

**Z10-0009/PD10-0005/P10-0012/Creekside Plaza** – As recommended by the Planning Commission on January 26, 2012

*[Staff-submitted proposed changes are shown in underline/strikeout. Planning Commission recommended changes pursuant to motion are shown in double underline/double-strikeout.]*

**Findings**

**1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
  - 1.2.a The Planning Commission finds that the changed mitigation proposed by the applicant for the mitigation of oak trees which is to submit a plan demonstrating compliance with Option A of General Plan Policy 7.4.4.4 is equivalent or more effective in mitigating the impacts to oaks to allow some significant level than the payment of the fee in Option B. This change has been made a condition of the project and, therefore, the Mitigated Negative Declaration can be modified without re-circulation.
  - 1.2.b The Planning Commission finds that the additional mitigations are typical of those required of a California Department of Fish and Game (“DF&G”) 1602 Permit, and that they expand and clarify the expected specific activities utilized to mitigate impacts. The addition of the mitigations does not change the initial conclusions and determinations, and the additional mitigations, prepared by the project biologist, have been approved by DF&G. The additional measures have been determined to be equivalent and more effective in mitigating potentially significant impacts to the wetlands and riparian habitat, as permitted by CEQA Section 15074.1 (b)(2).
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

## **2.0 GENERAL PLAN FINDINGS**

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

## **3.0 ZONING FINDINGS**

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

## **4.0 ADMINISTRATIVE FINDINGS**

### **4.1 Planned Development Findings**

- 4.1.1 **The planned development zone request is consistent with the General Plan.** The planned development request is consistent with the General Plan because the application is for a commercial development, being developed to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.

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

## **4.2 Parcel Map Findings**

- 4.2.1 **The proposed parcel map, including design and improvements, is consistent with the General Plan policies and land use map.** The Parcel Map request is consistent with the General Plan, because the application is for a commercial development being developed to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.
- 4.2.2 **The proposed parcel map does conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.** The Tentative Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations except for minimum parcel size for each unit and the Minor Land Division Ordinance, because the project site has been evaluated in accordance with the Commercial development regulations, and it has been found that the project complies with the minimum design standards, as conditioned.
- 4.2.3 **The site is physically suitable for the proposed type and density of development.** The site is physically suitable for the proposed type and density of development because

the site is located within lands designated by the General Plan for commercial uses, and it can be found that the site is suited for the retail/office/restaurant development.

4.2.4 **The proposed Parcel Map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.** The proposed Parcel Map will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The Parcel Map is an administrative document to allow the individual ownership of the four parcels within the development. No significant environmental impacts are anticipated by the Parcel Map alone.

4.2.5 **The design of the Parcel Map is not likely to cause serious public health hazards.** The design of the Parcel Map is not likely to cause serious public health hazards. The proposed parcel map would not create an undue negative impact upon the Diamond Springs-El Dorado Community Region. It can be found that the improvements would not be detrimental to the public health, safety and welfare or injurious to immediate project vicinity because the surrounding infrastructure is in place that can support it.

## **5.0 FINDINGS OF CONSISTENCY WITH SPECIFIC GENERAL PLAN POLICIES**

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

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

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

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

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

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

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

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

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

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

**Conditions of Approval**

**Planning Services**

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

- Exhibit F-1 .....Site Plan, Tentative Parcel Map and Development Plan, Sheet S1
- Exhibit F-1-A .....Preliminary Site Plan (July 2011 version), Sheet S2
- Exhibit F-2 .....Preliminary Grading and Drainage Plan, Sheet G-1
- Exhibit F-3 .....Preliminary Utility Plan, Sheet U-1
- Exhibit F-4 .....Preliminary Utility Plan, Sheet U-2
- Exhibit G-1.....Creekside Plaza Master Plan, Sheet A-1
- Exhibit G-2.....Building A, Ground Floor Plan, Sheet 2
- Exhibit G-3.....Building A, Second Floor Plan, Sheet 3

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

Exhibits G-5, G-7, H-1, H-2, H-3, I-2, and J shall be reviewed by the Planning Commission prior to the issuance of the first building permit. Any deviations from the project description; exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

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

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

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

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

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

<b>Building (as labeled on Sheet S1)</b>	<b>Proposed Uses</b>	<b>Square footage</b>
<b>A (two-story)</b>	Mixed use, professional office/retail	Ground floor: 10,184 Second floor: 9,859 Second floor deck: 325
<b>B (one-story)</b>	Retail/fast food restaurant	Restaurant: 2,550 Retail: 1,352
<b>C (one-story)</b>	Retail/restaurant	6,600 maximum (Sheet S1); or 4,775 (Sheet S1)
		<b>Total: 30,572 maximum</b>

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

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

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

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

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

Minor modifications to the approved Development Plan may be administratively approved by the Development Services Director in accordance with the findings under County Code Section 17.04.070. Major modifications shall require approval of a revision to the Development Plan subject to approval by the Planning Commission.

**Conditions from the Mitigated Negative Declaration**

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

2. **BIO-1: Pre-construction Survey Required:** If vegetation removal is conducted within the nesting period for most migratory bird species and nesting raptor species (between March 1 and August 15), a pre-construction survey for active bird nests shall be conducted by a qualified biologist. If vegetation removal activities are delayed or



suspended more than one month after the pre-construction survey, the area shall be re-surveyed. If active bird nests are identified, vegetation removal in these areas shall be postponed until after the nesting season, or a qualified biologist has determined the young have fledged and are independent of the nest site. No known active nests shall be disturbed without a permit or other authorization from USFWS or CDFG.

**Monitoring Responsibility:** Planning Services

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

3. **BIO-3: Streambed Alteration Agreement:** A Streambed Alteration Agreement, pursuant to Fish and Game Code 1602, shall be obtained by the applicants, from the California Department of Fish and Game, if applicable, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures ~~would~~ shall be developed in coordination with CDFG in the context of the agreement process. Authorization prior to placement of any fill is required from the U.S. Army Corps of Engineers if any impacts are proposed to jurisdictional riparian habitat. This authorization may require mitigation as deemed necessary by the Corps of Engineers. The Agreement shall address the following to the satisfaction of the Department of Fish and Game:
  - a. The applicant will purchase credits in the National Fish and Wildlife Foundation Fund for impacts to the stream and riparian habitat. Credits will be obtained at a minimum ratio of 1:1. This must be done before County permits are issued.
  - b. The applicant will:
    - i. Set aside the unimpacted portion of the stream and adjacent riparian habitat (approximately 0.9 acre) in separate legal parcel;
    - ii. Place the preserved parcel in a Conservation Easement;
    - iii. Obtain an approved 501(c)(3) non-profit organization to hold the Conservation Easement;
    - iv. Provide a Long-term Operations and Management Plan describing activities for managing the preserved parcel, and
    - v. Provide a long-term funding mechanism to be approved by the Department of Fish and Game.
    - vi. Provisions a. through e. must be completed before County permits are issued.
  - c. The applicant will provide an approved restoration plan for riparian planting. Elements of that plan will include:
    - i. A map of locations and species for the plants installed in the restoration area;
    - ii. A discussion of performance standards stating that 80 percent of the planted trees will be alive at the end of the five-year monitoring;

- iii. The method for determining whether plantings are alive at the end of each monitoring year (that is, each tree will be counted and determined to be dead or alive; dead trees will be replanted)
- iv. A discussion contingency measures that could be used in the event that the restoration plantings fail. These measures could include, but are not limited to, making additional plantings and extending the monitoring period or purchasing additional credits in an acceptable fund or mitigation bank.
- v. Submission of annual reports for the restoration project to the Department of Fish and Game.
- vi. This plan must be approved by the Department of Fish and Game before County permits are issued.

**Monitoring Responsibility:** Planning Services

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

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

**Monitoring Responsibility:** Planning Services

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

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

agreement process. Additionally, the following shall be included to the satisfaction of the California Regional Water Quality Control Board:

- a. The applicant will prepare a Storm Water Pollution Prevention Plan for approval. That plan will describe methods for ensuring downstream water quality during construction and will be implemented before construction begins.
- b. Work areas will be separated by buffers and orange construction fencing to delineate the preserved riparian areas. No grading will be allowed within the fenced-off buffer zones.
- c. Waste and construction materials will be placed where they will not run off into the stream, or they will immediately be removed off-site.
- d. The project will include a Continuous Deflection Separation system to remove oil and other substances from runoff within the project area before it is discharged to Weber Creek. This system will be maintained by the property owner as described in the Contech Stormwater Solutions technical manuals.

**Monitoring Responsibility:** Planning Services

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

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

**Monitoring Responsibility:** Planning Services

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

Space-Planned Development. The applicant shall be responsible for coordinating with Development Services to ensure zoning maps have been updated consistent with the proposed final Parcel Map.

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

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

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

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

(three)			with the cast concrete stone veneer on buildings.
	b) Doors	b) Metal w/ horizontal orientation to simulate building lap siding.	b) Color shall match that of the horizontal lap siding on the associated buildings.

The roof-mounted equipment shall be located inside a roof well and shall not be visible at all.

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

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

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

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

- a) External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
- b) Lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation, and none of those 50 percent shall be the five northernmost pole lights within the Building A parking lot shown on

Sheet PT1, Photometric Site Plan (Exhibit M). Security lighting on the buildings shall be designed with motion-sensor activation.

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

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

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

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

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

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

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

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



Spaces	
Accessible Spaces	Building A: 4 Building B: 2 Building C: 2 (1 at each building shall be van accessible) Total: 8 minimum required. These shall be located as listed above within this box.
Commercial Loading Spaces	2 minimum
Bike Racks	8 minimum

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

15. **Oak Canopy:** Prior to the filing of the Parcel Map or the issuance of the first building permit, whichever comes first, the applicant shall submit and implement an oak tree survey preservation and replacement plan that demonstrates retention of 90% of all healthy oak tree canopy on the 4 acre site and demonstrating that any healthy oak canopy that is removed has been replaced at a minimum ratio of 1:1 in accordance with the Interim Interpretive Guidelines for Policy 7.4.4.4 that was adopted on November 9, 2006. The project shall remove 0.60 acres of oak canopy (13.3 percent of total existing). The required 90 percent retention of oak canopy as established by the General Plan shall be achieved through payment of a \$3,196.00 (0.06 acre at a 1:1 ratio; 0.31 acre at a 2:1 ratio) in lieu fee. Said fee shall be paid prior to issuance of a building and/or grading permit and/or filing of the Parcel Map.
  
16. **Joint Access and Parking Agreement:** A joint access and parking agreement shall be provided to ensure on-going access and maintenance of the parking areas, interior and perimeter fencing, signs, lighting, landscaping, and bicycle facilities to all property owners within the Creekside Plaza. A copy of said agreement shall be provided to Planning Services for review and approval, and the approved agreement shall then be recorded and a copy shall be provided to Planning Services prior to filing of the Parcel Map.
  
17. **Cultural Resources:** If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

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

18. **Payment of Processing Fees:** The applicant shall make the actual and full payment of Development Services Department processing fees for the rezone, and planned development, and parcel map prior to issuance of a building and/or grading permit and/or filing of the Parcel Map.
19. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,044.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
20. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

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

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

21. **Missouri Flat Road Improvements:** The applicant shall construct the improvements along the frontage of Missouri Flat Road as follows:
  - a) Construct 6-foot sidewalk, curb, and gutter;
  - b) Provide 4-foot Class 2 Bike Lane;
  - c) Extend existing center median 60-feet northerly along Missouri Flat Road;
  - d) Left turn pocket onto County Road 2233.The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map or building permit issuance which ever comes first.
22. **Forni Road Improvements:** The applicant shall construct the improvements along the frontage of Forni as follows:

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

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

23. **Intersection Improvements:** The applicant shall make the improvements as described in the table below. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing of the Parcel Map or Building Permit issuance, whichever comes first.

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

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

24. **County Road 2233:** The applicant shall construct the improvements along County Road 2233 as follows:
- Update the Curb Ramps on either side of County Road 2233 to current ADA Standards

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

25. **Encroachment Permits:** The applicant shall obtain an encroachment permit from DOT and shall construct the driveway encroachments as described in the table below. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing of the Parcel Map or building permit issuance whichever comes first.

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

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

26. **Drainage Improvements:** The applicant shall construct an additional storm drain manhole adjacent to the trash enclosure by the Forni Road encroachment for maintenance purposes. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing of the Parcel Map or building permit issuance whichever comes first.
27. **Offer of Dedication (In Fee):** The applicant shall irrevocably offer to dedicate in fee, 50 foot right-of-way from centerline along the entire frontage of Missouri Flat Road as determined by EDC DOT, with the filing of the map. Slope easements shall be included as necessary. This offer will be accepted by the County.
28. **Offer of Dedication (In Fee):** The applicant shall irrevocably offer to dedicate in fee, a 25-foot right-of-way from centerline along the entire frontage of County Road 2233 as determined by EDC DOT, with the filing of the map. This offer will be accepted by the County.
29. **Drainage Zone of Benefit:** The proposed project must form an entity for the maintenance of the drainage facilities to include the maintenance of the existing creek. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map or building permit issuance which ever comes first.
30. **Bus Turnout and Shelter:** The applicant shall construct a bus turnout and shelter along Missouri Flat Road in accordance to El Dorado Transit’s standards. The installation will include a bus turnout, bus shelter with bench, illumination, Americans with Disabilities (ADA) pad, trash receptacle, and bus stop sign. The improvement plans for bus turnout

and shelter to be approved by El Dorado Transit prior to issuance of building permit. The improvements shall be completed to the satisfaction of the Department of Transportation and the El Dorado County Transit Authority prior to issuance of any building permit.

31. **Community Facilities District Annexation:** The owner shall enter into an agreement in recordable form with the County that obligates the property to participate in the Community Facilities District No. 2002-01 (Missouri Flat Area) (CFD), which is the financing district approved by the El Dorado County Board of Supervisors for the Missouri Flat Area, at such time in the future that the County processes an annexation of territory into the CFD. The agreement shall be executed by the property owner and approved by the County prior to the issuance of any building permits. The financing obligation shall run with the property's title and bind all future assignees and/or successors in interest in the subject property.

Should timing of building permit review process coincide with an annexation process underway by the County, the applicant may participate in said process in lieu of entering into an agreement, provided the annexation election has been held, the property owner, for subject application, voted in favor of being annexed, and the annexation election is successful.

#### **DOT Standard Conditions**

32. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: parking facilities, landscaping, and signs. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map or issuance of Certificate of Occupancy for any Building Permit.
33. **Drainage Easements:** Drainage easements for closed conduits and appurtenances shall be no less than 10 feet in width and shall be shown on tentative map. ~~Cross lot drainage is not permissible.~~
34. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" sign as required by the Department of Transportation prior to the filing of the Parcel Map. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).
35. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and 4 feet of sidewalk/landing at the back of the ramp.
36. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet

- SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
37. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
38. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the County Department of Transportation, and pay all applicable fees prior to filing of the Parcel Map or issuance of Certificate of Occupancy for any Building Permit.
39. **Parcel Map Improvement Agreement & Security:** If the required improvements are not completed prior to filing of the map or if the Engineer's Estimate is \$100,000 or greater for the required improvements, the developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Department of Transportation for onsite roadway, drainage infrastructure, grading, etc. The developer shall also provide a security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map or issuance of a Building Permit.
40. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
41. **Grading Permit / Plan:** A commercial grading permit is required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the DOT and/or Development Services (whichever is applicable) for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards. All applicable plan check fees shall be paid at the time of submittal of improvement plans. All applicable inspection fees shall be paid prior to issuance of a permit. The improvements and grading shall be completed to the satisfaction of the DOT and/or Development Services (whichever is applicable) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map or issuance of a Building Permit.
42. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation or Development Services (whichever is applicable). The RCD shall

review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.

43. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation or Development Services (whichever is applicable) shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
44. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation or Development Services (whichever is applicable). Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
45. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation or Development Services (whichever is applicable).

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

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

d) The ultimate drainage outfall of the project.

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

46. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the Parcel Map.
47. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a “Notice of Intent” (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
48. **Storm Water Drainage BMPs:** Storm Water Drainage BMPs: Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by DOT. This project is located within the area covered by El Dorado County’s municipal storm water quality permit, pursuant to the National Pollutant Discharge Eliminated System (NPDES) Phase II program. Project related storm water discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff in accordance with “Attachment 4’ of El Dorado County’s NPDES Municipal Storm water Permit (State Water Resources Control Board NPDES General Permit No. CAS000004.

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



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

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

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

### **Environmental Health Division**

53. All Food service, as anticipated, must comply with the California Health and Safety, Retail Food Code. Plans must be submitted for review and approval and a yearly permit to operate must be obtained from Environmental Health. It is suggested that El Dorado

Irrigation District be contacted for sizing of a grease trap or interceptor prior to construction of Building “B” for proper installation.

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

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

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

- a) Prepare, submit and implement a hazardous materials business plan and pay appropriate fees. Business owners and operators intending to handle hazardous materials in excess of reportable quantities are required by law to complete and file a hazardous materials business plan, [http://www.edcgov.us/emd/solidwaste/bus\\_plan\\_index.html](http://www.edcgov.us/emd/solidwaste/bus_plan_index.html) with our Department prior to obtaining a business license
  - b) Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
  - c) Train all employees to properly handle hazardous materials and wastes.
  - d) Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.
55. The applicant shall provide sufficient space for both trash and recycling dumpsters. All solid waste, including animal waste must be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal. Any and all infectious medical waste and sharps must be properly handled, stored, transported and disposed of in accordance with the California Medical Waste Management Act.

### **Air Quality Management District**

56. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. Current county records indicate this property is located within the Asbestos Review Area. Therefore, District Rule 223.2 Fugitive Dust-Asbestos Hazard Mitigation, which address the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos Dust Mitigation Plan (ADMP) Application with

appropriate fees shall be submitted to and approved by the District prior to start of project construction.

57. Project construction involves road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
58. The proposed project is within the Asbestos Review Area; therefore District will require the paving of the proposed driveways or the application of a minimum of three (3) inches in depth, asbestos free gravel, for all roads and driveways
59. Burning of wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
60. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
61. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures:

- a) Use low-emission on-site mobile construction equipment.
  - b) Maintain equipment in tune per manufacturer specifications.
  - c) Retard diesel engine injection timing by two to four degrees.
  - d) Use electricity from power poles rather than temporary gasoline or diesel generators.
  - e) Use reformulated low-emission diesel fuel.
  - f) Use catalytic converters on gasoline-powered equipment.
  - g) Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
  - h) Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
  - i) Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
  - j) Configure construction parking to minimize traffic interference.
  - k) Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
62. Prior to construction or installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion

engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

63. Applicant shall submit to the El Dorado County Air Quality Management District, prior to the construction phase of the project, a list of equipment to be utilized on the project as described in the air quality analysis to ensure compliance. The list shall include the make, model and year of the engine, engine identification number, horse power, hours/day, load factor, etc.

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

64. The applicant shall install fire hydrant(s) within 600 feet of all portions of each proposed building via an approved access route. One hydrant shall be located within 150 feet of the proposed building with the fire department connection (FDC) located between 30 and 50 feet from the hydrant prior to the issuance of a building permit. Site location shall be approved by the Fire District.
65. The applicant shall submit documentation from the El Dorado Irrigation District to the Fire District indicating that a fire flow of 1,500 gallons per minute at 20 psi for two hours is available at the site, prior to issuance of a building permit.
66. The applicant shall submit a minimum of two sets of building plans for Fire District review and approval prior to issuance of a building permit.
67. The applicant shall submit a minimum of four sets of sprinkler plans designed in accordance with NFPA 13 (Installation of Sprinkler Systems) for each building for Fire District review and approval. Installation and acceptance of the sprinkler system shall take place prior to the building permit being finalized.
68. The applicant shall submit a minimum of four sets of fire alarm plans designed in accordance with NFPA 72. Installation and acceptance of the fire alarm shall take place prior to the building permit being finalized.
69. Community Facilities District: Approval of subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include the provision of a financing mechanism for said services<sup>1</sup>. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District (CFD) established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.), established by the Diamond Springs / El Dorado Fire Protection District (District) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively Public Services), for which proceedings are under consideration, and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or

annexation into the CFD. This annexation shall take place prior to the building permit being finalized.

**Surveyor's Office Parcel Map Conditions**

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