

**COUNTY OF EL DORADO PLANNING AND BUILDING
DEPARTMENT
PLANNING COMMISSION
STAFF REPORT**



Agenda of: October 24, 2019

Staff: Mel Pabalinas

**REZONE/TENTATIVE PARCEL MAP/PLANNED
DEVELOPMENT**

**FILE NUMBERS/
PROJECT NAME:**

Z10-0009/P10-0012/PD10-0005/Creekside Plaza

**APPLICANT/
AGENT:**

Grado Equities VII, LLC

REQUEST:

The project consists of the following entitlements:

1. Rezone (Z10-0009) from Community Commercial-Design Control (CC-DC) to Community Commercial-Planned Development (CC-PD) and Open Space-Planned Development (OS-PD);
2. Tentative Parcel Map (P10-0012) subdividing the project site into four parcels, including three buildable commercial parcels and one 1.14-acre open space parcel. The project site includes a 0.22-acre portion of Forni Road Right of Way subject to a General Vacation; and
3. Planned Development (PD10-0005) to establish a Development Plan for the proposed Creekside Plaza commercial center containing three buildings totaling 30,560 square feet with on-site parking, lighting, signage, and landscaping.

LOCATION:

The vacant project site is located at the northwest corner intersection of Missouri Flat Road and Forni Road in the Community Region of Diamond Springs (Exhibits A and E), Supervisorial District 3.

APNs:

327-211-014, 327-211-016, and 327-211-025 (Exhibit B)

ACREAGE:

4.39 acres (total)

GENERAL PLAN:

Commercial (Exhibit C)

ZONING: Community Commercial-Design Control overlay (CC-DC) (Exhibit D)

ENVIRONMENTAL DOCUMENT: An Environmental Impact Report (EIR) (State Clearinghouse No. 2011092017) consisting of a Draft EIR (DEIR) and Final EIR (FEIR) has been prepared for the project.

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

1. Adopt Resolution certifying the Environmental Impact Report (EIR) (SCH No. 2011092017) for the Creekside Plaza Project, subject to California Environmental Quality Act (CEQA) Findings;
2. Adopt the Mitigation Monitoring Reporting Program (MMRP) detailing the recommended Mitigation Measures in the Environmental Impact Report for the Creekside Plaza Project, in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15097(a);
3. Approve Rezone Z10-0009 based on the Findings as presented;
4. Approve Tentative Parcel Map P10-0012 based on the Findings and subject to the Conditions of Approval as presented; and
5. Approve Planned Development PD10-0005 as the official Development Plan for Creekside Plaza project based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Creekside Plaza is a proposed commercial development in the Diamond Springs area. The commercial development encompasses a total of 30,560 square feet of combined retail, office, and restaurant uses that is consistent with the existing commercial development in the area. As a Planned Development, the commercial development incorporates a natural amenity in the form of an open space area that preserves an existing wetland area. Creekside Plaza conforms to the applicable policies of the General Plan and provisions of the Zoning Ordinance.

BACKGROUND

Creekside Plaza was originally approved by the Board of Supervisors on April 3, 2012 (Exhibit F). The approved entitlements for the project consisted of a Rezone, Commercial Tentative Parcel Map, and a Planned Development Permit, subject to an adopted Mitigated Negative Declaration (MND). Following these approval actions, a lawsuit was filed against the County on May 7, 2012, contending that the MND was legally inadequate (Exhibit G). On October 23, 2012, following the approval of a Settlement Agreement with the petitioners, the Board of Supervisors unanimously rescinded the entitlement approvals and adoption of the MND, and approved the reversal of the rezoning [from General Commercial-Design Control (CG-DC) to One-Acre Residential R1A]

(Exhibits H and I). The Resolution included a direction for a re-submittal of the project application and a preparation of an Environmental Impact Report (EIR).

The project application materials were re-submitted for review in February 2015 under the original application file numbers. The application was deemed Complete for processing in March 2015. In August 2015, the Scope of Work for the preparation of the EIR was executed. There were no significant changes to the project.

Since the rescission of the project approvals, some changes to the General Plan and Zoning Ordinance as part of the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU) that was adopted by the County Board of Supervisors on December 15, 2015 have taken place that are relevant to the project. First, the subject parcels were rezoned from One-Acre Residential (R1A) to Community Commercial-Design Control (CC-DC). Second, development restrictions on slopes 30% or greater under General Plan Policy 7.1.2.1, has been codified into the Zoning Ordinance under Section 130.30.060 (*Hillside Development Standards; 30 Percent Slope Restriction*). Third, regulation of oak resource impacts under General Plan Policy 7.4.4.4 has also been codified under Section 130.39 of the Zoning Ordinance implementing the Oak Resource Management Plan (ORMP) (note: this ordinance was not a part of the TGPA/ZOU). Lastly, regulation of impacts to wetlands under General Plan Policy 7.3.3.4 has been codified under Section 130.30.030 of the Zoning Ordinance (*General Development Standards-Setback Requirements-Protections of Wetland and Sensitive Riparian Habitat*).

In response to a legal challenge regarding certification of the TGPA/ZOU EIR (*Rural Communities United v. County of El Dorado*), the El Dorado County Superior Court issued a Peremptory Writ of Mandamus in July 2018 that directed the County, among other things, to partially decertify the TGPA/ZOU Final EIR only as it related to 11 specific responses to comments. Comment O-1-62 and its response in the TGPA/ZOU Final EIR, specifically, related to concerns about the scope of impact of development on parcels with slopes exceeding 30 percent, and was pertinent to the project.

To comply with the Writ, the County suspended taking any action on proposed projects potentially impacted by the 11 specific responses to comments identified in the Writ, until the County complied with the Writ and the Court discharged the Writ. The proposed Creekside Plaza was one of the projects put on hold.

The project was previously scheduled for the June 14, 2018 Planning Commission public hearing. However, as a result of the Writ involving the litigation concerning the TGPA/ZOU that was in process at that time, the project, which has elements pertinent to the litigation, was continued off-calendar.

The County prepared an Addendum to the TGPA/ZOU EIR in September 2018. The Addendum addressed the specific comments identified in the Writ, which included comments addressing development on parcels with slopes that exceed 30 percent. The Addendum was certified by the Board of Supervisors in December 2018. The Addendum did not affect land use designations, zoning or codification of policies promulgated by the TGPA/ZOU.

On January 31, 2019, the El Dorado County Superior Court judge ordered the discharge of the Writ, indicating that the County had complied with the requirements of the Writ. The order was filed with the Superior Court on March 1, 2019. Following the discharge of the Writ, the processing of the

project resumed highlighted by updates to specific elements of the Final Environmental Impact Report (FEIR) and related documents such the Mitigation Monitoring Reporting Program and CEQA Findings. There were no changes to the project.

ANALYSIS

Site Description and Adjacent Land Uses: Exhibit E details the project location and adjacent uses. The site is surrounded by land uses consisting of existing single-family residential development on commercial-zoned parcels to the north and northwest and commercial uses located to the west, south, and east. Missouri Flat Road borders the property along the southern perimeter and Forni Road along the eastern perimeter. This area of Missouri Flat Road has been developed with commercial retail, restaurant, and office land uses, although some residential housing still exists along Forni Road and Road 2233. The Herbert Green Middle School is located to the northeast of the Project site off Forni Road.

The subject site is undeveloped and is primarily situated within a ravine containing an intermittent stream fed by water flows from storm runoff and irrigation water through a culvert under Forni Road that comes from developed parcels to the east. Portions of the stream area were placer mined at one time and tailing piles are present along the stream channel. A portion of the site has since been graded and filled flat on the south side of the creek, adjacent to Missouri Flat Road. On-site elevations range between 1,723 to 1,761 feet above mean sea level with approximately 30 percent of the parcel containing slopes below 10 percent, and an estimated 22 percent contains slopes over 30 percent. The majority of those steeply sloped portions adjoin the areas previously filled and graded with imported soil.

On-site vegetation consists of riparian trees and oaks along the ravine with the remainder covered by annual non-native grasses or disturbed, gravel areas. Approximately 0.78-acre or 18.1 percent of the 4.3-acre site is covered by oak canopy. On-site tree species other than oaks consist predominately of riparian trees such as willows and cottonwoods.

Project Description: The proposed commercial development consists of three separate buildings totaling 30,560 square feet of retail, restaurant, and office uses. The following entitlements that would need to be obtained in order to facilitate the development includes: a Rezone to change the underlying zoning designations; a Tentative Parcel Map creating three commercial parcels that would encompass the proposed commercial complex and an open space lot for resource preservation; and a Planned Development Permit to establish an official commercial Development Plan for Creekside Plaza.

The following is a summary of the project:

Rezone: Exhibit J details the proposed rezone for the project. The proposed commercial development is consistent within the range of allowable uses identified under the Commercial land use designation, which includes commercial retail, office, and service uses providing service to residents, businesses, and visitors in the area. The development is consistent with the base zone designation of Community Commercial (CC) and with the rezone to replace the Design Control (-DC) overlay with the Planned Development (-PD) combining overlay zone would facilitate the provisions of the Planned Development under Chapter 130.28 of the Zoning Ordinance to incorporate an open space area (Lot A) as part of project design. Detailed project consistency analysis with applicable General Plan policies are discussed in the *Findings* section of this staff

report.

Tentative Parcel Map: As shown in Exhibit K, the tentative parcel map would subdivide the project site creating a total of three commercial parcels and an open space lot in accordance with the development standards of the Zoning Ordinance and provisions of the Subdivision Ordinance. Commercial Parcels 1 through 3, which range in size from 0.72 acre to 1.56 acres, exceeds the minimum parcel size (4,000 square feet) and width (60 feet) per the Community Commercial zone district standards, while Open Space Lot A (1.14 acres) is also consistent with the Open Space (OS) zone district standards as part of the Development Plan. Open Space Lot A encompasses 25% of the project site. Each commercial parcel would accommodate a building, while the open space parcel would be dedicated for resource preservation purpose.

The overall property to be subdivided includes a total of 0.22-acre of existing County Right-of-Way along Forni Road that was part of an abandoned Caltrans right-of-way for the old U.S Highway 50. A separate General Vacation to vacate ownership of the property would be processed through the Transportation Department, subject to approval by the Board of Supervisors. The vacation will be reviewed by the affected utility entities with recorded easement rights through this road section and obtain input on the abandonment. Once formal vacation is approved, the County would quit claim ownership of the abandoned land.

A final Parcel Map would need to be filed in order to legally create these parcels. Detailed consistency analysis with the County Subdivision Ordinance is further provided below in the *Findings*.

Planned Development Permit: Exhibits L through T and V-V.1 illustrate the preliminary Development Plans for Creekside Plaza. As an integrated commercial development, Creekside Plaza consists of three separate buildings (one building on each commercial parcel) that would accommodate a retail, fast food restaurant, and office uses, consistent with the commercial zone district (Exhibit M). Each building meets the minimum required setbacks to the new corresponding parcel lines and would not exceed maximum required building heights and commercial Floor Area Ratio (F.A.R) for the development. The development site layout and architectural design of the buildings conform to the applicable elements of the Missouri Flat Corridor Design Guidelines including the use of materials, color scheme, and architectural theme (Exhibits N through P).

The commercial development would be served by on-site parking and circulation designed with landscaping and lighting. Consistent with the Zoning Ordinance, a total of 156 parking stalls would be provided and mutually shared by all users and patrons of the complex. The quantity exceeds the 139 stalls required by the ordinance. The parking lot includes a total two RV stalls, 20 compact stalls, and two designated loading areas. One designated loading area is located in front of Building B and another at the northwestern end of the site (note: the northwestern loading area is undersized and would require modification according to achieve a dimension of 12 feet x 40 feet as part of final Site Plan for the project). The project site would be accessed at two locations along Missouri Flat Road and one along Forni Road.

Building B, which includes a fast food restaurant, features a single drive-through lane facility that can accommodate approximately 10 vehicles within the 200-foot long lane. The parking lot would have landscaping in designated planter areas utilizing select native and water conserving plants (Exhibit V). Select landscaping plants are also proposed to be planted within the Open Space Lot A adjacent area to the development as part of the wetland restoration program (Exhibit V.1). (Note:

The submitted landscape plan is based on an earlier version of the project which is substantially sufficient for analysis of project's conformance to the landscape requirements. Final Photometric Plan shall be reviewed and verified for conformance to applicable standards prior to issuance of building permit.)

Site Lighting: Proposed site lighting is based on a preliminary photometric plan depicts the use of various lighting standards and poles at specific locations within the development (Exhibit Q). Some of the proposed light poles exceed the 15-foot tall height specified in the Missouri Flat Design Guidelines. In order to meet the requirements of the guidelines, a condition of approval has been added requiring final photometric plans be designed to meet the applicable lighting standards for commercial development. (Note: The submitted photometric plan is based on an earlier version of the project which is substantially sufficient for analysis of the project's lighting impacts. Final Photometric Plan shall be reviewed and verified for conformance to applicable standards prior to issuance of building permit.)

Signs: On-site signs proposed for the development include a total of 10 freestanding monument and directory signs that would identify the name of the future tenants of the development complex (Exhibit R). The exhibits specify the location, design and materials, dimensions, and illumination of the signs. The design of the signs matches the design of the proposed commercial buildings. The proposed quantity of monument signs (five along Missouri Flat Road) exceed the maximum allowed sign of one (1) sign and sign area (80 square feet) at 315 square feet for a multitenant integrated development per street frontage. The Missouri Flat Road project frontage measures approximately 780 feet and the distance between the proposed signs range from 120 feet to 240 feet along the frontage. The height of the tallest sign is 9 feet, which is below the 20 feet maximum height, and signs are internally illuminated. These monument signs would not dominate the design of the development but compliments the design of the buildings and blend with perimeter landscaping. The directory signs are not subject to the Sign Ordinance. Through the provisions of Planned Development, the project proposes to deviate from the applicable standards of the Sign Ordinance.

Though referenced on the Sign Plan exhibits, tenant wall signs would also be utilized for each building; however, no specific details have been provided as part of this application. A submittal of a separate Planned Development permit application for the wall signs would be required in order to verify consistency with the applicable standards of the Sign Ordinance and Missouri Flat Design Guidelines. This supplemental application may be reviewed by the Planning Commission or administratively reviewed at staff level.

The balance of the commercial complex includes bicycle racks, designated outdoor seating areas, and three trash enclosures.

Access and Frontage Road Improvements: Access to site would be at two Right-in, Right-out connection points along Missouri Flat Road and an All-movement access point along Forni Road (Exhibit M and S). Project frontage improvements shall include 6-foot wide sidewalks consistent with the County Design and Improvement Standards Manual (DISM) standards and existing sidewalks in the immediate project area. Conditions of approval Nos. 12 and 13 would require the developer to widen Missouri Flat Road along its frontage to accommodate additional northbound lanes, curb and gutter, as well as widening along Forni Road to include reconstruction of curb, gutter and sidewalk and striping for bicycle and pedestrian (school cross walk) lanes.

Utilities and Drainage: The commercial development would be served by El Dorado Irrigation District (EID) for water and sewer services (Exhibits T and T.1). The project would connect to existing EID wastewater water and sewer facilities which consist of an existing 10-inch water line in Forni Road and a 6-inch sewer line and lift station located to the north on an adjoining parcel in order to facilitate the service.

An existing ten-inch water line located in Forni Road would be extended into the project site to acquire water service. EID has determined that there are adequate equivalent dwelling units (EDUs) to serve the proposed project. This water line has been determined by EID to have the ability to deliver the Diamond Springs-El Dorado Fire Protection District required fire flow services. Two new on-site fire hydrants would be installed as part of the project. A Facility Plan Report shall be reviewed and approved by EID as part of and prior to approval of Improvement Plans for the project.

The project site currently drains stormwater into the unnamed intermittent stream that flows from southeast to northwest for a distance approximately 4,000 feet into Weber Creek (Exhibit S). According to the submitted preliminary drainage report, off-site storm water would be routed through the project inside an underground four-foot diameter pipe and into the existing creek channel. On-site storm water is proposed to be collected through a network of underground storm water pipes and drains 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.

Existing phone and electrical infrastructures would be extended near the parcel boundaries of the project site for service access. Two underground propane tanks would installed in the landscape area of the parking lot adjacent to the open space lot.

Site Improvements: Anticipated site improvements would include construction of the parking lot, drive aisles, and accesses, trenching for the underground wet and dry utilities, installation of retaining walls and establishing of final pads for each commercial building (Exhibits S). Approximately 3.25 acres of the 4.39 acre site would be disturbed with the balance of 1.14 acre would be preserved within Open Space Lot A. Because the project site is within a ravine area, approximately 44,697 cubic yards of fill is anticipated to be imported from off-site location and placed on-site to establish the commercial building pad. This fill would result in approximately 299-foot long portion of the intermittent wetland and swale area to be filled, affecting approximately 0.37 acres of the 0.66 acres of the delineated wetland area. The fill would be supported by a proposed maximum 27-foot tall retaining wall separating the fill area from the remaining streambed conservation area delineated by the Army Corps of Engineers through the 404 Permitting Process. Application of Mitigation Measures MM BIO-2 through BIO-4 would employ protection and preservation measures through federal and state agency permitting processes.

Approximately 0.42 acres of the existing 0.78 acres of oak canopy would also be impacted by the development while the remaining 0.36 acres of canopy would be preserved primarily within the open space lot (Note: The overall tree canopy is 2.47 acres of the 4.3-acre site, which includes willows and cottonwoods). As evaluated in the DEIR, impacts to these resources would be mitigated through application of Mitigation Measure MM BIO-5, which requires compliance to the Oak Resource Management Plan (ORMP) as codified in Chapter 130.39 (Oak Resources Conservation) of the Zoning Ordinance.

Construction Plans including Grading Permit and Improvement Plans would be reviewed by affected agencies for conformance to project conditions of approval, environmental mitigation measures, and applicable standards.

Consistency

The project has been reviewed and verified for consistency with applicable General Plan policies, provisions of the Zoning and Subdivision Ordinance, and compliance with the California Environmental Quality Act (CEQA). The following is a summary of the project consistency analysis. Detailed discussion is provided in the attached *Findings*.

General Plan: General Plan Policy (Land Use Element) 2.2.5.2 requires all discretionary projects to be reviewed for consistency with applicable General Plan Policies. The proposed uses for Creekside Plaza are permitted under the zone designation in an area where similar intense commercial development and public infrastructures exist. The proposed development meets the applicable Planned Development objectives involving preservation of sensitive resource and clustering of intense development, Land Use policies involving design, intensity, and compatibility, Conservation policies involving resource preservation and protection, and Public Services and Utility Element involving connection to existing public services are also verified for consistency.

Zoning: Creekside Plaza is consistent with the applicable development standards of the Community Commercial zone district. The commercial planned development would be sufficiently parked, meets the required setbacks, landscape and lighting requirements, and preserves sensitive resource and constrained areas of the site. As a Planned Development, the project would cluster the commercial land uses to minimize impacts on existing natural resources, is compatible with the surrounding uses, and minimizes environmental impacts.

Subdivision Ordinance: The proposed Tentative Parcel Map conforms to the applicable policies of the General Plan involving density and intensity, land use compatibility, and resource protection. The design of the subdivision is suitable for the site where existing public infrastructure (ie. road access, water, sewer and storm drainage) would be available for the commercial development to utilize. Mitigation measures have been identified to reduce the identified environmental impacts and conditions of approval would be applied to ensure orderly and safe implementation of the development.

Environmental Review (CEQA): An Environmental Impact Report (EIR) has been conducted analyzing the project's potential environmental impacts. Consistent with CEQA Guidelines Section 15063(c)(3), an Initial Study was prepared to identify which effects of the project were determined not to be significant; explain the reasons for determining that those effects would not be significant; and focus this Draft EIR (DEIR) on only the effects determined to be potentially significant. As indicated in the Initial Study, with the implementation of mitigation, impacts would be less than significant for all impact areas except for air quality, greenhouse gas emissions, and transportation. The Initial Study identified that additional analysis is warranted to fully determine impacts related to these topical areas. As such, the DEIR focuses primarily on Air Quality, Greenhouse Gas emissions, and Transportation resources (Exhibit U).

A Notice of Preparation (NOP) for the preparation of the DEIR was issued on January 27, 2017, which was circulated for a statutory 30-day public review period beginning on January 28, 2017

through February 27, 2017. The scope of the DEIR includes the potential environmental impacts identified in the NOP and Initial Study, along with the issues raised by agencies and the formal public comments received in response to the NOP and Initial Study. The NOP, Initial Study, and related comments are contained in Appendix A of the DEIR. A public scoping meeting for the proposed project was held on Wednesday, February 15, 2017 at the Placerville Seventh-Day Adventist Church.

The DEIR was published and circulated for a 60-day public review period beginning on December 12, 2017 ending on February 15, 2018, which is more than the 45-day review period for an EIR required under CEQA. The document includes discussions on the objectives of the project, recommended feasible mitigation measures applied on identified project impacts, and project alternatives that would reduce or eliminate significant adverse environmental effects. An informal workshop with the Planning Commission on the DEIR was conducted January 25, 2018.

Resource impacts related to Aesthetics, Light and Glare, Agriculture and Forestry, Cultural, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation and Utilities and Service Systems were all determined to be less than significant without the need for mitigation. Resource impacts associated with Air Quality, Biological, Greenhouse Gas, and Transportation were determined to be significant, but would be mitigated to less than significant level subject to application of identified mitigation measures. Discussion on the impact analysis is summarized below under *Project Issues*. Implementation of the project would not result in any significant and unavoidable impacts.

Following the completion of the DEIR public review, a Final EIR (FEIR) for the project was completed in April 2018. The April 2018 FEIR included formal responses to public comments received on the DEIR from several agencies and general public, and an Errata section detailing the changes and corrections to the DEIR were included in Appendix A of the FEIR. The original version of the FEIR was made available to the public as part of an El Dorado County Planning Commission meeting in June 2018, at which time the Planning Commission was expected to consider EIR certification and project approval. The County received written comments on the project in advance of meeting. The comments are part of the record for the Planning Commission's consideration of EIR certification and project approval. Staff recommended off-calendar continuance of the project to allow time for staff to review public comments and because litigation pertaining to the TGPA/ZOU was still ongoing. No action was taken to certify the EIR.

Following discharge of the Writ in early 2019 and in view of the Court's ruling on the TGPA/ZOU EIR concerning adequacy of responses to comments on a draft EIR and other matters, County staff determined that certain revisions to the April 2018 FEIR were necessary to reflect changed circumstances between April 2018 and March 2019, and also to address public comments that were received prior to the June 2018 Planning Commission. The result of that effort is a revised FEIR prepared in August 2019. The August 2019 revised FEIR (Exhibit W) supersedes in its entirety the April 2018 FEIR.

The revisions resulting in the August 2019 revised FEIR are editorial. The revisions are intended to: provide updated planning-related information; elaborate on responses to public comments included in the April 2018 FEIR; and address comments received in June 2018, particularly as they relate to Measure E/Measure Y (traffic mitigation) and oak woodlands mitigation. In addition, where necessary, certain text in the DEIR was also clarified, and mitigation measures were revised to

provide greater clarity and specificity regarding actions and timing. Changes to the DEIR and mitigation measures are shown in Section 3, Errata, in the FEIR. The August 2019 revised FEIR also includes a table in Appendix A showing the revised response and the original response presented in the April 2018 FEIR, for reference only and to allow for comparison.

The afore-mentioned changed circumstances resulting in a revised FEIR relate to planning issues, not environmental impact conclusions, and do not trigger the need for recirculation of the EIR. CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of a draft EIR, but before certification. No “significant new information” as defined by CEQA Guidelines Section 15088.5(a) has been added to the August 2019 revised FEIR. Section 15088.5 provides that “[n]ew information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

The August 2019 revised FEIR makes only minor technical changes, clarifications, or additions to the DEIR and April 2018 FEIR. The minor changes, clarifications, or additions to the DEIR and FEIR do not identify any new significant environmental impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, recirculation of the FEIR is not required, because none of the changes involve “significant new information,” and were either environmentally benign or environmentally neutral, and thus represent the kinds of changes that commonly occur as the environmental review process works toward its conclusion.

In accordance with Section 21081 Public Resource Code and Section 15091 of the CEQA Guidelines, Findings of Fact for Creekside Plaza has been prepared and is attached as Exhibit X. This document details the environmental determination and conclusions made on the project as supported by the analysis in the EIR. In accordance with CEQA Section 15074(d), the Findings include a Mitigation Monitoring Reporting Program (MMRP) which details the applicable feasible mitigation measures that would mitigate the impacts to less than significant. The exhibit also includes a copy of the Mitigation Measure Agreement signed and executed by the applicant confirming acceptance of the mitigation measures.

Project Issues

1. Development and Disturbance on Slopes with 30% Gradient or more

Portions of the commercial development would affect areas of the property constrained by slope in excess of 30 percent. These 30% slope areas, which composes 19% of the project site, is primarily situated within a ravine containing an intermittent stream fed by water flows from storm runoff and irrigation water through a culvert under Forni Road that comes from developed parcels to the east. As discussed above, portions of this intermittent area would be filled in order to achieve the necessary area for the commercial development.

Development on these 30% slope is subject to the provisions under Section 130.30.060 (*Hillside Development Standards; 30 Percent Slope Restriction*) of the Zoning Ordinance. Specifically, the project would employ the standards under Reasonable Use of Existing Lots or Parcels, *where reasonable use of an existing lot or parcel would otherwise be denied* due to development or

disturbance of steep slopes. As discussed below, specific findings in the ordinance must be met in order to be considered for this provision:

- a. The proposed use is consistent with the General Plan and Zone designation for the property;

Response: The proposed development is consistent with the Community Commercial zone district and Commercial land use designation.

- b. The development or disturbance will not impair the stability of slopes on the property or on surrounding properties;

Response: The 30% slope area affected by the development would require to be filled and incorporated as part of the overall creation of the developed area for the development. Technical reports will be reviewed and verified during construction plans to ensure proper engineering techniques and measures are undertaken in stabilizing the slopes of the project site and surrounding properties.

- c. The development or disturbance will conform to the requirements of the County Grading Ordinance, including best management practices for erosion and sedimentation control;

Response: BMPs for erosion and sedimentation control and other construction standards of the Grading Ordinance applicable to the project shall be verified during permit plan reviews and enforced during construction.

- d. Design techniques have been utilized, where feasible, to respect natural contours, including rounding of cut and fill slopes to minimize abrupt edges;

Response: Applicable design techniques shall be considered for the project in order to minimize abrupt site edges and provide appearance of natural contours.

- e. The proposed use complies with the development standards of Subsection C (Development Standards Applicable to Slopes 30 percent or Greater) above.

Response: The proposed commercial development complies with the development standards under Subsection C. Grading and Building Permits shall be required prior to any construction of the project.

As designed, conditioned 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 are designated 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 ordinance.

2. Wetland Impacts

As discussed above, site improvements would impact approximately 0.37 acres of the existing wetland areas (including a 299-foot long portion of stream habitat). Impacts to these resources have been evaluated in the EIR and mitigation measures are incorporated in the MMRP to minimize the impact to the resource. This component of the project is also consistent with Section 130.30.030 of the Zoning Ordinance (*General Development Standards-Setback Requirements-Protections of*

Wetland and Sensitive Riparian Habitat) where the project encompasses applicable avoidance and minimization standards. Specifically, the project impact was analyzed in the Biological Resource Evaluation included in the DEIR resulting in application of mitigation measures including acquisition of a Streambed Alteration Agreement (MM BIO-2), final verification of Wetland Delineation and providing of construction details that impact the wetland through the Section 404 Permit Process (MM BIO-3), and obtain Water Quality Certification through Section 401 Process from the Regional Water Quality Board.

The balance of the wetland area is preserved and protected within Open Space Lot A. As incorporated into project design, retaining walls would be installed delineating the limits of development and establishing varying buffers to the wetland area. The open space lot would be protected in perpetuity by creating a conservation easement with a third-party conservator, who would hold the easements and ensure that the conditions of the United States Army Corps of Engineers (USACE) permit and the easement are enforced. A mechanism for the management of the preserved area would be established by the applicant to collect common area fees from all the tenants, which will fund an account to be used specifically for maintenance and inspection of the conservation easement.

3. Oak Resource Impacts

As analyzed in the EIR, the project is anticipated to impact a total of 0.42 acres of the existing 0.78 acre oak canopy. This amount of impacted canopy was similar to the affected canopy in the rescinded version of the project which was not able to meet the retention requirements under the provisions of General Plan Policy 7.4.4.4 Option A that was in effect at that time. With the recent adoption and application of the Oak Resource Management Plan (ORMP), the proposed project would be able implement the proposed development and mitigate for the affected oak resources. Specifically, application of Mitigation Measure MM BIO-5 shall require the applicant to update the oak resource technical report used for the analysis in the DEIR to be consistent with the ORMP, which is implemented under Section 130.39 of the Zoning Ordinance. The report shall identify the percentage of impacted oak woodland subject to specific mitigation requirements including payment of in-lieu fee, off-site deed restriction or conservation easement acquisition, or on-site replanting. The mitigation measure shall be enforced prior to issuance of building permit.

4. Air Quality Impacts/Greenhouse Gas

Analysis of the project's air quality impacts includes determination of the consistency with applicable air quality plan, violation of air quality standards, and the level of increase of criteria pollutant. The nature of the impacts would involve both construction (e.g. site improvements associated with grading and construction of the complex) and operational (e.g operation of proposed office, retail, and restaurant) aspects of the project. Technical analysis of the project involved review of applicable Air Quality Management District (AQMD) standards, generation of estimated emissions using CalEEMod, and review vehicular traffic trips generated by the project. The DEIR concluded that construction related impacts were deemed potentially significant, which would be minimized to less than significant application of AQMD Rule 223-1(Fugitive Dust Plan) recommended as Mitigation Measure MM AIR-2.

Greenhouse Gas (GHG) emissions were also evaluated for the project utilizing screening standards based on the Sacramento Metro Air Quality Management District (SMAQMD) protocols. As concluded in the DEIR, impacts from GHG were determined to be less than significant.

5. Traffic and Circulation

Traffic and Circulation impacts were evaluated based on a Traffic Impact Analysis (TIA) submitted for the project. The TIA evaluated the traffic conditions (LOS) at 11 existing intersections and three roadway segments primarily along Missouri Flat Road. Traffic conditions reviewed for the project includes verification of Level of Service, Traffic Volume, Traffic Signal Warrants, and Intersection Queues at signalized intersections. The project was also reviewed for consistency with infrastructure needs including bus stop siting, bicycle lane, and pedestrian paths. As discussed in the DEIR, the project was reviewed for consistency with the applicable standards of the Traffic and Circulation Element policies involving Measures Y and E.

Impacts associated with the generation of new vehicular trips have been determined to contribute to unacceptable traffic operations under Existing Plus Project conditions and 2035 plus Project conditions and are considered potentially significant. Application Mitigation Measure MM TRANS-1, which requires payment of Traffic Impact Mitigation (TIM) fees, has been identified as the appropriate measure to reduce the impact to less than significant.

The generated vehicular trips have also been reviewed for potential impacts to mid-afternoon traffic operations in the immediate area, in particular during school operation hours. As determined, the mid-afternoon traffic conditions in the Existing plus Project and the 2035 scenarios would not result in unacceptable intersection Level of Service or satisfaction of traffic signal warrants. Impacts would be less than significant.

Project design was analyzed for potential substantial increase of hazards and incompatible uses. The design was reviewed against the County's Traffic Impact Study Guidelines and On-Site Transportation Review (OSTR) for site access and circulation, sight distance, parking as well as review of historical vehicular accidents in the area. The potential impact was considered potentially significant which can be mitigated to less than significant with application of Mitigation Measure MM TRANS-5.

Conditions of Approval

Applicable comments and standards from affected departments and agencies have been recommended as specific Conditions of Approval for the project. A copy of these comments is included in Exhibit Y.

SUPPORT INFORMATION

Findings

Conditions of Approval

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|----------------------|---|
| Exhibit A | Location Map |
| Exhibit B | Assessor's Parcel Map |
| Exhibit C | General Plan Land Use Map |
| Exhibit D | Zone Map |
| Exhibit E..... | Aerial Map |
| Exhibit F..... | Ordinance No.4977 (Original Approval of Zoning Ordinance for Creekside Plaza) |
| Exhibit G | Notice of Intent to File CEQA Petition; May 3, 2012 |
| Exhibit H | Board of Supervisors Minute Order October 16, 2012, and Resolution No.149-2012 (Rescission of Creekside Plaza Approvals) |
| Exhibit I..... | Board of Supervisors Minute Order October 23, 2012, and Ordinance No.4985 (Rezoning of Creekside Plaza From General Commercial-Planned Development (CG-PD) to One-Acre Residential (R1A)) |
| Exhibit J..... | Rezone Exhibit |
| Exhibit K | Tentative Parcel Map Exhibit |
| Exhibit L..... | Development Plan Summary |
| Exhibit M..... | Preliminary Site Plan |
| Exhibits N-N.3 | Preliminary Building "A" Elevations and Floor Plans |
| Exhibit O | Preliminary Building "B" Elevations and Floor Plans |
| Exhibits P-P.1 | Preliminary Building "C" Elevations and Floor Plans |
| Exhibit Q | Preliminary Photometric Site Plan |
| Exhibit R | Preliminary Sign Plan |
| Exhibit S..... | Preliminary Grading and Drainage Plan |
| Exhibits T-T.1 | Utility Plan and Facilities Improvement Letter (FIL); June 16, 2016 |
| Exhibit U | Draft Environmental Impact Report (DEIR); December 12, 2017 |
| Exhibits V-V.1 | Preliminary Landscape and Wetland Area Planting Plans |
| Exhibit W | Revised Final Environmental Impact Report (FEIR) (August 2019) and Previous Final Environmental Impact Report (FEIR) (April 2018) |
| Exhibit X | CEQA Findings of Fact and Mitigation Monitoring Reporting Program (MMRP) |
| Exhibit Y | Draft Agency Comments for Creekside Plaza |