

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



Agenda of: August 9, 2012
Item No.: 10
Staff: Mel Pabalinas

**GENERAL PLAN AMENDMENT/REZONE/PLANNED
DEVELOPMENT/PARCEL MAP**

FILE NUMBERS: A07-0018/Z07-0054/PD07-0034/P08-0017/Diamond Dorado Retail Center

APPLICANT: Leonard Grado/GGV Missouri Flat, LLC

ENGINEER: CTA Engineering and Surveying

PROPERTY OWNERS: Lawrence and Jacqueline Abel
Michael and Lorraine Lindeman
GGV Missouri Flat, LLC

REQUEST: The project consists of the following requests:

1. Certification of Environmental Impact Report (EIR SCH 2008012004) for the Diamond Dorado Retail Center;
2. General Plan Amendment amending land use designation from Industrial (I) to Commercial (C);
3. Rezone from Industrial (I) to General Commercial-Planned Development (CG-PD);
4. Preliminary Development Plan for the Diamond Dorado Retail Center based on *Alternative 5: MRF Access Plan*, consisting of seven (7) single-story commercial buildings ranging in size from 3,100 square feet to 160,572 square feet totaling 241,515 square feet; and
5. Tentative Parcel Map subdividing 27.61 acre property creating a total of 11 commercial parcels.

LOCATION: The property is located on the northwest corner area of Highway 49 and Lime Kiln Road in the Diamond Springs area; Supervisorial District 3 (Exhibit A)

APNs: 051-250-12, -46, -51, -54 (Exhibit B)

ACREAGE: 27.61 acres

GENERAL PLAN: Industrial (I) (Exhibit C)

ZONING: Industrial (I) (Exhibit D)

ENVIRONMENTAL DOCUMENT: EIR (SCH No. 2008012004)

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

1. Certify the Environmental Impact Report (EIR) (SCH No. 2008012004) for the proposed Diamond Dorado Retail Center, subject to CEQA Findings and Statement of Overriding Consideration in Attachment 3;
2. Adopt the Mitigation Monitoring Reporting Program (MMRP) included as Attachment 1.1 in accordance with CEQA Guidelines Section 15074(d);
3. Approve General Plan Amendment A07-0018 based on the Findings in Attachment 2;
4. Approve Rezone Z07-0054 based on the Findings in Attachment 2;
5. Approve Preliminary Planned Development PD07-00034 *Alternate 5, Existing MRF Access Plan* for the Diamond Dorado Retail Center, subject to the Conditions of Approval and MMRP in Attachment 1 and based on the Findings in Attachment 2; and
6. Continue formal action on Tentative Parcel Map P08-0017 off-calendar.

EXECUTIVE SUMMARY

The proposed Diamond Dorado Retail Center (DDRC) is a regional commercial development located in Diamond Springs at the intersection of future proposed Diamond Springs Parkway (DSP) and State Route 49 (Exhibit E). The original version of project, which was submitted in November 2007, encompassed a total of 438,000 square feet in ten buildings (Exhibit F). It included the adjacent property occupied by Materials Recovery Facility (MRF), operated by Waste Connection, Inc, which anticipated relocation. In 2008, with the Waste Connection deciding not to relocate, this version of the project was not pursued.

In January 2010, the applicant submitted complete plans for the revised version of the development project that encompass a total of 280,515 square feet of commercial floor area in nine buildings (Exhibit G). This version of the plan proposes to relocate the MRF entry access from Throwita Way to Lime Kiln Road, which borders the southern perimeter of the project site. Based on this revised version of the project, the County circulated the Draft Environmental Impact Report (DEIR) for a 45-day public review beginning on December 23, 2011 and ending on February 6, 2012.

Following completion of the DEIR circulation, the County received comments from affected agencies and the general public which include potential project impacts to oak trees, water quality, and traffic and circulation. Based on these comments the County advised the applicant to

consider an alternative plan that would minimize some of the identified impacts in the DEIR, particularly circulation and traffic effects along Lime Kiln Road, a minor two-lane roadway that borders the southern perimeter of the project site.

In addressing this concern, the applicant provided an alternative site plan, *Alternative 5: Existing MRF Access Plan*, consisting of lesser quantity of commercial buildings at seven and reduced overall footprint of 241,415 square feet (Exhibits H and I). The major change in this alternative plan depicts the MRF site access remaining at its current location off Throwita Way to be shared with DDRC. Despite the changes, the alternative plan is substantially consistent of the project version analyzed in the DEIR with regards to the primary area affected by the development, site access, and orientation and location of the commercial buildings.

The Final EIR (FEIR) evaluated *Alternative 5: Existing MRF Access Plan* and determined that no new environmental impacts would occur that were not previously analyzed in the DEIR. Additionally, the document confirmed that previously identified environmental effects in the DEIR, including impacts to noise, traffic and circulation, were either reduced or eliminated. Therefore, it was determined that a re-circulation of the DEIR based on this alternative plan was not required.

As the *Alternative 5: Existing MRF Access Plan* would pose lesser environmental impacts, the FEIR concluded that it is an environmentally superior plan in comparison with the project analyzed in the DEIR. With this alternative being substantially comparable to the original project and would maintain the goals and objectives of the project, the applicant confirmed that that the Development Plan for Diamond Dorado Retail Center would be based on *Alternative 5: Existing MRF Access Plan*.

The *Alternative 5: Existing MRF Access Plan* is not supported by all required submittals and exhibits needed for a Planned Development Permit. Though a revised site and preliminary grading plans based on the alternative were submitted for review, additional Planned Development materials, including Building and Elevations, Landscaping Plan, Lighting Plan, and Signage Plans are required for verification of consistency with the development standards in the Zoning Ordinance and guidelines of the Missouri Flat Design Guidelines. Conditions of Approval are included requiring the applicant to submit all updated PD materials for review and formal consideration of a *final* Planned Development by the Planning Commission. The updated project plans shall be reviewed for consistency with the *Alternative 5: Existing MRF Access Plan* and be evaluated for any environmental impacts that may not have been evaluated in the DEIR. Therefore, staff is recommending approval of the preliminary Development Plan based on the *Alternative 5: Existing MRF Access Plan*.

PROJECT DESCRIPTION

The following describes the project based on the *Alternative 5: Existing MRF Access Plan*. For illustrative purposes, the discussion includes references to the exhibits based on the project version analyzed in the DEIR. A table in Exhibit J provides detailed comparison between the DEIR-analyzed plan and *Alternative 5: Existing MRF Access Plan*.

Site Description: The project site is within the General Plan Diamond Springs-El Dorado Community Region area (Exhibit A.1). The site is bordered by State Highway 49 (Diamond Road) along the east, the future Diamond Springs Parkway (DSP) connector to the north, Lime Kiln Road and the MRF to the south, and an industrial development across an ephemeral drainage to the west. Throwita Way, which currently provides access to the MRF, traverses the middle of the project site from north to south. The site includes areas of highly disturbed land, weedy vegetation, and large shrubs and trees. Large portions of the project site are currently used or have been used in the past for storage and parking for the adjacent industrial land uses. Exhibits C and D shows the land use and zoning designations of the project site and surrounding properties.

Site Design: Site access would be provided from a signalized intersection along the DSP at Throwita Way (Exhibit H and I). Four right-turn-in and right-turn-out only access points would be provided, one along Diamond Road/SR-49, two located west of the main DSP signalized entrance and one located east of the main entrance. The development is designed with the major anchor buildings bordering the southern perimeter, which provides a visual buffer against the MRF facility while the minor buildings are distributed within the expanse of the site and along DSP and Diamond Road/Hwy 49. The plan identifies an area as “Future N.A.P.O.T.S.” (Not A Part of This Subdivision) containing a canopy area for a future fuel station. This area is not part of this Project, has not been evaluated in the EIR, and would receive no entitlements from project permits.

Internal pedestrian routes would be located throughout the project. These routes would connect to proposed sidewalks constructed along the Diamond Springs Parkway and Diamond Road /SR-49 frontages. A Class I bicycle/pedestrian trail as part of the El Dorado Trail is located north of the proposed project site. As conditioned of the project, a trail path would be constructed between the El Dorado Trail and the Diamond Springs Parkway that would connect to the sidewalks along Diamond Springs Parkway.

Parking and Loading: The *Alternative 5: MRF Access Plan* depicts a total of 1,228 total parking spaces. This exceeds the required amount of stalls of 805 per the Zoning Ordinance. Designated loading areas are provided in the rear of the major anchor buildings. Loading areas for the smaller buildings are anticipated to occur within the adjacent parking stalls. Truck deliveries are anticipated to enter the site at the westernmost access point from the separately proposed Diamond Springs Parkway (Exhibit H).

Building Design: There are no building architectural designs submitted for the *Alternative 5: MRF Access Plan*. However, the design theme is anticipated to be similar to the designs of the project version analyzed in the DEIR, which are included in Exhibit K for illustrative purposes. Based on these exhibits, the buildings would consist of single-story structures of varying heights to a maximum 50 feet. The design includes gable with cornice-topped walls and utilize rust accented metal roofing, stucco, and vertical siding. Pedestrian plazas would be lined with trellises, accent planting, and seating. Pedestrian plazas would be connected to the buildings via defined pedestrian routes. Low profile walls would visually screen cart storage areas. Rooftop equipment would be screened from off-site view by the building’s parapet walls. Rows of trees, accent vegetation, and fencing would screen views into the adjacent MRF site.

Signs: No sign plans have submitted for the *Alternative 5: MRF Access Plan*, however, the theme and design of signs are anticipated to be similar to the original plans, which are shown in Exhibit K for illustrative purposes. As part of Final Planned Development, the applicant shall be required to submit a master sign plan, which details specific sign design and standards for the development.

Landscaping: No landscape plans have submitted for the *Alternative 5: MRF Access Plan*. However, the design is anticipated to be similar to the DEIR-analyzed plan, which is included in Exhibit L for illustrative purposes. In accordance with the Missouri Flat Design Guidelines and standards of the Zoning Ordinance, landscaping would be installed around most of the project perimeter, throughout the parking areas, and in front of the retail buildings. In addition, landscape planters would be located near the primary entries of the stores and integrated into the cart storage screening walls. A variety of shrubs, groundcovers, grasses, and perennials would be utilized

Lighting: No lighting plans have submitted for the *Alternative 5: MRF Access Plan*. For illustrative purposes, Exhibit M depicts the anticipated lighting plan for the project which include 25-foot tall single- and dual-headed fixtures in the parking lot and 12-foot-high accent-style luminaires located along the project frontage. Both parking lot and building lighting fixtures would be designed to cast light downward, thereby providing lighting at the ground level for pedestrian safety while reducing glare to adjacent properties. All lighting would be designed in accordance with the Missouri Flat Design Guidelines and the outdoor lighting provisions of County Code, Section 17.14.170.

Tentative Parcel Map for DDRC: Section 17.04 (Planned Development Procedures) requires subdivision maps, if applicable, to be processed along with planned development permit proposal. The original project includes a request for a Tentative Parcel Map (TPM) to subdivide the property to create a total of 13 commercial parcels. This TPM is not consistent with the Preliminary Development Plan for the project based on the *Alternative 5: Existing MRF Access Plan*, which would result in the creation of 11 parcels ranging in size from 0.003 acre to 11.2 acres. Exhibit N shows the original TPM for illustrative purposes.

The applicant elected not to update the TPM materials. Staff advised the applicant to either withdraw this application or proceed with the TPM without a formal action by the hearing authorities. The applicant elected that the TPM be forwarded without formal action. As a note, in accordance with Subdivision Ordinance, a parcel map may be waived once a Development Plan has been adopted for a project.

STAFF ANALYSIS

Consistency Discussion

General Plan: Land Use Element General Plan Policy 2.2.5.2 requires all discretionary projects to be reviewed for consistency with applicable General Plan Policies. The following is a summary of the project's consistency with the General Plan. Detailed administrative findings are included in the Attachment 2.

To facilitate the proposed commercial development, the site would require a change of the land use designation from Industrial to Commercial. The change to Commercial land use designation would provide a full range of commercial retail, office, and service uses from which the nearby and distant residents, businesses, and visitors of the town of Diamond Springs, and the County, in general, would benefit.

The vacant industrial site is surrounded by lands with similar designation and uses, in an area that has been heavily disturbed. The site is relatively flat and is surrounded by existing utility infrastructures for direct service connections. The project's location along State Highway 49 and the future Diamond Springs Parkway would provide immediate visibility, accessibility, and convenience for its patrons. The proposed commercial development would provide additional commercial and employment opportunities in an area where it is currently limited, and would upgrade the site that would otherwise remain vacant and underutilized.

The project would be served by common commercial development infrastructures including parking and on-site signs that are necessary for its operation. The project would be designed to meet elements of the historic Diamond Springs area as identified in the Missouri Flat Design Guidelines.

Project implementation would result in various impacts that require mitigation. Specifically, its traffic impacts would be reduced by constructing required improvements or paying applicable impact fees. Impacts to resources would be mitigated through acquisition of environmental permits, implementation of construction standard practices, and, as feasible, preserved through site design.

Zoning: Corresponding with the proposed Commercial land use designation, the zoning of the site would be changed to General Commercial (CG) with an overlay zone of Planned Development (-PD). This zone provides a wide range of commercial uses and applicable development standards which implements the policies, objectives and goals of the Commercial land use designation. The -PD overlay zone would establish additional layer of discretionary review under a Planned Development Permit as the comprehensive development plan for the commercial project.

As a Preliminary Planned Development, the proposed development has been designed to meet the applicable development standards under the CG-zone district including parking, coverage, site design, and would be able to accommodate necessary utility services. Impacts from the project have been analyzed and, as applicable, would be subject to mitigation measures to lessen the identified impacts to the greatest extent feasible. Conditions of approval are imposed to ensure project implementation occurs in a timely, orderly, and safe manner.

PROJECT ISSUES

In addition to the general plan and zoning issues discussed above, the primary issues involving the proposed Diamond Dorado Retail Center include conformance with oak woodland and wetland protection requirements, and area-wide traffic circulation and improvement concerns.

1) Project Road Improvements

Implementation of the commercial project triggers numerous on-site (along project frontage) and off-site road improvements. On-site improvements include frontages located along Diamond Springs Parkway and Diamond Road/State Highway 49 while off-site road improvements include sections of Missouri Flat Road and Highway 50 Interchange and a portion of State Highway 49 from Lime Kiln Road to Pleasant Valley Road. Depending on the type of required improvements and, if it's identified in the County road Capital Improvement Program (CIP), obligations to make the improvement may be achieved with the project paying of impact fees or by constructing the necessary improvement. Other factors and circumstances that are considered include the timing of improvements, availability of funding mechanism, the level of project impacts, and whether it is a County road or State Highway. These road improvements are further analyzed in the EIR and detailed in the Department of Transportation (DOT) recommended conditions of approval in Attachment 1. The following is a summary of the improvement of select affected major road infrastructures.

Diamond Springs Parkway (DSP): This road is a County planned road connector that extends from Missouri Flat Road to State Highway 49 and is included in the County's Capital Improvement Program (CIP). The project consists of two phases. Phase I requires the construction of two lanes while Phase II requires widening to four lanes. Absent the DDRC project, the County would only need to construct Phase 1 of the DSP. The implementation of DDRC triggers the need for a build-out to four lanes. Condition No. 13 describes the required improvement and identifies the applicant's obligations based on different scenarios involving sequence and timing, availability of funds, and need by the County or DDRC for this improvement.

Missouri Flat Road/Highway 50 Interchange: The project poses queuing and Level of Service (LOS) impacts along Missouri Flat Road and the intersections with U.S. Highway 50. The affected intersections along Missouri Flat Road include Plaza Drive, both US-50 Westbound and Eastbound Ramps, and at Mother Lode Drive. Similar concerns were raised by Caltrans as comment to the DEIR for the project, emphasizing that limitation of traffic capacity at the interchange may worsen with project traffic and affect portions of the highway. Condition No. 12 restricts issuance of building permits until the County, in coordination with Caltrans, has determined adequate capacity for the project at the Missouri Flat Road/Highway 50 Interchange and identified the appropriate improvements which can be programmed into the CIP.

State Route 49 (SR-49): Similar to the above road improvements, the project creates impacts to a segment of SR-49 from its intersection with DSP south to Pleasant Valley Road. As further described in Condition No. 14, the improvement consists of realignment and widening categorized into two phases and is included in the CIP #72375. All improvements along SR-49 would require coordination with Caltrans.

Depending on the need for this improvement at the time the DDRC project is constructed, DOT has detailed specific scenarios that would address the timing and degree that the improvement needs to be completed. Each scenario would be based on the results of an

updated traffic study for the project impact along this roadway. Mitigation is the actual construction of the improvements or payment of fair share fees according to the project's degree of impact, as determined by the County in coordination with Caltrans.

2) Oak Canopy Impacts and Consistency with General Plan Policy 7.4.4.4

General Plan Policies 7.4.4.4, 7.4.4.5, and 7.4.5.2 govern the removal of oak trees within El Dorado County. Specifically, Policy 7.4.4.4 contains two options to mitigate for the loss of oak woodlands: 1) Option A requires conformance to on-site tree canopy retention and replacement standards; and 2) Option B provides for in-lieu payment of mitigation fees in accordance with the Oak Woodland Management Plan (OWMP), which was adopted in May 6, 2008. With the recent invalidation of the OWMP as a result of the Third District Court of Appeals ruling in the case of *Center for Sierra Nevada Conservation v. County of El Dorado*, mitigation via in-lieu fee payment (Option B) is not available.

As discussed in the EIR, the project would result in the removal of 4.30 acres of oak woodland canopy. This canopy is approximately 14% of the project site, and therefore, the oak mitigation policies contained in Policy 7.4.4.4 apply to this project. The oak woodland canopy is fragmented throughout the project site and is surrounded by industrial and commercial land uses. A significant portion of the on-site oak trees are located in the center of the project area.

As outlined by Table 1 of the General Plan Policy 7.4.4.4, under Option A, projects containing between 10 and 19 percent of existing canopy must retain at least 90 percent of that canopy cover, and implement a 1:1 replacement ratio for oak woodland removed. Accordingly, the Project would be required to retain 3.87 acres of oak woodland onsite and provide a 1:1 on-site replacement ratio for the remaining 0.43 acres.

The project is designed such that the entire site will likely require grading resulting in the removal of the majority, if not all, of the existing 4.30 acres oak woodland canopy. Because of this, the project as proposed cannot comply with the on-site retention requirements (90 percent or 3.87 acres) under Option A of General Plan Policy 7.4.4.4.

It is anticipated that the County will adopt a new mitigation program as an alternative to retention of on-site oaks as directed by General Plan Policy 7.4.2.8 and Measure CO-M. Accordingly, although there are a number of potential feasible and reasonable mitigation measures that may be available for the removal of oaks at the time the Final Development Plan is approved, it is impossible to articulate the precise approach to mitigation until such time as the County has adopted its response to the lawsuit and how it intends to implement Policy 7.4.4.4. Accordingly, Mitigation Measure BIO-3a requires that a grading permit cannot be issued until such time as the County has adopted a mitigation program that is compliant with CEQA and provides for a feasible alternative to retention of on-site oaks. Should the County fail to adopt an alternative to on-site retention of oaks, the project would be required to be redesigned prior to approval of the Final Development Plan and would be subject to additional environmental review. Additional mitigation is proposed to ensure that if any oak trees are preserved on-site they would be

properly protected during construction activities and a mitigation monitoring plan for any oak trees replanted on-site would be implemented.

3) Wetland Impacts and Consistency with General Plan 7.3.3.4

General Plan Policy 7.3.3.4 requires buffers and special setbacks for the protection of riparian areas and wetlands, including ephemeral drainage features. The intent of the policy is to protect water features that have important natural resources value.

As discussed in the EIR, the project site contains drainages have been altered by historical industrial mining activity and stormwater runoff from neighboring industrial and commercial development. These features total 1.531 acres consisting of 0.075 acre of ephemeral drainage, 0.066 acre of seasonal wetland, and 1.39 acres of valley foothill riparian habitat along the drainage. These features are likely to be jurisdictional subject to the regulation of the United States Army Corps of Engineer (USACE) and California Department of Fish and Game (CDFG).

Construction of the project would require clearing and grading activities that could impact these wetland features. Specifically, the identified seasonal wetland is anticipated to be filled in its entirety and portions of the ephemeral drainage would be affected by construction of engineered slope. Additionally, the northern portion of this drainage would be affected as part of the construction of Diamond Springs Parkway Project, which is anticipated to occur before the project. Given its disturbed nature, these features provide minimal resource value and are not the type of feature that General Plan Policy 7.3.3.4 was intended to protect. Therefore, implementation of a setback as described in General Plan Policy 7.3.3.4 would not be applicable.

Despite the impracticality of imposing setback to these wetland features, project construction would still result in impacts to these features from potential soil erosion and runoff. Mitigation measures have been identified in order to minimize impacts to water quality. Mitigation Measure BIO-2a would require the applicant to acquire a Section 404 permit from USACE and a Stream Bed Alteration Agreement from CDFG regulating assessment and mitigation of impacts to wetlands. Mitigation Measure BIO-2b would require the applicant to replace or rehabilitate habitat affected by the project on a “no-net-loss” basis. Mitigation Measure BIO-2c would require the applicant, as applicable, incorporate appropriate setbacks in accordance with USACE and CDFG standards.

4) Processing of Planned Development Plan for DDRC

The Development Plan for Diamond Dorado Retail Center is based on the *Alternative 5: Existing MRF Access Plan*. Though this plan does not significantly differ from the project version analyzed in the DEIR, it is not supported by full updated application materials and exhibits necessary for a Planned Development Permit. In accordance with Section 17.04 (Planned Development Procedures) of the Zoning Ordinance, no formal adoption of the Planned Development for the project would occur. However, given that a revised site plan and preliminary grading plan for *Alternative 5: Existing MRF Plan* were

provided and reviewed, staff is recommending that preliminary approval of the Development Plan based on this alternative.

To ensure consistency with Section 17.04, Conditions of Approval Nos. 1 and 8 shall require the applicant to submit all updated PD materials for review and formal consideration of a *final* Planned Development by the Planning Commission. The updated project plans shall be reviewed for consistency with the *Alternative 5: Existing MRF Access Plan* and be evaluated for any environmental impacts that may not have been fully evaluated in the DEIR. In the event that new impacts are identified, the EIR for the project shall require an addendum or a supplement to the EIR.

5) Development Agreement for DDRC

A Development Agreement (DA) was filed for this proposed development under application DA11-0003 in accordance with Chapter 17.85 of the El Dorado County Zoning Ordinance. The DA is contract between the applicant and the County that would set forth the rules and regulations governing the development of the project during the specified term of the DA. At the time of completion of this report, the DA remains under on-going negotiation with the applicant. A Draft DA would be considered by the Planning Commission in a separate public hearing for a formal recommendation to and final action on the Final Development Agreement by the Board of Supervisors.

ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Diamond Dorado Retail Center (State Clearinghouse No. 2008012004). This document is prepared in conformance with CEQA (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.), and the County of El Dorado. This document intended to serve as an informational document for the public agency decision makers and the public regarding the project.

The Draft EIR (DEIR) was circulated for 45-day public review from December 23, 2011 to February 6, 2012. The DEIR evaluated the potential environmental impacts of the original project, which includes impacts to Air Quality, Biological Resource, Cultural Resource and Traffic and Circulation. The Final EIR (FEIR), which includes comments received during the circulation period and corresponding responses, evaluated potential impacts associated with the revised *Alternative 5: Existing MRF Access Plan*. Though substantially similar to the original project analyzed in the DER, *Alternative 5: Existing MRF Access Plan* would result in lesser environmental impacts including traffic and noise. The FEIR concluded that the *Alternative 5: Existing MRF Access Plan* is an environmentally superior plan, in comparison with the project version analyzed in the DEIR, and maintains the goals and objectives of the proposed project.

Attachment 3 details the evaluation and supporting Findings of Fact as the basis of consideration of the project and its impacts and certification of the EIR by the Board of Supervisors. The attachment also includes a Statement of Overriding Consideration that the Board of Supervisors

may consider for impacts, such as Greenhouse Gas emissions, that are determined to be significant unavoidable but are outweighed by the benefits of the project. The attachment includes the Mitigation Monitoring Reporting Program (MMRP), which details the specific mitigation measures identified to minimize identified project impacts to a level of less than significant.

SUMMARY RECOMMENDATION

Based on the above analysis, staff recommends approval of the *Alternative 5: Existing MRF Access Plan* as the preliminary Development Plan for the Diamond Dorado Retail Center. Implementation of the commercial project, which requires change of the land and zoning designation, would otherwise conform to other policies of the General Plan, including Transportation and Circulation, Economic Development, and Land Use. The project design would conform to the development standards of the Zoning Ordinance including site design and parking. An EIR has been prepared evaluating the environmental impacts by the project and shall be mitigated to less significant except those found unavoidable. Conditions of Approval are incorporated addressing the orderly and implementation of the project.

The proposed commercial retail center would be developed in an area of Diamond Springs that is vacant and underutilized. The project would be designed in accordance with the Missouri Flat Design Guidelines and would have direct access to infrastructures including road, water, and sewer services necessary to operate the retail center. Implementation of the project would complement and strengthen the under served retail commercial base of the community, aid in providing a range of employment opportunities, and retain a greater share of retail dollars within the County.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Attachment 3	Draft CEQA Findings of Fact and Statement of Overriding Consideration for the Certification of the Final Environmental Impact Report (EIR) (includes Exhibit A-Findings and Determination and Exhibit B-Mitigation Monitoring Reporting Program)
Exhibit A	Location Map
Exhibit A.1	Detailed Location Map
Exhibit B	Assessor's Map Page
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Diamond Springs Parkway Exhibit
Exhibit F.....	Original Diamond Dorado Retail Center Site Plan; November 2007
Exhibit G.....	Draft Environmental Impact Report (DEIR)- Analyzed Diamond Dorado Retail Center Site Plan and Preliminary Grading Plan; January 2010
Exhibit H.....	Alternative 5: Existing MRF Access Plan-Site Plan
Exhibit I	Alternative 5: Existing MRF Access Plan- Preliminary Grading Plan
Exhibit J	Comparison of Draft Environmental Impact Report (DEIR)-Analyzed Plan vs. Alternative 5: Existing MRF Access Plan
Exhibit K.....	Original Diamond Dorado Retail Center-Building Elevations and Signs
Exhibit L	Original Diamond Dorado Retail Center-Landscape Plan
Exhibit M	Original Diamond Dorado Retail Center- Photometric Plan
Exhibit N.....	Original Diamond Dorado Retail Center-Tentative Parcel Map

The following attachments consist of multiple-hundred page documents and are not attached to this Staff Report. The documents are available online at <http://edcgov.us/Planning/> and at the Planning Division public counter located at 2850 Fairlane Court, Placerville, CA:

Exhibit O-1.....	Final Environmental Impact Report (EIR); Diamond Dorado Retail Center
Exhibit O-2.....	Draft Environmental Impact Report (EIR); Diamond Dorado Retail Center
Exhibit O-3.....	Appendices to Draft Environmental Impact Report (EIR); Diamond Dorado Retail Center

ATTACHMENT 1

CONDITIONS OF APPROVAL

**General Plan Amendment A07-0018/Rezone Z07-0054/
Planned Development PD07-0034/Diamond Dorado Retail Center
Planning Commission/August 9, 2012**

I. PROJECT DESCRIPTION

1. This General Plan Amendment, Rezone, and Preliminary Planned Development Permit are based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits H and I, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval.

The project consists of the following:

- A. General Plan Amendment amending 27.61 acres land use designation from Industrial (I) to Commercial (C);
- B. Rezone 27.61 acres from Industrial (I) to General Commercial-Planned Development (CG-PD); and
- C. Preliminary Development Plan, based on *Alternative 5: Existing MRF Access*, for the Diamond Dorado Retail Center (DDRC) consisting of seven (7) single-story commercial buildings ranging in size from 3,100 square feet to 160,572 square feet totaling 241,515 square feet.

Final Development Plan for Diamond Dorado Retail Center shall be based on the *Alternative 5: Existing MRF Access* version of the proposed project subject to review and consideration by the Planning Commission. The required application materials and exhibits, including any request for modification of development standards, shall consist of the updated site plan, preliminary grading and drainage plan, preliminary landscape plan, preliminary building elevations, sign plan, and preliminary outdoor lighting plan. 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 be consistent with the formal action taken on this plan, subject to the conditions of approval and mitigation measures approved for the project.

2. **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.

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 the above project request 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.

II. PROJECT CONDITIONS

Planning Services

3. Prior to building permit issuance, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
4. Prior to issuance of any permits, the applicant shall pay all Development Service fees, in accordance with the executed Agreement for Payment of Processing Form for the project.
5. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,919.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or parcel map filed until said fees are paid.
6. A meter award letter or similar document shall be provided by the water purveyor prior to filing the issuance of first building permit.
7. A final Planned Development plan, pursuant to Chapter 17.04 of the County Code, shall be submitted for County review and approval by the Planning Commission prior to issuance of building permits for any phase of the project. The plans shall be reviewed for consistency with this Preliminary Development Plan approval, adopted mitigation measures as identified in the Mitigation Monitoring Reporting Program, and applicable standards of Title 17, Zoning Code.
8. Prior to issuance of first occupancy permit, the applicant shall construct a trail path connecting from the project site to the El Dorado Multi-Use Trail (EDMUT) located north of the project site. Construction standards shall be based on the adopted EDMUT.
9. Prior to issuance of first occupancy permit, the applicant shall coordinate with El Dorado Transit and construct a bus turnout along the project frontage on Diamond Road/State Highway 49.
10. Prior to issuance of building permit, a reciprocal access and parking agreement shall be recorded for common use of access and parking.

Department of Transportation (DOT)

Project Specific Conditions

11. Missouri Flat/Highway 50 Interchange:

The Missouri Flat/Highway 50 Interchange consists of the following intersections that are impacted by the Project:

- Missouri Flat Road/Plaza Drive
- Missouri Flat Road/US-50 Westbound Ramps
- Missouri Flat Road/US-50 Eastbound Ramps
- Missouri Flat Road/Mother Load Drive

The County shall not issue a building permit to the Project applicant, until the County, in coordination with the State of California Department of Transportation (Caltrans) determines: 1) that there is adequate traffic capacity available at the Missouri Flat Road/Highway 50 Interchange for the Project as determined by an updated Traffic Impact Analysis, and 2) that the appropriate Interchange/Intersection Improvements to provide this necessary additional intersection and queuing capacity have been programmed for construction within the County's Capital Improvement Program (CIP). The implementation date for the necessary additional intersection and queuing capacity improvements shall be determined at the sole discretion of the County and pursuant to the updated Traffic Impact Analysis results, but not more than 10-years from the date of permit application. The amount of square footage permitted to be constructed per building permit shall not result in an exceedance of the identified capacity.

If the necessary additional intersection and queuing capacity improvements for the above mentioned intersections are programmed within the County's CIP prior to issuance of a building permit, then the Project applicant shall pay the traffic impact fees at time of building permit issuance, which will constitute full mitigation for the Project traffic impacts at the intersection locations.

12. Diamond Springs Parkway Improvements:

The Diamond Springs Parkway Project consists of the following segments and phases:

Diamond Springs Parkway (DSP) Segment

Missouri Flat Road east of Golden Center Drive to a new T intersection with State Route 49 south of Bradley Drive.

Phase I (DSP Phase I) - The construction of two lanes of DSP and the signalized intersection of the Parkway at existing SR 49.

Phase II (DSP Phase II) - Widening DSP to a four lane arterial roadway.

DSP Improvements:

Project applicant shall obtain the necessary approval from the County Engineer prior to commencing any right-of-way acquisition for Diamond Springs Parkway.

The required improvements shall be completed to the satisfaction of the County Engineer. Improvements at the intersection of DSP and SR 49 shall also be completed to the satisfaction of Caltrans.

The Project applicant, subject to the determination of the County Engineer, shall be responsible for the DSP improvements in one of the following options as applicable to the circumstances at the time of the building permit application:

- A. In the event that the Project applicant applies for a building permit prior to the County constructing the improvements for DSP Phase I; prior to the issuance of a building permit, the Project applicant shall enter into a road improvement agreement and reimbursement agreement prior to proceeding with the required roadway construction, and shall cause to construct both DSP Phase I and II improvements. The Project applicant shall construct the roadway and intersection signal improvements of DSP from Missouri Flat Road to the intersection of SR 49 to the adopted alignment along the property frontage in accordance with DISM Standard Plan 101A and pursuant to the Diamond Springs Parkway Project Final Environmental Impact Report. All eligible reimbursements for the improvements shall be determined within a reimbursement agreement. The applicant shall adhere to the standard roadway geometrics with particular roadway and intersection improvements as follows:

- 110-ft right-of-way
- 5-ft PSE on either side of right-of-way
- 6.5-foot sidewalk measured from face of curb with Type 2 vertical curb and gutter on the south side of DSP
- 8-foot Type II Bike Lane/Shoulder along the southern side of DSP
- Two 12-foot AC travel lane on the southern side of DSP
- 20-ft median
- Two 12-ft AC travel lanes on the northern side of DSP
- 8-foot Type II Bike Lane/Shoulder Lane on the northern side of DSP
- 6.5-foot sidewalk measured from face of curb with Type 2 vertical curb and gutter on the northern side of DSP from bus turnout to Throwita Way signal.
- Construction of turn pockets as described on Diamond Springs Parkway Traffic Impact Study and the approved Diamond Dorado Retail Center
- Bus turnout locations as required by El Dorado Transit
- Traffic Signal at Diamond Springs Parkway and Throwita Way
- Traffic Signal at Diamond Springs Parkway and SR 49

- B. In the event that the Project applicant applies for a building permit subsequent to the County constructing the improvements for DSP Phase I; prior to the issuance of a building permit, the Project applicant shall enter into a road improvement agreement and reimbursement agreement prior to proceeding with the required roadway construction, and shall cause to construct the DSP Phase II improvements. The Project applicant shall construct the remaining roadway and intersection signal improvements of DSP from Missouri Flat Road to the intersection of SR 49 to the adopted alignment along the property frontage in accordance with DOT Standards. All eligible reimbursements terms for the improvements shall be determined within a reimbursement agreement. The frontage improvements are not considered eligible for reimbursement.
- C. In the event that the Project applicant applies for a building permit subsequent to the County constructing the improvements for DSP Phase II, the Project applicant shall be responsible to design and cause to construct, in coordination and subject to the approval by the County Engineer, the required frontage improvements along the DSP alignment prior to the occupancy and pay the traffic impact fees at time of building permit issuance. The frontage improvements are not considered eligible for reimbursement.

13. **State Route 49 Improvements:**

SR 49 Segment

The SR 49 improvements consist of widening and improving SR-49 from the intersection with the new DSP to Pleasant Valley Road/(SR 49).

Phase I (SR 49 Phase I) - Includes improvements necessary to realign the existing two lane SR-49 from the new DSP alignment to Pleasant Valley Road/(SR 49) intersection as defined within the County's Capital Improvement Program (CIP) # 72375.

Phase II (SR 49 Phase II) - Includes the remaining improvements necessary to widen the realigned Phase I SR-49 CIP #72375 to a four lane configuration. Project applicant shall coordinate and obtain the necessary approvals with County Engineer and Caltrans prior to commencing any right-of-way acquisition for SR 49.

All improvements shall be completed to the satisfaction of the County Engineer and Caltrans.

All eligible reimbursements for the improvements shall be determined within a reimbursement agreement. The frontage improvements are not considered eligible for reimbursement.

The applicant shall construct an 8-foot sidewalk along the Project frontage of SR 49.

Prior to the Project applicant applying for a building permit, the Project applicant shall update the Project Development (PD07-0034) County approved Final Traffic Impact Report for the SR 49 roadway section from the intersection of the new DSP to intersection of Pleasant Valley Road/(SR 49) as follows:

Pursuant to the Department of Transportations' *Traffic Impact Study Protocols and Procedures*, complete AM/PM Peak-hour capacity LOS analysis and an Intersection Queuing Evaluation at the intersection of Pleasant Valley Road/(SR 49) at the time of application for:

- a. Existing Conditions within the Final Traffic Impact Report study area;
- b. Existing Conditions plus Approved Projects within the Final Traffic Impact Report study area;
- c. Existing Conditions plus Approved Projects within the Final Traffic Impact Report study area plus Proposed Project; and
- d. Cumulative within the Final Traffic Impact Report study area plus Proposed Project 2025 forecast.

The updated Traffic Impact Report shall provide a narrative of the traffic assumption with methodologies and compile the results from a-d within the following tables:

- e. AM/PM Peak-hour capacity LOS table that compares the County approved Final Traffic Impact Report study results with the results from (a-d);
- f. Intersection Queuing Evaluation table that compares the County approved Final Traffic Impact Report study results with the results from (a-d); and
- g. Table of updated traffic mitigation measures for the Phase II segment from Lime Kiln Road to Pleasant Valley Road/(SR 49) intersection, if required.

Based on the findings from the updated Traffic Impact Report, there are two cases that will apply at the time of application:

Case 1 - Updated Traffic Impact Report results demonstrate that the Project traffic impacts are within the accepted roadway and intersection LOS capacities as identified within the Final Environmental Impact Report for Project Development (PD07-0034) and the County Engineer and Caltrans accepts the updated Traffic Impact Report findings.

Case 2 - Updated Traffic Impact Report results demonstrate that the Project traffic impacts are not within the accepted roadway and intersection LOS capacities as identified within the Final Environmental Impact Report for Project Development(PD07-0034) and the County Engineer and Caltrans accepts the updated Traffic Impact Report findings.

Therefore, the Project applicant, subject to the determination of the County Engineer, shall be responsible for the SR 49 improvements in one of the following options as applicable to the circumstances and subject to the updated Traffic Impact Report case at time of application:

Option A - In the event that the Project applicant applies for a building permit prior to the County constructing the improvements for SR 49 Phase I:

Case 1

Prior to the issuance of a building permit, Project applicant shall obtain a Caltrans approved improvement agreement with security satisfactory to Caltrans and enter into a County reimbursement agreement for the SR 49 Phase I work prior to proceeding with the required roadway construction. The Project applicant shall cause to construct only the Phase I improvements for SR 49 from Pleasant Valley Road to approximately 150-feet south of Bradley Drive to a two-lane, highway in accordance with the Caltrans Highway Design Manual and other applicable Caltrans standards

Case 2

Prior to the issuance of a building permit, the Project applicant shall obtain a Caltrans approved improvement agreement with security satisfactory to Caltrans and enter into a County reimbursement agreement for only the SR 49 Phase I work prior to proceeding with the required roadway construction. The Project applicant shall cause to construct both the SR 49 Phase I and Phase II improvements from Pleasant Valley Road to approximately 150-feet south of Bradley Drive to a four-lane, highway in accordance with the Caltrans Highway Design Manual and other applicable Caltrans standards.

Option B - In the event that the Project applicant applies for a building permit subsequent to the County constructing the improvements for SR 49 Phase I:

Case 1

The SR 49 Phase II improvements will not be required. However, the Project applicant shall pay their fair share for the Projects' future cumulative traffic impacts as identified within the Project Development (PD07-0034) County approved Final Traffic Impact Report related to the SR 49 Phase II mitigation improvements. The fair share fees will be determined by the County Engineer at the time of application based on the following fee calculation formula:

- Project generated trips divided by the total cumulative trips multiplied by the actual cost of designing and constructing the improvements.

Case 2

Prior to the issuance of a building permit, the Project applicant shall obtain a Caltrans approved improvement agreement with security satisfactory to

Caltrans prior to proceeding with the required roadway construction and cause to construct the SR 49 Phase II improvements from Pleasant Valley Road to approximately 150-feet south of Bradley Drive to a four-lane, highway in accordance with the Caltrans Highway Design Manual and other applicable Caltrans standards.

Option C - In the event that the Project applicant applies for a building permit subsequent to the County constructing the improvements for SR 49 Phase I, and should the County include the SR 49 Phase II improvements within the 20-year CIP prior to issuance of a building permit:

Case 1

The SR 49 Phase II improvements will not be required. However, the Project applicant shall pay their fair share for the Projects' future cumulative traffic impacts as identified within the Project Development (PD07-0034) County approved Final Traffic Impact Report related to the SR 49 Phase II mitigation improvements. The fair share fees will be determined by the County Engineer at the time of building permit application based on the following fee calculation formula:

- Project generated trips divided by the total cumulative trips multiplied by the actual cost of designing and constructing the improvements.

Case 2

Prior to the issuance of a building permit the Project applicant shall obtain a Caltrans approved improvement agreement with security satisfactory to Caltrans, enter into a County reimbursement agreement for the SR Phase II eligible improvements prior to proceeding with the required roadway construction, and cause to construct the SR 49 Phase II improvements from Pleasant Valley Road to approximately 150-feet south of Bradley Drive to a four-lane highway in accordance with the Caltrans Highway Design Manual and other applicable Caltrans standards.

14. Deceleration Lanes: The Project applicant shall construct deceleration lanes at the driveway encroachments onto Diamond Springs Parkway. The improvements shall be substantially completed as determined by the County Engineer prior to occupancy of any building. The improvements are not considered eligible for reimbursement.
15. Traffic Signal Appurtenances Easements: The Project applicant shall provide traffic signal appurtenances easements for the signal infrastructure located within the Project site. The final location of the easements and infrastructure design shall be reviewed and approved by the County Engineer prior to its construction. The aforementioned easements shall not be subject to reimbursement.
16. Signal Coordination: The applicant shall provide coordinated signal timings at two (2) intersections, DSP and Throwita Way and DSP and SR 49 as part of the work associated

within Condition 2 “Diamond Springs Parkway Improvements”, in accordance with the construction Phase at the time of application. The improvements shall be completed to the satisfaction of Caltrans and the County Engineer, or the Project applicant shall obtain an approved improvement agreement with security satisfactory to Caltrans and the County Engineer, prior to issuance of building permit. The improvements are not considered eligible for reimbursement.

17. **Off-Site Intersection Improvements:** Prior to the issuance of building permits for the Project, the Project applicant shall design and cause to construct each off-site intersection mitigation improvement identified in Table 1 at the discretion of and pursuant to the approval of Caltrans for all SR 49 improvements and County Engineer for improvements within the County maintained roadway. The mitigation improvements shall be designed in accordance with Caltrans standards for SR 49 improvements and County standards for improvements within the County maintained roadway. On an intersection by intersection basis, should the County program capital improvements that incorporate the necessary mitigation measures at each location identified within Table 1 within the 20-year CIP prior to the Project applicant’s issuance of a building permit, then payment of the Project traffic impact fees at time of building permit issuance shall represent full mitigation for the Project traffic impacts at that location.

Table 1. Required Intersection Improvements for DDRC		
INTERSECTION DESCRIPTION		MITIGATION IMPROVEMENTS
Pleasant Valley Road (SR-49)	China Garden	Addition of a southbound right-turn lane from China Garden onto Pleasant Valley Road (SR49).
Pleasant Valley Road (SR49)	Forni Road	Addition of an eastbound left-turn lane from Pleasant Valley Road (SR49) onto Forni Road.
		Addition of left and right turn pockets on Forni Road onto Pleasant Valley Road (SR49)
Pleasant Valley Road (SR49)	SR49 South	Addition of a northbound right-turn lane from SR49 onto Pleasant Valley Road (SR49)
		Extension of the existing west-bound left turn pocket to a minimum of 250-feet on Pleasant Valley Road (SR49)
Missouri Flat Road	Forni Road	Addition of a southbound through lane on Missouri Flat Road.
Missouri Flat Road	China Garden	Addition of a westbound right-turn lane from Missouri Flat Road onto China Garden.
Missouri Flat Road	Enterprise Drive	Addition of a 50-foot eastbound right-turn flare.

- Applicant shall obtain encroachment permits for work in Caltrans and DOT’s jurisdiction.
- The intersections are included in the Traffic Impact Mitigation (TIM) Program Item #75 “Other Projects, Traffic Signals, Operational and Safety Improvements.”

18. Interior Traffic Analysis: The applicant shall provide a traffic analysis of the interior traffic lanes demonstrating that the traffic flow and turn movements are sufficient to accommodate the Project circulation volumes with the submittal of the Final Planned Development plan. The necessary improvements identified within the analysis shall be completed to the satisfaction of the County Engineer prior to occupancy.
19. Encroachment Permits: The applicant shall obtain an encroachment permit from the County Engineer and shall construct the four right-in and/or right out driveway encroachments in accordance with DISM Standard Plan 110. The improvements shall be completed to the satisfaction of the County Engineer prior to occupancy. All curb returns, at pedestrian crossings shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and 4-feet of sidewalk/landing at the back of the ramp.
20. Encroachment Permit (State Route 49): The applicant shall obtain an encroachment permit from Caltrans for the roadway improvements along State Route 49, the intersection improvements at Diamond Springs Parkway/State Route 49 and Lime Kiln Road/State Route 49, and for the driveway encroachment south of Parcel 10 prior to issuance of a building permit. Project applicant shall also demonstrate that said permit is active and valid at the time of the construction of the improvements.
21. Offer of Dedication: The applicant has provided and the County completed the Consent to Making of irrevocable offers of dedication, Board Item #08-1264 for the right-of-way and public service easement (PSE) for Diamond Springs Parkway, Highway 49 and portions of Lime Kiln Road. The dedications are only required for the segments of roadway within the project frontage. The dedications shall be recorded prior to issuance of a building permit. These dedications will be accepted by the County.
22. 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 issuance of Certificate of Occupancy for any Building Permit.
23. Vehicular Access Restriction: Prior to issuance of a building permit if the map has not been recorded, the applicant shall record a vehicular access restriction along the frontage of Diamond Springs Parkway, Lime Kiln, and SR49 excluding road intersections and driveways shown on the tentative parcel map dated January 2010.
24. 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 Project 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.

25. Construction Easements: Within 14 days of written request from the County for temporary construction easement(s) needed along the property frontage for the Diamond Springs Parkway and SR49 CIP Projects, the Project applicant shall provide any required temporary construction easements for a term that extends through the County's Board of Supervisor acceptance of the CIP Projects.
26. Soil Remediation: The Project applicant shall remediate any contaminated soil as recommended by a geotechnical engineer and as approved by County Engineer. The soil remediation shall be completed prior to issuance of any building permits.
27. Roadway Access: The Project applicant shall construct an access road to the satisfaction of County Engineer and the owner of Parcel 051-250-47 prior to removal of the current access of parcel 051-250-47 to Bradley Drive, prior to issuance of a building permit.

DOT STANDARD CONDITIONS

28. Easements: All applicable existing and proposed easements shall be shown on the Project plans.
29. 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. Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans.
30. 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 County Engineer prior to occupancy. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).
31. 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.
32. 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 Engineer, and pay all applicable fees prior to issuance of a building permit.

33. 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.
34. Grading Plan Review: Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the County Engineer. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the County Engineer 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.
35. 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 County Engineer. The County Engineer shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
36. Soils Report: At the time of the submittal of the grading or improvement plans, the Project 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.
37. Drainage Study / SWMP Compliance: The Project applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the County Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation or Development Services (whichever is applicable).

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

- The site can be adequately drained;
- The development improvements shall be evaluated to determine if downstream conveyance facilities can accept and convey the runoff increases without negative impacts. The study shall also determine if existing regional stormwater storage

facilities downstream of the development have the reserve capacity to accept the development runoff increases.

- The on-site drainage mitigation measures shall demonstrate that by being implemented in such a manner there shall be no increase to the downstream peak flow more than the pre-development 10-year storm event and shall not cause a hazard or public nuisance. Implementation of Detention or retention facilities on-site to attenuate peak runoff to a level that does not impact downstream facilities shall be required if said condition is not met or the study shall demonstrate that there are no downstream impacts and that the downstream facilities can accommodate the Project developed peak flows as required by the County's Drainage Manual.
- All on-site drainage facilities shall include hydraulic calculations to the ultimate drainage outfall of the Project.

Pursuant to Section 1.8.3 of the County's 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 County Engineer, prior to the filing of the Parcel Map or the applicant shall obtain an approved improvement agreement with security.

38. NPDES Permit: At the time that an application is submitted for improvement plans or a grading permit, the Project applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General National Pollutant Discharge Eliminated System (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.
39. Storm Water Drainage BMPs: 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 at the time of construction. Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment Best Management Practices (BMPs) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by County Engineer. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff in accordance with the NPDES Permit requirements at the time of construction.

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. County Engineer shall review

the document forming the entity to ensure the provisions are adequate with submittal of Improvement Plans

40. Water Quality Stamp: All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the County's standard drawing SD-1. All stamps shall be approved by the County inspector prior to being used.
41. Off-site Improvements (Security): Prior to approval of the Plan Development or 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 the County.
42. 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 Project 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 or approval of the Plan Development, 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 County Engineer, 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 Project 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 the County.

43. Electronic Documentation: Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the County Engineer with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF and DWG format.
44. TIM Fees: The Project applicant shall pay the traffic impact mitigation fees at issuance of building permit.

Air Quality Management District (AQMD)

45. Prior to start of construction, the project shall comply with District Rules 223, 223-1, and 224 for the regulation of fugitive dust and asbestos. A Fugitive Dust Plan (FDP) application shall be submitted with appropriate fees to the District.
46. Project construction shall be in conformance with District Rule 215 for regulation of architectural coating. This condition shall be verified prior to issuance of building permit.
47. Prior to construction/installation of any new point source emissions units or non-permitted units (i.e. gasoline dispensing facility, boilers, internal combustion engines, etc) authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications, and emission factors.

Environmental Management-Hazardous Materials Division

48. Any existing Environmental Site Assessments (ESA) shall be submitted to EMD for review, prior to issuance of grading permit. If no ESA exist, the applicant must prepare a Phase I ESA in accordance with ASTM standard E 1527-00 and submitted to Hazardous Materials Division. If the Phase I conclude that the site is potentially impacted, a Phase II ESA shall be required and any site remediation implemented prior to site construction.
49. Prior to issuance of occupancy permit, the applicant shall apply for an Underground Storage Tanks (UST) permit for the installation of underground tanks. The installation shall comply with all applicable provisions of the California Code of Regulations (Underground Tank Regulations).
50. The following storm water standards shall be incorporated in the design of the gas station:
 - a. The gas station canopy shall have dimensions equal to or greater than the grade break. All runoff from the canopy shall not drain on the fueling area. The downspouts shall be routed so as to prevent drainage across the fueling area.
 - b. The fuel dispensing area shall be paved with Portland cement concrete, or an equally impervious surface. The use of asphalt concrete is prohibited.
 - c. The fuel dispensing area shall be sloped at 1.5% to 4% to promote drainage away from the dispensers.
 - d. The fuel dispensing area shall be separated from the surrounding area by a grade break to prevent storm water run on.
 - e. The concrete dispensing area must extend at least 6.5 feet beyond the corner of each dispenser, or one foot beyond the length at which the nozzle/hose assembly may be operated, whichever is less.
 - f. Owners/operators of all commercial facilities storing reportable quantities of hazardous materials (55 gallons, 500 lbs, 20 cubic feet) or generating hazardous materials business/hazardous waste generator management plan for the site. The plan shall be submitted to this Department for review and all applicable fees.

Environmental Management-Solid Waste Division

51. The Final Development Plan shall identify for each retail facility storage enclosures for both trash and recycling dumpsters. The location, quantity and design of the receptacles shall be verified at building permit review.

County Surveyor's Office

52. Situs addressing for the project shall be coordinated with the Diamond Springs Fire Department and the County Surveyor's Office prior to issuance of building permit.

Diamond Springs/El Dorado Fire Protection District

53. Fire hydrants shall be designed and installed with appropriate fire flow specifications prior to construction of combustible materials.
54. Prior to issuance of building permits, final site plan shall be verified for appropriate roadway and radius requirements.
55. All new buildings in excess of 3,600 square feet shall be equipped with fire sprinklers and monitoring system in accordance with the provisions of NFPA 13, NFPA 72, and Diamond Springs- El Dorado FPD Fire Code. Sprinkler plans shall be included as part of building permits applications.
56. A Knox Box shall be installed in each proposed building, prior to issuance of Occupancy Permit.

II. MITIGATION MONITORING REPORTING PROGRAM (MMRP)

In accordance with CEQA Guidelines Section 15074(d), specific project mitigation measures identified in the Mitigation Monitoring Reporting Program adopted for the project shall be implemented by the affected agencies. These measures are included as Exhibit B of Attachment 3.

ATTACHMENT 2

FINDINGS

**General Plan Amendment A07-0018/Rezone Z07-0054/
Planned Development PD07-0034/Diamond Dorado Retail Center
Planning Commission/August 9, 2012**

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

1.0 GENERAL PLAN

1.1 General Plan Policies 2.1.1.7, 2.2.1.1, 2.2.1.2, 2.2.1.5, 2.2.3.2, 2.2.3.3, 2.2.5.3, 2.2.5.21, 2.4.1.2, 2.5.2.2, 2.5.2.3 (Land Use Element Policies Related to Commercial Development)

The project has been reviewed for consistency with the above policies that involve compatibility of the project and design efforts to meet the applicable development standards. The change of the land use designation and zone to Commercial and General Commercial-Planned Development would facilitate the proposed commercial retail center. The change of the land use and development of the site would remove approximately 27 acres of vacant underutilized industrial land. The proposed project site is located in a primarily industrial/commercial area with pockets of residential development, manufacturing and storage uses, and vacant industrial lots and is therefore, compatible with the surrounding land uses (2.2.3.3, 2.2.5.3, 2.2.5.21).

Public services and utilities-related infrastructure currently exists for the proposed project site. Implementation of the project would include additional infrastructure systems (such as wastewater and water connections) that would be designed to meet the needs of the project. Upon completion of the Diamond Springs Parkway, sufficient circulation infrastructure would be completed to effectively serve the commercial development (2.2.1.7).

The project is within the vicinity of existing commercial facilities located on Missouri Flat Road and on Pleasant Valley Road (SR-49), both less than 0.30 mile from the project site. The proximity of the project to existing commercial facilities serves to strengthen existing shopping locations while avoiding the potential for “strip commercial” to develop in the region. The project has been designed in order to place stores in clustered areas throughout a contiguous facility (2.5.2.2).

The project design is in accordance with the Missouri Flat Design Guidelines and applicable development standards of the Zoning Ordinance. The development would have on-site parking, landscaping, signs necessary to operate the shopping center. The proposed commercial retail center would have a Floor Area Ratio (FAR) of .20 and building coverage of 60% (2.2.1.5, 2.5.2.3).

1.2 **General Plan Policies 5.1.2.1, 5.2.1.2, 5.2.1.6, 5.4.1.1, 5.7.1.1, 5.7.2.1, 5.7.3.1
(Public Services and Utility Element)**

The applicable public services and utility providers were contacted regarding their ability to serve the project. With the implementation of mitigation measures in the EIR including PSU-1, the providers confirmed would have sufficient capability to serve the project. EID's water supply delivery system will be expanded adjacent to the project site during the development of the Diamond Springs Parkway. The DDRC will utilize the expanded waterlines as appropriate. Sufficient capacity exists or will be constructed to provide adequate emergency water to the project site pending the approval of a Facility Report Plan by the El Dorado Irrigation District (5.1.2.1, 5.2.1.2.).

Stormwater runoff from the project site would be directed to a network of storm drain piping and inlets throughout the site. Stormwater would eventually reach Weber Creek. A detention basin would be constructed to ensure post-development runoff levels are equal to or less than pre-development levels. Implementation of Mitigation Measure HYD-1 in the EIR would ensure that National Pollution Discharge Elimination System (NPDES) requirements are met and that a SWPPP is prepared. Implementation of Mitigation Measure BIO-2a, Mitigation Measure BIO-2b, and Mitigation Measure BIO-2c would reduce impacts to wetlands and riparian areas (5.4.1.1).

The Diamond Springs/El Dorado Fire Protection District has reviewed the project and provided recommendations for the construction of emergency water supply infrastructure, including fire hydrants. Implementation of Mitigation Measure PSU-1a and Mitigation Measure PSU-1b would ensure that the project is designed to allow for proper fire protection and emergency access (5.1.2.1, 5.2.1.2, 5.2.1.6, 5.7.1.1, 5.7.2.1).

The El Dorado County Sheriff's Department has been notified of the project has indicated that the number of calls for service for the Diamond Springs/Placerville area would increase as a result of project implementation. However, the Sheriff's department did not indicate that the ability to provide protection to existing development would be reduced below an acceptable level as a consequence. Implementation of Mitigation Measure PSU-2 would provide onsite security, thereby reducing the need for Sheriff Department services (5.7.3.10).

1.3 **General Plan Policies 7.3.3.1, 7.3.3.4, 7.3.3.5, 7.3.4.1, 7.3.4.2 7.4.1.6, 7.4.4.2, 7.4.4.4,
7.4.4.5, 7.4.5.1 (Open Space and Conservation Element Policies)**

Based on jurisdictional delineation was conducted for the project site, four USACE jurisdictional features occur onsite. This includes a 0.141 acre drainage feature under the jurisdiction of the U.S. Army Corps of Engineers (USACE) and 1.39 acres under the jurisdiction of the California Department of Fish and Game (CDFG). These drainage features have been completely altered by historical industrial and mining activity and adjacent development. These features will be further disturbed and modified to accommodate the Diamond Springs Parkway Project. Clearing and grading activities required for construction of the project could result in the removal of up to 1.8 acres of valley foothill riparian habitat. Habitat loss and fragmentation of riparian habitat have

been analyzed in the EIR and mitigation has been prescribed requiring applications for a USACE 404 permit and CDFG Streambed Alteration Agreement. The drainage features have minimal resource value due to the site's disturbed nature.

Implementation of Mitigation Measure BIO-2a would ensure project compliance with all agencies regulating assessment and mitigation of impacts to wetlands. Implementation of Mitigation Measure BIO-2b would protect water quality of avoided wetlands and other Waters of the U.S. that occur inside the project study area, as well as those that occur in proximity to the project study area, such as Weber Creek. Implementation of Mitigation Measure Bio-2c would require adequate applicable setbacks in accordance with USACE and CDFG standards and the protection of water quality for preserved seasonal and perennial drainages (7.3.3.1, 7.3.3.4, 7.3.3.5, 7.3.4.1, 7.3.4.2, 7.4.1.6, 7.4.2.2).

The project is in an area that has been previously disturbed and exists in a fragmented state. As such, habitat fragmentation that could occur as a result of the project would be minimal. Impacts to oak canopy are subject to consistency with provisions of the General Plan Policy 7.4.4.4. As discussed in the EIR, the development of the commercial project would result in the removal of 4.30 acres of oak woodland canopy.

Redesign of the project to comply with the retention standards of the policy is not feasible, due to the grading needs to meet large-scale commercial design criteria. The project will not proceed until the County adopts a new OWMP that provides for off-site mitigation or a re-design is considered. Grading or construction resulting in any oak tree removal is prohibited until a feasible alternative method of satisfying this policy is adopted by the County, consistent with Mitigation Measure BIO-3a (7.4.4.4, 7.4.5.1).

1.4 General Plan Policies 6.5.1.2, 6.5.1.3, 6.5.1.7, 6.5.1.9 (Health, Safety and Noise Element)

An Environmental Noise Assessment which includes recommended noise mitigation has been completed for the project. Noise impacts requiring mitigation (MM NOI-4b) to achieve applicable standards include the construction of a noise barrier to reduce sound levels at an existing residence along Lime Kiln Road.

1.5 General Plan Policies TC-Xa, TC-Xg, TC-Xe, TC-Xf, TC-Xd, TC-4e, TC-4i (Transportation and Circulation Element)

The project and subsequent revision has received thorough traffic impact analysis utilizing current standard protocols by the County. Impacted road segments and intersections analyzed in the EIR have been determined to either have less than significant impact or significant but reduced to less than significant with incorporation of specific mitigation measures (TC-Xa, TC-Xd, TC-Xe, TC-Xf, TC-Xg).

The design would include extensive landscaping and sidewalks are provided along project boundaries and pedestrian throughout the project site. Bicycle access to the site would be provided via a crosswalk on Diamond Springs Parkway, leading to the El

Dorado Multi Use Trail, and bicycle parking would be provided throughout the project site (TC-4e, TC-4i).

1.6 General Plan Policies 6.7.7.1 and 6.7.6.2 (Air Quality Element Policies)

The project would include design features such as energy efficiency measures. The project would construct bus stops located at the future Diamond Springs Parkway and Throwita Way intersection and along State Route 49. The proposed commercial project is not considered a sensitive receptor, would not be exposed to significant odor impacts from the nearby Material Recovery Facility.

1.7 General Plan Policies 10.1.5.6 and Objective 10.1.6 (Economic Development Policies)

The proposed retail center would capture a greater share of retail and tourist dollars within the County by providing opportunities to establish new tourist-related commercial operations while promoting and maintaining existing tourist commercial operations. The proposed commercial development would also aid in providing employment opportunities for residents in the immediate area.

2.0 ZONING

2.1 The project is consistent with the General Commercial zone district as the proposed retail commercial center and anticipated uses are permitted by right under Section 17.32.170 and applicable standards in Title 17 including parking, landscaping and lighting. As the project is considered a Preliminary Planned Development, the project must obtain final Planned Development approval in accordance with Section 17.04. Conditions of approval and mitigation measures are imposed to ensure implementation of the project occurs in an orderly and safe manner, consistent with all applicable development standards of Title 17.

3.0 PLANNED DEVELOPMENT

3.1 The Development Plan is consistent with the General Plan.

Implementation of the project requires a change of the land use designation to Commercial and corresponding rezone to General Commercial-Planned Development. The project has been reviewed for consistency with applicable policies of the General Plan including compatibility, density, traffic and circulation, biological resource. Conditions of approval and mitigation measures are incorporated to ensure adequate construction and operation of the development as set forth in section 1.0 of these findings.

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

Given its historic general location, the project site has been designed to meet applicable theme and architecture elements of the Missouri Flat Design Guidelines. Applicable development and construction standards in the Zoning Ordinance and DISM involving encroachment, access, pedestrian sidewalks and pathways, parking and loading, landscaping, and lighting shall be adhered to ensure orderly operation of the commercial development. Vegetative and landscape buffers shall be installed along the site perimeter to minimize the aesthetic and visual effects from adjacent industrial activities. A noise barrier shall be installed to minimize construction and operational noise effects on adjacent residential uses.

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

No specific deviations have been proposed with the project as submitted.

3.4 The site is physically suited for the proposed use.

The vacant site has been previously disturbed and used as ancillary storage and parking by adjacent industrial uses. The site is relatively flat and contains biological resources of limited significance. The project would have readily available utility hook-ups via connection to existing infrastructures in the immediate area. The proposed development would benefit from exposure and visibility along future major collector road (Diamond Springs Parkway) and State Highway 49 frontage.

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

The project is located within a built area of Diamond Springs that has existing services for water and sewage disposal provided by EID. Other dry utilities including power and telephone are also available. The project would be required to connect to these infrastructures. Affected roads, including Diamond Springs Parkway, will be constructed or improved as a condition for the project, prior to any construction taking place.

3.6 The proposed uses do not significantly detract from the natural land and scenic values of the site.

The vacant project site is within an area predominantly surrounded by industrial uses and some residential uses. The site is has been heavily disturbed by adjacent industrial activities, contains minimal quality of biological resource and lacks any natural or scenic values.