

**Findings**

**1.0 CEQA FINDINGS**

- 1.1 According to CEQA Guidelines Section 15090, prior to approving a project the lead agency shall certify that: (1) The Final EIR has been completed in compliance with CEQA; (2) The Final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and (3) The Final EIR reflects the lead agency’s independent judgment and analysis.

Rationale: Staff recommended to the Planning Commission and recommends to the Board of Supervisors on appeal that the Final EIR (Exhibit S) for the Cool General Retail project constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA, and to certify the Final EIR as completed in compliance with CEQA. The Final EIR was presented to the Planning Commission and Board of Supervisors for review and recommendation of the Final EIR, including its attachments and exhibits. In addition, the Planning Commission and Board of Supervisors reviewed and considered all testimony and additional information presented at or prior to the public hearing.

- 1.2 According to CEQA Guidelines Section 15091(a), no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoids or substantially lessen the significant environmental effect as identified in the Final EIR;
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency;
3. Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Rationale: The CEQA July 20, 2021 Findings of Fact (Exhibit U-Revised) address each of the significant environmental effects that could occur with implementation of the project and identifies findings for each significant

environmental effect consistent with the possible findings described above.

- 1.3 According to CEQA Guidelines Section 15091(b), the findings required by 15091(a) (above) shall be supported by substantial evidence in the record.

Rationale: The documents and other materials, which constitute the record of proceedings, are in the custody of the El Dorado County Planning and Building Department, located at 2850 Fairlane Court, Building C, Placerville, CA 95657.

- 1.4 According to CEQA Guidelines Section 15091(c), the finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

Rationale: The CEQA July 20, 2021 Findings of Fact (Exhibit U-Revised) address the feasibility of proposed mitigation measures and project alternatives and identify specific reasons for rejecting specified project alternatives.

- 1.5 The EIR is consistent with CEQA Guidelines Section 15091(d). This section says that when making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

Rationale: The MMRP (Exhibit T) provides a detailed description of the environmental impacts, required mitigation, responsible lead agency, and monitoring timeline. Issue areas with prescribed mitigation measures include Air Quality, Biological Resources, Cultural and Tribal Resources. Each of these impacts are summarized in the DEIR (Executive Summary, pp. ES-2 through ES-11), along with the mitigation measures intended to reduce these impacts to a less than significant level for consistency with CEQA Guidelines Section 15091(1)(a).

- 1.6 The EIR is consistent with CEQA Guidelines Section 15091(e). According to subsection (e), the public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

Rationale: The documents and other materials, which constitute the record of proceedings, are in the custody of the El Dorado County Planning and Building Department, located at 2850 Fairlane Court, Building C, Placerville, CA 95657.

- 1.7 The EIR is consistent with CEQA Guidelines Section 15092. EIR approval is required as follows: a) After considering the Final EIR and in conjunction with making findings under Section 15091, the Lead Agency may decide whether or how to approve or carry out the project. b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either: (1) The project as approved will not have a significant effect on the environment, or (2) The agency has: (A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093. (c) With respect to a project which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

Rationale: The FEIR (Exhibit S) does not identify any impacts that cannot be mitigated to a less than significant level. A statement of overriding concerns has been prepared in accordance with Section 15093.

- 1.8 An EIR was prepared with respect to the project and a finding was made pursuant to paragraph (3) of subdivision (a) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible project alternatives identified in the environmental impact report. (Government Code Section 65474.01).

Rationale: The FEIR identified significant environmental impacts that will result from implementation of the project. The EIR identified four significant impacts for which feasible mitigation measures are available to reduce the impacts to less-than-significant levels. Impacts to Air Quality, Biological Resources, Cultural and Tribal Resources would be significant without the implementation of mitigation measures, but would be reduced to a less-than-significant level with mitigation measures implemented. The County has adopted a MMRP for the Project in accordance with Section 15097 of the CEQA Guidelines. In order to ensure that the mitigation measures identified are implemented, as shown in the MMRP (Exhibit T).

## **2.0 GENERAL PLAN FINDINGS**

### **2.1 The project is consistent with General Plan Policy 2.1.2.3.**

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

Rationale: The project proposes a new 9,100 square foot commercial retail store located within the Cool Rural Center. The project is consistent with this policy.

**2.2 The project is consistent with General Plan Policy 2.1.2.4.**

Rural Centers shall be evaluated for their status as historic districts. The Historic Design combining zoning district shall be applied to each Rural Center which meets the criteria to conserve the unique historic character.

Rationale: The Cool Rural Center is not included Historic Design combining zoning district. As such this policy would not be applicable to projects within the Cool Rural Center. Furthermore, the project does include architectural elements consistent with historic designs.

**2.3 The project is consistent with General Plan Policy 2.2.1.2.**

The purpose of the Commercial land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

Rationale: The project is consistent with the Commercial (C) land use designation of the subject site as defined by General Plan Policy 2.2.1.2.(Exhibit C). The project proposes to construct a 9,100 sq. ft. commercial retail building (Dollar General) consistent within the Commercial land use designation, which provides for a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.

**2.4 The project is consistent with General Plan Policy 2.2.1.5.**

The Commercial Land Use Designation shall provide for a maximum ratio of allowable floor area to site area of .85.

Rationale: The project would have floor area ratio of .12 consistent with this policy.

**2.5 The project is consistent with General Plan Policy 2.2.5.2.**

All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. As conditioned, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

**2.6 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site is surrounded by to the north, west and south by commercial developments similar to the proposed planned development. To the west of the proposed development is California State Highway 49 and a commercial development featuring similar “gold rush” architectural elements and colors. To the south is a vacant commercial property, California State Highway 193 and the Cool Village Shopping Center. To the north is another smaller commercial center with R.V. Storage and a cell tower being located to the east.

**2.7 The project is consistent with General Plan Policy 2.8.1.1.**

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

Rationale: The proposed development would include indoor lighting and outdoor lighting. These new sources of light would be visible from a distance at night. The proposed project will change the character of these parcels from vacant land that generates no light to lighted commercial parcels, which is similar to existing commercial development in the area. The lighting at the site is designed to minimize light/glare impacts to the adjacent property by ensuring that all exterior lighting and pole-mounted parking lot lighting be shielded and directed downward. The outdoor lighting design for the new development is required conformance to Section 130.34 of the El Dorado County Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of Northern America’s (IESNA) full cut-off designation. This ordinance requires that no light spill over onto adjacent properties as demonstrated by a photometric study that will be reviewed for compliance during the building permit process.

## 2.9 **General Plan Policy TC-Xa does not apply to the Project**

Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely, unless amended by voters:

1. Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

Rationale: The project would not create residential parcels; therefore this policy does not apply.

2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval.

Rationale: This is not applicable as the Project is not requesting any modifications to Table TC-2.

3. intentionally blank (Resolution 125-2019, August 6, 2019)
4. intentionally blank (Resolution 159-2017, October 24, 2017)
5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

6. intentionally blank (Resolution 159-2017, October 24, 2017)
7. Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The project would not create residential parcels; therefore this policy does not apply.

**2.10 General Plan Policy TC-Xb does not apply to the Project**

To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

- A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;
- B. At least every five years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan; and
- C. Annually monitor traffic volumes on the county's major roadway system depicted in Figure TC-1.

Rationale: This policy is not applicable as this policy refers to the county repairing a Capital Improvement Program (CIP), preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.

**2.11 General Plan Policy TC-Xc does not apply to the Project**

Developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county. (Resolution 201-2018, September 25, 2018)

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

**2.12 The project is consistent with General Plan Policy TC-Xd**

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

Rationale: This project is located in the Rural Center does not worsen (as defined by General Plan Policy TC-Xe) Level of Service (LOS) for any county-maintained road or state highway.

**2.13 The project is consistent with General Plan Policy TC-Xe**

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This project will generate more than 10 trips in the peak hour, and fewer than 100 daily trips. The thresholds in criteria A, B or C of this policy are met and a traffic study was required.

**2.14 The project is consistent with General Plan Policy TC-Xf**

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

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

Rationale: The project will not worsen traffic on the County road system. Therefore this policy does not apply.

**2.15 The project is consistent with General Plan Policy TC-Xg**

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and



construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: This policy is not applicable as this project does not worsen traffic conditions.

**2.16 This project is consistent with General Plan Policy TC-Xh**

All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision

Rationale: This project will pay TIM fees at the time a building permit is issued.

**2.17 General Plan Policy TC-Xi does not apply to the Project**

The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule agreed to by related regional agencies.

Rationale: This policy is not applicable to the project as it is direction to the County to coordinate with other agencies.

**2.18 The project is consistent with General Plan Policy 5.1.2.1.**

Prior to the approval of any discretionary development, the approving authority shall make a determination of the adequacy of the public services and utilities to be impacted by that development. Where, according to the purveyor responsible for the service or utility, demand is determined to exceed capacity, the approval of the development shall be conditioned to require expansion of the impacted facility or service to be available concurrent with the demand, mitigated, or a finding made that a CIP project is funded and authorized which will increase service capacity.

Rationale: The project was distributed for agency review, including GPUD, EDCFPD, EMD, El Dorado County Sheriff Department and the DOT for impacts to public services and utilities. No agency identified that the projects would exceed service capacity.

**2.19 The project is consistent with General Plan Policy 5.1.2.2.**

Provisions of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users.

1. Impacts to public water service as determined by purveyor

Rationale: The project was reviewed by the GPUD for impacts to public water service. GPUD did not identify any impacts to public water service.

2. Impacts to private wells as determined by EMD.

Rationale: EMD has reviewed the project, no impacts to private well will occur.

3. Impacts to public water treatment capacity as determined by the purveyor.

Rationale: The project was reviewed by the GPUD for impacts to public water treatment capacity. GPUD did not identify any impacts to public water treatment capacity.

4. Impacts to storm drainage as determined by the DOT.

Rationale: The project would connect to the existing stormwater collection system, and would include an on-site retention area, to the east of the parking lot. No new off-site stormwater facilities would be required. DOT determined that the project would not have significant impact on storm drain facilities.

5. Impacts to solid waste as determined by EMD.

Rationale: The project was reviewed by EMD, which determined that the project should not impact solid waste services in the area.

6. Impacts to County and State circulation systems less than Level of Service D.

Rationale: State Route 49 north of the intersection with State Route 193 beyond Northside Drive and South of State Route 193 currently operates at Level of Service (LOS) E and would continue to operate at LOS E with the project (Exhibits K and L). Table TC-2 of the El Dorado General Plan identifies road segments, including State Route 49 from US Highway 50 to the County line with Placer County, allowed to operate at LOS F. All other roadway segments would operate at LOS D or better with the project.

7. Impacts to schools as determined by the school district.

Rationale: No impacts were identified by the Black Oak Mine Unified School District. The project is commercial and is not anticipated to add students to the Black Oak Mine Unified School District.

8. Impacts to fire district response time.

Rationale: The project was reviewed by the EDCFPD for impacts to fire response time. The EDCFPD identified response times from various stations to the project site, with the quickest response being 00:22 seconds from Engine

72 located in Cool, CA and the longest being 29 minutes from Truck 49 in Diamond Springs. All response times provided were within the 45 minutes minimum response time required. Potential impacts were identified to be negligent as the proposed project is located within an existing commercial area.

9. Impacts to Sheriff response time.

Rationale: No standard is identified for Sheriff response times to the Rural Centers and Rural Areas of the County. The project is located within the Cool Rural Center and no standard is applicable.

10. Impacts to ambulance response time.

Rationale: Emergency Services Joint Powers Authority (JPA) reviewed the project for potential impacts to ambulance response time and identified that there will not be any significant impact to Emergency Medical Services. Any minor impacts will be covered by property tax and Special Assessment funds collected in conjunction with the project.

**2.20 The project is consistent with General Plan Policy 5.2.1.2.**

An adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development.

Rationale: The project was reviewed by GPUD and El Dorado County Fire Protection District for adequate public services capacity. The applicant proposes to connect to existing water service from GPUD. A water availability letter was issued May 21, 2019. Water supply and conveyance facilities, including an existing onsite fire hydrant, are available to serve the project.

**2.21 The project is consistent with General Plan Policy 5.2.1.3.**

All commercial projects may be required to connect to public water systems if reasonably available when located within Community Regions and to either a public water system or to an approved private water systems in Rural Centers.

Rationale: The applicant proposes to connect to existing water service from GPUD. A water availability letter was issued May 21, 2019. Water supply and conveyance facilities, including an existing onsite fire hydrant, are available to serve the project.

**2.22 The project is consistent with General Plan Policy 5.3.1.3.**

General Plan Policy 5.3.1.3 identifies that in Rural Centers, the County may allow community wastewater systems and other alternative solutions as an acceptable option to traditional wastewater treatment for commercial centers. The applicant must prove and

the County must find that the proposed system will be adequately and safely operated and can accommodate the highest possible demand of the project.

Rationale: The project is within the Cool Rural Center and would be served by an onsite septic system. An Onsite Wastewater Report (Exhibit J) was prepared for the project, which demonstrates that the proposed wastewater disposal can accommodate the highest possible demand of the project.

**2.23 The project is consistent with General Plan Policy 5.4.1.1.**

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

Rationale: The project would connect to the existing stormwater collection system, and would include an on-site retention area, to the east of the parking lot. No new off-site stormwater facilities would be required.

**2.24 The project is consistent with General Plan Policy 5.7.2.1.**

Prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.

Rationale: As previously discussed, the project was reviewed by the DOT, EDCFPD, and GPUD to ensure that adequate access and water would be provided to meet Fire Safe standards and conform to the County Design Improvement Standards Manual and would be conditioned to provide adequate access and improvements to ensure adequate fire protection services and ensure the project does not have an adverse effect on fire protection service standards.

**2.25 The project is consistent with General Plan Policy 6.2.3.2.**

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

Rationale: DOT, EDCFPD and El Dorado County Planning and Building Department's Long Range Planning Division (LRP) reviewed the application materials and site plan for adequate access for emergencies.

The project was required to address the adequacy of vehicle parking for anticipated demand, vehicle types, and zoning requirements. It was determined by the traffic study that the project would have an adequate turn radius for a firetruck. As such, the proposed project is considered to allow for adequate access and on-site circulation for emergency vehicles. The fire department review of plans associated with building permit would ensure compliance with these standards. As conditioned the project would provide the required access. The project is in compliance with the General Plan Policy.

**2.26 The project is consistent with General Plan Policy 6.2.2.2.**

Policy 6.2.2.2, Wildland Fire Hazards, requires that the County preclude development in high and very high wildland fire hazard areas unless such development can be adequately protected from wildland fire hazards, as demonstrated in a Fire Safe Plan and approved by the local Fire Protection District and/or CALFIRE.

Rationale: The property is in an area designated as a high fire hazard zone. The project has been conditioned to provide a Fire Safe Plan prior to issuance of building and grading permits.

**2.27 The project is consistent with General Plan Policy 6.2.3.2.**

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

Rationale: Both the EDCFPD and CALFIRE reviewed the application materials and would not require additional site access or improvement to the existing roads. The project is in compliance with this policy.

**2.28 The project is consistent with General Plan Policy 7.1.2.1.**

General Plan Policy 7.1.2.1 directs that development or disturbance shall be restricted on slopes exceeding 30 percent unless necessary for access.

Rationale: The area proposed for new development is in an area that is relatively flat and avoids any steep slopes of 30 percent. The project is in compliance with the policy related to steep slopes.

**2.29 This project is consistent with General Plan Policy 7.4.4.4.**

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to oak resources must adhere to the standards of the Oak Resources Management Plan (ORMP).

Rationale: The project has been designed to adhere to the oak tree canopy retention and replacement standards established by the ORMP. In order to address

on-site tree canopy removal, the Oak Technical Report (Exhibit M) was prepared for the project by a certified arborist and registered profession forester. The project would result in impacts to seven oak trees, including one heritage tree of 40 inches diameter at breast height (dbh). The Oak Technical Report identified a mitigation fee in the amount of \$37,944. Mitigation fees (Condition of Approval 6) would need to be collected prior to finaling of each phase. One heritage tree would be removed.

### **3.0 ZONING FINDINGS**

#### **3.1 The proposed use is consistent with Title 130.**

The Commercial, General (CG) zone is intended to provide a mix of more intensive commercial uses, such as light manufacturing, automobile repair, and wholesale activity; where outdoor storage or activity commonly occurs; and where residential, civic and educational uses are limited to avoid conflicts with allowed uses.

Rationale: The parcel is zoned CG. The Commercial Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the CG zone district. The matrix includes commercial uses, including Retail Sales which is a use allowed by right within the CG zone. The proposed project would include a retail store.

The project has been analyzed in accordance with Zoning Ordinance Section 130.23.030 (Development Standards) for minimum lot size, dimensions, height, and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable standards.

#### **3.2 The proposed project is consistent with Chapter 130.16, Signs.**

The proposed signs for the project must comply with the Chapter 130.16 of the Zoning Ordinance, Signs. The three new buildings will each have their own building attached signs. According to Table 130.16.070.1b- Rural Center Area Signage Standards for Permanent On-Site Signs, both freestanding signs and building attached signs in the General Commercial Zoning District are limited to 50 square feet of max signage area with no more than 12 feet in height for freestanding signs.

Rationale: The project proposes a building attached sign and a monument sign near the intersection of Northside Drive and State Route 49. The proposed monument sign would be constructed of wood or steel of like size, and would be painted brown with illuminated yellow lettering (Exhibit F). An externally illuminated wall sign of approximately 50 square feet (25 feet wide by 2 feet tall) is proposed along the building frontage facing State Route 49. The wall sign lettering would be colored yellow to match the proposed monument sign (Exhibit F).

**3.3 The proposed project is consistent with Chapter 130.34: Lighting.**

All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way.

Rationale: As the project proposes exterior light and pole mounted parking lot lighting. An illuminated monument sign is proposed near the corner of Northside Drive and California State Highway 49 and an illuminated wall mounted sign is proposed along the western elevation. As shown in the project plans and elevations, no proposed lighting will direct light outside the property line or into the public right-of-way. Proposed light fixtures would be adequately shielded as shown in Condition of Approval 5.

**3.4 The project is consistent with Chapter 130.35: Off-Street Parking and Loading.**

Chapter 130.35 of the Zoning Ordinance establishes off-street parking and loading requirements for commercial developments.

Rationale: General retail developments have a parking requirement of one parking space per every 300 square feet of active use area (AUA) and 600 square feet of storage area. Active use areas, encompasses all developed areas within a building except for storage areas, restrooms, and employee lunchroom/cafeterias. The project proposes approximately 8,640 square feet of AUA of the overall building square footage of 9,100 square feet, with no proposed dedicated storage area, which results in a parking requirement of 29 parking spaces. The project is considered to have a low loading bay demand and is not required to provide a loading bay, though the project does include a 256 square foot concrete delivery pad. The project is proposing 31 parking spaces, including two accessible spaces, which satisfies the minimum parking requirements for general retail.

**3.5 The project is consistent with Title 130.52.030 and the El Dorado Design Guide.**

The project has been reviewed in accordance with Section 130.52.030 of the County Zoning Ordinance, Design Review Permit. This process is applied to commercial projects with a Design Review-Community (-DC) Combining Zone. The Design Review process is limited to consideration of compliance with established standards, provided that the use proposed for the project site is an allowed use within the zone.

Rationale: As noted in Finding 3.1, the use is allowed in the CG zone. The project is located within the Cool Rural Center which does not have a specific community design standard; as such the project would default to the El Dorado County Design Guide. The project design, architectural treatments, and associated improvements substantially conform to the El Dorado County Design Guide and would not substantially detract from this commercial district. The project proposes new traditional, Western false front styled architecture, utilizing typical building elements such as

vertical narrow rectangular windows, parapet roofs and columns/braces that are similar to the overall design (Exhibit H). Building colors would include reds, tans, blues and yellows, with the building consisting of horizontal and vertical wooden slating. The front walkway will consist of stamped concrete to mimic a wooden walkway.

#### **4.0 DESIGN REVIEW FINDINGS**

##### **4.1 The issuance of the permit is consistent with the General Plan.**

Rationale: As discussed above in Section 2.0, General Plan Findings, the Design Review Revision is consistent with the applicable policies and requirements in the El Dorado County General Plan.

##### **4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

Rationale: The use is consistent with the General Plan and will comply with the Development Standards of the CG-DC zone. The proposed use is consistent with the surrounding land uses, which include commercial land uses. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

##### **4.3 The proposed use is specifically permitted by Design Review.**

Rationale: The design review process is applied to commercial sites in area where the Design Review-Community (-DC) overlay exists. The design review process shall be limited to consideration of compliance with established standards, provided that the use proposed for the project site is an allowed use within the zone. The retail commercial buildings are allowed uses by right in the General Commercial (CG) zoning designation. As discussed previously, the design review is consistent with the applicable policies and requirements in El Dorado County General Plan.

#### **5.0 DESIGN GUIDELINE FINDINGS**

To promote good architecture, the El Dorado county Board of Supervisors adopted a design review ordinance (Exhibit P) that regulates design within Design Control (DC) and Design Scenic Corridor (DS) overlay districts. This ordinance provides help and direction in situations where there are buffer zones between residential and commercial development or special uses which may be desirable, but are attended by problems like noise and traffic congestion. Within designated design review districts, the County has the authority to review and control the design of commercial, industrial and multi-family residential development. The process looks at more than the proposed buildings. It also examines the project's layout, landscaping, parking, signs, and other features. It covers all the factors in the project's appearance, plus how well it fits its surroundings. This does not mean the County is dictating a particular style of architecture for design review



districts. Variety is preferred, not uniformity. But it does mean the County is seeking higher standards of architecture.

The analysis below evaluates the components of the Community Design Guide and project consistency with the guidelines of the Community Design Guide. Typically, the project was consistent with or modified to be consistent with the Community Design Guide. While consistency with the Community Design Guide is preferred it is not a required finding for approval of a Design Review application.

#### 5.1 **The project is consistent with the General Design Guidelines.**

In reviewing plans, County authorities will evaluate a project on its contribution to the County's character and on its suitability for its location. Stock building plans might not be acceptable. Some basic questions by which projects will be evaluated are:

- a. Will the project be a good neighbor? It should not impair the use, value or good development of neighboring property. Its design should minimize interference with the privacy, quiet and views of its neighbors and avoid traffic problems and damage to the natural environment.

Rationale: The project site is neighbored to the north, west and east by existing commercial developments, with a vacant commercial property located to the south and the Cool Village commercial development located across State Route 193. The project has been designed to incorporate architectural elements of the neighboring development utilizing new traditional, Western false front styled architecture.

- b. Does the project follow the basic principles of good design? The project should be designed as a whole, fit into its surroundings and avoid monotony in form, detail and siting.

Rationale: The project is designed as traditional, Western false front architecture, painted blue, red, yellow and beige (Exhibit H). This design is consistent with the surrounding developments, most notably the commercial development located across State Route 49 (the Boardwalk), and contributes to the Gold Rush era aesthetics that is present throughout the Sierra Nevada foothill region. The project went through several iterations (Exhibit Q) before the final proposed plan (Exhibit H). These changes were made based off of community input and the intent for the project to follow the principles of good design.

- c. Does the project give people some variety and something interesting to look at? Landscaped areas, benches and fountains are much more appealing to the eye than blank walls and uninterrupted rows of parking

Rationale: As stated previously, the project features multicolored traditional, Western false front architecture, with covered sidewalks and awnings over the

windows (Exhibit H), which provides a more interesting aesthetic than a plain stock building. The project will incorporate landscaping (Exhibit I) to help break parking areas and to provide pleasing perspective to building walls.

## 5.2 **The project is consistent with the Design Guidelines.**

The El Dorado County Design Guidelines identifies the following guidelines to be considered for projects. Does the project suit its purpose? Do the various components of the project work well together? Does the project make good use of the site? Do different elements fit together logically? Are materials, forms and other elements of a project suitable for its uses?

Rationale: The project design is suitable for the proposed retail commercial use, and can be easily identified as a commercial development from adjacent roadways. The site is utilized appropriately with main doors and windows facing toward the proposed parking lot and State Route 49. Existing oak trees have been retained where feasible, most notably a 19 inch diameter Blue oak located in the front of the property towards State Route 49. The materials, forms and project elements are suitable for this proposed project.

## 5.3 **The project is consistent with the Site Planning Guidelines.**

During review of a development project, specific criteria relating to the site, the building, landscaping, signs, parking and other features will be considered.

a. Suiting the Site – A designer should try to fit a project to the existing site rather than alter the site to accommodate a stock plan. Preserve topography, the natural grade and vegetation. Avoid excessive cuts and fills.

Rationale: The project site is highly disturbed with previous grading occurring sometime in the past. Additional, grading will be required to accommodate the 9,100 sf building and associated parking. A maximum, seven foot high retaining wall will be required along the northwestern boundary of the project footprint. The retaining wall will be constructed from tan/earth tone concrete masonry unit (cmu) blocks. This is intended to blend with the existing earth colors. The project typically utilizes the previously graded areas of the parcel, however due to the slope of the parcel grading is required for this project.

b. Open Space – Natural features and views should be maintained and protected through use of adequate open space.

Rationale: The project identifies approximately 2,000 square feet of an undisturbed open space area located at the western areas of the project site (Exhibit I).

- c. Parking Areas – Screen parking areas from public ways and divide them up with landscaping, walls, fences, berms and other means.

Rationale: Landscaping has been incorporated in the project design to screen proposed parking from State Route 49 and Northside Drive (Exhibit I).

- d. Lighting – Exterior lighting should be subdued and avoid creating a glare for occupants or neighboring properties. Lighting should enhance the building design and landscaping as well as providing for safety and security.

Rationale: As stated previously in Finding 3.3 the project proposes exterior light and pole mounted parking lot lighting. An internally illuminated channelized monument sign (Exhibit F) is proposed near the corner of Northside Drive and California State Highway 49 and an externally illuminated wall mounted sign (Exhibit F) is proposed along the western elevation. As shown in the project plans and elevations, no proposed lighting will direct light outside the property line or into the public right-of-way. Proposed gooseneck light fixtures would be adequately shielded as shown in Condition of Approval 2, and compliment the proposed project design. Internally illuminated signs exist elsewhere in the project area, most notably at the Cool Village Shopping Center (Holiday Market) and the 76 Gas Station located across from State Route 49 from the project site. The current internally illuminated signs at the 76 Gas Station were approved through a Design Review (DR00-0004), which was further amended through DR-R19-0003 on August 19, 2019.

- e. Trash and other Service areas – Locate trash containers and loading docks away from public streets and store entrances and screen them. Screening should be durable and an integral part of the overall structural design.

Rationale: Trash and recycle receptacles and loading pads/receiving areas would be located near the proposed buildings northeast elevation away from the main entrance located at the northwest elevation. The trash enclosure will be constructed out of tan bricks similar to the retaining wall. Trash receptacles would be located within a gated enclosure and screened from public view, due to its location between landscaping, the retaining wall and the proposed building (Exhibit F).

#### 5.4 **The project is consistent with the Building Design Guidelines.**

The building design should consider many points.

- a. Harmony - Different structures and parts of structures should harmonize with each other and the neighborhood. New construction should go well with the old, or the old may be remodeled to go with the new.

Rationale: The project has been designed in the style traditional, Western false front architecture (Exhibit H), similar to the commercial development located across State Route 49. This integrates the project within the established commercial neighborhood.

b. Materials – Use materials honestly. Simulated wood or masonry, for example, generally is not acceptable.

Rationale: The project will be using stamped concrete along the front of the building to mimic a wooden boardwalk. This is to incorporate existing design of a neighboring commercial development, which uses wooden boardwalks. Due to Americans with Disability Act regulations, the use of wooden boardwalks was determined to be infeasible. Stamped concrete to simulate wooden boardwalks are being proposed instead. Project siding will consist of cementitious panels (fiber cement), layered to mimic traditional wooden siding (Exhibit H). Cementitious panels are used due to fire safety concerns.

c. Finishes, Textures, Colors – Exterior treatment should be subdued and restrained. Treatment should aim at durability and ease of maintenance as well as initial beauty. The different building materials of stone, wood and timber need to be skillfully blended. Large building masses should be broken with architectural detail, roof lines development with interest and variety, and windows enlivened with detail.

Rationale: The project proposes a structure primarily made up of wooden siding painted red, blue, yellow and brown/beige. The building façade will be broken with different false front facades. Windows are vertically oriented consistent with traditional western design (Exhibit H).

d. Mechanical Equipment and Utilities – Design service equipment, including meter boxes, as part of the structure and provide screening for them.

Rationale: Utilities will be located at the rear of the structure, away from any public right of way or public access, as such they are considered to be screened from public view.

e. Energy Conservation – Design should minimize the need for mechanical heating and cooling. Wherever possible, use sunlight for heating and illumination, and natural ventilation and shading for coolness.

Rationale: The project does incorporate mechanical heating and cooling. The project site will be built to current California Green Building Code minimizing the need for mechanical heating and cooling. Windows are oriented west to maximize exposure to natural light.

**5.5 The project is consistent with the Landscaping Design Guidelines.**

Landscaping improves the appearance of sites and buildings, helps erosion control and provides screening and shade. Landscaping, including trees, shrubs and ground cover, should be included in all development projects.

- a. Maintenance – Choose landscape materials and arrangements to minimize maintenance. A permanent irrigation system should be provided. Automatic watering system, set to water at night or early morning, are encouraged.

Rationale: The project proposes a permanent water efficient drip irrigation system (Exhibit I). The project is subject to the water maintenance requirements of the Model Water Landscaping Ordinance (MWELo) regulations, to be verified prior to finaling of building permit. All proposed landscaping is consistent with the adopted Landscaping and Irrigation Standards, which requires at least 50 percent of proposed landscaping to consist of a list of drought tolerant species as determined by the Planning Director, 75 percent of the proposed landscaping species are consistent with this list. As conditioned (Condition of Approval 7) all landscaping shall be consistent the Maintenance and Protection measures as set forth in the Landscaping and Irrigation Standards.

- b. Parking Lots – Landscaping ought to include planters at suitable intervals throughout the lot and at the ends of parking rows. It should include trees that will provide adequate visual relief and shading when they mature. Landscaping must not block a driver’s view.

Rationale: The project proposes periodic planter boxes to break parking. Landscaping is proposed around the perimeter of the project site to provide additional project buffering. Driving views will not be blocked.

- c. Trees – Trees have many uses. They can provide summer shade for parked cars and pedestrian walkways; provide visual screening; provide accent points that help reduce the formless expanse of a parking lot; filter the glare of reflective pavement, muffle noise and trap dust and airborne particles.

Rationale: In addition to existing trees to be retained, the project proposes to plant additional trees located within parking lot planters and along the project perimeter.

**5.6 The project is consistent with the Buffering Design Guidelines.**

Industrial and commercial land uses should be screened from adjacent residential areas, so that noise light glare and other visual disturbances are minimized. Where some types of land uses front on and can be viewed from a public road, the use of buffers and other

screening techniques may be required to shield areas where there is outside storage of materials and equipment.

Rationale: The project is surrounded to the north, east and west by commercial uses. To the south is an undeveloped commercial parcel. The project does not propose any outside storage of materials and equipment. A concrete delivery pad is located to the northeastern side of the project building and will be mostly screened from public view from State Route 49, but will be visible from Northside Drive, however there are no requirements for screening of delivery trucks.

### 5.7 The project is consistent with the Signs Design Guidelines.

The Sign Design Guidelines offers the following recommendations on project signage.

a. Design Compatibility – Signs, their materials, size, color, lettering, location and arrangement, should be an integral part of the site and building design and compatible with the surroundings.

Rationale: The project proposes a wall sign and a monument sign (Exhibit H). Most signs in the project area, including internally illuminated signs, utilize metal or wood building materials. Both signs are designed to be appropriate with the onsite project design and other surrounding developments.

b. Consistency – Keep signing consistent in location and design throughout a development.

Rationale: Both the wall sign and the monument sign use matching lettering and colors.

c. Restraint – Signing should be simple, restrained and subordinate to the overall project design. A sign ought to attract and identify, but not dominate the site.

Rationale: The two proposed signs incorporate simple yellow letters on a brown background. The signs will not dominate the site.

d. Types – Wall signs, graphic symbol signs and low profile free-standing signs are encouraged. Flashing, moving and rotating signs are prohibited by County ordinance.

Rationale: The project proposes a monument sign and a wall sign. Signs will not be flashing, moving or rotating.

e. Simplicity – Signs should use minimum copy and suitable lettering and avoid garish materials and shapes.

Rationale: The signs incorporate simple yellow lettering that do not create use garish materials or shapes.

f. Lighting – Subtle lighting and landscaping can enhance a sign’s setting and draw attention to it. The light source should be screened.

Rationale: As previously discussed an internally illuminated monument sign is proposed near the corner of Northside Drive and California State Highway 49 and an illuminated wall mounted sign is proposed along the western elevation. As shown in the project plans and elevations, no proposed lighting will direct light outside the property line or into the public right-of-way. Proposed light fixtures would be adequately shielded as shown in Condition of Approval 2.

#### 5.8 **The project is consistent with the Parking Design Guidelines.**

Designers should give careful thought to parking areas. Well-designed buildings on choice sites lose their visual impact if all that is seen on approach is barren blacktop and monotonous rows of cars. There must be a practical and economic use of land in layout of parking spaces, landscape areas and vehicle and pedestrian access. Landscape plants, along with earth berms and walls, must be designed to screen, shade and soften the impact of parking areas. A good designer should consider locating the parking to the rear or side of a building rather than in front.

Rationale: Parking is proposed at the front and side of the project building. Parking would largely be screened from public view by existing vegetation, such as the two oak trees to be retained, proposed landscaping and the vertical positioning of the parking lot, above State Route 49. The project proposes parking in front of the building due to onsite circulation issues and the standardized store layout that the corporate tenant (Dollar General) utilizes.

#### 5.9 **The project is consistent with the Commercial Design Guidelines.**

The El Dorado County Design Guidelines identifies the following commercial guidelines to be considered for commercial projects.

a. Employ variations from the conventional building design and materials.

Rationale: As stated previously, the project is designed as traditional, Western false front architecture, painted blue, red, yellow and beige (Exhibit H). This design is consistent with the surrounding developments, most notably the commercial development located across State Route 49 (the Boardwalk), and contributes to the Gold Rush era aesthetics that is present throughout the Sierra Nevada foothill region.

b. Provide ample landscaping with large plant materials for quick effect.

Rationale: The project proposes to utilize both existing vegetation, such as oak trees, and new landscaping (Exhibit I). This includes using large plant materials in the forms of trees (15 gallon) and shrubs (1-5 gallon).

c. Use a minimum of site grading and replant cuts and fills.

Rationale: As stated previously, the project site is highly disturbed with previous grading occurring sometime in the past. Additional, grading will be required to accommodate the 9,100 sf building and associated parking. A seven foot high retaining wall will be required along the northwestern boundary of the project footprint. The project typically utilizes the already graded portion of the property.

d. Integrate signing with the total architectural design.

Rationale: As stated previously, the project proposes a wall sign and a monument sign (Exhibit H). Both signs are designed to be appropriate with the onsite project design and other surrounding developments.

e. Provide screening and light shielding from adjacent residential properties.

Rationale: While the project does provide screening through landscaping and light shielding, the project is not located adjacent to any residential properties (Exhibit D).

f. Separate pedestrian and car traffic.

Rationale: The project has been conditioned to construct or provide an in-lieu fee for a new Class 2 Bike Lane along the shoulder of State Route 49.

g. Keep the public entrance free of parking.

Rationale: The project does not propose parking along the public entrance.

h. Provide screening for utilities, trash disposal, vent stacks, etc.

Rationale: As stated previously, utilities will be located in the rear of the property screened from public view. Trash receptacles are located at the side of the structure within an enclosure, generally screened from public view (Exhibit F).

i. Consider bicycle parking facilities.

Rationale: The project is proposing six bicycle parking spaces located south of the proposed building (Exhibit F). These facilities are proposed in compliance with the El Dorado County Parking and Loading requirements. Bike parking was added to the project per Planning Staff's request.