

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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TO: Board of Supervisors Agenda of: April 3, 2012

FROM: Roger Trout, Development Services Director

DATE: April 3, 2012

RE: Rezone Z10-0009/Planned Development PD10-0005/Tentative Parcel Map P10-0012/Creekside Plaza

Creekside Plaza, file numbers: Z10-0009, PD10-0012, and P10-0012, was reviewed by the Planning Commission at public hearings on December 8, 2011 and January 26, 2012. The Mitigated Negative Declaration (MND) prepared for the project was originally circulated for a 30-day public review beginning September 12, 2011 and ending October 11, 2011. Staff proposed changes at the Planning Commission December 8, 2011 public hearing and those changes resulted in a Revised MND. This Revised MND was re-circulated for a 30-day public review beginning December 23, 2011 and ending January 21, 2012.

The Board held a public hearing on February 28, 2012 and continued the item until April 3, 2012, at the applicant's request, in order to review comments received from the public.

This Memorandum transmits additional information from staff to the Board.

Attachment 1 shows clarifications to the Revised MND Project Description based on a voluntary reduction in the size of the project by the applicant, reducing the project building square footage from 30,572 square feet to 21,810 square feet, a reduction of 8,762 square feet (28 percent). The reduced project has resulted in lessening the impacts identified in the Revised MND and does not create any new environmental impacts that were not already described.

Attachment 2 discusses some of the major comments received at the February 28, 2012 Board hearing. After review and with additional clarification from AQMD and DOT, staff concludes that the Revised MND adequately described the project's environmental impacts.

Recommendation:

Staff recommending the Board take the following actions for Z10-0009/PD10-0005/P10-0012/Creekside Plaza:

(1) Adopt the Revised Mitigated Negative Declaration based on the Initial Study prepared by staff with the following clarifications:

(A) The Revised Mitigated Negative Declaration is found at Legistar page 12-0224.I.78 through I.122;

12-0224.2C.1

(B) Corrections to Transportation/Traffic section identified in the March 27, 2012 Memorandum (Legistar 12-00224.2A); and

(C) Corrections to the project description to reflect the reduction in project size as shown in Attachment 1 of this Memorandum;

(2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines Section 15074(d) incorporating the Mitigation Measures in the Conditions of Approval listed in Attachment 1 (Legistar #12-0224.D as modified by Staff Memo dated March 27, 2012 [Legistar 12-0224.2A]);

(3) Approve Z10-0009 rezoning APNs 327-211-14, 327-211-16, and 327-211-25 from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and Open Space-Planned Development (OS-PD) based on the Findings listed in Attachment 1 (Legistar 12-0224.D);

(4) Approve Planned Development PD10-0005, adopting the Development Plan as the official Development Plan, based on the Findings and subject to the Conditions of Approval listed in Attachment 1 (Legistar #12-0224.D as modified by Staff Memo dated March 27, 2012 [Legistar 12-0224.2A]);

(5) Approve Tentative Parcel Map P10-0012 based on the Findings and subject to the Conditions of Approval listed in Attachment 1 (Legistar #12-0224.D as modified by Staff Memo dated March 27, 2012 [Legistar 12-0224.2A]) with the following replacement conditions:

(A) Condition #8: Tentative Parcel Map Expiration: The Parcel Map shall be filed prior to issuance of any building permit if the proposed building is to be constructed over an existing property line. As an alternative, the parcels may be merged or a lot line adjustment processed, prior to issuance of any building permit. The tentative 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.

(B) Condition #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 issuance of a building permit for Building B or C whichever comes first.

(6) Find the project consistent with General Plan Policy 7.1.2.1 to allow development and disturbance on slopes of 30 percent or greater gradient;

(7) Find the project consistent with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to zero, with a portion of the development area within the required setback;

(8) Acknowledge the Planning Commission Finding that the General Vacation of portions of the Forni Road Right-of-Way is consistent with the General Plan in accordance with Government Code 65402(a); and

~~(9) Staff recommendation to find that a reasonable use determination can be made regarding oak tree retention and General Plan Policy 7.4.4.4; and~~

~~(9) Adopt Ordinance for said rezone.~~

ATTACHMENTS TO STAFF MEMO:

- Attachment 1 Revised Mitigated Negative Declaration (Portion of Pages 1 and 2)
- Attachment 2 Response to Public Comments

ATTACHMENT 1

**REVISION TO REVISED MND PROJECT DESCRIPTION
(PORTION OF PAGES 1 AND 2)**



**EL DORADO COUNTY PLANNING SERVICES
2850 FAIRLANE COURT
PLACERVILLE, CA 95667**

**REVISED INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM**

Project Title: Rezone Z10-0009/Planned Development PD10-0005/Tentative Parcel Map P10-0012/Creekside Plaza

Lead Agency Name and Address: El Dorado County, 2850 Fairlane Court, Placerville, CA 95667

Contact Person: Tom Dougherty

Phone Number: (530) 621-5355

Property Owners/Applicant's Name and Address: Grado Equities VII, LLC, 4330 Golden Center Drive, Suite D, Placerville, CA 95667

Project Engineer's Name and Address: Lebeck Young Engineering, Inc., Cameron Park, CA 95682

Project Location: Northwest corner of the intersection of Forni and Missouri Flat Roads in Placerville Periphery area.

Assessor's Parcel Number: 327-211-14, -16, and -25 **Acres:** 4.132 total (includes 0.22 acre of Forni Road Right-of-Way)

Zoning: One-Acre Residential (R1A)

Section: 24 **T:** 10N **R:** 10E

General Plan Designation: Commercial (C)

Description of Project: Request for a rezone, Development Plan, and Tentative Parcel Map for a proposed commercial center containing one, ~~two single-story, 20,070~~ 12,210 square-foot mixed-use professional office/retail building, one, single story, either 6,600 or 4,775 square foot retail building, and one single story building including 1,352 sq. ft. of retail space and a 2,550 3,000 square foot fast food restaurant with a drive-up window (30,572 21,810 total square feet maximum). The project also includes ~~three~~ eight bike racks, ~~ten~~ seven monument signs, three trash enclosures, four-foot tall black powder-coated wrought-iron fencing, and 26, 20-foot tall pole lights. In addition, the project proposes to rezone the three subject parcels from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and to create three commercial parcels and one open space parcel.

ATTACHMENT 2

RESPONSE TO PUBLIC COMMENTS

Comment 1: Use of a Negative Declaration.

Staff has prepared a Revised MND circulated from December 23, 2011 to January 21, 2012. The Revised MND identifying potentially significant impacts, unless mitigated, for Biological Resources and Land Use impacts. The comments received from the public and agencies are discussed in further detail in this Attachment. In summary, all comments from the public and agencies were reviewed for consideration of whether an Environmental Impact Report (EIR) is needed. Based on the staff analysis, including the consideration that the applicant has reduced the size of the building square footage by 28 percent and will retain of 90 percent of the oak canopy as required by General Plan Policy 7.4.4.4 (Option A), the Revised MND prepared for the project adequately describes environmental impacts of the project and an EIR is not required.

Comment 2: Project Description

Comments raised questions of how the Revised MND addressed the nearby middle school (Herbert Green Middle School) and claims that the fact the school was not identified in the project description; there may be a flaw in the environmental analysis. This is not true. The middle school is not described in the project description simply because it is not part of the project. The Revised MND project description is limited to the proposed new commercial buildings being proposed on the three properties totaling 4.1 acres. A table on page 2 of the Revised Environmental Checklist clearly identifies that to the East is "Commercial/Forni Road, public facility (Herbert Green Middle School), and commercial (Schools Credit Union), both located on the opposite side of the road."

Further, the Traffic Impact Study conducted for the project included traffic generated by the school. In the 1997 County road project: "Missouri Flat Road Widening" the road was expanded from a two lane road to a four lane road. That improvement included a sidewalk on the north side of Missouri Flat Road as a safety enhancement and described the proposed new sidewalks and bike lanes as an improvement to the safety of students of the Herbert Green Middle School. The Creekside project will maintain this sidewalk and will provide additional sidewalk on its frontage with Forni Road.

The project description was accurate for the original project described as a 31,572 square foot commercial center for which a Revised MND was prepared. The developer, in response to the need to comply with oak canopy retention standards of General Plan Policy 7.4.4.4 (Option A) has voluntarily reduced the square footage by 28 percent (to 21,810 square feet). The Revised MND concluded that congestion and safety impacts were less than significant with the original, larger project. Now that the project is a smaller project, yet contains the same provisions for sidewalks, the potential impacts would be even less.

Comment 3: Impact Analysis and Mitigation Measures

Air Quality: The County Air Quality Management District provided a supplemental letter dated March 30, 2012 (Attachment 2-Exhibit B) which clarifies the Districts analysis and demonstrates that the project did not have a significant effect on the environment at its original proposed

building size of 30,572 square feet. The project, as now proposed, is 28 percent less for a total building size of 21,810 square feet. The smaller project size would further reduce potential air quality impacts that are related to building construction, commercial traffic, and stationary sources of emissions. The AQMD letter explains that Greenhouse Gas Emissions are analyzed in the North Fork Associates study and the Revised MND makes a qualitative assessment that without any locally adopted thresholds of significance, that a commercial project of 30,572 square feet would not create significant impacts from Greenhouse Gas Emissions. Now that the project is reduced in size to 21,810 square feet, it is even more unlikely to have significant impacts from Greenhouse Gas Emissions.

Wetlands: The project proposes to fill approximately 300 feet of the existing stream channel. This channel was determined by the project biologist in the submitted Biological Resource Assessment dated February 14, 2011 to be an intermittent stream primarily fed by the existing 48-inch culvert entering the parcel from underneath Forni Road and flows to Weber Creek to the northwest. The stream is also partially designated by a dotted blue line on the Placerville U.S.G.S. Quadrangle. The biologist determined that there is no natural stream channel that feeds the culvert from upstream, but that it is fed by the storm drains carrying the stormwater and excess irrigation water from the Schools Credit Union, Wal*Mart, and the vacant parcel west of the Walgreens via a drainage ditch. The Corps of Engineers has verified the wetlands on the parcel in their September 9, 2008 letter.

The setback reduction on the south side of the stream was determined by the biologist to allow adequate protection of the stream on the south and would allow additional biological habitat preservation area on the north side. This setback reduction was not opposed by the Corps of Engineers or the Department of Fish and Game. In fact, the Department of Fish and Game responded to the project biologist's suggested mitigation measures for the stream in an email dated January 25, 2012, and stated that the mitigation measures resolved any concerns that the project did not meet the standard identified in CEQA Section 15126.4 about deferring mitigation. These mitigation measures were included in the Revised MND that was re-circulated in December 2011.

30 Percent Slopes: The project slope map shows the majority of the 30 percent slopes occur because of manmade fill and grading. Review of the map reveals there is actually a very small portion of the parcel with natural slopes in excess of 30 percent. In general, protection of man-made 30 percent slopes is not the intent of the General Plan Policies. However, mitigation for potential erosion and sedimentation is the purpose of those policies. The County grading ordinance and grading design manual mandate that the project development plans identify erosion and sediment control measures that will reduce all impacts, regardless of slope grade as stated in the Revised MND's Utility and Service System section.

Oak Canopy: The Planning Commission recommendation in January 2012 was to revise the CEQA findings and project conditions to comply with General Plan Policy 7.4.4.4 (Option A). This was necessary because the County's Oak Woodland Management Plan, which allowed Policy 7.4.4.4 Option B in-lieu fees for oak canopy impacts, was overturned by the Court of Appeals and was no longer a viable approach.

In response to Board discussion, the applicant has voluntarily revised the project to reduce the total building square footage from 30,572 square feet to 21,810 square feet and thereby retaining 90 percent of the oak canopy. In addition, 10 percent of oak canopy impacted will be replaced in the open space parcel and within the commercial center's landscaping areas. The revised site plan and Revised Oak Canopy Analysis from HELIX Environmental Planning outlines the details of the oak tree retention as well as the replanting plan. The oak tree mitigation measures were identified in the Revised MND.

Traffic, Circulation, and Land Use Planning: DOT has prepared a Memorandum to respond to comments on the Revised MND (Attachment 2-Exhibit A). The DOT Memorandum explains that the impacts on the middle school are nominal and that potential signalization of two intersections was determined to be unnecessary and that different road improvements were being required.

The Revised MND analysis relied on a series of project specific Traffic Impact Studies performed by Stephen M. Pyburn, Traffic Engineer, from 2009 through 2011. The analysis also used the 1998 Missouri Flat Area Master Circulation and Funding Plan and EIR. A traffic analysis for the Diamond Dorado Retail Center (2010 – 2011) was also used to corroborate the analysis as well as the 2004 General Plan and EIR.

In summary, all these traffic analysis included, in some form, the fact that there is a middle school located on Forni Road. The project specific studies demonstrate that the proposed 30,572 square foot commercial project did not create any significant traffic impacts. A revised project of 21,810 square feet is expected to have even less than the impact of the original project. Therefore, the revised project clearly does not create a significant traffic impact.

Cumulative Impacts/Mandatory Findings of Significance: The Revised MND states that it relies upon the General Plan EIR in order to tier for impacts associated only with Aesthetics and Air Quality (MND page 5). The Revised MND briefly explains that aesthetic impacts are minimal because the project complies with General Plan Policies regarding aesthetics as well as the Missouri Flat Design Guidelines. The Revised MND alludes to cumulative impacts in the Aesthetics section, but there are no other projects in the vicinity. The closest development proposed in the area is adjacent to Walgreens, where two additional building pads with a total of 21,000 square feet of commercial development remain approved for development (PD08-0001), but currently are vacant. The lack of this information within the Revised MND does not change the conclusion that a 30,572 square foot project does not have a significant environmental impact on Aesthetics. In addition, the reduced project of 21,810 square feet maintains all the architectural styles and standards of the larger project, but on a smaller scale, which would be expected to reduce potential impacts further.

Air Quality impacts are clarified in the AQMD letter of March 30, 2012 (Attachment 2-Exhibit B).

Conclusion: The Revised MND that was re-circulated starting on December 23, 2011 adequately described the environmental impact of a 30,572 square foot commercial project at the northwest corner of Missouri Flat Road and Forni Road. The intersection of these roads is a signalized intersection and has commercial development on three of four corners. This project is


located on the fourth corner and has been voluntarily revised by the applicant to be a 21,810 square foot project (a 28 percent reduction) from that originally submitted and analyzed under the first MND. The reduced project building square footage allows a reduction in parking, reduction in grading, and protection of oak trees. The reduced project size reduces potential impacts from the project and does not create any new impacts that were not previously identified.



**COUNTY OF EL DORADO
DEPARTMENT OF TRANSPORTATION**



INTEROFFICE MEMORANDUM

Date: April 2, 2012
To: Roger Trout, DSD Director
From: Eileen Crawford, DOT Transportation Planning 
Subject: P 10-0012 (Z10-0009, PD10-0005)
Project: Creekside Plaza
Location: Northwest corner of the intersection with Forni Road and Missouri Flat Road in the Diamond Springs area
APN: 327-211-14, -16, and -25
RE: Response to Marsha Burch letter Dated February 27, 2012
Traffic and Circulation section

2nd Paragraph – “The school is ignored, and subsection (d) of this section of the MND includes a conclusion that the Project will not result in any substantial increase in hazards.”

The Traffic Impact Study (TIS) prepared by Stephen Pyburn, November 22, 2009, page 8 does state that traffic counts were conducted at Forni Road and Golden Center Drive while school was in session. The impacts of this Project on Herbert Green Middle School are nominal.

The school hours are 7:45 AM to 2:45 PM. The AM drop-off would be during the AM peak period, 6-9 AM. The PM pick-up volumes for the school would be prior to the PM peak Project period 3-6 PM. The assumed impacts to the segment of roadway along Herbert Green Middle School would be from the left turn movement out of the site driveway eastbound (9 AM trips) and additional traffic westbound on Forni Road turning right into the site driveway (13 AM trips). The AM eastbound impact would be one car every 6.7 minutes, westbound impact one car every 4.6 minutes.

3rd Paragraph – “Additionally, the proposed mitigation measures are inadequate. The MND notes that the “traffic study recommended signalization of two intersections.” Strangely concluding, “[t]he impacts have been mitigated and meet General Plan consistency requirement.”

While the TIS recommended a traffic signal at Forni Road and Golden Center Drive, which is feasible, staff did not see it as the best solution to solve the problem. The geometric modifications to the intersection improved the circulation to the necessary standards without creating additional issues with the closely spaced intersections. As noted in the MND and Conditions of Approval, the developer has been conditioned with improvements to Forni and Golden Center Drive to mitigate the impacts at the intersection.

ATTACHMENT 2-EXHIBIT A

12-0224.2C.8

In accordance with the General Plan Policy TC-Xe, if a project places more than 10 trips through an intersection, the intersection must be analyzed. At Missouri Flat and Enterprise Drive this project creates 10 trips in the AM peak and 14 trips in the PM peak at the 2025 cumulative analysis. The total traffic through the intersection is anticipated to be 882 cars in the AM and 1391 cars in the PM peak hours. On a percentage basis that equates to 1% impact in both the AM and PM peak hours. The developers "fair-share" cost of the improvements, in this case 1% of the total cost of the signalization, is collected through the Traffic Impact Mitigation fees.



**County of El Dorado
Air Quality Management District**

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Dave Johnston
Air Pollution Control Officer

March 30, 2012

Tom Dougherty, Project Planner
El Dorado County Planning Services
2850 Fairlane Court
Placerville, CA 95667

**SUBJECT: Z10-0009, PD 10-0005 & P10-0012 – Creekside Plaza/APN 327-211-14, -16, & -25
Response to letter from Marsha A. Burch dated February 27, 2012 concerning Air
Quality**

Dear Mr. Dougherty:

The El Dorado County Air Quality Management District (AQMD) has reviewed the comment letter from Marsha A. Burch dated February 27, 2012 concerning the Mitigated Negative Declaration for the proposed Creekside Plaza development project. AQMD offers the following comments concerning the air quality impact analysis comments contained in the letter.

Cumulative Impacts (ROG, NO_x & CO):

The Creekside Plaza project ("Project") does not require a change in the existing Land Use Designation; the site is and will remain designated C Commercial. The project does involve a consistency rezone from R1A to CG General Commercial. The El Dorado County Guide to Air Quality Assessment: ("*Guide*") § 3.3.6.1 and again in § 8.2.1.1 incorrectly identifies a "rezone" as an example of a change in the land use designation. The site has and will continue to have the same land use designation that was analyzed in the Environmental Impact Report (EIR) for the current General Plan. The project also meets the criteria found in these two sections leading to a conclusion of no significant cumulative impact for ROG and NO_x. CO emissions from a project will ordinarily be considered not cumulatively significant when the project's stand-alone emissions are not considered significant (*Guide* § 8.2.2). This conclusion is also supported by the air emissions modeling results prepared for the project (see the Air Modeling section below). Finally, according to the Traffic Study (Pyburn, Stephen P.E., November 11, 2009 and Revised trip generation letter dated January 30, 2010) Table 6, the Project, with mitigation and with planned infrastructure improvements, does not change traffic density levels of area roadways to service level E or lower, therefore, additional CO "Hotspots" dispersion modeling is not required (*Guide* § 8.2.2).

Cumulative Impacts (PM₁₀, SO₂ & NO₂):

As identified in §8.2.2 of the *Guide*, a project will not have a cumulatively significant impact due to PM₁₀, SO₂ & NO₂ emissions if the following criteria are met:

ATTACHMENT 2–EXHIBIT B

12-0224.2C.10

- A. The project is not significant for "project alone" emissions of these pollutants
- B. The project complies and will comply with all applicable District Rules
- C. The project is not cumulatively significant for ROG, NO_x, and CO.

Project specific or "project alone" impacts

Section 6.3.1 of the *Guide* states that PM₁₀, SO₂ & NO₂ emissions from a project are not significant if the project is of the type and size below the cut-points provided in the project-level screening table Table 5.2 (NO₂ is accounted for as NO_x in Table 5.2). This table indicates Shopping Centers above 62,000 square feet in building size will have a potentially significant ROG and NO_x emissions. This Project is approximately half that size or 32,000sf. Therefore, the Project specific impacts of these pollutants are not considered significant per the *Guide*. Likewise, pursuant to § 8.2.2, the cumulative impacts of these pollutants are likewise not significant as it is consistent with criterion A. above.

Additionally, the *Guide* indicates impacts will be mitigated if consistent with Air Quality Management District Rules and Regulations (*Guide* §8.2.1.4). Future development will be held to those standards as required by District Rules which require the use of Best Available Control Technology (BACT) when any new stationary source of air pollution is proposed for construction. Therefore, criterion B. above is satisfied.

Finally, as identified in the Cumulative Impacts (ROG, NO_x & CO) section above, the Project is not cumulatively significant for these pollutants; thus, satisfying criterion C. above.

Air Emissions Modeling:

Air emissions modeling was completed by North Fork and Associates (Feb 2010) using the URBEMIS 2007 Version 9.2.4 modeling software.

This modeling estimated *Construction*-related and *Operational* air quality impacts from the project and *Area* sources of emissions. The consultants replaced the generic traffic generation rates in URBEMIS with rates from the project-specific Traffic Study dated November 11, 2009 prepared by Stephen Pyburn, P.E. for the Creekside Plaza Project.

The study compared the estimated emissions of ROG, NO_x, CO, PM₁₀, SO₂, and CO₂ to thresholds identified in the *Guide*, as well as thresholds established by Placer County APCD (in the absence of EDC AQMD thresholds, and as allowed by *Guide* section 4.1) All estimated emissions rates were well below the established thresholds.

The study also identified additional Best Management Practices (BMP)'s and feasible low/no cost mitigation measures to reduce project emissions, even though the model concluded the project would not exceed thresholds.

Attainment Status of EDC:

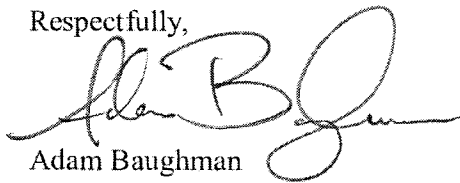
El Dorado County is only in Non-attainment for Ozone and PM₁₀, not SO₂ and NO₂ as indicated in the letter. As identified above, the Project will not result in a significant impact from PM₁₀ emissions. Additionally, since the Project is not primarily industrial, and the majority of emissions will not come from stationary sources, dispersion modeling is not required. (*Guide* §8.2.2).

Greenhouse Gases (GHG):

The study by North Fork Associates does quantify the amount of CO₂ generated by the project on a daily basis in Summer (11,660 lbs/day) and Winter (9,815 lbs/day) for long-term operations and construction related (approximately 2,633 lbs/day). The study by North Fork does not evaluate these impacts as there are no established thresholds of significance for GHG in El Dorado. Several Air Districts are in the process of developing thresholds, most notably the Bay Area AQMD, however, none are in wide use throughout the state, and legal challenges to the thresholds are ongoing (as is the case with the Bay Area thresholds). This is an area of CEQA that continues to evolve. The mitigated negative declaration makes a qualitative assessment of significance based on guidance available at the time the Initial Study was completed for the project and determined the project's GHG emissions would not be significant.

If you have any questions regarding this comment, please do not hesitate to telephone our office at (530) 621-6662.

Respectfully,



Adam Baughman
Air Quality Engineer