive-thru proposals for interior vehicular circulation and neither responded with any concerns of the designs as proposed.

**Grading and Drainage:** Anticipated grading and drainage improvements associated with the project in general would be those associated with the required infrastructure improvements, which includes all site development and roadway to access this site.

The project proposes to develop approximately 2.73 acres of the site, leaving approximately ~~1.37~~ 1.14 undeveloped as open space. Because the existing topography of the site is dominated by an existing intermittent streambed, the project engineer estimates that approximately 44,697 cubic yards of fill would need to be imported from off-site to fill an approximately 299-foot long portion of it. The fill would be supported by a proposed retaining wall up to ~~22.9~~ 27-feet tall, to separate the fill area from the remaining streambed conservation area determined by the Army Corps of Engineers through the 404 Permit Process. Grading improvements associated with the project more specifically would include those associated with the required infrastructure improvements, which includes all site development, encroachment improvements as well as the off-site roadway improvements as conditioned by DOT and the Diamond Springs-El Dorado Fire Protection District to provide safe access to this site. Preparation and approval of a grading plan would be required.

The project site currently drains stormwater into the unnamed intermittent stream flows southeast to northwest for a distance approximately 4,000 feet into Weber Creek. According to the submitted Preliminary Drainage Report for Creekside Plaza, dated February 8, 2010, off-site storm water would be routed through the project inside an underground four-foot diameter pipe and into the existing creek channel. The on-site storm water is proposed to be *collected through a series of storm water pipes and conveyed to the northerly portion of the site where it will be filtered through a CDS, (a filtering device), in order to ensure water quality is preserved.* No new off-site stormwater facilities would be required and the project is estimated to increase channel flow by less than one percent. A zone of benefit would be required for the maintenance of all drainage facilities within the property boundaries.

**Lighting:** Page 3.43 of the Missouri Flat Design Guidelines state the following: *The height of a light pole should be appropriately scaled to the building or complex and the surrounding area. Pedestrian light poles along sidewalks or pathways and parking lot light standards should be 10 to 15 feet high unless bollards are used. Light poles, standards, and fixtures within parking areas should be between 10 and 15 feet in height.* The project proposes both 18 and 20-foot tall exterior parking lot light poles. Planning would be recommending reducing the height of the light poles to a maximum height of 15 feet tall from ground level, pursuant to the Missouri Flat Design Guidelines recommendations and that all lights will be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. These conditions have been included in Attachment 1. The proposed applicant's proposed lighting plan is included as Exhibit M.

**Missouri Flat Circulation and Funding Plan:** The project parcel is located within the Missouri Flat Area planned community which has the County-adopted Missouri Flat Area Master Circulation and Funding Plan (MC&FP) in place. As a condition of approval, prior to issuance of any building permits for any portion of this project, the owner would be required to enter into an agreement in recordable form with the County that obligates the property to participate in and annex into the Community Facilities District No. 2002-01 (Missouri Flat Area) (CFD), which is the financing district approved by the El Dorado County Board of Supervisors for the Missouri Flat Area, at such time in the future that the County processes an annexation of territory into the CFD. The agreement would be executed by the property owner and approved by the County prior to the issuance of any building permits. The financing obligation would run with the property's title and bind all future assignees and/or successors in interest in the subject property.

Should timing of building permit review process coincide with an annexation process underway by the County, the applicant may participate in said process in lieu of entering into an agreement, provided the annexation election has been held, the property owner, for subject application, voted in favor of being annexed, and the annexation election is successful. A condition of approval has been recommended by DOT to ensure compliance with the MC&FP, and is included in Attachment 1.

**Missouri Flat Design Guidelines:** The Missouri Flat Design Guidelines were adopted by the Board of Supervisors June 3, 2008. The purpose of these guidelines is to improve the quality and character of the built environment and create a more pedestrian-friendly atmosphere with enhanced public spaces along the corridor. The guidelines are applied to all non-residential development within the map-defined corridor from El Dorado Road to Pleasant Valley Road (See Exhibit E). Staff has reviewed the proposal for consistency with the applicable sections of the guidelines and found the project design would be consistent with the Guidelines for the landscaping, architectural design and colors of the buildings, trash enclosures, bike racks and signs. The only features of the project proposal not in compliance with the Missouri Flat Design Guidelines are the light poles, and that is discussed in more detail below in the Project Issues, Lighting section.

**Parking:** The proposed parking is shown on the Site Plans (Exhibit F-1, Sheet S1; and Exhibit F-1-A, Sheet S2). The applicant intends that the entire project area be an integrated commercial-retail shopping center. A declaration of Covenants, Conditions and Restrictions would be

recorded to establish shared access, parking and maintenance of the common areas, landscaping, and building areas. The three commercial parcels would therefore share parking across the proposed parcel boundaries. The required parking was analyzed using Zoning Ordinance Chapter 17.18 as follows. It is separated by building and uses for clarity and detail:

Standard spaces:

- Building A: a) 12,240 sq. ft. retail=49 required, (1 space per 250 sq. ft.),  
b) 7,830 sq. ft. medical office=53 required (1 space per 150 sq. ft.)
- Building B: a) 2,550 sq. ft. fast food restaurant and outside patio, 72 seats=24 required (1 per 3 fixed seats); (credit given for 1 space for every 24 feet of stacking lanes for drive-up window-191 feet proposed=8-space credit but only 3 additional spaces are required to be added because of the drive-up window so that requirement is negligible).  
b) 1,352 sq. ft. retail=6 required (1 per 250 sq. ft.)
- Building C: As shown on Sheet S1, 6,600 sq. ft. retail=26 spaces required (1 space per 250 sq. ft.). If the drive-thru option shown on submitted Sheet S2 is chosen, the building size would be reduced to 4,775 square feet. As shown on Sheet S2, the building would be divided into three suites as follows: Suite A=1,750 sq. ft., Suite B=1,200 sq. ft., and Suite C=1,687 sq. ft. Using the Building B (Burger King) seat to square footage as a guide (5,550/60 seats=92.5), if Suite A is utilized by a fast-food restaurant, it is estimated that it could include 19 seats (1,750/92.5=18.92) and therefore would require 6 spaces (1 space per three seats). The remaining two suites are labeled for retail use. Their square footages add up to 2,887 sq. ft. (1,200, Suite B + 1,687, Suite C). Retail requires 1 space per 250 sq. ft. so the two retail suites would require 12 spaces (2,887/250).

In summary, if the design for Building C shown on Sheet S1 is used, 26 spaces would be required. If the design for Building C shown on Sheet S2 is used, 18 spaces would be required (6 for restaurant + 12 for retail). The parcel proposed to include Building C includes 27 spaces with the Sheet S1 design and 25 spaces with the Sheet S2 design.

Handicap Accessible Spaces: Of the standard spaces, for between 101-150 overall parking spaces, 5 accessible spaces would be required and 1 in every 8 accessible spaces must have van accessibility.

RV Spaces: 1 per every 10 proposed spaces for fast food restaurant. The proposed fast-food restaurant requires 24 spaces which requires 2 RV spaces.

Loading Spaces: 2, 12 foot by 40 foot loading spaces are required for commercial projects between 15,001 and 40,000 sq. ft. of gross floor area (project includes 30,572 square feet of gross floor area) would be required.

The following table breaks down the proposed and required parking:

<b>PARKING REQUIREMENTS</b>		
<b>Parking Stall Standard</b>	<b>No. of Spaces Required</b>	<b>No. of Spaces Provided</b>
Standard Space	Building A: 49 + 51 = 100 Building B: 25 for restaurant, 5 for retail = 30 Building C: 27, (Sheet S1 design); 18 (Sheet S2 design)  Total: 157 required (Sheet S1 designs), 149 (Sheet S2 design).	100  29 27 (Sheet S1 design) 25 (Sheet S2 design)  Total: 157 provided
Compact Spaces	35 percent of the 157 allowed or 55	Total: 18 of the 157 provided
Accessible Spaces (These are required to be part of the standard space count, not in addition to it)	Building A: 49 + 51, 100 total=4 Building B: 25 for restaurant, 5 for retail = 30 total=2 Building C: 27 total = 2. (Each building needs a space with van accessibility) Total: 8 minimum required	4 (2 with van accessibility) 2 (1 with van accessibility) 1 (1 with van accessibility)  *Total: 8 provided
Recreational Vehicle ("RV") Spaces (These are in addition to all other parking spaces.)	Total 2 required	Total 2 provided
Commercial Loading Spaces (These are in addition to all other parking spaces.)	Total 2 required	Total 2 required

\*The applicant has provided van accessible spaces at each building for a total of four.

Any future uses will be evaluated during the tenant improvement/building permit process prior to issuance of a building permit to ensure that parking will be available for each use and consistency with the uses permitted under the approved Development Plan. They will further be analyzed, and a tally will be maintained in the project file to ensure the initial proposed uses of office were not subjected to a change that requires more parking than what was permitted. Should, at any time, the subsequent tenant improvements be for uses that create the need for more parking than what has been approved, that tenant improvement use that causes the need for additional parking would not be approved by Planning Services. As proposed, the project would be consistent with the requirements of the Zoning Ordinance.

**Right-of-Way Acquisition:** The applicant proposes to acquire 9,303.16 square feet (0.21 acres) of the County right-of-way along Forni Road. In 1997, the County acquired right-of-way from the three project parcels along Missouri Flat Road as part of the Missouri Flat Road Widening Project Phase A. In addition to the previous Missouri Flat Road dedication to the County, the applicant proposes to offer an Irrevocable Offer of Dedication for an additional 5,114.84 square

feet (0.12 acres) of right-of-way along Missouri Flat Road. The applicant is asking for a reconveyance from the County back to the project parcel along Forni Road currently identified by Assessor's Parcel Number 327-211-16. The full text of the applicant's Forni Road right-of-way acquisition proposal is included as Exhibit QN.

DOT has determined that Forni Road is the abandoned Caltrans right-of-way for old Highway 50. Caltrans historically obtained 100 feet of right-of-way. The geometric control lines ( curb and gutter) have been built to full build out alignment. Therefore DOT does not have objection to the General Vacation of property. The General Vacation is being processed concurrently.

Pursuant to Government Code 65402(a), no street shall be vacated or abandoned until such vacation or abandonment has been submitted to and reported upon by the planning agency as to conformity with the adopted general plan. The applicants filed the General Vacation request with the Department of Transportation (DOT) in September of 2011, application #11-0001. This is a very routine type of application and it has been added to the project applications to be processed simultaneously. This application was forwarded to Planning Services for further consistency review against applicable General Plan Policies, and for a recommendation to the Planning Commission. The proposed vacation will be reviewed by the affected utility entities with recorded easements through this road section to insure they do not object to the vacation. If a formal vacation is granted, the County would quit claim ownership of the abandoned land back to the applicants' western abutting property.

While no General Plan policies directly relate to the vacation of road, Policy 6.2.3.2 requires that all new development provide adequate emergency access to allow adequate ingress and egress. Also, Policy 5.6.1.1 states that the County will, promote and coordinate efforts with utilities for the undergrounding of existing and new utility distribution lines in accordance with current rules and regulations of the California Public Utility Commission and existing and overhead power lines within scenic areas and existing Community Regions and Rural Center. Completion of the vacation would allow future development within the affected parcels to have flexibility in design of circulation and access. Also, utilities that would serve the development would be confined within defined easements underground in order to maintain aesthetic interest in the area. As proposed the vacation could be found to be consistent with the General Plan.

**Traffic/Circulation:** Missouri Flat Road and Forni Road are County maintained roadways. The project is located in the El Dorado-Diamond Springs Community Region. The project proposes three new encroachments, one each onto Forni and Missouri Flat Roads and one onto Road 2233 as shown on Sheet S1, provided as Exhibit F-1. The project proposes to share the interior access driveways. Those interior access and circulation roadways have been analyzed by DOT and the Diamond Springs-El Dorado Fire Protection District and found by both to be adequate for interior circulation as conditioned. DOT has determined that this project trips the threshold of the General Plan requiring completion of a Traffic Study.

~~DOT has determined that this project trips the threshold of the General Plan requiring completion of a Traffic Study. A Traffic Study (WO #34) is in process. The traffic study currently includes the construction of the Single Point Urban Interchange (Missouri Flat Interchange Phase 2) which is currently not programmed in our CIP, signal warrants are satisfied at two of the six unsignalized intersections yet un-mitigated, average daily trips and peak hour volumes have not~~

~~been verified and adequately queuing distances have not been addressed.~~

As required by County policy, a traffic study was prepared to analyze the potential traffic impacts resulting from the project. The Creekside Traffic Impact Analysis dated November 11, 2009, prepared by Stephen Pyburn, PE, TE, for Palos Verdes Properties, provides analysis and conclusions relative to traffic impacts generated by the project. According to the report, the project would cause an increase in traffic on area roadways and intersections. The traffic study concluded that the project would be expected to generate 218 AM and 279 PM peak hour trips, with 2,549 daily trips. (The project was latter modified reducing the project impacts -107 AM and -40 PM trips, with -471 daily trips, however the analysis was not modified.) The proposed project will result in significant impacts under both existing plus proposed project and cumulative plus proposed project conditions. These impacts can be mitigated to meet County General Plan levels of service standards with the incorporation of Condition of Approval number 23, and provide for General Plan consistency.

The traffic analysis of the Highway 50/Missouri Flat Interchange without the Single Point Urban Interchange (SPUI) has been completed by a project submitted after the Creekside analysis. The result of that analysis demonstrates an excess capacity resulting in LOS E or better conditions at the off ramp and Mother Lode Drive intersections. Therefore, a full analysis was not necessary.

The Conditions of Approval for intersection improvements at Missouri Flat Road and Mother Lode Drive were incorrectly listed in the Initial Study as a proposed mitigation measure. The traffic analysis shows the 2014 increase traffic volume at this intersection to be 58 trips in the AM peak and 51 trips in the PM peak, which are considered insignificant. The Traffic Impact Study did not recommend the improvements as mitigation. Caltrans comment letter dated October 11, 2011, stated their non-support for the improvements and therefore DOT recommended deletion of the condition at the hearing.

The traffic study recommended signalization of two intersections. The impacts have been mitigated and meet General Plan consistency requirements, as described below.

Significant impacts were found at Missouri Flat Road at Enterprise Drive. The impact at this intersection can be mitigated with the construction of the Diamond Springs Parkway (CIP project # 72334). The Parkway will significantly reduce the traffic volumes at the intersection resulting in LOS C or better. General Plan Policy TC-Xf allows for mitigation of the impacts if the identified improvements are included in the County's Capital Improvement Program ("CIP"). This improvement is included in the ten-year CIP.

Significant impacts were also noted at Forni Road and Golden Center Drive. The Traffic Study suggested that a signal be utilized to mitigate the impacts, however, the distance between Golden Center Drive and Missouri Flat Road (approximately 250 feet) is not a sufficient distance to allow for stacking of the vehicles. The recommended minimum distance is 700 feet. The TIS showed the trigger for the signal recommendation was the back up on Golden Center Drive. The addition of turn lanes at the intersection mitigate the impacts.

The DOT recommended Conditions of Approval for the project as proposed include payment of TIM fees, and annexation into the Community Facilities District No. 2002-01, and the following

road improvements:

23.1) Missouri Flat Road Improvements: The applicant shall construct the improvements along the frontage of Missouri Flat Road as follows:

- a) Construct 6-foot sidewalk, curb, and gutter
- b) Provide 4-foot Class 2 Bike Lane
- c) Extend existing center median 60-feet northerly along Missouri Flat Road
- d) Left turn pocket onto County Road 2233

The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.

24.2) Forni Road Improvements: The applicant shall construct the improvements along the frontage of Forni as follows:

- a) Construct 6-foot sidewalk, curb, and gutter
- b) Provide 4-foot Class 2 Bike Lanes
- c) Frontage improvements along school frontage
- d) ~~Crosswalk from the intersection of Golden Foothill Parkway and Forni Road to curb return on eastern side of project~~

The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.

25.3) Intersection Improvements: The applicant shall make the improvements as described in the table below. 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 filing of the Parcel Map.

INTERSECTION DESCRIPTION		IMPROVEMENTS
Missouri Flat Road	Mother Lode Drive	<del>Conversion of the southbound right turn lane on Missouri Flat Road to a through right turn lane, and the addition of a southbound through lane south of Mother Lode Drive.</del>
		<del>Conversion of the dual eastbound right turn lanes from the eastbound US 50 ramps to Missouri Flat Road to a single free right turn lane</del>
Forni Road	Golden Center Parkway	Golden Center addition of left-turn and left/thru/right lane onto Forni.
		Project Entrance addition of 1 left/thru and 1 right-turn lane onto Forni.
		Forni (NB) addition of 1 left/thru and 1 right-turn lane onto Golden Center.
		Forni (SB) addition of 1 left-turn lane onto

		Golden Center and 1 thru/right lane.

\* Applicant shall obtain encroachment permits for work in Caltrans jurisdiction.

~~26.4)~~ County Road 2233: The applicant shall construct the improvements along County Road 2233 as follows:

- Update the Curb Ramps on either side of County Road 2233 to current ADA Standards.

The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.

~~27.5)~~ Encroachment Permits: The applicant shall obtain an encroachment permit from DOT and shall construct the driveway encroachments as described in the table below. 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 filing of the Parcel Map.

<b>Table 1</b>		
<b>Encroachment Description</b>	<b>DISM Standard Plan</b>	<b>Notes</b>
Driveway onto Missouri Flat Road	110	The encroachment shall be a right in/right out only.
Driveway onto Forni Road	110	-
Driveway onto County Road 2233	110	-

\* All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and 4 feet of sidewalk/landing at the back of the ramp.

~~6)~~ Community Facilities District Annexation: The owner shall enter into an agreement in recordable form with the County that obligates the property to participate in the Community Facilities District No. 2002-01 (Missouri Flat Area) (CFD), which is the financing district approved by the El Dorado County Board of Supervisors for the Missouri Flat Area, at such time in the future that the County processes an annexation of territory into the CFD. The agreement shall be executed by the property owner and approved by the County prior to the issuance of any building permits. The financing obligation shall run with the property's title and bind all future assignees and/or successors in interest in the subject property. Should timing of building permit review process coincide with an annexation process underway by the County, the applicant may participate in said process in lieu of entering into an agreement, provided the annexation election has been held, the property owner, for subject application, voted in favor of being annexed, and the annexation election is successful.

As conditioned, impacts would be anticipated to be less than significant.

**Utilities:** The commercial development would be served by El Dorado Irrigation District (EID) for water and sewer services. The Facilities Improvement Letter (FIL) prepared for the project dated May 2011 indicated that the existing infrastructure would have adequate water and sewer capacity to serve the project.

There is an existing ten-inch water line located in Forni Road, which would be extended to provide service to the project. EID has determined that there area adequate equivalent dwelling units (EDUs) to serve the proposed project. That line has been determined by EID to have the ability to deliver the Diamond Springs-El Dorado Fire Protection District required fireflow of 2,000 gallons per minute for a two-hour duration while maintaining a 20-pounds per square inch residual pressure. The project proposes to install two new on-site fire hydrants.

The project proposes three alternative sewer systems for the project, all of which are proposed to be gravity fed to the existing Herbert Green Lift Station located on an adjoining parcel to the north. Any of those options that would require undergrounding through the proposed wetland preserve would be required to be approved by the Army Corps prior to issuance of any County permit to allow that to occur. The three alternatives are included as Exhibits F-3 and F-4 (Sheets U-1 and U-2).

**Wetlands and Riparian Habitat:** A *Biological Resource Assessment for the Creekside Plaza Study Area*), revised February 14, 2011 was submitted for the project. The study found that the primary hydrological feature and associated riparian habitat on the site is the stream channel that currently enters into the project site from a culvert underneath Forni Road near the southeast project area corner. The stream continues on to the northeast for approximately one mile where it drains into Weber Creek. This channel was determined by the study to be intermittent, but it receives small amounts of runoff landscape water from developments upstream during the summer. The study found that the project includes approximately 1.1 acres of associated riparian habitat.

The wetland delineation prepared for the project identified one 0.06-acre wetland swale and 0.60-acre intermittent stream potentially subject to Clean Water Act jurisdiction. The applicants have located this wetland on the submitted Development Plan and identified it with a proposed permanent 50-foot non-building setback as shown in the submitted Site Plan, Sheet S1. The Development Plan shows the areas where the proposed project infringes on the required 50-foot setback and that is discussed further below in the Finding of Consistency with General Plan Policy 7.3.3.4 section.

The applicants have initiated the permit application process for the project with the U.S. Army Corps of Engineers, and they in turn are developing mitigation measures through the 404 Permit process. The Corps permit will define terms and conditions, including mitigation, for the fill activities. The project would also be regulated by a Streambed Alteration Agreements to be obtained from California Department of Fish and Game (CDFG), pursuant to Sections 1602 of the California Fish and Game Code, as well as a California Water Quality Certification, Section 401 permit from the Regional Water Quality Control Board, if applicable as determined by those agencies. The applicant has initiated these permit processes as well and they are in progress. All three agencies would require review of the improvement plans prior to issuance of a grading

and/or building permit. Mitigation Measures requiring these permit reviews are included into the project Conditions of Approval in order to reduce the impacts to the unnamed creek area to levels anticipated to be less than significant.

**General Plan:** The General Plan designates the subject site as Commercial. General Plan **Policy 2.2.1.2** states the purpose of the Commercial land use designation is *to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County*. The applicant proposes office/retail/restaurant uses that would meet the intent of this policy. Additionally, the following General Plan policies also apply to this project:

Rezone: **Policy 2.2.5.3** requires that the County shall evaluate future rezoning: 1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and 2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include; but are not limited to, the following:

<b>Criteria</b>	<b>Consistency</b>
1. <i>Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands.</i>	<b>Consistent:</b> As discussed above in the <i>Water</i> section in <i>Project Issues</i> , there is sufficient water available for the project.
2. <i>Availability and capacity of public treated water system.</i>	<b>Consistent:</b> As discussed above in the <i>Water</i> section in <i>Project Issues</i> , the EID has adequate EDUs to serve the proposed project and adjacent facilities for the project to potentially connect to.
3. <i>Availability and capacity of public waste water treatment system.</i>	<b>Consistent:</b> The project would connect to an existing EID public wastewater treatment system and would be required to extend those facilities to handle the increased capacity.
4. <i>Distance to and capacity of the serving elementary and high school.</i>	<b>Consistent:</b> The commercial project would not include residential uses requiring school uses.
5. <i>Response time from nearest fire station handling structure fires.</i>	<b>Consistent:</b> The Diamond Springs-El Dorado Fire Protection District would be responsible for serving the project area. The Fire District has recommended Conditions of Approval that would require that the project adhere to the applicable building and fire codes, regarding the installation of fire hydrants, provision of established fire flow, execution of the District Fire Safe regulations, provision of a secondary emergency access, and construction of road improvements as required by the DOT. The fulfillment of those recommended conditions would address the fire related safety issues identified by the District.
6. <i>Distance to nearest</i>	<b>Consistent:</b> The project site is located within the El

<p><i>Community Region or Rural Center.</i></p>	<p>Dorado-Diamond Springs Community Region. As proposed, the project is a commercial project similar in character to existing commercial uses surrounding the project site on all sides except a portion on the north side which is designated for residential uses.</p>
<p>7. <i>Erosion hazard.</i></p>	<p><b>Consistent:</b> The project proposes to fill a portion of the existing streambed. The project would be required to show proof of compliance with permits through the Army Corps, Fish and Game and the California Water Quality Control Board prior to issuance of a building or grading permit. Grading for roads and drainage infrastructure would be required to be completed prior to filing the Parcel Map. Compliance with these processes would assure that all existing drainage courses would be adequately protected by the incorporation of appropriate development setbacks. In addition, erosion hazards would be required to be mitigated by strict adherence to Best Management practices required during the grading permit process.</p>
<p>8. <i>Septic and leach field capability.</i></p>	<p><b>Consistent:</b> The proposed parcels would be served through extensions to existing EID sewer facilities.</p>
<p>9. <i>Groundwater capability to support wells.</i></p>	<p><b>Consistent:</b> The project would be served by EID public water facilities.</p>
<p>10. <i>Critical flora and fauna habitat areas.</i></p>	<p><b>Consistent:</b> The County's General Plan defines Rare Plant Mitigation Areas within the County, which designate lands potentially affecting rare plants that are subject to mitigation. The project site is located within Rare Plant Mitigation Area 2 which is defined as lands not known to contain special status plant species but within the EID service area. A <i>Biological Resource Assessment for the Creekside Plaza Study Area, revised February 14, 2011</i> was submitted by the applicants that included the results of a survey of the parcels for the special status and locally significant plants and suitable habitat for the same. The survey was done in accordance with the California Native Plant Society Botanical Survey Guidelines. No special-status species were found on the site and it was determined that there is no habitat on the project site to support the special status plants that could potentially be present.</p> <p>Depending on the time of the year development occurs, there could be impacts to nesting raptors or other migratory birds. The project has included a mitigation measure designed to reduce those potential impacts. This is discussed further below in the Policy 7.4.1.5 section.</p>
<p>11. <i>Important timber production</i></p>	<p><b>Consistent:</b> The project site does not contain or is</p>

<i>areas.</i>	adjacent to any important timber production areas.
12. <i>Important agricultural areas.</i>	<p><b>Consistent:</b> This property and project is not under and would not conflict with an adjacent Williamson Act Contract.</p> <p>The subject parcel is located within the El Dorado-Diamond Springs Community Region and does not contain, nor is it adjacent to, lands zoned and designated by the General Plan to be preserved for agricultural use.</p>
13. <i>Important mineral resource areas.</i>	<b>Consistent:</b> The project site does not contain or is located adjacent to any important mineral resource areas.
14. <i>Capacity of the transportation system serving the area.</i>	<b>Consistent:</b> DOT reviewed the submitted traffic study and concluded that the recommended Conditions of Approval, including improvements to existing roadways, would sufficiently address traffic issues and ensure that the transportation system is adequate to serve the area.
15. <i>Existing land use pattern.</i>	<b>Consistent:</b> The project site is surrounded by land designated and utilized for commercial uses on three sides and residential uses on a portion of the fourth. The proposed project would be consistent with that dominant commercial land use pattern as it is designated by the General Plan for similar uses and located adjacent to existing supporting utilities and two major roadways.
16. <i>Proximity to perennial watercourse.</i>	<b>Consistent:</b> There were no perennial watercourses identified by the within the project parcel. The closest perennial stream as identified on the Placerville U.S.G.S. Quadrangle is Weber Creek which is located approximately 4,000 feet north of the project.
17. <i>Important historical/archeological sites.</i>	<b>Consistent:</b> A <i>Cultural Resource Assessment</i> dated March 25, 2009 was completed for the proposed project site and reported there were no significant prehistoric and historic-period cultural resources sites, artifacts, historic buildings, structures or objects found. Because of the possibility in the future that ground disturbances could discover significant cultural resources, Planning has added standard conditions of approval to assure that potential issue is addressed during project development.
18. <i>Seismic hazards and present of active faults.</i>	<b>Consistent:</b> As shown in the Division of Mines and Geology's publication, <i>Fault Rupture Hazard Zones in California</i> , there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, seismic ground failure, or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area would be offset by the compliance with the Uniform Building Code

	earthquake standards.
19. <i>Consistency with existing Covenants, Conditions, and Restrictions.</i>	<b>Consistent:</b> The project would be required to develop CC&Rs for the purposes of implementing, monitoring and maintenance of any fences and walls constructed on the property lines, the maintenance of the interior access, parking facilities, landscaping, lighting, exterior fencing, and all drainage facilities within the project site. The Covenants, Conditions and Restrictions (CC&Rs) would be submitted to Planning for review and approval, prior to submission of the Final Map. Any future changes of any County required provisions of the approved CC&Rs would require County approval.

Land Use Compatibility: **Policy 2.2.5.21** directs that *development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the project is proposed.*

Discussion: The project has been designed to be compatible with neighboring commercial uses to the east and south of Forni and Missouri Flat Roads, and to buffer the residential lands to the north and west as discussed above. The colors and materials are consistent with those of other commercial office buildings in the area and are shown in Exhibits H-1 to H-3, and Exhibit J. The Planned Development is allowing for office, retail and restaurant uses only, which are typically quiet by nature and typically as compatible with residential uses as can be anticipated for areas designated by the General plan for commercial uses. There are no conflicts anticipated with this policy.

Lighting Impacts: **Policy 2.8.1.1** directs that excess nighttime light and glare be limited from the parking area lighting, signage and buildings.

Discussion: Lighting is discussed in more detail above in the Project Issues section. As conditioned, staff finds the submitted lighting plans complies with this Policy. The lighting plan and components are provided in Exhibit M.

Pedestrian/Bike Paths: **Policy TC-4i** directs that *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.* Sidewalks: **Policy TC-5b** requires curbs and sidewalks on all roads in commercial subdivisions.

Discussion: In compliance with General Plan Policies TC-4i and TC-5b, DOT has recommended that Class II bike lanes and six-foot wide sidewalks with curbs be included in the project requirements. Sidewalks and curbs would be required along the project frontages. The project is conditioned to provide a Class II Bike Lanes on Forni and Missouri Flat Roads to meet those policy requirements.

Traffic Levels of Service: **Policy TC-Xf** requires projects that “worsen” traffic levels of service on the County road system must either construct the improvements to lessen the impact or ensure that adequate funding exists to assure the improvements are completed.

Discussion: As discussed above in the Traffic/Circulation section above, as conditioned, Dot has determined that, as conditioned, the project would comply with this policy.

Wastewater: **Policy 5.3.1.1** states that *high-density and multifamily residential, commercial, and industrial projects shall be required to connect to public wastewater collection facilities as a condition of approval...In the Community Region of Camino/Pollock Pines...development projects will not be required to connect to wastewater facilities where such connection is infeasible, based on the scale of the project.* **Policy 5.3.1.7** states that *in Community Regions, all new development shall connect to public wastewater facilities. In Community Regions where public wastewater facilities do not exist, applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand of the project.*

Discussion: As discussed in the Utilities section above in Project Issues, as conditioned, the project would be consistent with these policies.

Fire Protection: **Policy 5.7.1.1** requires the applicant *demonstrate that adequate emergency water supply, storage and conveyance facilities, and access for fire protection either are or would be provided concurrent with development.*

Discussion: El Dorado Irrigation District would provide domestic water and fire-flow service. The Facilities Improvement Letter stated the current facilities available in Forni Road are adequate to supply the project with the 1,500 gallons per minute for two-hour duration while maintaining the 20-psi residual pressure required by the Diamond Springs-El Dorado Fire Protection District. The Fire District has requested a condition of approval addressing fire protection issues for the project site. These conditions have been incorporated into the project. As conditioned, the project would be in compliance with this Policy.

Adequate Access for Emergencies: **Policy 6.2.3.2** directs the applicant to *demonstrate that adequate access exists, or can be provided for emergency vehicles and private vehicles to access and evacuate the area.*

Discussion: The project would comply with the Diamond Springs-El Dorado Fire Protection District minimum Fire Safe standards for the access driveway and turnaround capacity with project conditions. As conditioned, the project would be in compliance with this Policy.

Development on Slopes Exceeding 30 Percent: **Policy 7.1.2.1** states that development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access.

Discussion: The discussion about 30 percent slopes is found below in the Finding of Consistency with Policy 7.1.2.1 section.

Wetlands/Intermittent Streams: **Policy 7.3.3.4** directs that buffers and special setbacks of 50 feet from intermittent streams and wetlands.

Discussion: Wetlands are discussed below in the Finding of Consistency with Policy 7.3.3.4 section as well as in Section IV Biological Resources in the Initial Study-Environmental

Checklist Form included as Exhibit S.

Rare, Threatened and Endangered Species: **Policy 7.4.1.5** directs that *all discretionary projects should be designed to protect special status plant and animal species and their habitat.*

Discussion: A *Biological Resource Assessment for the Creekside Plaza Study Area*, revised February 14, 2011 was submitted by the applicants that included the results of a survey of the parcel for the special status and locally significant plants and suitable habitat for the same. No special-status species were found on the site and it was determined that there is no habitat on the project site to support the special status plants that could potentially be present. This is discussed in more detail in Section IV Biological Resources in the Initial Study-Environmental Checklist Form.

The project could have an impact on nesting raptors or other protected migratory birds by the tree canopy removal anticipated for the project. Depending on the timing of construction, site disturbance could result in disturbance of breeding and nesting activity of this species. According to the California Department of Fish and Game Code 3503, "take" of the nest or eggs of any bird is prohibited, except upon approval from the California Department of Fish and Game. That disturbance of active nests can be avoided during construction through appropriate measures. Those measures have been included in recommended Mitigation Measures included in Attachment 1.

Oak Canopy Coverage: **Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards.

Discussion: The submitted *Oak Canopy Cover Analysis*, dated January 15, 2010, reported that the oak woodland canopy currently covers approximately 13.3 percent of the project site (0.60 acres). Under General Plan Policy 7.4.4.4, Option A, 90 percent of the existing canopy must be retained (0.54 acres). As proposed, the project would remove 0.37 acres of the oak tree canopy at the site. Because more than 10 percent of the canopy would be removed, Option B of Policy 7.4.4.4 would be used by the applicants to mitigate the loss. The Report estimated the fee to the County would be \$3,196.00 (0.06 acre at a 1:1 ratio; 0.31 acre at a 2:1 ratio) would be required financially mitigate for oak canopy replacement and that Condition has been added to the recommended Conditions of Approval. As conditioned, there would be no conflict with this Policy.

Bicycle Transportation: **Policies 9.1.2.4 and 9.1.2.8** direct that discretionary projects be evaluated with regard to their ability to implement, integrate and link, where possible, existing and proposed National, State, regional, County, city and local hiking, bicycle, and equestrian trails for public use.

Discussion: The project would be required to include provisions for bicycle parking on the site by providing a minimum of 8 bicycle spaces/racks, within the 100 feet each building (five percent of total parking spaces (164 pursuant to submitted Sheet S1), and pursuant to Section 5.105.4.1 and 2 of the 1020 California Green Building Standards Code), at locations at the discretion of the applicants but convenient from adjoining streets and distributed proportionally for use by all three proposed buildings. The bike racks maintenance and access shall be included

in the joint access and parking agreement. The bike racks would be installed prior to issuance of final occupancy. As discussed above in the **Pedestrian/Bike Paths, Policy TC-4i** section, DOT has conditioned the project to provide a new Class 2 bike lane along the project frontage on Forni and Missouri Flat Roads. The applicants have proposed bike racks in three different locations on the project site which have the capacity for eight bikes, as shown in Exhibits F-1, F-1-A, to achieve consistency with these policies.

**Finding of Consistency with General Plan Policy 7.1.2.1:** As discussed above in the Policy 7.1.2.1 section, the project proposes development and disturbance on slopes exceeding 30 percent. The policy further states (in part), that *the County may consider and allow development or disturbance on slopes 30 percent and greater when:*

- *Reasonable use of the property would otherwise be denied.*

Discussion: Pursuant to the Interim Interpretive Guidelines for Policy 7.1.2.1, adopted by the Planning Commission June 22, 2006 and modified August 10, 2006, a reasonable use determination for non-residential property should consider *the physical characteristics of the project site, the design of the proposed project, the policy objectives of the El Dorado County General Plan and reasonable expectations for economic use of the property as defined by law.*

The dominant natural physical feature within the proposed project boundaries is an intermittent stream within a prominent ravine, currently fed by water from storm runoff and irrigation water through a culvert under Forni Road that comes from the commercial parcels to the east. The three parcels proposed for development, as shown on the submitted Site Plan (Sheet S1) have been previously partially leveled with fill dirt obtained and the majority of the 30 percent or greater slopes currently shown in those areas resulted from that filling. The fourth parcel that is proposed for the wetland preserve area would allow preservation of approximately 33 percent of the existing site slopes greater than 30 percent.

The project area consists of three parcels totaling 4.3 acres which is equal to 187,308 square feet. The submitted Slope Map (Sheet SL1) shows that approximately 36,311 square feet (19 percent) of the total project area contains slopes in excess of 30 percent. That would leave approximately 25,418 square feet (36,311-10,893) of the project area (14 percent) to consider for a reasonable use determination for lands with slopes in excess of 30 percent.

As stated in the Interim Guidelines, the following are the factors to be analyzed by staff and presented to the hearing body for a reasonable use determination, followed by staff discussion of each:

*Factors to be evaluated in Plan Review:*

1. *Steepness of the ground surface (i.e. 30, 40, 50 percent, etc.).*  
Discussion: The project area slopes are discussed above.
2. *Use of design techniques that respect natural contours. (i.e. minimization of grading).*  
Discussion: With the exception of the 299 feet of the stream that would be filled, the remainder of the proposed development area retaining wall that would separate the wetland preserve follows the existing slope.
3. *Conformance with County Grading Ordinance standards, including best management practices for erosion and sedimentation control.*

Discussion: The project has recommended conditions of approval including mitigations requiring compliance with Army Corps, Fish and Game, and California Water Quality Board permitting standards. Further, during the County grading permit process, the DOT Plan Checker will review the submitted grading plan and verify that the plan includes BMPs that conform with the County's California Stormwater Pollution Prevention Plan issued by the State Water Resources Control Board, prior to grading permit issuance.

4. *The maintenance of natural drainage patterns with implementation of the project.*

Discussion: Drainage is discussed in more detail above in the Project Issues, Grading and Drainage section. The project is estimated to increase channel flow by less than one percent.

5. *The underlying geologic stability of the site.*

Discussion: The project site contains MaD, SKD, and PrD soils. The Soil Survey for El Dorado County lists all three as having low shrink-swell potential. The project aquatic center area would not be located on a geologic unit or soil that would typically be considered unstable or that would potentially become unstable as a result of the project. There are no excessively steep slopes on the surrounding parcels entering into the subject parcel. The site would not be subject to off-site landslide, lateral spreading, subsidence, liquefaction or collapse, nor does it have expansive soils.

6. *The character of existing commercial uses located adjacent or nearby the project site.*

Discussion: The project site was also designated by the 1996 General Plan for commercial uses, as were the surrounding parcels currently designated for commercial uses. The project proposes to establish three commercial parcels that would be similar to the surrounding commercial parcels in size, proposed uses, and location along a major roadway.

7. *The extent to which slopes proposed to be disturbed with a gradient of 30 percent or greater are located in small, isolated, non-contiguous areas and disturbance of such areas is determined necessary to accommodate reasonable development on the site.*

Discussion: The submitted Slope Map shows the majority of the slopes greater than 30 percent are scattered throughout the site with the exception of the slope banks created during the past filling.

8. *Substantial conformance with the "General Requirements" included below in these guidelines.*

Discussion: The applicable general requirements listed in the Guidelines include that the request must comply with other applicable County Codes, and that grading is minimized, prevent erosion, and the project is designed as best as possible to complement the natural terrain of the site and surrounding properties. Considering the existing physical constraints of the project site as well as the recommended conditions and mitigations that the project would be required to adhere to, it could be found the project adequately addresses the General Requirements.

Conclusion: As conditioned, mitigated and with adherence to County Codes, the project would incorporate "Best Management Practices," mitigation measures and a wetland preserve area to minimize impacts on the remaining 30 percent slopes, and allow reasonable use of parcels that have been designated by the 1996 and 2004 General Plans for commercial uses but are constrained by an existing intermittent streambed. The request to allow development on slopes in excess of 30 percent could be found to be consistent with the intent of El Dorado County General Plan Policy 7.1.2.1 and the Interim Interpretive Guidelines for that Policy.

**Finding of Consistency with General Plan Policy 7.3.3.4:** As discussed above in the Project Issues, Wetlands and Riparian Habitat section, the unnamed creek that passes through the project was classified by the project biological consultant as an intermittent stream, requiring a 50-foot non-development setback. General Plan Policy 7.3.3.4 states, *these interim standards may be modified if more detailed information relating to slope, soil stability, vegetation, habitat or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue. Also, for projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized.*

Discussion: The applicants are requesting a reduction of the wetland setback from 50 feet to zero with installation of the retaining wall, landscape buffer, asphalted parking, lighting, and Building B beginning at the wetland border within the 50-foot setback. Those features are identified on the site plan on Sheet S1 and setbacks to the closest infringements are marked randomly from the Ordinary High Water Mark established by the project biologist and to be confirmed by the Army Corps of Engineers during the Section 404 Permit process which is in progress. The Guidelines allow exceptions to riparian and wetland buffer and setback requirements, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project. Planning has determined exemptions need to be substantiated by a qualified biologist and ultimately by the Corps, the Regional Quality Control Board, and the Department of Fish and Game through their permit processes.

As discussed above in the General Plan 7.3.3.4 section, and Section IV in the Initial Study-Environmental Checklist Form, the submitted reports found the implementation of Best Management Practices and recommended Mitigation Measures would reduce the impacts of the proposed improvements to a less than significant level. The project biological consultant has recommended that the setbacks to the wetland features be waived, because extra setbacks are provided on the north side of the stream, that appropriate storm water BMP's are in place to catch runoff, and as mitigated through the permit processes, there would be no significant effect to the wetlands on-site or off-site, in relation to improvements proposed.

The Department of the Army, Corps of Engineers (Corps) reviewed the project and determined that the wetlands identified by the submitted report may be regulated under Section 404 of the Clean Water Act if disturbance were to occur. The Corps requested a pre-construction notification or permit application for the project, prior to construction. The project may also be regulated by potential Streambed Alteration Agreements to be obtained from California Department of Fish and Game (CDFG), if applicable, pursuant to Section 1602 of the California Fish and Game Code, as well as a potential California Water Quality Certification, Section 401 permit from the Regional Water Quality Control Board. All three agencies would require review of the development plans prior to issuance of a grading and/or building permit. The applicant had begun those permit processes prior to the project applications.

As conditioned, and with adherence to County Codes, the project would incorporate "Best Management Practices" and Mitigation Measures to minimize impacts on the wetlands and the request to reduce the required setbacks could be found to be consistent with the intent of El

Dorado County General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for that Policy.

Uses Allowed by the Development Plan: An approved project Development Plan would allow retail, restaurant, general and medical office uses conducted indoors, with the exception of the four outdoor seating areas shown on Sheets S1 and S1. Outdoor vending machines, kiosks, etc. would not be permitted.

**Zoning:** The project site is zoned One-Acre Residential (R1A) which is established by Table 2-4 of the General Plan as being incompatible with the existing Commercial General Plan land use designation of Commercial. The project proposes a rezone request to change to General Commercial (CG) and to add the Planned Development (PD) overlay, resulting in a Zoning District of CG-PD and is accompanied by a Development Plan to allow design flexibility should the rezone be approved. The project also proposes to create an open space parcel for a wetland preserve. That parcel would be required to be rezoned to Open Space-Planned Development (OS-PD). The proposed Development Plan would propose uses which would be consistent within the CG zone. County Code Section 17.32.200 establishes development standards within the CG zone including, setback, building heights, and lot dimensions.

Setbacks: The CG Zone District Section 17.32.200.D requires setbacks for any structure over 30 inches of 10 feet in a front yard, and 5 feet for a side or rear yard. The project proposes infringements into the front yard setback along Forni Road for portions of Building C as well as that associated patio area, as well as a trash enclosure, as shown in Exhibit F-1, F-1-A, Sheets S1, S2. This is discussed further below in the Planned Development Permit Request section.

There are also two monument signs proposed to infringe on the front yard setbacks at the proposed Forni Road and Road 2233 encroachments. Section 17.16.050 (sign locations) states that *signs may be located on the required yards or setbacks, providing they do not constitute a hazard to pedestrians or vehicular traffic, do not conceal from view any public sign or traffic signal and are not located on nor extend onto or project over public right-of-way without having first obtained a written revocable permit from the director of department of transportation to do so.* The signs are not proposed within a road right-of-way, and DOT would analyze the final locations during the Building Permit process for any potential conflict with the required line-of-sight for those encroachments.

Maximum Building Coverage: The CG Zone District Section 17.32.200.B allows a maximum building coverage of 60 percent per parcel. Parcel 1 is proposed to be 0.72 acres (31,363 square feet) in size and to contain Building C with a maximum square footage of 6,600 square feet, a building coverage of 21 percent. Parcel 2 is proposed to be 0.90 acres (39,204 square feet) in size and to contain the 3,902 square-foot Building B, a building coverage of 10 percent. Parcel 3 is proposed to be 1.56 acres (67, 954 square feet) in size and to contain the 10,184 square-foot footprint of Building A, a building coverage of 15 percent. Based on the square footages provided, the project would be in compliance.

With an approved rezone, and development Plan, and Tentative Parcel Map, the project would be consistent with the development standards of the CG Zone District. The Zoning Findings for Approval are provided in Attachment 2.

**Planned Development Permit Request:** The project request includes a Planned Development (PD) Application. Adoption of the Development Plan would approve the proposed on-site improvements including buildings, exterior construction materials/colors, signage, landscaping, bike racks, parking, and lighting. The PD would allow flexibility in the Development Standards of the CG Zone District. The project was designed using Army Corps of Engineer regulations to protect wetland features, as well as allow for more efficient access and circulation. The project seeks to allow infringements into the front-yard setbacks as described above in the Zoning section as well as include more free-standing signs than allowed. That is discussed further below in the Signage section. Planning has found that the setback infringements can be approved as proposed as the project appears to have utilized the area left after the Army Corps wetland requirements in ways that will allow sufficient through and destination accessibility for vehicles, pedestrians and bikes. Findings of Approval have been included in Attachment 2 of the Staff Report.

**Building Elevations/Materials:** The proposed commercial project has been designed to complement other existing commercial office projects in the vicinity in a similar architectural theme and utilize similar colors and building materials. Proposed are one, two-story and two single-story slab-on-grade buildings with flat roofs surrounded by sloped metal roofing, with walls covered with a combination of horizontal cement lap siding with vertical battens and veneers of cast concrete stone, surrounded by landscaping and three outdoor patio sitting areas. The parking, access and landscaping areas are proposed to be shared by the three parcels with a common maintenance agreement between each parcel owner.

All “roof-mounted” equipment are proposed to be contained within roof wells on a flat roof screened behind sloped roofs around the perimeter, as shown in Exhibit G-4. All ground mounted equipment would be screened from view using small screen walls and/or landscaping. The trash enclosures and retaining walls are proposed to be constructed with split-faced concrete blocks to blend with the building surfaces. Proposed floor plans as well as black and white and colored elevations have been included as Exhibits G-2 to J.

The project proposes the following colors and materials for the associated building components:

Building/Structure	Building Feature	Material	Color
A and C	Roof	Pre-rusted corrugated metal	Rust (shall match Building B)
	Walls	a) Horizontal cement lap siding with vertical battens b) Veneers of cast concrete stone-Rubble pattern c) Stucco	a) Sage and putty b) Tan/gray c) Gold and red (substantial compliance with “Hodley Red”)
	Windows	Aluminum Storefront	Gray



**Landscaping:** County Code requires the use of landscaping to buffer commercial parking areas from adjoining streets and as screening from residential land uses. As shown on the landscaping plan in Exhibits K-1 and K-2, the project would include landscaping buffers along Forni and Missouri Flat Roads, as well as along the top of the north side retaining walls. All ground mounted equipment and trash enclosures would be screened with additional trees shrubs and vines. The landscape plan provides shade calculations showing over 50 percent of the paved areas would be shaded, and that the majority of the proposed plants are some those listed in the El Dorado County Drought Resistant Plant List.

A watering zone chart is included on the Landscape Plan that shows that the proposed landscaping would comply with prior County water conservation thresholds however, due to recent changes in State law subsequent to application submittal, the following additional information would need to be submitted prior to final inspection of installed landscaping:

- a. Completed, signed Model Water Efficient Landscape documents consistent with the new County Model Water Efficient Landscape Ordinance.
- b. A filed copy of an irrigation audit report or survey approved by El Dorado Irrigation District with the Certificate of Completion.

**Lighting:** Outdoor lighting is discussed above in the Project Issues-Lighting section.

**Parking:** Parking is discussed above in the Project Issues-Parking section.

**Signage:** The project request would include adoption of a sign package for the entire project. That package is included as Exhibits L-1 to L-9-labeled individually for efficient reference capability. That package includes the following signs:

<b>Sign Type (as lettered and named on the Sign Plan, Exhibit L-1)</b>	<b>Number of Signs</b>	<b>Parcel Number (as defined in the Parcel Overview inset shown on Sheets S1, S2); at locations as shown in Exhibit L-1.</b>	<b>Dimensions and (Square Footage)</b>
A: Primary Center I.D. Monument Sign	1	Parcel 3 (Has an Option 1 or 2 for location).	9-ft. 6-inch wide, by 11-ft. 9-inches tall, (104.5 square ft. of total structure area; 85.5 square ft. of actual sign area). Exhibit L
B: Burger King, Convenience Store Monument Signs	3	Parcel 1 has 2, Parcel 2 has 1.	8-ft. wide by 9-ft. tall (72 square feet of total structure area; 48 square feet of actual sign area). Exhibit L-8
D: Office Building	1	Parcel 3, Building A.	5-ft. wide by 5 ft. 11 inches tall (29.6 square

Directory			feet of total structure area; 26.25 square feet of actual sign area). Exhibit L-9
E: Parking Lot Directional Signs	4	Parcel 1 has 1 shared with Parcel 2 at their north boundary junction; Parcel 2 has 2, and shares said sign with Parcel 1, as well as a shared sign with Parcel 3 at their north boundary junction.	3-ft. wide by 5-ft. tall (15 square feet of total structure area; 12 square feet of actual sign area). Exhibit L-9
G: Tenant Wall Signs	15	11 maximum on Building C; 4 maximum on Building B.	Exhibits L-3 to L-6
I: Office Building Tenant Wall Signs	20	Parcel 3. 20 Maximum on Building A.	Exhibit L-2
J: Landscape Wall Center I.D. Letters	1	Parcel 1, Building C, free-standing wall.	Exhibit L-6
K: Burger King Drive-up Menu	1	Parcel 2.	

Sign A would indicate the project center name and along with places for tenant identification signage within the copy area and would provide copy area for 6 tenants. This sign would consolidate the commercial center tenant signage for frontage advertising. The sign is proposed to include internal illumination of the sign surfaces. This sign exceeds the 80 square-foot requirement for free-standing signs in the CG Zoning District.

The sign package also includes signage standards for tenant wall signage which are proposed to be located as shown in Exhibits L-2 to L-6. Applied internally illuminated letters only are proposed to be pin-mounted on the faces of the signs for tenant identification. In deference to the implied intent of the Missouri Flat Guidelines for subtle signage, Planning has added a recommended condition of approval that would prohibit all signs placed onto the inside or outside of all windows of all buildings within the project.

All proposed monument signs would imitate the rock veneer, and stucco appearance of the buildings. Planning has found that the sign materials and colors appear to be consistent with the recommendations of the Missouri Flat Design Guidelines. The proposed *Sign Plan* consists of nine pages and is included as Exhibits L-1 to L-9. Planning has found that the sign materials and colors appear to be consistent with the recommendations of the Missouri Flat Design Guidelines. The applicants are requesting that the said *Sign Plan* be approved as proposed as part of the Planned Development request, pursuant to Zoning Ordinance Section 17.04.100.B.

**Agency and Public Comments:** The following agencies and public groups/committees were provided project details for review for comments and/or concerns:

Diamond Springs-El Dorado Community Advisory Committee (DSEDCAC): The Committee considered the subject application requests at their April 21, 2011 meeting. The meeting minutes are included as Exhibit O. They approved of the project requests but *felt strongly that public*

*transportation should be considered and a turnout/bus stop should be incorporated into the plan along Missouri Flat Road.*

Mother Lode Union School District: The District responded with concerns with the project proposal pertaining to:

- Student safety crossing Forni Road to the project site;
- Lack of sidewalks along Forni and Golden Center Roads adjacent to the school;
- Concern with pedestrian safety from the proposed sidewalk on Forni Road into the project;
- Traffic congestion at the school's student pick-up and drop-off times; and
- A stated desire for left turn lanes into the proposed project from Forni Road.

Discussion: Planning and DOT staff met with the District Superintendent, the Herbert Green Middle School Principal, and the Director of Maintenance/Operations and Transportation for the District at the school site and project frontage on April 26, 2011 to walk the area and hear and discuss their concerns. DOT is well aware of the existing ongoing traffic congestion problems that have occurred since the school opened. DOT has recommended conditions of approval to address some of their concerns and they are included in Attachment 1.

**ENVIRONMENTAL REVIEW:** Staff has prepared an Initial Study (Negative Declaration/Mitigated Negative Declaration and Initial Study with discussion provided in Exhibit S) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the area of biology, and mandatory findings of significance. Staff has determined that significant effects of the project on the environment have been mitigated; therefore a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,044.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,044.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings of Approval
Exhibit A .....	Location Map
Exhibit B .....	Assessors Parcel Map
Exhibit C .....	General Plan Land Use Map
Exhibit D .....	Zoning Map
Exhibit E .....	Missouri Flat Design Guidelines Area Map
Exhibit F-1 .....	Site Plan, Tentative Parcel Map and Development Plan, Sheet S1
Exhibit F-1-A .....	Preliminary Site Plan (July 2011 version), Sheet S2
Exhibit F-2 .....	Preliminary Grading and Drainage Plan, Sheet G-1
Exhibit F-3 .....	Preliminary Utility Plan, Sheet U-1
Exhibit F-4 .....	Preliminary Utility Plan, Sheet U-2
Exhibit G-1 .....	Creekside Plaza Master Plan, Sheet A-1
Exhibit G-2 .....	Building A, Ground Floor Plan, Sheet 2
Exhibit G-3 .....	Building A, Second Floor Plan, Sheet 3
Exhibit G-4 .....	Building A, Roof Plan, Sheet 4
Exhibit G-5 .....	Building A, black and white Exterior Elevations, Sheet 5
Exhibit G-6 .....	Building C, Roof and Ground Floor Plan, Sheet 6
Exhibit G-7 .....	Building C, black and white Exterior Elevations, Sheet 7
Exhibit H-1 .....	Building A, colored Exterior Elevations, west/south
Exhibit H-2 .....	Building A, colored Exterior Elevations, east/north; Trash Enclosure Elevation
Exhibit H-3 .....	Building C, colored Exterior Elevations
Exhibit I-1 .....	Building B, Floor Plan, Sheet DD2
Exhibit I-2 .....	Building B, black and white Building Elevations, Sheet DD3
Exhibit I-3 .....	Building B, Trash Enclosure Details, Sheet DD4
Exhibit J .....	Building B, colored East Elevation and Color and Material Selections
Exhibit K-1 .....	Preliminary Landscape Plan
Exhibit K-2 .....	Preliminary Irrigation Plan
Exhibits L-1 to L-9 .....	Creekside Plaza Sign Plan
Exhibit M .....	Photometric Site Plan and lighting fixtures, Sheet PT1
Exhibit N .....	Rezone Exhibit
Exhibit O .....	Applicant-submitted Forni Road-Right-of-Way Acquisition Narrative (two pages)

Exhibit P.....Diamond Springs-El Dorado Community Advisory  
Committee (DSED CAC) April 21, 2011 meeting  
minutes (three pages)

Exhibits Q-1 to Q-2.....Site Visit Photos

Exhibit R.....Aerial Photo

Exhibit S.....Mitigated Negative Declaration and Initial Study

# ATTACHMENT 1

## REVISED CONDITIONS OF APPROVAL

**Rezone Z10-0009/Planned Development PD10-0005/Parcel Map P10-0012/Creekside Plaza  
Planning Commission/~~October 13,~~ December 8, 2011**

### **Planning Services**

1. This Rezone, Development Plan, and commercial Parcel Map are based upon and limited compliance with the project description, the Staff Report Exhibits and Conditions of Approval set forth below.

Exhibit F-1 .....	Site Plan, Tentative Parcel Map and Development Plan, Sheet S1
Exhibit F-1-A .....	Preliminary Site Plan (July 2011 version), Sheet S2
Exhibit F-2 .....	Preliminary Grading and Drainage Plan, Sheet G-1
Exhibit F-3 .....	Preliminary Utility Plan, Sheet U-1
Exhibit F-4 .....	Preliminary Utility Plan, Sheet U-2
Exhibit G-1.....	Creekside Plaza Master Plan, Sheet A-1
Exhibit G-2.....	Building A, Ground Floor Plan, Sheet 2
Exhibit G-3.....	Building A, Second Floor Plan, Sheet 3
Exhibit G-4.....	Building A, Roof Plan, Sheet 4
Exhibit G-5.....	Building A, black and white Exterior Elevations
Exhibit G-6.....	Building C, Roof and Ground Floor Plan, Sheet 6
Exhibit G-7.....	Building C, black and white Exterior Elevations, Sheet 7
Exhibit H-1.....	Building A, colored Exterior Elevations, west/south
Exhibit H-2.....	Building A, colored Exterior Elevations, east/north; Trash Enclosure Elevation
Exhibit H-3.....	Building C, colored Exterior Elevations
Exhibit I-1 .....	Building B, Floor Plan, Sheet DD2
Exhibit I-2 .....	Building B, black and white Building Elevations, Sheet DD3
Exhibit I-3 .....	Building B, Trash Enclosure Details, Sheet DD4
Exhibit J .....	Building B, colored East Elevation and Color and Material Selections
Exhibit K-1.....	Preliminary Landscape Plan
Exhibit K-2.....	Preliminary Irrigation Plan
Exhibits L-1 to L-9.....	Creekside Plaza Sign Plan
Exhibit M .....	Photometric Site Plan and lighting fixtures, Sheet PT1
Exhibit N.....	Rezone Exhibit
<u>Exhibit O.....</u>	<u>Applicant-submitted Forni Road-Right-of-Way Acquisition Narrative (two pages)</u>

Any deviations from the project description; exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require

approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project allows for a Rezone, Tentative Parcel Map, and commercial Development Plan for the parcels currently identified by Assessor's Parcel Numbers 327-211-14, -16, and -25 as follows:

- a) Rezone: One-Acre Residential (R1A) to 3.18 acres of General Commercial-Planned Development (CG-PD). The 1.14-acre open space lot shown in Exhibit F-1 shall be rezoned to Open Space-Planned Development (OS-PD);
- b) Tentative Parcel Map: Parcel Map shall create three commercial parcels and one common area parcel for the wetland area preservation as follows in the table below:

<b>Creekside Plaza Parcel Map Individual Parcel Area Summary</b>		
<b>Parcel No.</b>	<b>Acres</b>	<b>Parcel Type</b>
1	0.72	Commercial
2	0.90	Commercial
3	1.56	Commercial
A	1.14	Open Space
<b>Total Project Acres</b>	<b>4.32</b>	

- c) Planned Development: Development Plan allows the construction of two single-story, and one two-story building on three parcels, and one vacant parcel to be encumbered with a conservation easement with no development. Development Plan also allows the existing parcels currently identified by Assessor's Parcel Numbers 327-211-14, 16, and 25 to be subdivided into three commercial parcels, and to create one open space parcel governed by a conservation agreement. The Development Plan shall permit the three to be subdivided into four by the filing of the Parcel Map. If a Parcel Map is not filed, the project shall be subject to a Lot Line Adjustment application to merge the parcels into one parcel.

The approved Development Plan shall be a commercial complex to include the construction of three buildings totaling 30,572 square feet as follows:

<b>Building (as labeled on Sheet S1)</b>	<b>Proposed Uses</b>	<b>Square footage</b>
<b>A (two-story)</b>	Mixed use, professional office/retail	Ground floor: 10,184 Second floor: 9,859 Second floor deck: 325
<b>B (one-story)</b>	Retail/fast food restaurant	Restaurant: 2,550 Retail: 1,352
<b>C (one-story)</b>	Retail/restaurant	6,600 maximum (Sheet S1); or

		4,775 (Sheet S1)
		<b>Total: 30,572 maximum</b>

The approved Development Plan includes the site plan and parking (Exhibits F-1, F-1-A), sign package (Exhibits L-1 to L-9), buildings and elevations/color palette (Exhibits G-5 to H-3, and I-2 to J), outdoor lighting (Exhibit M), landscaping (Exhibits K-1, K-2), bike racks (located as shown in Exhibit F-1, F-1-A), and trash enclosures (located as shown in Exhibit F-1, F-1-A). The buildings shall be slab-on-grade buildings with flat roofs surrounded by sloped metal roofing, with walls covered with a combination of horizontal cement lap siding with vertical battens and veneers of cast concrete stone, surrounded by landscaping and including four outdoor patio sitting areas. The parking, access and landscaping areas shall be shared by the project parcels with a common maintenance agreement between each parcel owner.

The approved Development Plan shall allow only retail, office and restaurant uses unless it can be proven alternative uses will not change the parking capacity, and Parcel 4 shall be encumbered by a conservation easement. The said uses shall be conducted indoors, with the exception of the four outdoor seating areas shown on Sheets S1 and S2. Outdoor vending machines, kiosks, etc. shall not be permitted. The Development Plan approves the parcel configuration as shown in Parcel Overview inset on Sheet S1, Exhibit F-1 and the uses and improvements as the listed in the table below:

<b>Parcel Number</b>	<b>Use</b>	<b>Improvements (Square Feet)</b>
1	Retail/Restaurant	6,600 maximum (single story)
2	Retail/Restaurant	1,352 Retail 2,550 Restaurant (single story)
3	Office/Retail	20,070 (two stories)
A	Conservation easement	

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

The subject property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto.

Minor modifications to the approved Development Plan may be administratively approved by the Development Services Director in accordance with the findings under

County Code Section 17.04.070. Major modifications shall require approval of a revision to the Development Plan subject to approval by the Planning Commission.

### **Conditions from the Mitigated Negative Declaration**

The following mitigation measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

2. **BIO-1: Pre-construction Survey Required:** If vegetation removal is conducted within the nesting period for most migratory bird species and nesting raptor species (between March 1 and August 15), a pre-construction survey for active bird nests shall be conducted by a qualified biologist. If vegetation removal activities are delayed or suspended more than one month after the pre-construction survey, the area shall be re-surveyed. If active bird nests are identified, vegetation removal in these areas shall be postponed until after the nesting season, or a qualified biologist has determined the young have fledged and are independent of the nest site. No known active nests shall be disturbed without a permit or other authorization from USFWS or CDFG.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and obtain all necessary permits prior to initiation of construction activities. This requirement shall be placed on all grading plans submitted for the project. Planning Services shall review the surveys prior to issuance of a grading permit and/or removal of any trees within the entire project parcel.

3. **BIO-3: Streambed Alteration Agreement:** A Streambed Alteration Agreement, pursuant to Fish and Game Code 1602, shall be obtained by the applicants, from the California Department of Fish and Game, if applicable, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures would be developed in coordination with CDFG in the context of the agreement process. Authorization prior to placement of any fill is required from the U.S. Army Corps of Engineers if any impacts are proposed to jurisdictional riparian habitat. This authorization may require mitigation as deemed necessary by the Corps of Engineers.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall provide a copy of the 1602 Streambed Alteration Agreement to Development Services prior to issuance of the grading permit. If it has been determined by Fish and Game that said permit does not apply after their review of the development plans for the project, the applicant shall provide Planning Services with verification from Fish and Game that no Agreement is needed for the project, prior to issuance of a building and/or grading permit for the project area.

4. **BIO-4: Wetland Delineation Verification:** An intermittent stream (0.60 acre) and a wetland swale (0.06) have been verified by the U.S. Army Corps of Engineers (Corps) as waters of the U.S. The applicants shall request for a Department of the Army authorization with the Corps prior to placement of fill material in waters of the U.S. through the 404 Permit process. Along with the request, the applicants shall provide project construction and development drawings or maps including e.g. wetland areas, denoting all proposed improvements in relation to the Ordinary High Water Mark (OHWM). Applicant shall strive to avoid adverse and minimize impacts to waters of the United States, and to achieve a goal of no net loss of wetlands functions and values. Applicant shall propose to the Corps appropriate mitigation for unavoidable losses to waters of the U.S. using Corps mitigation guidelines and regulations. The Corps permit will define terms and conditions, including mitigation, for the fill activities.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall provide either a copy of the Corps permit or no permit required letter and provide Planning Services with a copy prior to issuance of a building, and/or grading permit for the project area.

5. **BIO-5: Water Quality Certification:** A Water Quality Certification, Section 401 permit, if applicable, shall be obtained by the applicant from the California Regional Water Quality Control Board for applicable project improvements. Appropriate mitigation measures shall be developed in coordination with in the context of the agreement process.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall provide a copy of the Section 401 permit to Development Services prior to issuance of the grading permit. If it has been determined by the California Regional Water Quality Control Board that said permit does not apply after their review of the development plans for the project, the applicant shall provide Planning Services with confirmation from them of that determination prior to issuance of a building and/or grading permit for the project area.

6. **LU-1:** The area designated on the Tentative Parcel Map as the 1.14-acre "Lot A" shall be zoned as Open Space as part of the rezone application. Minor deviations from approved exhibits shall be allowed as needed to accommodate roads and grading adjustments that may occur during development of final improvement plans and the final Parcel Map but shall not violate any restrictions imposed by the U.S. Army Corps of Engineers 404 Permit process, the Fish and Game 1602 Permit process, or the Water Quality Certification, Section 401 Permit, from the California Regional Water Quality Control Board.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** Prior to final approval, the applicant shall amend the project

description to request that the area designated on the filed Parcel Map as Open Space be rezoned to an Open Space-Planned Development zoning district. Prior to the issuance of any development permits (building or grading permits), the County shall amend zoning maps consistent with the Tentative Parcel Map submitted for filing as the final Parcel Map. Planning Services shall review submitted map to ensure consistency with the intent of this Condition of Approval, which is that the area designated as Lot A be zoned Open Space-Planned Development. The applicant shall be responsible for coordinating with Development Services to ensure zoning maps have been updated consistent with the proposed final Parcel Map.

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

7. **Planned Development Expiration:** The Planned Development shall remain valid for a period of three years from the date of approval unless the applicant files for a time extension prior to the expiration of the map.
8. **Tentative Parcel Map Expiration:** The Parcel Map shall be filed prior to issuance of any building permit. The map shall remain in effect for three years from the date of approval. If the map has not been filed within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
9. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval. The written description for each tenant improvement shall state how it complies with the whole project parking tally as discussed in Condition 14 below.
10. **Site Improvements:** Building design, colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with all Exhibits listed in Condition 1 above. Minor variations are allowed, however, any major changes in the design and location of buildings, screening/sound wall, trash enclosure, bike racks, access driveways, and parking shall require review and approval by the Planning Services prior to project modifications.

The project proposes the following colors and materials for the associated building components:

<b>Building/Structure</b>	<b>Building Feature</b>	<b>Material</b>	<b>Color</b>
A and C	Roof	Pre-rusted corrugated metal	Rust
	Walls	a) Horizontal cement lap siding with vertical battens b) Veneers of cast concrete stone-Rubble pattern c) Stucco	a) Sage and putty b) Tan/gray c) Gold and red (substantial compliance with "Hodley Red")
	Windows	Aluminum Storefront System/tinted insulated glass with accents of Spandrel Glass/shear wall behind	Gray
	Shade canopies	Metal	Gray/silver/rust
B	Roof	Pre-rusted corrugated metal	Rust (to match Buildings A and C)
	Walls	a) Horizontal cement lap siding with vertical battens  b) Facias  c) Veneers of cast concrete stone-Rubble pattern  d) Stucco	a) Light brown (substantial compliance to "ICI Padre Island," and "ICI Bungalow")  b) (Substantial compliance to "ICI Padre Island," and "ICI Council Bluff") c) Tan/gray (to match Buildings A and C) d) Light tan/peach (substantial compliance to "ICI Just Peachy")
	Windows	Clear Vision Glass w/mullions	Bronze
	Awnings	Metal	Blue (Substantial compliance to "BK Blue")
Trash Enclosures (three)	a) Walls	a) Split-face concrete block	a) Color shall blend with the cast

	b) Doors	b) Metal w/ horizontal orientation to simulate building lap siding.	concrete stone veneer on buildings. b) Color shall match that of the horizontal lap siding on the associated buildings.
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The roof-mounted equipment shall be located inside a roof well and shall not be visible at all.

11. **Landscaping:** The final landscape plan shall be compliant with Exhibits K-1 and K-2 and comply with Zoning Code Chapter 17.18.090 and General Plan Policies 7.3.5.1, 7.3.5.2, and 7.4.4.4, and be approved by Planning Services prior to issuance of a building permit. The following additional information would need to be submitted prior to final inspection of installed landscaping:

- a) Completed, signed Model Water Efficient Landscape documents consistent with the new County Model Water Efficient Landscape Ordinance.
- b) A filed copy of an irrigation audit report or survey approved by El Dorado Irrigation District with the Certificate of Completion.

The applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity.

12. **Lighting:** All outdoor lighting shall conform to Sheet PT1, Photometric Site Plan Exhibit M, and Section 17.14.170 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture shown on said Sheet PT1 that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the said full cutoff standards, shall require a fixture substitution that meets that requirement. In addition, the following apply:

- a) 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.
- b) 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, and none of those 50 percent shall be the five northernmost pole lights within the Building A parking lot shown on Sheet PT1, Photometric Site Plan (Exhibit M). Security lighting on the buildings shall be designed with motion-sensor activation.

- c) Pursuant to page 3.43 the Missouri Flat Design Guidelines, no pole light shall exceed 15-feet in height.

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

13. **Signs:** All signage installed as part of the project shall demonstrate consistency with the approved Sign Program as shown in Exhibits L-1 to L-9 for location, materials, sizes and colors, and with the DOT Signage Condition 34 below. There shall be no signs and/or banners placed, mounted, displayed in any window, in any building, within the approved project area. The following is a summary of the approved signs:

<b>Sign Type (as lettered and named on the Sign Plan, Exhibit L-1)</b>	<b>Number- This Type</b>	<b>Parcel Number (as defined in the Parcel Overview inset shown on Sheets S1, S2); at locations as shown in Exhibit L-1</b>	<b>Dimensions and (Square Footage)</b>
A: Primary Center I.D. Monument Sign	1	Parcel 3 (Has an Option 1 or 2 for location).	9-ft. 6-inch wide, by 11-ft. 9-inches tall, (104.5 square ft. of total structure area; 85.5 square ft. of actual sign area). Exhibit L
B: Burger King, Convenience Store Monument Signs	3	Parcel 1 has 2, Parcel 2 has 1.	8-ft. wide by 9-ft. tall (72 square feet of total structure area; 48 square feet of actual sign area). Exhibit L-8
D: Office Building Directory	1	Parcel 3, Building A.	5-ft. wide by 5 ft. 11 inches tall (29.6 square feet of total structure area; 26.25 square feet of actual sign area). Exhibit L-9
E: Parking Lot Directional Signs	4	Parcel 1 has 1 shared with Parcel 2 at their north boundary junction; Parcel 2 has 2, and shares said sign with Parcel 1, as well as a shared sign with Parcel	3-ft. wide by 5-ft. tall (15 square feet of total structure area; 12 square feet of

		3 at their north boundary junction.	actual sign area). Exhibit L-9
G: Tenant Wall Signs	15	11 maximum on Building C; 4 maximum on Building B.	Exhibits L-3 to L-6
I: Office Building Tenant Wall Signs	20 (locations and number shown accurately in Exhibit L-2)	Parcel 3. 20 Maximum on Building A.	Exhibit L-2
J: Landscape Wall Center I.D. Letters	1	Parcel 1, Building C, free-standing wall.	Exhibit L-6
K: Drive-up Menu	1	Parcel 2, Building B.	

14. **Parking:** Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. Prior to issuance of any tenant improvement/building permit within the entire Development Plan area, the applicant for the tenant improvement shall provide a parking tally of all existing and proposed parking, which shall be kept by all parcel and building owners as well as Planning Services to ensure the proposed use combinations will not result in a change that requires more parking than the 157 total allowed spaces under the approved Development Plan.

Parking shall conform to the Site Plan (Sheet S1, Exhibit F-1), in combination with Sheet S2 (Exhibit F-2), if that option is chosen for Building C, and as follows:

<b>PARKING REQUIREMENTS</b>	
<b>Parking Stall Standard</b>	<b>No. of Spaces Approved</b>
Standard Space	Building A: 49 + 51 = 100 Building B: 25 for restaurant, 5 for retail = 30 Building C: 27, (Sheet S1 design); 18 (Sheet S2 design)  Total: Maximum of 157 approved. Shall be shared by all three parcels. The building breakdown above is provided as a guideline for distribution.
Compact Spaces	35 percent of the 157 allowed or 55 maximum.
Accessible Spaces	Building A: 4 Building B: 2 Building C: 2 (1 at each building shall be van accessible)

	Total: 8 minimum required. These shall be located as listed above within this box.
Commercial Loading Spaces	2 minimum
Bike Racks	8 minimum

Any tenant improvement use that causes the total approved number of parking spaces to be exceeded shall not be approved until such time as additional parking is legally created, reviewed, and then approved by Deputy Planning Director or designee.

15. **Oak Canopy:** The project shall remove 0.60 acres of oak canopy (13.3 percent of total existing). The required 90 percent retention of oak canopy as established by the General Plan shall be achieved through payment of a \$3,196.00 (0.06 acre at a 1:1 ratio; 0.31 acre at a 2:1 ratio) in-lieu fee. Said fee shall be paid prior to issuance of a building and/or grading permit and/or filing of the Parcel Map.
16. **Joint Access and Parking Agreement:** A joint access and parking agreement shall be provided to ensure on-going access and maintenance of the parking areas, interior and perimeter fencing, signs, lighting, landscaping, and bicycle facilities to all property owners within the Creekside Plaza. A copy of said agreement shall be provided to Planning Services for review and approval, and the approved agreement shall then be recorded and a copy shall be provided to Planning Services prior to filing of the Parcel Map.
17. **Cultural Resources:** If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

18. **Payment of Processing Fees:** The applicant shall make the actual and full payment of Development Services Department processing fees for the rezone, and planned development, and parcel map prior to issuance of a building and/or grading permit and/or filing of the Parcel Map.

19. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,044.00 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.
20. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, or employees from any claim, action, or proceedings against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a rezone, planned development, and parcel map which action is brought within the time period provided for in Section 66499.37.

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

#### **El Dorado County Department of Transportation**

21. **Missouri Flat Road Improvements:** The applicant shall construct the improvements along the frontage of Missouri Flat Road as follows:
  - a) Construct 6-foot sidewalk, curb, and gutter;
  - b) Provide 4-foot Class 2 Bike Lane;
  - c) Extend existing center median 60-feet northerly along Missouri Flat Road;
  - d) Left turn pocket onto County Road 2233.The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map or building permit issuance which ever comes first.
22. **Forni Road Improvements:** The applicant shall construct the improvements along the frontage of Forni as follows:
  - a) Construct 6-foot sidewalk, curb, and gutter;
  - b) Provide 4-foot Class 2 Bike Lanes;
  - e) ~~Crosswalk from the intersection of Golden Foothill Parkway and Forni Road to curb return on eastern side of project.~~The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map or building permit issuance whichever comes first.
23. **Intersection Improvements:** The applicant shall make the improvements as described in the table below. 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 filing of the Parcel Map or Building Permit issuance, whichever comes first.

INTERSECTION DESCRIPTION		IMPROVEMENTS
Missouri Flat Road	Mother Lode Drive	<del>Conversion of the southbound right turn lane on Missouri Flat Road to a through right turn lane, and the addition of a southbound through lane south of Mother Lode Drive.</del>
		<del>Conversion of the dual eastbound right turn lanes from the eastbound US 50 ramps to Missouri Flat Road to a single free right turn lane</del>
Forni Road	Golden Center Parkway	Golden Center addition of left-turn and left/thru/right lane onto Forni.
		Project Entrance addition of 1 left/thru and 1 right-turn lane onto Forni.
		Forni (NB) addition of 1 left/thru and 1 right-turn lane onto Golden Center.
		Forni (SB) addition of 1 left-turn lane on to Golden Center and 1 thru/right lane.

\* Applicant shall obtain encroachment permits for work in Caltrans jurisdiction.

24. **County Road 2233:** The applicant shall construct the improvements along County Road 2233 as follows:

- Update the Curb Ramps on either side of County Road 2233 to current ADA Standards

The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map or building permit issuance whichever comes first.

25. **Encroachment Permits:** The applicant shall obtain an encroachment permit from DOT and shall construct the driveway encroachments as described in the table below. 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 filing of the Parcel Map or building permit issuance whichever comes first.

Encroachment Description	DISM Standard Plan	Notes
Driveway onto Missouri Flat Road	110	The encroachment shall be a right in/right out only.
Driveway onto Forni Road	110	-
Driveway onto County Road 2233	110	-

\* All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and 4 feet of sidewalk/landing at the back of the ramp.

26. **Drainage Improvements:** The applicant shall construct an additional storm drain manhole adjacent to the trash enclosure by the Forni Road encroachment for maintenance purposes. 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 filing of the Parcel Map or building permit issuance whichever comes first.
27. **Offer of Dedication (In Fee):** The applicant shall irrevocably offer to dedicate in fee, 50 foot right-of-way from centerline along the entire frontage of Missouri Flat Road as determined by EDC DOT, with the filing of the map. Slope easements shall be included as necessary. This offer will be accepted by the County.
28. **Offer of Dedication (In Fee):** The applicant shall irrevocably offer to dedicate in fee, a 25-foot right-of-way from centerline along the entire frontage of County Road 2233 as determined by EDC DOT, with the filing of the map. This offer will be accepted by the County.
29. **Drainage Zone of Benefit:** The proposed project must form an entity for the maintenance of the drainage facilities to include the maintenance of the existing creek. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map or building permit issuance which ever comes first.
30. **Bus Turnout and Shelter:** The applicant shall construct a bus turnout and shelter along Missouri Flat Road in accordance to El Dorado Transit's standards. The installation will include a bus turnout, bus shelter with bench, illumination, Americans with Disabilities (ADA) pad, trash receptacle, and bus stop sign. The improvement plans for bus turnout and shelter to be approved by El Dorado Transit prior to issuance of building permit. The improvements shall be completed to the satisfaction of the Department of Transportation and the El Dorado County Transit Authority prior to issuance of any building permit.
31. **Community Facilities District Annexation:** The owner shall enter into an agreement in recordable form with the County that obligates the property to participate in the Community Facilities District No. 2002-01 (Missouri Flat Area) (CFD), which is the financing district approved by the El Dorado County Board of Supervisors for the Missouri Flat Area, at such time in the future that the County processes an annexation of territory into the CFD. The agreement shall be executed by the property owner and approved by the County prior to the issuance of any building permits. The financing obligation shall run with the property's title and bind all future assignees and/or successors in interest in the subject property.

Should timing of building permit review process coincide with an annexation process underway by the County, the applicant may participate in said process in lieu of entering

into an agreement, provided the annexation election has been held, the property owner, for subject application, voted in favor of being annexed, and the annexation election is successful.

### **DOT Standard Conditions**

32. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: parking facilities, landscaping, and signs. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map or issuance of Certificate of Occupancy for any Building Permit.
33. **Drainage Easements:** Drainage easements for closed conduits and appurtenances shall be no less than 10 feet in width and shall be shown on tentative map. ~~Cross lot drainage is not permissible.~~
34. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" sign as required by the Department of Transportation prior to the filing of the Parcel Map. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).
35. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and 4 feet of sidewalk/landing at the back of the ramp.
36. **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 El Dorado County inspector prior to being used.
37. **Construction Hours:** Construction activities shall be conducted in accordance with the County 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.
38. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the County Department of Transportation, and pay all applicable fees prior to filing of the Parcel Map or issuance of Certificate of Occupancy for any Building Permit.
39. **Parcel Map Improvement Agreement & Security:** If the required improvements are not completed prior to filing of the map or if the Engineer's Estimate is \$100,000 or greater for the required improvements, the developer shall enter into a Parcel Map

Improvement Agreement (PMIA) with the Department of Transportation for onsite roadway, drainage infrastructure, grading, etc. The developer shall also provide a security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map or issuance of a Building Permit.

40. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
41. **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 DOT and/or Development Services (whichever is applicable) for review and approval. The plan shall be in conformance with the County of El Dorado “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 fees shall be paid at the time of submittal of improvement plans. All applicable inspection fees shall be paid prior to issuance of a permit. The improvements and grading shall be completed to the satisfaction of the DOT and/or Development Services (whichever is applicable) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map or issuance of a Building Permit.
42. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County 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 review report by the RCD, 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 El Dorado County Grading Ordinance and El Dorado County 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.
43. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (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.

44. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County 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.
45. **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:

- a) The site can be adequately drained;
- b) The development of the site will not cause problems to nearby properties, particularly downstream sites;
- c) 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 demonstrate that there are no downstream impacts;
- d) 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 the filing of the Parcel Map or the applicant shall obtain an approved improvement agreement with security.

46. **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 and / or on the Parcel Map.
47. **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) to comply with the Statewide General NPDES Permit for storm water discharges associated with

construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

48. **Storm Water Drainage BMPs:** Storm Water Drainage BMPs: Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by DOT. This project is located within the area covered by El Dorado County's municipal storm water quality permit, pursuant to the National Pollutant Discharge Eliminated System (NPDES) Phase II program. Project related storm water discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff in accordance with "Attachment 4" of El Dorado County's NPDES Municipal Storm water Permit (State Water Resources Control Board NPDES General Permit No. CAS000004.

With the Improvement Plans, the applicant shall verify that the proposed BMPs are appropriate to treat the pollutants of concern from this project. A maintenance entity of these facilities shall be provided by the project applicant. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the Parcel Map or issuance of a Building Permit.

49. **Off-site Improvements (Security):** Prior to the filing of a Parcel Map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
50. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the Parcel Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any parcel map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:

- a) A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
- b) Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
- c) An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

51. **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 DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
52. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.

#### **Environmental Health Division**

53. All Food service, as anticipated, must comply with the California Health and Safety, Retail Food Code. Plans must be submitted for review and approval and a yearly permit to operate must be obtained from Environmental Health. It is suggested that El Dorado Irrigation District be contacted for sizing of a grease trap or interceptor prior to construction of Building "B" for proper installation.

#### **Hazardous Materials and Solid Waste Division**

54. If any hazardous materials handling has taken place from commercial, industrial, agricultural, or mining activities on the site in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a work plan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

If any of the commercial facilities will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operators must:

- a) Prepare, submit and implement a hazardous materials business plan and pay appropriate fees. Business owners and operators intending to handle hazardous materials in excess of reportable quantities are required by law to complete and file a hazardous materials business plan,

[http://www.edcgov.us/emd/solidwaste/bus\\_plan\\_index.html](http://www.edcgov.us/emd/solidwaste/bus_plan_index.html) with our Department prior to obtaining a business license

- b) Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
  - c) Train all employees to properly handle hazardous materials and wastes.
  - d) Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.
55. The applicant shall provide sufficient space for both trash and recycling dumpsters. All solid waste, including animal waste must be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal. Any and all infectious medical waste and sharps must be properly handled, stored, transported and disposed of in accordance with the California Medical Waste Management Act.

### **Air Quality Management District**

56. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. Current county records indicate this property is located within the Asbestos Review Area. Therefore, District Rule 223.2 Fugitive Dust-Asbestos Hazard Mitigation, which address the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.
57. Project construction involves road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
58. The proposed project is within the Asbestos Review Area; therefore District will require the paving of the proposed driveways or the application of a minimum of three (3) inches in depth, asbestos free gravel, for all roads and driveways
59. Burning of wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
60. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
61. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures:

- a) Use low-emission on-site mobile construction equipment.
  - b) Maintain equipment in tune per manufacturer specifications.
  - c) Retard diesel engine injection timing by two to four degrees.
  - d) Use electricity from power poles rather than temporary gasoline or diesel generators.
  - e) Use reformulated low-emission diesel fuel.
  - f) Use catalytic converters on gasoline-powered equipment.
  - g) Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
  - h) Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
  - i) Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
  - j) Configure construction parking to minimize traffic interference.
  - k) Develop a construction traffic management plan that includes, but is not limited to:  
Providing temporary traffic control during all phases of construction activities to improve traffic flow; rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
62. Prior to construction or installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.
63. Applicant shall submit to the El Dorado County Air Quality Management District, prior to the construction phase of the project, a list of equipment to be utilized on the project as described in the air quality analysis to ensure compliance. The list shall include the make, model and year of the engine, engine identification number, horse power, hours/day, load factor, etc.

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

64. The applicant shall install fire hydrant(s) within 600 feet of all portions of each proposed building via an approved access route. One hydrant shall be located within 150 feet of the proposed building with the fire department connection (FDC) located between 30 and 50 feet from the hydrant prior to the issuance of a building permit. Site location shall be approved by the Fire District.
65. The applicant shall submit documentation from the El Dorado Irrigation District to the Fire District indicating that a fire flow of 1,500 gallons per minute at 20 psi for two hours is available at the site, prior to issuance of a building permit.

66. The applicant shall submit a minimum of two sets of building plans for Fire District review and approval prior to issuance of a building permit.
67. The applicant shall submit a minimum of four sets of sprinkler plans designed in accordance with NFPA 13 (Installation of Sprinkler Systems) for each building for Fire District review and approval. Installation and acceptance of the sprinkler system shall take place prior to the building permit being finalized.
68. The applicant shall submit a minimum of four sets of fire alarm plans designed in accordance with NFPA 72. Installation and acceptance of the fire alarm shall take place prior to the building permit being finalized.
69. Community Facilities District: Approval of subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include the provision of a financing mechanism for said services<sup>1</sup>. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District (CFD) established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.), established by the Diamond Springs / El Dorado Fire Protection District (District) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively Public Services), for which proceedings are under consideration, and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or annexation into the CFD. This annexation shall take place prior to the building permit being finalized.

#### **Surveyor's Office Parcel Map Conditions**

70. All survey monuments must be set prior to filing the Parcel Map.
71. Situs addressing for the project shall be coordinated with the Diamond Springs/El Dorado Fire Department and the County Surveyors Office prior to filing the Final Map.
72. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on P10-0012 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

## **ATTACHMENT 2**

### **REVISED FINDINGS**

#### **Rezone Z10-0009/Planned Development PD10-0005/Parcel Map P10-0012/Creekside Plaza Planning Commission/~~October 13,~~ December 8, 2011**

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1 As proposed, the project is consistent with the Commercial land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the Commercial land use designation includes retail/office/services as compatible uses.
- 2.2 The proposal is consistent with the intent of General Plan Policies 2.2.1.2 (commercial uses), 2.2.5.2 (rezone evaluation), 2.2.5.21 (compatibility with surroundings), 2.8.1.1 (lighting impacts), TC-4i (bike lanes), TC-5b (curbs and sidewalks), TC-Xf (traffic levels), 5.3.1.1, 5.3.1.7 (public wastewater), 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate access), 7.1.2.1 (30 percent slopes), 7.3.3.4 (wetland impacts), 7.4.1.5 (special status species), 7.4.4.4 (impacts to oak canopy, 9.1.2.4, 9.1.2.8, (non-motorized transportation) concerning the requirement for a planned development request, lighting glare, traffic impacts, potable and emergency water supply, waste and storm water and the inclusions of provisions that promote non-vehicular travel. Because of the project's provisions of adequate access, site design, and attention to architectural design features that fit within the context of the surrounding uses, it is consistent with the General Plan policies identified above.

### 3.0 ZONING FINDINGS

- 3.1 The project is consistent with the El Dorado County Zoning Ordinance designation of Commercial because the proposed project provides areas for office/retail/restaurant uses pursuant to Section 17.32.180 of the Zoning Code.
- 3.2 The project, as proposed and conditioned is consistent with the El Dorado County Zoning Ordinance Development Standards because the three commercial parcels and one open space parcel are being addressed with a planned development application, and the proposed buildings meet the development standards pursuant to Section 17.32.200 of County Code.

### 4.0 ADMINISTRATIVE FINDINGS

#### 4.1 Planned Development Findings

- 4.1.1 **The planned development zone request is consistent with the General Plan.** The planned development request is consistent with the General Plan because the application is for a commercial development, being developed to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.
- 4.1.2 **The proposed development is so designed to provide a desirable environment within its own boundaries.** The proposed development provides landscaping, lighting, pedestrian traffic, and subdued design features which will enhance the environment for the tenants within the office/retail/restaurant complex consistent with recommendations from the Missouri Flat Design Guidelines.
- 4.1.3 **Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.** The project is being developed or conditioned to comply with all County Code requirements.
- 4.1.4 **The site is physically suited for the proposed uses.** The site is physically suited for the proposed uses since it is located within a business, commercial environment and the development area is concentrated along the existing roads, allowing for preservation of a portion of the existing intermittent stream as dictated by the Army Corps regulations.
- 4.1.5 **Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.** All required utilities are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads, and utilities.
- 4.1.6 **The proposed uses do not significantly detract from the natural land and scenic values of the site.** The proposed uses do not significantly detract from the natural land and scenic values of the site since it is devoid of native trees and shrubs except for those along the east parcel boundary, and the proposal will provide the required landscaping, enhancing the natural environment.

## 4.2 Parcel Map Findings

- 4.2.1 **The proposed parcel map, including design and improvements, is consistent with the General Plan policies and land use map.** The Parcel Map request is consistent with the General Plan, because the application is for a commercial development being developed to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.
- 4.2.2 **The proposed parcel map does conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.** The Tentative Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations except for minimum parcel size for each unit and the Minor Land Division Ordinance, because the project site has been evaluated in accordance with the Commercial development regulations, and it has been found that the project complies with the minimum design standards, as conditioned.
- 4.2.3 **The site is physically suitable for the proposed type and density of development.** The site is physically suitable for the proposed type and density of development because the site is located within lands designated by the General Plan for commercial uses, and it can be found that the site is suited for the retail/office/restaurant development.
- 4.2.4 **The proposed Parcel Map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.** The proposed Parcel Map will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The Parcel Map is an administrative document to allow the individual ownership of the four parcels within the development. No significant environmental impacts are anticipated by the Parcel Map alone.
- 4.2.5 **The design of the Parcel Map is not likely to cause serious public health hazards.** The design of the Parcel Map is not likely to cause serious public health hazards. The proposed parcel map would not create an undue negative impact upon the Diamond Springs-El Dorado Community Region. It can be found that the improvements would not be detrimental to the public health, safety and welfare or injurious to immediate project vicinity because the surrounding infrastructure is in place that can support it.

## 5.0 FINDINGS OF CONSISTENCY WITH SPECIFIC GENERAL PLAN POLICIES

### 5.1 Findings of Consistency with General Plan Policy 7.1.2.1

- 5.1.1 As conditioned, mitigated and with adherence to County Codes, the project is required to incorporate "Best Management Practices," mitigation measures and a wetland preserve area to minimize impacts on the remaining 30 percent slopes, and allow reasonable use of parcels that have been designated by the 1996 and 2004 General Plans for commercial uses but are constrained by an existing intermittent streambed. The request to allow development on

slopes in excess of 30 percent is found to be consistent with the intent of El Dorado County General Plan Policy 7.1.2.1 and the Interim Interpretive Guidelines for that Policy.

## **5.2 Findings of Consistency with General Plan Policy 7.3.3.4**

- 5.2.1 The alternative setback is consistent with the General Plan. The Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4 requires a 50 foot non-development setback from intermittent streams and the project is proposing to install retaining walls, parking areas, and a building within the required setback. The Interim Interpretive Guidelines allows an alternative setback when the applicant demonstrates that the alternative setback will still provide sufficient protection of the biological resources and avoids or minimizes impacts as required by the General Plan. A Wetland Delineation Report has been submitted by the applicants which was analyzed, and will be regulated by the Army Corps, and has been analyzed in the Initial Study-Environmental Checklist Form, impacts have been reduced to a less than significant level by incorporation of Mitigation Measures, Conditions of Approval, and with required adherence to County Code. As such, this project is found to be consistent with Policy 7.3.3.4.

## **6.0 FINDINGS OF CONSISTENCY WITH THE MC&FP**

- 6.1 With an approved rezone to General Commercial-Planned Development (CG-PD) for the project development area, and Open Space-Planned Development (OS-PD) for the wetland preserve area, and as the project is conditioned to require annexation into the Community Facilities District No. 2002-01 (Missouri Flat Area), the project is found to be consistent with the MC&FP.

## **7.0 FINDINGS OF CONSISTENCY WITH THE MISSOURI FLAT DESIGN GUIDELINES**

- 7.1 The project was analyzed for consistency with the applicable sections of the guidelines for the landscaping, lighting, pedestrian-friendly features, architectural design, materials and colors of the buildings, trash enclosures, bike racks, and signs, and as conditioned, the project is found to be consistent with the Missouri Flat Design Guidelines.

## **8.0 FINDING OF GENERAL PLAN CONSISTENCY FOR GENERAL VACATION**

It can be found that completion of the vacation would allow future development within the affected parcels to have flexibility in design of circulation and access. Also, utilities that would serve the development would be confined within defined easements underground in order to maintain aesthetic interest in the area. Pursuant to California Government Code Section 65402, the vacation of the Forni Road Right-of-Way is found to be consistent with the El Dorado County General Plan.