

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



**Agenda of:** March 25, 2021

**Staff:** Tom Purciel

**REZONE/TENTATIVE PARCEL MAP/PLANNED  
DEVELOPMENT/CONDITIONAL USE PERMIT**

**FILE NUMBERS/**

**PROJECT NAME:** Z15-0002/P15-0006/PD15-0004/S17-0015/Montano De El Dorado  
Phase I and II Master Plan

**APPLICANT/**

**AGENT:** Montano Venture 2, LLC/Vinal M. Perkins

**REQUEST:**

The project consists of the following entitlements:

1. Rezone (Z15-0002) from Regional Commercial - Community Design Review Combining Zone (CR-DC) to Regional Commercial - Planned Development Combining Zone (CR-PD);
2. Commercial Tentative Parcel Map (P15-0006) on Assessor's Parcel No. 118-010-012 to create a total of 12 commercial parcels from an existing 16.85-acre parcel, ranging from 0.72 acres to 3.48 acres in size, as part of proposed Phase II of the Montano De El Dorado Master Plan;
3. Planned Development (PD15-0004) to establish a Development Plan for the existing Montano De El Dorado Phase 1 development and the proposed Phase II expansion. Phase I consists of an existing commercial center, consisting of five buildings, on the 20.1-acre project site with a combined total of 39,645 square feet of floor area. Existing uses include retail stores, restaurants, and a bank. The proposed Phase II expansion consists of nine additional commercial buildings with a combined total of approximately 80,000 square feet of retail, restaurant, commercial and office uses, a 55,136 square foot, 100-room hotel, a small community pavilion and on-site parking, lighting, signage and landscaping;

4. Conditional Use Permit (S17-0015) to allow outdoor special events and office uses within existing Phase I and proposed Phase II of the Montano De El Dorado Master Plan.

**LOCATION:** Approximately 0.5 miles south of U.S. Highway 50 on the east side of Latrobe road at the intersection with White Rock Road in the El Dorado Hills area, Supervisorial District 2 (Exhibits A and B).

**APNs:** 118-010-012, 118-010-014, 118-010-015, and 118-010-016 (Exhibit D)

**ACREAGE:** Phase I: 3.25 Acres (APNs 118-010-014, 118-010-015 and 118-010-016),  
Phase II: 16.88 Acres (APN 118-010-012)

**GENERAL PLAN:** Commercial (Exhibit E)

**ZONING:** Regional Commercial - Community Design Review Combining Zone (CR-DC) (Exhibit F)

**ENVIRONMENTAL DOCUMENT:** An Environmental Impact Report (EIR) (State Clearinghouse No. 2017072027) consisting of a Draft EIR (DEIR) and Final EIR (FEIR) has been prepared for the project (Exhibits Y and Z).

**RECOMMENDATION:** Staff recommending the Planning Commission forward the following recommendation to the Board of Supervisors:

1. Adopt Resolution XX-2021 (Exhibit G) to certify the EIR (SCH No. 2017072027) for the Montano De El Dorado Phase I and II Master Plan Project (project), subject to California Environmental Quality Act (CEQA) Findings and adopt the Project Mitigation Monitoring and Reporting Program (MMRP) and Statement of Overriding Considerations in compliance with CEQA Guidelines Sections 15091, 15092 and 15093;
2. Adopt a Resolution to rezone the project parcels from Regional Commercial - Community Design Review Combining Zone (CR-DC) to Regional Commercial - Planned Development Combining Zone (CR-PD);
3. Approve Rezone Z15-0002 based on the Findings as presented;
4. Approve Planned Development PD15-0004 as the official Development Plan for the Montano De El Dorado Phase I and II Master Plan project based on the Findings and subject to the Conditions of Approval as presented;
5. Approve Tentative Parcel Map P15-0006 based on the Findings and subject to the Conditions of Approval as presented;

6. Approve Conditional Use Permit S17-0015 to allow outdoor special events and office uses within Phase I and Phase II of the Montano De El Dorado Master Plan based on the Findings and subject to the Conditions of Approval as presented.

### **EXECUTIVE SUMMARY**

The Montano De El Dorado Phase I and II Master Plan Project (Project) consists of a commercial development with two phases: Phase I consists of the existing commercial center, consisting of five buildings, on the 20.1-acre project site with a combined total of 39,645 square feet of floor area on four existing parcels. Existing uses include retail stores, restaurants, and a bank. The proposed Phase II expansion consists of nine additional commercial buildings on 11 additional parcels with a combined total of approximately 80,000 square feet of retail, restaurant, commercial and office uses, a 55,136 square foot, 100-room hotel, a small community pavilion/amphitheater and on-site parking, lighting, signage and landscaping. For details, refer to the Project Site Plan (Exhibit H).

In addition to phased commercial development, Project approval would also allow outdoor special events at specified locations within the existing Phase I and proposed Phase II of the Montano De El Dorado Master Plan, including activities at the proposed community pavilion, as shown and described on the attached Outdoor Special Events Plan (Exhibit I). Approval would also allow medical and professional offices within both Phase I and Phase II of the project site. Phase I and II would include a total of approximately 174,781 square feet of combined retail, office, hotel and restaurant uses that are consistent with the existing commercial development in the area. The Project conforms to all applicable policies of the General Plan and provisions of both the Zoning Ordinance and Subdivision Ordinance as discussed further in this report and as illustrated in the Findings section below.

### **OTHER PROJECT CONSIDERATIONS**

#### **Fiscal/Economic Analysis:**

General Plan Economic Development Element Policies 10.2.1.4, 10.2.1.5, 10.2.2.2, 10.2.5.1 and 10.2.5.2 require discretionary projects be analyzed for any significant negative fiscal or economic effects to the County. Together, these policies establish thresholds of economic or fiscal significance and also provide appropriate methodology, as applicable, for determining the specific economic or fiscal impacts of a project. Further, these policies also prescribe specific remedies to ensure any identified negative fiscal or economic impacts, if any, are fully mitigated.

On July 2, 2019, Economic and Planning Systems, Incorporated (EPS) completed a Public Facilities Financing Plan (PFFP) for the project (Exhibit J) to address the requirements of Policy 10.2.1.4 and 10.2.1.5. As discussed in these policies, the PFFP was completed to ensure the project will pay “its fair share of the costs of all civic and public and community facilities it utilizes based upon the demand for these facilities which can be attributed to new development” (Policy 10.2.1.4) and that “cost burdens of any civic, public, and community facilities, infrastructure, ongoing services, including ongoing operations and maintenance necessitated by a development proposal...are adequately financed to assure no net cost burden to existing residents

may be required...” (Policy 10.2.1.5). The PFFP found that, as proposed and conditioned, the project would be consistent with these policies. The PFFP confirmed the project would pay its fair share toward the cost of public facilities and not create a new cost burden for existing residents in the project vicinity. On January 5, 2021, EPS also provided a supplemental memo with a qualitative assessment of the project’s consistency with remaining Policies 10.2.2.2 (pay-as-you-go financing), 10.2.5.1 (avoidance of County General Fund revenues to fund the incremental cost of new municipal services) and 10.2.5.2 (determination of a project’s fiscal and economic effects) (Exhibit K). In this memo, EPS found the project consistent with these additional policies and found that the project would provide a significant positive fiscal and economic benefit to the County. The memo also provided detailed findings as to why further technical fiscal and economic analyses would not be recommended for this project.

### **Project Appearance/Aesthetics:**

Light and Glare: In response to several public comments regarding aesthetics, the DEIR analyzed impacts related to outdoor lighting and glare associated with proposed Phase II, including light fixtures creating new sources of light that could impact adjacent residential uses to the east of the project site. In addition, windows and architectural features of buildings could reflect sunlight and create glare conditions. Without mitigation, this impact would be significant (DEIR Impact 3.1-2). To ensure the effects of light and glare are reduced to less than significant levels, the DEIR includes several mitigation measures, incorporated into the project’s CEQA MMRP) (Exhibit L), including a measure to require final improvement plans to include specifications that demonstrate outdoor lighting is located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way consistent with Title 130, Chapter 130.34 (Outdoor Lighting) of County Code. In addition, the MMRP also includes DEIR mitigation measures to require final building plans to identify the use of nonreflective building materials and glass that will avoid the creation of offsite glare during daytime hours (DEIR Mitigation Measures 3.1-2a: Demonstration of Compliance with County Lighting Standards and 3.1-2b: Use of Nonreflective Building Materials).

Building Height: In response to several public comments regarding the height of proposed structures under Phase II (including two exceptions to maximum building height under proposed Planned Development PD15-0004), the project EIR also analyzed potential impacts related to the views from adjacent residential units to the east of the Phase II site. This analysis is included in Chapter 3 of the DEIR (Aesthetics) under Impact 3.1-2: “Effects to Visual Character of Public Views and Consistency with County Standards” (DEIR, p. 3.1-11). A detailed discussion of visual impacts from proposed Phase II structures is also included in Section 2 of the Final EIR (Responses to Comments) in response to public comment No. 04-6 (Final EIR, p. 2-46).

In summary, the EIR analyzed three specific building elevations for Phase II that would be within the private viewsheds from existing residences to the east of the Project site (proposed Buildings No. 1, 10 and 4; Refer to Architectural Elevations, Exhibit Q) and concluded that these proposed buildings in Phase II would be similar in scale and massing to buildings in the Phase I area and in the El Dorado Hills Town Center and would blend into the suburban visual character of the project area from existing public views along Latrobe Road, as well as distant public views along White Rock Road, Windfield Way, and Golden Foothill Parkway (refer to Draft EIR

page 3.1-11). Therefore, the EIR concluded that proposed Phase II structures would not cause a significant impact to visual character.

Further, the EIR also analyzed published CEQA case law regarding visual impacts and determined that the obstruction of a few private views in a project's immediate vicinity is not considered a significant environmental impact (Final EIR, p. 2-46) (refer to *Bowman v. City of Berkeley* [2004] 122 Cal.App.4th 772 and *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* [2004] 116 Cal.App.4th 396). Although not considered a significant environmental impact for purposes of CEQA, proposed building height exceptions for Phase II can be evaluated by the Planning Commission and the Board of Supervisors as part of their deliberations for the project.

### **Transportation and Traffic:**

In February 2019, the transportation engineering firm Kimley Horn and Associates prepared a Transportation Impact Study (TIS) for the project. The TIS analyzed the impacts of the project on both on-site and off-site transportation and circulation (Exhibit M).

The project EIR incorporated the results of the TIS into Draft EIR Chapter 3.12 (Transportation and Traffic), as discussed below. The TIS analyzed both on-site and off-site impacts resulting from the Phase II expansion.

On-site impacts included:

1. Increased use of existing driveways
2. Use of two new access driveways on the south site of the site, including:
  - a. A new right-in/right-out driveway along Latrobe Road at the southernmost corner of the project site
  - b. A new left-in/right-in/right-out driveway along Latrobe Road.

Off-site impacts analyzed included impacts to local:

1. Intersections
2. Roadway segments
3. Freeways

The EIR also analyzed several specific topics of local concern. These topics came from public comments received in response to the EIR Notice of Preparation released on October 1, 2018. Discussion of these topics has been analyzed in both the DEIR Chapter 3.12 and in the FEIR Responses to Comments (pp. 2-46 and 2-47).

Topics of local concern included:

- Traffic operational impacts to Latrobe Road, White Rock Road, and US 50
- Traffic impacts of the project when combined with other planned development
- Traffic safety

- Parking impacts to adjoining residential areas during special events on the project site
- Potential for cut-through traffic into the residential neighborhood east of the project

The Effect of Recent Changes to CEQA Regarding Transportation/Traffic Impacts:

**Traffic Congestion**

On December 28, 2018, new legislation was certified determining that “a project’s effect on automobile delay (traffic congestion) shall not constitute a significant impact.” (California Code of Regulations Section 15064.3) Therefore, traffic congestion can no longer be considered a significant impact for purposes of CEQA.

However, as County General Plan policy requires a traffic congestion analysis for all discretionary development projects, the project EIR also included an evaluation of changes in roadway traffic congestion in the Draft EIR as Section 3.12.4, “Non-CEQA Traffic Operations Analysis.”

As traffic delays can no longer be considered as CEQA impacts, measures included in Section 3.12.4 to reduce the effects of project-related traffic congestion have been incorporated instead as County Department of Transportation (DOT) conditions of approval.

**Vehicle Miles Traveled**

In 2018, the California Legislature also amended Section 15064.3 to replace automobile delay with a new metric to measure transportation impacts: Vehicle Miles Traveled, or VMT (the amount and distance of automobile travel attributable to a project).

Under the new VMT criteria, a significant transportation impact could occur for any project that results in a net increase of VMT when compared to existing conditions. As evaluated in detail in Draft EIR Section 3.12 (Transportation/Traffic), the EIR found the project would result in a significant and unavoidable impact to VMT.

Except for VMT, the Draft EIR found all other impacts to transportation and circulation, as discussed above, would be less than significant.

**Signs:**

Background: Signs in Phase I were previously entitled in 2006 under a previous sign program associated with Design Review Permit DR04-0019 (Exhibit N). No changes to the existing approved Phase I sign program are proposed as part of the Project. In 2006, the phase I sign program generally conformed to the then-current (two-page) Sign Ordinance (old Chapter 17.16) and other zone-specific sign development standards. However, as part of the County’s 2015 Sign Ordinance Update project, broad changes to sign permit requirements and development standards were incorporated into the current, 44-page, Chapter 130.36 (Signs). After adoption of this new chapter, many of the existing Phase I signs (e.g. building-attached signs, monument signs) became inconsistent with the permit requirements and development standards in the current ordinance. For a summary of the differences between the previous Phase I sign program and current Uniform Sign Program requirements please refer to the attached chart (Exhibit O).

Proposed Phase II Uniform Sign Program:

The applicant's goal for the Phase II sign program is for new signs to be similar in character, size, location and number to the existing signage authorized for Phase I. However, as a result of the broad 2015 ordinance changes, which included new sign permit requirements and new restrictions on the number, size and type of signs allowed for Uniform Sign Programs (Sections 130.36.080(A) and 130.36.080(B)), modifications to the existing nonconforming Phase I sign program would not be feasible for Phase II. A new Uniform Sign Program would be required.

Section 130.52.040(A) (Development Plan Permit - Process) specifically provides for flexibility from the strict application of Zoning Ordinance standards to allow for proposed developments to utilize innovative site planning techniques and other effective design responses to site features, uses on adjacent properties and environmental constraints. Further, Section 130.52.040(D)(2) (Development Plan Permit - Scope of Approval) also allows a Development Plan Permit to establish project-specific design guidelines to be applied consistently throughout a common development, including but not limited to architectural standards and review processes, landscape standards, maintenance agreements, sign programs and CC&Rs.

Section 130.36.080(B) (Uniform Sign Program Required) requires applicable decision-makers to approve a new Uniform Sign Program in conjunction with other entitlements. Due to the extensive time required to develop a complete ordinance-compliant Uniform Sign Program for this site (approximately 5-8 months), the applicant has submitted a Conceptual Draft Phase II Uniform Sign Program (Exhibit P) to provide the Commission with general information regarding proposed sign character, size, type, and locations consistent with the new ordinance. As specified under Sections 130.52.040(A) 130.52.040(D)(2) above, the adopted Development Plan for Phase I and Phase II would provide flexibility from the concurrent review requirement to allow the applicant additional time to develop a final site-sensitive and ordinance-compliant Uniform Sign Program. As proposed and conditioned, and with concurrence by the applicant, a final Phase II Uniform Sign Program would be required to be submitted for Commission review within one year after project approval.

**BACKGROUND**

Phase I of the Montano De El Dorado Commercial Center was originally entitled in 2006 with a four-lot Commercial Tentative Parcel Map (P04-0012) and Design Review Permit (DR04-19S) to allow four commercial buildings with associated parking, lighting, landscaping and signage. In 2011, original Design Review Permit DR04-0019 was amended to add a fifth commercial building, additional parking and building façade improvements (DR04-0019-R1 and DR04-0019-R2). In 2013, Conditional Use Permit (CUP) No. S12-0005 was approved for outdoor music events at an existing patio/common area adjacent to an existing restaurant (Relish Burger Bar) on the northwest corner of the Phase I property. In 2018, another CUP (CUP18-0008) was approved for a dentist in the northeast corner of the Phase I property. From 2013 to the present, there have also been more than 10 Temporary Use Permits (TUPs) for annual special events in the central Phase I parking area adjacent to another restaurant (the Handles Irish Pub). For details regarding the location of current uses and events at the Phase I center, please refer to the site aerial photo and project site plan, Exhibits C and E.

## **ANALYSIS**

**Site Description and Adjacent Land Use/Zoning:** Exhibits C and F (Site Aerial Photo and Zoning Map) detail the adjacent uses and zoning. The project site is located on the east side of Latrobe road at the intersection with White Rock Road in the unincorporated community of El Dorado Hills, approximately 0.5 miles south of U.S. Route 50. Existing land uses adjacent to the project site include the Town Center commercial development, on lands zoned General Commercial (CG) to the north, single-family residential uses on lands zoned Residential, Single Unit (R1) to the east (Creekside Greens Development), an existing retail store (Walgreens) and three vacant parcels on lands zoned Research and Development (R&D) to the west and existing commercial development on lands zoned Research and Development (R&D) to the south.

The project site (Phase I and Phase II) is approximately 20.1 acres. Phase I consists of the existing commercial center, consisting of five buildings constructed between 2006 and 2011, on the 20.1-acre project site on four parcels with a combined total of 39,645 square feet of floor area. Existing uses include retail stores, restaurants, and a bank with associated parking, lighting, landscaping and signage (Refer to Project Site Plan, Exhibit H). The southeast portion of Phase I also contains a graded, gravel-covered area used for additional parking for the Phase I center. The remainder of the site to the south and southeast (Phase II) is currently undeveloped and consists of nonnative annual grassland with rock outcroppings scattered throughout the property. There is a single native oak tree on the project site adjacent to existing commercial building C. However, that single tree was previously preserved and incorporated into the development plan for Phase I, and would not be impacted by the current project. As there are no native oak trees on the Phase II site, no oak trees would be removed or impacted by the project. Elevations range from 575 to 640 feet above sea level with slopes ranging between 10 percent and 40 percent.

**Project Description:** The Montano De El Dorado Phase I and II Master Plan Project (Project) consists of a commercial development with two phases: Phase I consists of the existing commercial center, consisting of five buildings, on the 20.1-acre project site with a combined total of 39,645 square feet of floor area on four separate parcels. Existing uses include retail stores, restaurants, and a bank (Refer to Project Site Plan, Exhibit H). The proposed Phase II expansion consists of nine additional commercial buildings with a combined total of approximately 80,000 square feet for retail, restaurant, commercial and professional/medical office uses, a 55,136 square foot, 100-room hotel, a small community pavilion and on-site parking, lighting and landscaping (Exhibits H, R and S). The Development Plan also includes an allowance for medical and professional offices within the existing buildings of Phase I under a requested Conditional Use Permit. The following additional entitlements are required for the Phase I and Phase II Master Plan as proposed: Rezone Z15-0002 to change the existing combining zone on the project parcels from Community Design Review (-DC) to Planned Development (-PD); Tentative Parcel Map P15-0006 to create 12 additional commercial parcels; Planned Development Permit PD15-0004 to establish an official commercial Development Plan for the existing Montano De El Dorado Phase 1 development and the proposed Phase II expansion (“Montano Phase I and II Master Plan”) and Conditional Use Permit S17-0015 to allow outdoor special events and office uses within existing Phase I and proposed Phase II of the Montano De El Dorado Master Plan. The project will be conditioned to require Codes,



Covenants and Restrictions (CC&Rs) be recorded on all project parcels (Phase I and Phase II) to ensure all common areas, building exterior finishes and colors, exterior lighting, public utility infrastructure, landscaping and (future) signage is maintained in perpetuity. Further, to ensure vehicular/emergency vehicle access and public utilities would be shared and maintained in perpetuity for all project parcels, the applicant will be conditioned to record an irrevocable reciprocal parking, public utilities and vehicular/emergency vehicle access agreement upon all resulting parcels associated with Tentative Parcel Map P15-0006.

The following is a detailed summary of the project:

**Rezone:** Exhibit F details the proposed rezone for the project. The proposed commercial development is consistent within the range of allowable uses identified under the Commercial land use designation, which includes commercial retail, office, and service uses providing service to residents, businesses, and visitors in the area. With the exception of office uses requested under Conditional Use Permit S17-0015, as detailed below, the development is consistent with the CR base zone designation. Proposed rezone Z15-0002 would replace the Community Design Review combining overlay zone (-DC) overlay with the Planned Development (-PD) combining overlay zone to facilitate the provisions of the Planned Development under Chapter 130.28 of the Zoning Ordinance to incorporate a small community pavilion as part of the project design (Exhibit H), and to integrate other project-specific design elements such as specific architectural themes and styles (Refer to Project Architectural Elevations, Exhibit Q), limited building height exceptions, a Landscaping Plan (Exhibit R), Outdoor Lighting Plan (Exhibit S), the proposed Parking and Circulation Plan (Refer to the Project Site Plan, Exhibit H), Uniform Sign Program (Refer to Conceptual Draft Phase II Sign Program, Exhibit P) and maintenance agreements into the official Development Plan. Detailed project consistency analysis with applicable General Plan policies is discussed in the Findings section of this staff report.

**Tentative Parcel Map:** As shown in Exhibit T, proposed Tentative Parcel Map P15-0006 would further subdivide the project site creating 12 additional commercial parcels on the existing 20.1-acre project site in accordance with applicable development standards of the Zoning Ordinance and provisions of the Subdivisions Ordinance. The proposed commercial Parcels (proposed Parcels 1 through 12), range in size from approximately 0.54 acres to 3.3 acres in size. Most project parcels will conform to the required minimum development standards of the CR zone district, including minimum lot size and lot width. However, the proposed Development Plan, as discussed below, will allow for modifications in lot size and width in order to allow for clustering of proposed commercial buildings and to provide for a lotting pattern that best integrates shared parking/traffic circulation, landscaping, pedestrian walkways and common areas. The Tentative Parcel Map also includes areas for dedication of easements for wet and dry utility services to each of the proposed buildings as shown. In addition, to ensure access for public utilities and vehicles (including emergency vehicles) to the project site is maintained in perpetuity, “blanket” reciprocal access and utility easements will be recorded along with the Final Map and also included in the Codes, Covenants and Restrictions (CC&Rs) for each of the 12 additional parcels as further discussed in the Project Description above.

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

**Planned Development Permit:** As an integrated commercial development, Development Plan PD15-0004 (Montano Phase I and II Master Plan) consists of 14 separate buildings (five existing buildings, A through E, and proposed buildings 1 through 10) that would accommodate retail, restaurant, hotel and office uses consistent with the CR zone district and an allowance for office uses under requested Conditional Use Permit S17-0015. The Development Plan would also allow for exceptions to the development standards for the CR zone district, as shown in Table 1 below, including limited exceptions to the maximum 50-foot building height and required building setbacks to property lines. Further, the Development Plan would also allow for clustering of proposed commercial buildings to accommodate the physical dimensions of the site and provide for shared amenities including parking/traffic circulation, landscaping, pedestrian walkways and common areas. The Development Plan would also incorporate specific design elements for commercial buildings, landscaping and outdoor lighting to ensure architecture and design remains consistent throughout Phase I and Phase II. To ensure parking/circulation, exterior building colors and finishes, landscaping and common areas are maintained in perpetuity, CC&Rs would also incorporate requirements for shared maintenance of the above features. Specific components of the Development Plan for Phase I and Phase II consist of the project Site Plan (Exhibit H), Architectural Building Elevations (Exhibit Q), Landscaping Plan (Exhibit R), Outdoor Lighting Plan (Exhibit S) and a Uniform Sign Program (Draft Conceptual Uniform Sign Program attached as Exhibit P). Additional discussion of parking, architectural design, landscaping and outdoor lighting is found under the following discussions below.

<b>Table 1. CR Zone District Development Standards and Proposed Planned Development Modifications (Modified from Table 130.22.030)</b>		
<b>Development Attribute</b>	<b>CR Zone District</b>	<b>Montano De El Dorado Phase II (Proposed Parcels 1-12)</b>
Minimum Lot Size (in square feet)	100,000 <sup>1</sup>	Varies. Ranges from approx. 23,500 sf (.54 acres) to approx. 143,750 sf (3.3 acres)
Minimum Lot Width (in feet)	70	Varies (approx. 50 feet to over 250 feet)
Setbacks (in feet) Front and secondary front <sup>2</sup>	20	Varies (0 feet to more than 50 feet)
Sides and Rear <sup>3</sup>	0 or 5	Varies. Internal property lines range from 0 feet to over 30 feet.
Sides and Rear (Abutting R, R1A, R2A, R3A, and RE Zoned Land) <sup>4</sup>	10 or 30	Approx. 20 feet (East property lines abutting R1 zoned land)
Maximum Building Height (in feet)	50	Overall Consistent. Exceptions include a 52-foot architectural feature on proposed hotel and a 70-foot tower feature on proposed retail building No. 3.
Floor Area Ratio <sup>5</sup>	.85	No modification proposed. FAR Varies from approx. 0.19 to 0.38
<b>Notes:</b>		
<sup>1</sup> Does not limit the creation of new smaller lots within a regional commercial facility.		
<sup>2</sup> Subject to Landscaping requirements in the site planning and design manual.		
<sup>3</sup> Zero lot line with fireproof wall and no openings, meeting building and fire code requirements, otherwise the 5 foot setback applies.		
<sup>4</sup> Subject to Landscaping Ordinance requirements in the site planning and design manual.		
<sup>5</sup> Ratio of allowable floor area to lot area (per individual parcel).		

**Parking, Architectural Design, Landscaping and Outdoor Lighting Associated with PD15-0004:**

**Parking and Circulation:** Both Phase I and Phase II would be served by shared on-site parking and circulation designed with integrated landscaping, lighting and loading areas (Exhibit H). To ensure parking requirements are integrated between Phase I and Phase II and to ensure the number of total parking spaces available for both phases will accommodate all allowed uses in Phase I and all proposed uses for Phase II in perpetuity, the Development Plan proposes parking for both phases under the mutually shared parking concept for a Community Shopping Center (shopping center with gross floor area [GFA] between 15,000 sf and 400,000 sf). Pursuant to Zoning Ordinance Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements), a Community Shopping Center requires parking at the shared rate of 1 parking space for every 400 square feet of GFA. All buildings within Phases I and II together total 174,781 square feet of GFA, and therefore, 437 parking spaces are required to accommodate all existing and proposed uses. As proposed, the project will provide approximately 767 parking spaces which equates to a surplus of approximately 330 spaces. Under the proposed Development Plan, this parking surplus would allow for short-term temporary special events, under both existing Special Use

Permit S12-0005 (outdoor music events for Relish Burger Bar) and the proposed Conditional Use Permit CUP S17-0015 for additional outdoor events under the current project, to temporarily occupy small groups of parking spaces in areas shown on the Outdoor Special Events Plan (Exhibit I). This parking surplus would allow for safe pedestrian access to be maintained throughout the center during each special event and also ensure adequate and safe parking will be available even during special events or peak shopping periods. The integrated parking plan for Phases I and II includes 241 existing parking spaces (158 standard spaces, 73 compact spaces and 10 Accessible spaces) and 526 proposed spaces (468 standard spaces, 39 compact spaces, and 19 Accessible spaces). Important Note: Table 130.35.030.1 does not require a Community Shopping Center to be parked based on the square footage of each individual building and associated use(s). However, for illustrative purposes only, the applicant has provided a detailed parking breakdown (Refer to Project Site Plan, Exhibit H) showing the proposed location and type of proposed parking spaces and the buildings/uses in Phases I and II that would be served by adjacent parking spaces.

As proposed and conditioned, all parking and loading areas will conform to the required development standards found in the Community Design Standards for Parking and Loading. Site access would be provided at four locations: Two existing access points along the north project boundary including an existing full signalized intersection at White Rock Road and Post Streets and an existing right-in, right-out restricted access to White Rock Road, and two proposed access points along the western project boundary including a proposed full signalized intersection at Latrobe Road approximately 500 feet south of the intersection with White Rock Road, and a restricted right-in, right-out access to Latrobe Road near the south project boundary (Exhibit H).

Proposed Building 7, which includes a fast food restaurant, features a double drive-through stacking lane designed to safely hold 19 vehicles at one time (Exhibit H). Based on the project's TIS completed by Kimley Horn and Associates on February 1, 2019 (Exhibit M, p. 51), the proposed drive through facility would have an expected maximum queue of 13 vehicles during peak periods. For the most accurate estimate of expected vehicle queues at peak periods, the TIS estimated the maximum vehicle queuing for this drive through facility based on a comparison with three similarly sized fast food restaurants in a similar urban setting (South Placer County). To ensure vehicular and pedestrian safety, the stacking lane would be permanently separated from vehicles and pedestrians by three approximately 20-foot wide landscaped buffers along the north, west and south sides as shown on the Preliminary Site Plan. The drive through facility conforms to all required development standards for drive through facilities as outlined in the Community Design Standards for Parking and Loading, Section 4.4(H) (Drive Through Facilities). *Note: As the project was deemed complete on January 10, 2017, the September 1, 2020 Zoning Ordinance amendments to the development standards and parking space requirements for drive through facilities (new Section 130.40.140 – Drive Through Facilities), would not apply to this project.*

Architectural Building Elevations: To ensure all commercial buildings in Phase II are architecturally consistent with the architectural themes and building massing in Phase I, the applicant submitted architectural building elevations for each of the proposed Phase II structures to be included as part of the Development Plan for the site (Exhibit Q). Prior to issuance of building permits, all future structures will be required to demonstrate substantial conformance

with the approved building elevations shown in this exhibit.

**Landscaping Plan:** As proposed and conditioned, all proposed landscaping will conform to Chapter 130.33 (Landscaping Standards), the Community Design Standards for Landscaping and Irrigation and the California Model Water Efficient Landscape Ordinance (MWELo).

New landscaping for Phase II will be consistent with the existing landscaping within Phase I, with modifications as needed for consistency with Chapter 130.33, the Community Design Standards for Landscaping and Irrigation and the MWELo. Along the west project boundary along Latrobe Road, new landscape plantings would be consistent with similar plant material at the existing Phase I road frontages at the north and northwest sides of the site. Along the eastern boundary of the project, new evergreen and fast growing deciduous trees would be planted as a buffer to adjacent residences. On the interior of Phase II, new landscape trees would shade more than 60 percent of paved parking areas. In addition, several low impact development (LID) water quality basins are proposed in order to absorb excess stormwater runoff. These basins would contain a blend of attractive evergreen shrubbery, grasses, and rushes. Landscape plans are included as Exhibit R.

**Outdoor Lighting Plan:** Proposed outdoor lighting for Phase II, including fixture type and location, is shown on the Outdoor Lighting Plan (Exhibit S). As indicated on the plan, all Phase II Outdoor lighting will be designed to match the existing lighting in Phase I. To ensure the effects of light and glare to adjacent residents are minimized to the greatest extent feasible, the DEIR includes Mitigation Measure No. 3.1-2 (Demonstration of Compliance with County Lighting Standards), which has been incorporated into the project's Mitigation Monitoring and Reporting Program (MMRP) (Exhibit L). This measure requires final improvement plans include specifications that demonstrate outdoor lighting is located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way consistent with Title 130, Chapter 130.34 (Outdoor Lighting) of County Code. Within this chapter, Section 130.34.020 (Outdoor Lighting Standards) also requires a project to demonstrate conformance with the County's adopted Outdoor Lighting Standards (Resolution No. 199-2015). The Outdoor Lighting Standards include specific requirements for outdoor lighting practices and systems and also place limitations on total light output from a project.

**Conditional Use Permit:** Conditional Use Permit S17-0015 would allow outdoor special events and office uses within Phase I and Phase II of the Montano De El Dorado Master Plan. This Conditional Use Permit would include outdoor special events within the parking lots of the existing Phase I and within the proposed community pavilion and parking lots within proposed Phase II. Outdoor special events would be limited to the type, date range(s) and locations as shown and described in the attached Outdoor Special Events Plan (Exhibit I). All events at the proposed community pavilion would not conduct amplified music or speech more than once per week. With the exception of once-weekly outdoor movie nights (April–September), concluding at 10:00 p.m., all events with amplified sound would conclude no later than 9:00 p.m. Although the current ordinance requires a CUP for office uses in the CR zone, future Zoning Ordinance amendments could, at a future time, allow office uses by right in the CR zone. In the event the Zoning Ordinance is amended to allow office uses by right in the CR zone, the project has been conditioned such that the provisions of CUP S17-0015 applying to office uses in Phase I and

Phase II shall no longer apply to this project. Such provisions shall be of no further force and effect as of the effective date of such future ordinance amendment(s).

**Site and Access Improvements:**

Access and Frontage Road Improvements: Site access would be provided at four locations: Two existing access points along the north project boundary including an existing full signalized intersection at White Rock Road and Post Streets and an existing right-in, right-out restricted access to White Rock Road, and two proposed access points along the western project boundary including a proposed full signalized intersection at Latrobe Road approximately 500 feet south of the intersection with White Rock Road, and a restricted right-in, right-out access to Latrobe Road near the south project boundary (Exhibit H). Project frontage improvements for Phase II include a new curb, gutter, and sidewalk with a total width of 6-feet proposed adjacent to the existing right-of-way of Latrobe Road fronting the project site, and would be consistent with existing curb, gutter, and sidewalk fronting the Phase I retail center. The portion of the sidewalk from the south entrance to Monte Verde Drive would be a shared use sidewalk that is 10 feet in width. It would be an extension of the Latrobe Trail, a class I paved bike path. For additional details, refer to the project Site Plan, Exhibit H.

Utilities and Drainage: The commercial development would be served by El Dorado Irrigation District (EID) for potable and recycled water and sewer service. Potable water service would be provided via on-site connections to existing 10-inch water pipelines under Phase I and additional connections to 10-inch and 12-inch water pipelines under Latrobe Road as part of Phase II. The existing municipal water grid system would also be extended and connected to the project site as shown on the preliminary Water and Sanitary Sewer Plan (Exhibit U). For additional details, also refer to the Preliminary Grading, Drainage and Paving Plan (Exhibit V).

Wastewater service would be provided via both onsite and offsite improvements including installation of new sewer lines to connect to an existing 8-inch sewer line currently serving Phase I and off-site construction of a new 8-inch wastewater conveyance pipeline from the southern portion of the project site within Latrobe Road and Golden Foothill Parkway to interconnect with an existing 8-inch pipeline under Golden Foothill Parkway approximately 1,300 feet west of the project site (Exhibit U). As required by EID standards, including those discussed in the project Facilities Improvement Letter (Exhibit W), the above utility services would be required prior to issuance of a building permit and/or recordation of the Final Parcel Map.

Electric service would be provided by extension to existing PG&E facilities currently serving Phase I. PG&E has indicated their utility has adequate existing infrastructure and capacity to serve the project as indicated on project plans.

Stormwater drainage improvements has also been incorporated into the project in compliance with applicable County stormwater management regulations including the El Dorado County Drainage Manual and the Western El Dorado County Storm Water Management Plan (SWMP). Proposed improvements include on-site and off-site drainage inlets, manholes, and pipelines designed to collect and convey stormwater to one of the two 24-inch storm drains beneath Latrobe Road. On-site storm drainage improvements would be designed to reduce impacts to

existing drainage systems including underground stormwater detention systems and aboveground basins to detain runoff such that pre-development flow volumes are maintained. On-site stormwater runoff would also be treated to minimize any impacts to water quality via Low Impact Development (LID) and water quality treatment BMPs used in the project design including rooftop and impervious area disconnection, bioretention facilities and on-site drains connected to underground water storage/filtration units. In the parking area and drive aisle in front of Buildings 5 and 6, where bioretention/biofiltration and water filtration units would not be feasible, specialized water filtration inlets would be used. Stormwater treatments are shown on the preliminary grading and drainage plan (Exhibit V).

Site Improvements and Grading: The currently undeveloped portion of the project site (approximately 16.85 acres) would be disturbed as part of grading and site improvement activities associated with the project. Grading permits would be required prior to the start of construction. Anticipated site improvements would include grading, construction of the parking lot, including interior drive aisles and access points, trenching for the underground wet and dry utilities, installation of retaining walls and establishing of final pads for each commercial building as shown on the project site plan and grading plan (Exhibits H and V). Construction of the project would include finish grading for building pads and foundations. Total graded material would include approximately 201,800 cubic yards (CY) of cut and 31,700 CY of fill with up to 170,100 CY of soil to be exported off-site. Up to 35 construction workers would be anticipated on site during each construction phase of the project. To minimize impacts of construction noise, all noise generating activities would be required to comply with specific noise and vibration mitigation measures as described in the project EIR and as implemented in the Mitigation Monitoring and Reporting Program (MMRP) (Exhibit L) including Mitigation Measure No. 3.10-1 (actions to reduce exposure to construction-generated noise) and Mitigation Measure No. 3.10-2 (actions to reduce short term construction vibration impacts) including limiting construction to between the hours of 7 a.m. to 7 p.m. Monday through Friday and 8 a.m. to 5 p.m. on weekends and federally recognized holidays. Project construction may also include minor blasting, if needed, if significant rock outcroppings are encountered during site grading. To ensure any blasting impacts, including airborne dust, noise and vibration, are minimized to the greatest extent feasible, blasting activities would be required to comply with the construction hours specified above, as well as Air Quality Management District (AQMD) regulations regarding fugitive dust (COA #26). Construction is anticipated to occur in several phases between 2021 and approximately 2026.

#### Retaining Walls:

Retaining walls are proposed along the Latrobe Road frontage to match in type and kind the existing walls at Phase I. The tallest wall along Latrobe Road is expected to be 19 feet, located near the northwest corner of proposed Building 8, near the existing boundary of Phase I. To help visually buffer site views from Latrobe Road, the project will include a new landscape buffer between the back of the sidewalk and the proposed retaining wall along the Latrobe Road frontage (Exhibit R). A segmental or concrete masonry unit (CMU) retaining wall is proposed along the eastern project boundary, adjacent to existing single-family residences. At the northernmost point along the project site's eastern boundary, there is an existing crib wall that was constructed as part of the Phase 1 project. At this point, the proposed grade would be

approximately 15.7 feet above the adjacent residential grade to the east. Proceeding south, the grade diminishes until the project site and adjacent residential lots are even. From that point heading south, the project site would be below the grade of the existing residential lots to the east and a retaining wall would be constructed between the project site and the residential parcels. This southern retaining wall would be approximately 18 feet at its highest point at the southernmost end of the project site. Additional internal retaining walls are proposed within the Phase II area due to large slope differences. All retaining walls would be constructed in conformance with County standards. For details, please refer to the Grading and Drainage Plan, Exhibit V.

#### Solid Waste Collection Facilities:

To minimize the effects of new solid waste and recycling collection facilities (dumpsters) for Phase II, the applicant will be required to screen all dumpsters from view and locate them in close proximity to each proposed commercial building. All collection facilities will be located as far from adjacent residential uses as practically feasible. To ensure final installation of all future waste and recycling collection facilities complies with this requirement, these requirements have been incorporated into the project as Condition of Approval (COA) No. 9.

#### CONSISTENCY ANALYSIS

The project has been reviewed and verified for conformance with applicable General Plan policies, provisions of the Zoning and Subdivisions Ordinances and the California Environmental Quality Act (CEQA). The following is a summary of the project consistency analysis. Detailed discussion is provided in the Findings section below.

#### General Plan:

The project is consistent with all applicable General Plan policies including Policy 2.2.1.2. (Commercial Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (compatibility with adjoining land uses), Policy 2.8.1.1 (lighting standards for elimination of glare), Policies TC-Xa through TC-Xi (applicable Transportation and Circulation Element policies), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 5.1.2.3 (payment of fair share of infrastructure costs), Policy 5.7.1.1 (water supply and access for fire protection), Policies 5.7.3.1, 5.7.4.1 and 5.7.4.2 (adequate law enforcement and emergency medical facilities), Policy 6.2.3.1 (adequate fire protection), Policy 6.2.3.2 (adequate access for emergencies), Policies 6.5.1.2 and 6.5.1.3 (acoustical analysis and noise mitigation) and Policies 10.2.1.4, 10.2.1.5, 10.2.2.2, 10.2.5.1 and 10.2.5.2 (applicable Economic Development Element policies). Further details are discussed in the Findings section below.

Zoning Ordinance: Staff has determined that the project, as proposed and conditioned, conforms with all applicable development standards and requirements of Title 130 of the County Ordinance Code (Zoning Ordinance). The project is consistent with the CR zone district development standards in Chapter 130.22.030 (Commercial Zone Development Standards) for minimum lot size, lot width, maximum building height, building setbacks and Floor Area Ratio



(FAR). Minimum building setbacks for the CR zone include 20 feet for the front and secondary front, zero or five feet for the sides and rear, and either 10 or 30 feet for property lines abutting residential zoned lands (east side of the project parcel). The planned development overlay allows use of flexible development standards, allowing specified exceptions to the development standards for the CR zone under the official Development Plan. With the exception of modifications to the development standards for the CR zone shown above in Table 1, including parking and loading, building height and building setbacks as allowed under the proposed Development Plan, the project would be consistent with all other applicable development standards of the CR zone district. As a cohesive development concept with shared parking as well as shared vehicular and pedestrian access, the proposed Development Plan would be sufficiently parked and would allow for safe pedestrian, vehicular and emergency vehicle access throughout both Phase I and Phase II of the commercial center. The Development Plan would also allow for uniform building design, shared landscaping and common areas and a uniform outdoor lighting plan throughout both phases. As a Planned Development, the project would be compatible with the surrounding uses and also provide for shared maintenance of parking, landscaping/common areas, outdoor lighting and building exterior finishes/colors to ensure all structures/improvements remain in good condition in perpetuity. The Development Plan minimizes environmental impacts to the greatest extent feasible.

Zoning Ordinance – Signs: Staff reviewed the project for consistency with Section 130.36.080, including Section 130.36.080(A) (Sign Permit Required) and Section 130.36.080(B) (Uniform Sign Program Required) and determined a new Uniform Sign Program would be required for Phase II of the Montano De El Dorado Master Plan. As proposed and conditioned, the project will be consistent with all applicable sign permit requirements.

County Subdivisions Ordinance: Staff has determined the proposed Tentative Parcel Map is consistent with all applicable standards and requirements of the County Subdivisions Ordinance (Title 120 of the County Ordinance Code) including consistency with the General Plan, consistency with zoning regulations and the Minor Land Division Ordinance, and consistency with other specific findings for subdivision map approval. Such findings include documentation that the site is physically suitable for the proposed type and density of development and documentation that the proposed subdivision is not likely to cause substantial environmental damage. Further details are discussed in the Findings section below.

CEQA (Including Public Outreach): The project’s environmental review is consistent with CEQA. Below are key milestones and public outreach opportunities from the project’s environmental review process to date:

- 1) On July 14, 2017, the County issued a Notice of Preparation (NOP) and invited comments on the scope and content of the DEIR during an initial 30-day period (DEIR Appendix A). A Notice of Availability (NOA) of the draft document was mailed to residences within a one-mile radius of the project site.
- 2) On August 3, 2017, a noticed EIR scoping session was held at the El Dorado Hills Fire Station to receive written and verbal comments from the public and interested parties.

- 3) On October 1, 2018, the County recirculated the NOP for an additional 30-day period due to changes in the project since release of the previous NOP, including minor changes to requested entitlements and the addition of outdoor special events.
- 4) On May 29, 2020, the County released the Draft EIR for a 60-day public review and comment period. An NOA for the DEIR was mailed to residences within a one-mile radius of the project site. The Draft EIR was also submitted to the State Clearinghouse for distribution to reviewing agencies and posted on the Planning Division webpage: (<http://www.edcgov.us/government/planning>).
- 5) On June 25, 2020, the Planning Commission held a public workshop to receive input from agencies and the public on the DEIR. The workshop was recorded may be accessed at the County's Legistar online calendar system: <https://eldorado.legistar.com/MeetingDetail.aspx?ID=782800&GUID=FE356F39-463A-4885-AC6F-34E3B0A04DC7&Options=info|&Search=>.
- 6) Prior to the Planning Commission public hearing on May 25, 2021, the County released the FEIR for review by public agencies, interested members of the public and Planning Commissioners on the Planning Division webpage: <https://www.edcgov.us/Government/planning>. In accordance with CEQA, the FEIR includes comments received from agencies, organizations, and individuals on the content of the DEIR and provides a response/evaluation of each comment received. The DEIR also includes clarifications, corrections or revisions to the DEIR as appropriate based on comments received.

### **Environmental Impacts and Mitigation Measures Analyzed in the Project EIR**

The DEIR reviewed a wide range of environmental topics as required by the CEQA including aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gases, hazards, hydrology and water quality, noise, public services, transportation, utilities and service systems and other considerations. Of these categories, there were several areas with potentially significant impacts including aesthetics, air quality, cultural resources, biological resources, greenhouse gas emissions/climate change, noise and vibration and transportation/traffic. For each identified impact, the DEIR included appropriate mitigation measure(s) to ensure each identified impact would be reduced to a less than significant level whenever feasible. With the exception of noise and vibration impacts (related to project construction) and impacts related to VMT under the transportation/traffic category, the proposed mitigation measures would ensure all identified impacts would be reduced to less than significant levels. As required by CEQA, an implementation program to apply and monitor project mitigation measures is included in a project-specific MMRP (Exhibit L).

For impacts related to construction noise/vibration and VMT, no feasible mitigation measures were available to completely reduce these impacts to less than significant levels. Therefore, staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to adopt project-specific CEQA Findings, including a project-specific Statement of Overriding

Considerations, (Exhibit AA) acknowledging that project benefits override these unavoidable impacts.

DEIR Significant and Unavoidable Impacts:

Noise and Vibration:

The DEIR analyzed noise and vibration impacts related to initial construction and operation of the project and associated effects at sensitive receptors (such as the single-family homes to the east of the project site). Anticipated noise and vibration impacts would include project construction activities, long-term operational impacts from stationary or area noise sources on the project parcels (e.g. mechanical equipment) and long-term operational noise from on-site activities, including special events at the proposed community pavilion and other onsite locations (DEIR Noise and Vibration Impacts 3.10-1, 3.10-2, 3.10-4, 3.10-5, 3.10-6). With the exception of impacts related to short-term construction noise including possible blasting (if required), the DEIR identified several mitigation measures, incorporated into the MMRP (Exhibit L), that would reduce overall noise and vibration impacts to a less than significant level. However, even with mitigation applied, the impact of construction related noise and vibration (DEIR Impact 3.10-1 and 3.10-2) would remain significant and unavoidable.

Transportation and Traffic (VMT):

Under the requirements of CEQA, the DEIR analyzed all applicable transportation and circulation impacts. For details, please refer to the above discussion of Transportation/Traffic issues under the Other Project Considerations section of this report. In summary, the DEIR analysis found the project would not create any significant impacts to transportation and circulation with the exception of increases to VMT under both short-term and long-term (cumulative) conditions. Mitigation has been recommended to reduce this impact (DEIR Mitigation Measure 3.7-1b: Reduce Project-Related Operational Greenhouse Gas Emissions). However, this mitigation measure would not completely offset this impact. Therefore, the impact would be significant and unavoidable. (For details, please refer to the DEIR Transportation/Traffic impact discussion [Impact 3.12-1 and 4-14] and the CEQA Findings section below.

**Conditions of Approval**

Of the eight County and local agencies that submitted comments for the project (DOT, the County Air Quality Management District [AQMD], the Environmental Management Division [EMD], the El Dorado County Transportation Commission [EDCTC], the El Dorado Hills Fire Department [EDH Fire], EID, the El Dorado Hills Community Services District [CSD] and the County Surveyor's office), none of them expressed any significant issues or concerns. Of the above agencies, five of them recommended standard Conditions of Approval (COAs) that have been incorporated into the project as follows: DOT COAs No. 11-20 (project-specific measures to address on-site and off-site impacts to vehicle congestion, standard conditions to address stormwater management and other regulatory standards and requirements), EMD COAs 21-24 (standard conditions to address solid waste and recycled materials), EID COA No. 25 (standard

requirements for issuance of a meter award letter including completion of required water, wastewater and recycled water improvements and easement dedications), AQMD COAs No. 26-33 (standard requirements of law regulating pollutant emissions and measures to reduce Greenhouse Gas emissions), EDH Fire COAs No. 34-48 (standard requirements of law regarding fire flow, building fire sprinklers, emergency vehicle access and vegetative fire clearance) and Surveyor's office COAs No. 49-52 (standard requirements for Tentative and Final Parcel Maps, addressing of future buildings/suites for Phase II).

## SUPPORT INFORMATION

### Findings

### Conditions of Approval

Exhibit A.....	Location Map
Exhibit B.....	Vicinity Map
Exhibit C.....	Site Aerial Photo
Exhibit D.....	Assessor's Parcel Map
Exhibit E.....	General Plan Land Use Map
Exhibit F.....	Zoning Map
Exhibit G.....	Draft Resolution to Certify the Project EIR and Adopt the Mitigation Monitoring and Reporting Program (MMRP) and EIR Statement of Overriding Considerations
Exhibit H.....	Preliminary Site Plan
Exhibit I.....	Outdoor Special Events Plan
Exhibit J.....	Public Facilities Financing Plan, Economic and Planning Systems (EPS), July 2, 2019
Exhibit K.....	EPS General Plan Economic Element Consistency Memo, January 5, 2021
Exhibit L.....	EIR Mitigation Monitoring and Reporting Program (MMRP)
Exhibit M.....	Transportation Impact Study (TIS), KHA, 2019
Exhibit N.....	Existing Montano De El Dorado Phase I Sign Program
Exhibit O.....	Comparison Chart – Existing Phase I Sign Program and current requirements of Chapter 130.36 (Signs)
Exhibit P.....	Conceptual Draft Phase II Uniform Sign Program
Exhibit Q.....	Architectural Elevations
Exhibit R.....	Preliminary Landscape Planting Plan
Exhibit S.....	Outdoor Lighting Plan
Exhibit T.....	Tentative Parcel Map
Exhibit U.....	Preliminary Water and Sanitary Sewer Plan
Exhibit V.....	Preliminary Grading, Drainage and Paving Plan
Exhibit W.....	EID Facility Improvement Letter, February 13, 2019
Exhibit X.....	Signed CEQA Mitigation Measures Agreement
Exhibit Y.....	Draft EIR (DEIR), May, 2020
Exhibit Z.....	Final EIR (FEIR), November, 2020
Exhibit AA.....	EIR Findings of Fact and Statement of Overriding Considerations

## **FINDINGS**

### **Rezone Z15-0002/Tentative Parcel Map P15-0006/Planned Development PD15-0004/ Conditional Use Permit S17-0015/Montano De El Dorado Phase I and II Master Plan Planning Commission/March 25, 2021**

#### **1.0 CEQA FINDINGS**

- 1.1 Required Findings have been made pursuant to CEQA Guidelines Sections 15091(Findings for EIR certification), 15092 (Findings for lead agency approval) and 15093 (Statement of Overriding Considerations) as more fully detailed in the attached CEQA Findings of Fact and Statement of Overriding Considerations (Exhibit AA).

Exhibit AA explains required supporting information in detail including Effects Determined Not to be Significant, Less Than Significant Impacts and Potentially Significant Impacts that can be mitigated below a level of significance. This document also provides required findings for project alternatives including a No Project Alternative, a Modification of Special Events Alternative and a Reduced Development Alternative. Further, this document also explains how general CEQA findings can be made including the requirement for a project-specific MMRP (Exhibit L) to ensure all feasible mitigation measures imposed as part of project approval will be monitored and enforced in perpetuity.

Pursuant to CEQA Guidelines section 15093(a) and (b), the Board of Supervisors is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable” (CEQA Guidelines, §15093(a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the FEIR or elsewhere in the administrative record (CEQA Guidelines, §15093(b)).

Accordingly, and as more fully detailed in the Statement Of Overriding Considerations (Exhibit AA, Page 69), The Planning Commission also recommends the Board of Supervisors adopt a Statement of Overriding Considerations based on the following project-specific findings:

All feasible mitigation measures identified in the Final EIR within the purview of the County will be implemented with implementation of the Montano De El Dorado Phase I and II Master Plan, and that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above, the Final EIR, and the record, as follows:

- (1) The Montano De El Dorado Phase I and II Master Plan would implement General Plan designated land uses and associated zoning of Regional Commercial.
- (2) The Montano De El Dorado Phase I and II Master Plan would expand retail, hospitality, and office uses.
- (3) The project has the potential to generate annual sales tax revenues of \$200 to \$400 square feet of retail and restaurant uses and approximately \$3,500 per hotel room (EPS Montano de El Dorado Phase II General Plan Policies memo dated January 5, 2021).
- (4) The Montano De El Dorado Phase I and II Master Plan would provide community gathering opportunities associated with special events and amphitheater site.
- (5) Considering all the above factors, there are specific economic, legal, social, technological, and other considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects and, thus, the adverse effects are considered acceptable.

1.2 The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department-Planning Division at 2850 Fairlane Court, Placerville, CA.

## **2.0 GENERAL PLAN FINDINGS**

### **2.1 The project is consistent with General Plan Policy 2.1.1.2.**

This policy establishes Community Regions defining those areas as appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries. Policy 2.1.1.2 requires Community Region boundaries be shown on the General Plan land use map.

Rationale: The project is consistent with this policy. The project site is located within the El Dorado Hills Community Region as shown on the General Plan land use map.

### **2.2 The project is consistent with General Plan Policy 2.1.1.7.**

This policy requires development within Community Regions proceed only in accordance with all applicable General Plan Policies, including those regarding infrastructure availability as set forth in the Transportation and Circulation and the Public Services and Utilities Elements. This policy also requires development in Community Regions be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure become available and wildfire hazards are mitigated.

Rationale: The project is consistent with this policy. As also stated in Finding 2.2.5.2 below, the project has been found consistent with all applicable General Plan policies. Further, the project was reviewed by the DOT for adequate road access. The project was also reviewed by the El Dorado Hills Fire Department for emergency vehicular access, required fire flow and Wildfire Safe Plan requirements. The project was further reviewed by PG&E, El Dorado Disposal (EDD) and EID for electric, solid waste and public water/sewer service. The above agencies and utility companies had no significant issues or concerns with the project and have determined, as proposed and conditioned, public services and utilities would be adequate to serve the project and wildfire hazards would be minimized.

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

General Plan Policy 2.2.1.2 identifies that the purpose of the Commercial (C) land use designation is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

Rationale: Policy 2.2.1.2 provides for a full range of commercial uses to serve the residents, businesses and residents of the County. As proposed, the project would allow for a community shopping center consisting of a variety of retail, office and service uses to serve the needs of the local community. The project is consistent with this policy.

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

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

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

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



Rationale: Existing land uses adjacent to the project site include the existing Montano Phase I development to the north, single-family residential uses on lands zoned Residential, Single Unit (R1) to the east (Creekside Greens Development), an existing retail store (Walgreens) and three vacant parcels on lands zoned Research and Development (R&D) to the west and existing commercial development on lands zoned Research and Development (R&D) to the south. (For details, refer to the site aerial photo and Zoning Map Exhibits C and F.) To ensure compatibility with adjacent residential uses to the east, the project has included several architectural and site design features to minimize impacts including building setbacks, use of non-glare building materials and finishes, landscape and soundwall screening, community-compatible building design and fully shielded, downward-directed lighting. In addition, the project also includes restrictions on the size, number, location and sound levels of outdoor special events to ensure adverse effects to the adjacent residential uses are minimized. Therefore, the project has been located and designed to be compatible with adjoining land uses.

**2.6 The project is consistent with General Plan Policy 2.2.5.3.**

Policy 2.2.5.3 requires that the County evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following 19 criteria:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;

Rationale: EID has reviewed preliminary project plans and determined there will be adequate public water supply and infrastructure to serve the project as explained in the EID Facilities Improvement Letter (FIL) for the project, dated February 13, 2019 (Exhibit W).

2. Availability and capacity of public treated water system;

Rationale: EID has reviewed project plans and determined the public treated water system has adequate capacity to serve the project as explained in the project FIL dated February 13, 2019 (Exhibit W).

3. Availability and capacity of public waste water treatment system;

Rationale: EID has reviewed project plans and determined the public waste water treatment system has adequate capacity to serve the project as explained in the project FIL dated February 13, 2019 (Exhibit W).

4. Distance to and capacity of the serving elementary and high school;  
  
Rationale: As this is a non-residential project, this criterion does not apply.
  
5. Response time from nearest fire station handling structure fires;  
  
Rationale: The nearest fire station, operated by the EDH Fire, is located approximately 1.0 miles south of the project site. EDH Fire reviewed the project plans and determined their response times for emergency fire protection services would be less than the minimum response time allowed for in General Plan Table 3.11-1 (within Community Regions, 8-minute response to 80 percent of the population) and therefore, adequate to serve the project.
  
6. Distance to nearest Community Region or Rural Center;  
  
Rationale: The project is within the El Dorado Hills Community Region. This criterion does not apply.
  
7. Erosion hazard;  
  
Rationale: As proposed and conditioned, construction and operation of the project would not cause an erosion hazard. The project would be consistent with all applicable requirements of law regarding sediment control including Chapter 15.14 of County Code (Grading, Erosion and Sediment Control Ordinance).
  
8. Septic and leach field capability;  
  
Rationale: Waste water will be treated through a public waste water treatment system. This criterion does not apply to the project.
  
9. Groundwater capability to support wells;  
  
Rationale: No wells are proposed as part of the project. This criterion does not apply.
  
10. Critical flora and fauna habitat areas;  
  
Rationale: The project EIR found that, with incorporation of mitigation measures included in the project MMRP (Exhibit L), the project would not adversely affect biological resources.

11. Important timber production areas;  
  
Rationale: The project is not located in and would not adversely affect timber resource areas.
12. Important agricultural areas;  
  
Rationale: The project would not adversely affect important agricultural areas, as it is not designated as or adjacent to Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Locally Important Farmland.
13. Important mineral resource areas;  
  
Rationale: The project is not located near and would not adversely affect mineral resource areas.
14. Capacity of the transportation system serving the area;  
  
Rationale: Based on DOT review of the project plans, as proposed and conditioned, the project would not negatively affect transportation system capacity in the region.
15. Existing land use pattern;  
  
Rationale: The project would be consistent with existing commercial and Research and Development (R&D) land uses to the north, south and west. To ensure compatibility with adjacent residential land uses to the east, the project has included several architectural and site design features to minimize impacts including building setbacks, use of non-glare building materials and finishes, landscape and soundwall screening, community-compatible building design and fully shielded, downward-directed lighting. In addition, the project also includes restrictions on the size, number, location and sound levels of outdoor special events to ensure adverse effects to the adjacent residential uses are minimized.
16. Proximity to perennial water course;  
  
Rationale: No perennial water courses exist on the property.
17. Important historical/archeological sites;  
  
Rationale: As discussed in the Project EIR, there are no important historical or archaeological sites on the project parcel.

18. Seismic hazards and presence of active faults; and

Rationale: There are no active faults or extraordinary seismic hazards in the vicinity of the project.

19. Consistency with existing Conditions, Covenants, and Restrictions (CC&R).

Rationale: The project has been conditioned to require new CC&Rs for the Phase II expansion be consistent with existing CC&Rs for Phase I.

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

General Plan Policy 2.8.1.1 requires that development limit excess nighttime light and glare from parking lot lighting, signage and buildings.

Rationale: The project would strictly limit nighttime light levels to ensure excess light and glare is eliminated from parking lots, signage and buildings. To ensure the effects of light and glare are reduced to less than significant levels, the DEIR includes several mitigation measures, incorporated into the project's MMRP (Exhibit L), including a measure to require final improvement plans to include specifications that demonstrate outdoor lighting is located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way consistent with Title 130, Chapter 130.34 (Outdoor Lighting) of County Code. Therefore, the project is consistent with this policy.

**Transportation and Circulation Element Policies**

2.8 **General Plan Policy TC-Xa does not apply to the project.**

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

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

Rationale: The Montano de El Dorado project is a non-residential project. This policy does not apply to non-residential projects.

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

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

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

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

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

Rationale: The Montano de El Dorado project is a non-residential project. This policy does not apply to non-residential projects.

**2.9 General Plan Policy TC-Xb does not apply to the project.**

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

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

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

**2.10 General Plan Policy TC-Xc does not apply to the project.**

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

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

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

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

Rationale: This project is located in the El Dorado Hills Community Region. The LOS threshold is E per the General Plan. The Transportation Impact Study indicates that all intersections and all study segments operate at level-of-service E or better with traffic abatement, whether constructed by others, constructed by the County through the CIP or as a condition of the project.

<b>TIS Reference Number</b>	<b>Intersection</b>	<b>How Traffic Abatement was Addressed</b>
M1	Latrobe Road/Golden Foothill Parkway S	Complete - Constructed by Others
M2	Latrobe Road/Town Center Blvd.	To be conditioned of project
M3	Latrobe Road/White Rock Road	CIP 72374 will build- TIF fees are contribution
M4	Latrobe Road/Town Center Blvd.	To be conditioned of project
M5	Latrobe Road/White Rock Road	CIP 72374 will build- TIF fees are contribution
Queuing	Latrobe Road/White Rock Road	CIP 72374 will build- TIF fees are contribution
Queuing	Post Street/White Rock Road	CIP 72374 will build- TIF fees are contribution

The County has included improvements required along White Rock Road in CIP Project 72374 to be constructed before 2030. Construction of the improvement within the 10-year timeframe will provide General Plan LOS consistency. Payment of the Traffic Impact Fee is the project’s fair share contribution to the improvement.

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

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

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

**Rationale:** The proposed Project would expand the existing Montano de El Dorado retail center (Phase I) to include additional retail space, an office building, hotel, and a small amphitheater. Phase II would consist of a total of 10 buildings for a total floor area of approximately 75,400 square feet and 143,900 square feet of commercial and office uses. The project would also include the provision of outdoor special events within existing Phase I and within the proposed amphitheater and parking lots within Phase II. The Traffic Study which informed the EIR was finalized by Kimley-Horn and Associates in February 2019.

The non-CEQA findings of the traffic study include:

The proposed project is estimated to generate approximately 4,400 new daily trips, with 128 new trips occurring during the AM peak-hour, and 382 new trips occurring during the PM peak-hour.

The TIS indicates that all intersections, and all study segments operate at level-of-service E or better with implementation of traffic abatements listed in the TIS.

<b>TIS Reference Number</b>	<b>Intersection</b>	<b>How Traffic Abatement was Addressed</b>
M1	Latrobe Road/Golden Foothill Parkway S	Complete - Constructed by Others
M2	Latrobe Road/Town Center Blvd.	To be conditioned of project
M3	Latrobe Road/White Rock Road	CIP 72374 will build- TIF fees are contribution
M4	Latrobe Road/Town Center Blvd.	To be conditioned of project

M5	Latrobe Road/White Rock Road	CIP 72374 will build- TIF fees are contribution
Queuing	Latrobe Road/White Rock Road	CIP 72374 will build- TIF fees are contribution
Queuing	Post Street/White Rock Road	CIP 72374 will build- TIF fees are contribution

The County has included improvements required along White Rock Road in CIP Project 72374 to be constructed before 2030. Construction of the improvement within the 10-year timeframe will provide General Plan LOS consistency. Payment of the Traffic Impact Fee is the project’s fair share contribution to the improvement.

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

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

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

**Rationale:** The County is conditioning the project to construct all road improvements necessary which are identified as abatements in the TIS. If the necessary improvements are constructed by the County or others prior to the triggering of abatement by the project, payment of Traffic Impact Fees is considered to be the project’s proportionate fair share towards abatement of this impact.

Necessary improvements included as conditions of the project are listed below for clarity.

- a) Construct the fiber optic interconnect (aka El Dorado County Intelligent Transportation System [ITS] Pilot Project) and perform signal coordination and timing modifications as necessary, between signalized intersections on Latrobe Road from the Golden Foothill Parkway (north) / Monte Verde intersection, to the Latrobe Road /US50 EB ramps,



concurrent with the Primary Driveway Signal construction. All improvements are subject to review and approval by DOT. The fiber-optic interconnect and associated signal coordination may be reimbursable, if the El Dorado County ITS Pilot Program is approved by the Board of Supervisors.

b) Construct recommended roadway Improvements #2 and #4 (as discussed in Section 3.12.4, "Non-CEQA Operations Analysis" in the Project EIR), Latrobe Road / Town Center Blvd Intersection Improvements prior to issuance of any building permit.

- Reconfigure the westbound approach to include one shared-left/through lane, and two right-turn lanes.
- Change the intersection signal timing to allow for a permitted/overlap phase for the westbound right-turn lanes. These improvements may require further restriping or improvements to the western portion of Town Center Boulevard as well as potential improvements to the privately owned roadway to the west.

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

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: The County is conditioning the project to dedicate right-of-way, and construct, fund necessary improvements to mitigate the effects of traffic from the project or pay their fair share toward a necessary improvement that is included in the County's CIP. See Policy TC-Xf discussion. The proposed condition related to right of way is repeated below for clarity.

Offer of Dedication: Offer to dedicate a pedestrian easement of sufficient width to contain the Latrobe Road sidewalks, plus six inches. This condition may be waived by the County Engineer if sufficient width of the existing R/W is already documented.

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

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

Rationale: This project will pay Traffic Impact Fees.

Resolution 095-2020 of the Board of Supervisors of El Dorado County

states “Applicants shall pay the TIM Fee rate in effect at the time of building permit issuance or at the time of approval of an application for a change in the use of a building or property as provided in County Code Chapter 12.28 and the TIM Fee Administration Manual.”

**2.16 General Plan Policy TC-Xi does not apply to the project.**

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

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

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

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project is consistent with this policy. The project was reviewed by DOT for adequate road access. The project was reviewed by the EDH Fire for emergency vehicular access and required fire flow requirements. The project was also reviewed by PG&E, EDD and EID for electric, solid waste and public water/sewer service. The above agencies and utility companies had no significant issues or concerns with the project and have determined, as proposed and conditioned, public services and utilities would be adequate to serve the project. To ensure the project will comply with applicable regulations for public service, each entity recommended standard conditions of approval which have been incorporated into the project.

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

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: EID and the EDH Fire reviewed preliminary project plans and the Project Draft EIR and determined that, as proposed and conditioned, adequate water flow, including water flow for fire protection, will be available to serve the project. With incorporation of standard conditions of approval, both EID and the EDH Fire have deemed water service to be adequate for the project.

**2.19 The project is consistent with General Plan Policy 5.1.2.3.**

General Plan Policy 5.1.2.3 requires new development pay its fair share of infrastructure costs.

Rationale: On July 2, 2019 EPS completed a PFFP for the project (Exhibit J) to address the requirements of Policy 10.2.1.4 and 10.2.1.5. As required by these policies, the PFFP was completed to ensure the project will pay “its fair share of the costs of all civic and public and community facilities it utilizes based upon the demand for these facilities which can be attributed to new development” (Policy 10.2.1.4) and that “cost burdens of any civic, public, and community facilities, infrastructure, ongoing services, including ongoing operations and maintenance necessitated by a development proposal...are adequately financed to assure no net cost burden to existing residents may be required...” (Policy 10.2.1.5). The PFFP found that, as proposed and conditioned, the project would be consistent with these policies. The PFFP confirmed the project would pay its fair share toward the cost of public facilities and not create a new cost burden for existing residents in the project vicinity. Therefore, as the project will pay its fair share of new infrastructure costs, the project is consistent with this policy.

**2.20 The project is consistent with General Plan Policy 5.7.1.1.**

General Plan Policy 5.7.1.1 requires the applicant to demonstrate adequate emergency water supply, storage, conveyance facilities and access for fire protection exists or will be provided for new development.

Rationale: The project is consistent with this policy. EID and the EDH Fire reviewed preliminary project plans including water supply and storage infrastructure and determined that, as proposed and conditioned, adequate water flow, including water flow for fire protection, will be available to serve the project. Further, the EDH Fire conducted a site visit and reviewed preliminary project plans and determined adequate access for fire protection is available for the project.

**2.21 The project is consistent with General Plan Policy 5.7.3.1.**

General Plan Policy 5.7.3.1 requires the Sheriff’s Department review development applications to determine that adequate law enforcement capacity will be available to serve the project.

Rationale: The project is consistent with this policy. The El Dorado County Sheriff’s Office (EDSO) reviewed preliminary project plans and the DEIR and determined adequate law enforcement capacity is available to serve the project for the following reasons: 1) the project is located within 1/3 mile from the existing EDSO Sheriff’s substation in El Dorado Hills and 2) the project is not proposing new residential units, and therefore, would not

increase the population within the County requiring new or expanded law enforcement facilities.

**2.22 The project is consistent with General Plan Policies 5.7.4.1 and 5.7.4.2.**

General Plan Policies 5.7.4.1 and 5.7.4.2 require adequate emergency medical facilities and services be available prior to approval of new development.

Rationale: The project is consistent with this policy. The EDH Fire, the emergency medical services provider for the region, reviewed preliminary project plans as well as the project EIR and determined, as proposed and conditioned, that adequate emergency medical services will be available to serve the project.

**2.23 The project is consistent with General Plan Policy 6.2.3.1.**

General Plan Policy 6.2.3.1 requires adequate emergency water flow, fire access, firefighting personnel and equipment be available prior to approval of new development.

Rationale: The project is consistent with this policy. EDH Fire, as the responsible fire protection district, reviewed preliminary project plans and the project EIR and determined, as proposed and conditioned, that emergency water flow, fire access, firefighting personnel and equipment be available to serve the project.

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

General Plan Policy 6.2.3.2 requires adequate access exists, or can be provided, to ensure emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The project is consistent with this policy. Both EDH Fire and County DOT reviewed preliminary project plans and the project EIR and determined, as proposed and conditioned, that the project would provide for adequate emergency vehicle access and private vehicle evacuation.

**2.25 The project is consistent with General Plan Policies 6.5.1.2 and 6.5.1.3.**

General Plan Policies 6.5.1.2 and 6.5.1.3 require an acoustical analysis and project-specific noise mitigation for any proposed noise levels exceeding the performance standards of General Plan Table 6-2 (Noise Level Performance Protection Standards for Noise Sensitive Land Uses Affected by Non-Transportation Sources) in the Public Health, Safety and Noise Element.

Rationale: The project is consistent with this policy. An acoustical analysis was completed as part of the project's DEIR. The DEIR reviewed the noise and vibration thresholds of Table 6-2 and analyzed impacts related to initial construction and operation of the project and associated effects at sensitive receptors (such as the single-family homes to the east of the project site). Anticipated noise and vibration impacts would include

project construction activities, long-term operational impacts from stationary or area noise sources on the project parcels (e.g. mechanical equipment) and long-term operational noise from on-site activities, including special events at the proposed community pavilion and other onsite locations (DEIR Noise and Vibration Impacts 3.10-1, 3.10-2, 3.10-4, 3.10-5, 3.10-6). To reduce overall noise and vibration impacts, the DEIR identified several mitigation measures including soundwalls, landscape screening and time-of-day limitations to amplified noise or speech that would reduce overall noise and vibration levels consistent with these policies. To ensure ongoing enforcement of noise mitigation measures, these measures have also been incorporated into the project's MMRP (Exhibit L).

### **Economic Development Element Policies**

**2.26 The project is consistent with General Plan Policies 10.2.1.4, 10.2.1.5, 10.2.2.2, 10.2.5.1 and 10.2.5.2.**

General Plan Economic Development Element Policies 10.2.1.4, 10.2.1.5, 10.2.2.2, 10.2.5.1 and 10.2.5.2 require discretionary projects be analyzed for any significant negative fiscal or economic effects to the County. Taken together, these policies establish thresholds of economic or fiscal significance and also provide appropriate methodology, as applicable, for determining the specific economic or fiscal impacts of a project. Further, these policies also prescribe specific remedies to ensure any identified negative fiscal or economic impacts, if any, are fully mitigated.

**Rationale:** The project is consistent with the above-referenced Economic Development Element policies. On July 2, 2019 EPS completed a PFFP for the project (Exhibit J) to address the requirements of Policy 10.2.1.4 and 10.2.1.5. As required by these policies, the PFFP was completed to ensure the project will pay “its fair share of the costs of all civic and public and community facilities it utilizes based upon the demand for these facilities which can be attributed to new development” (Policy 10.2.1.4) and that “cost burdens of any civic, public, and community facilities, infrastructure, ongoing services, including ongoing operations and maintenance necessitated by a development proposal...are adequately financed to assure no net cost burden to existing residents may be required...” (Policy 10.2.1.5). The PFFP found that, as proposed and conditioned, the project would be consistent with these policies. The PFFP confirmed the project would pay its fair share toward the cost of public facilities and not create a new cost burden for existing residents in the project vicinity. On January 5, 2021, EPS also provided a supplemental memo with a qualitative assessment of the project's consistency with remaining Policies 10.2.2.2 (pay-as-you-go financing), 10.2.5.1 (avoidance of County General Fund revenues to fund the incremental cost of new municipal services) and 10.2.5.2 (determination

of a project's fiscal and economic effects) (Exhibit K). In this memo, EPS found the project consistent with these additional policies and found that the project would provide a significant positive fiscal and economic benefit to the County. The memo also provided detailed findings as to why further technical fiscal and economic analyses would not be recommended for this project.

### **3.0 ZONING FINDINGS**

#### **3.1 The project is consistent with Title 130.**

The project site is zoned Regional Commercial - Community Design Review Combining Zone (CR-DC) and proposes to rezone to the Regional Commercial - Planned Development Combining Zone (CR-PD). The project has been analyzed in accordance with the development standards for the CR zone district in Chapter 130.22.030 (Commercial Zone Development Standards), including minimum lot size, lot widths, building setbacks and Floor Area Ratio (FAR).

Rationale: The project is consistent with the Regional Commercial - Planned Development Combining Zone (CR-PD) zoning designation. Staff analyzed the project in accordance with Zoning Ordinance Chapter 130.22.030 (Commercial Zone Development Standards) for minimum lot size, lot width, maximum building height, building setbacks and FAR. Minimum building setbacks for the CR zone include 20 feet for the front and secondary front, zero or five feet for the sides and rear, and either 10 or 30 feet for property lines abutting residential zoned lands (east side of the project parcel). The planned development overlay allows use of flexible development standards, allowing specified exceptions to the development standards for the CR zone under the official Development Plan. As proposed, the Development Plan allows modifications to building setbacks, including minimum setbacks ranging from zero feet to more than 30 feet, modifications to the 50-foot maximum building height for specific structures and exceptions to the minimum lot size and lot width as shown above in Table 1 of this report. The project, as proposed and conditioned, is consistent with the Zoning Ordinance because the planned development has been designed to comply with the applicable development standards of the CR-PD as provided within Section 130.22.30 of County Code.

#### **3.2 The project is consistent with Chapter 130.28: Planned Developments.**

Chapter 130.28 of the Zoning Ordinance establishes standards for Planned Developments.

Rationale: Staff analyzed the project in accordance with applicable provisions of Chapter 130.28. Staff confirmed all proposed uses are allowed in the base (CR) zone as required in 130.28.030 (Combination with Other Zones). Further, staff submitted the proposed Development Plan for approval by

the Commission and Board consistent with Chapter 130.28.040 (Zone Change and Development Plan Requirements). Therefore, the requested Development Plan is consistent with Chapter 130.28.

**3.3 The project is consistent with Section 130.36.080: Sign Permit Requirements and Review Procedures.**

Staff analyzed the project and found it consistent with Section 130.36.080, including Section 130.36.080(A) (Sign Permit Required) and Section 130.36.080(B) (Uniform Sign Program Required).

Rationale: Staff analyzed sign permit requirements for Phase II of the Montano De El Dorado Master Plan and found the project consistent with applicable provisions of Sections 130.36.080(A) (Sign Permit Required) and 130.36.080(B) (Uniform Sign Program Required [new multi-tenant shopping centers]).

Section 130.52.040(A) (Development Plan Permit - Process) specifically provides for flexibility from the strict application of Zoning Ordinance standards to allow for proposed developments to utilize innovative site planning techniques and other effective design responses to site features, uses on adjacent properties and environmental constraints.

Section 130.52.040(D)(2) (Development Plan Permit - Scope of Approval) also allows a Development Plan Permit to establish project-specific design guidelines to be applied consistently throughout a common development, including but not limited to architectural standards and review processes, landscape standards, maintenance agreements, sign programs and CC&Rs.

As a result of broad changes to sign development standards in Zoning Ordinance Chapter 130.36 (Signs) since adoption of the (2006) Phase I Sign Program (Exhibit O), the applicant has requested additional time to create an ordinance-compliant Uniform Sign Program for Phase II. The applicant desires to create a sign program that best utilizes the site while conforming to the existing Phase I Sign Program to the greatest extent feasible under the strict limits of the current ordinance. Although Section 130.36.080(B) (Uniform Sign Program Required) would typically require the Planning Commission review a final Uniform Sign Program in conjunction with other entitlements, the adopted Development Plan for Phase I and Phase II provides flexibility to this concurrent review requirement due to the above circumstances. Therefore, the Planning commission has reviewed and conceptually approved the Draft Conceptual Phase II Uniform Sign Program (Exhibit P) under Development Plan PD15-0014 with a condition that the applicant submit a final ordinance-compliant Phase II Uniform Sign Program for review by the Commission

within one year after project approval consistent with Section 130.52.040(D)(2).

**3.4 The proposed use is consistent with Section 130.37.060: Noise Standards.**

Noise sensitive land uses affected by non-transportation noise sources shall not exceed standards set forth in Table 130.37.060.1 (Noise Level Performance Standards for Noise Sensitive Land Uses Affected By Non-Transportation Sources).

Rationale: The project is consistent with this Section. An acoustical analysis was completed as part of the project DEIR and the DEIR found project noise levels will be consistent with the thresholds of Table 130.37.060.1. For additional details, please refer to General Plan consistency Finding 2.22 above.

**4.0 DEVELOPMENT PLAN PERMIT FINDINGS**

**4.1 The proposed development plan is consistent with the General Plan, any applicable specific plan, and chapter 130.28 (Planned Development (-PD) Combining Zone) in article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title.**

Staff analyzed the proposed Development Plan for consistency with the General Plan and Chapter 130.28.

Rationale: The project is consistent with the General Plan and Chapter 130.28 as described further in Findings Sections 2.0 (General Plan Findings) and 3.2 (Zoning Findings - Planned Developments) above. Therefore, Finding 4.1 can be made.

**4.2 The site is adequate in shape and size to accommodate proposed uses and other required features.**

Staff from applicable County and local agencies analyzed the project plans and proposed uses for consistency with all applicable regulatory requirements regarding design of the project site.

Rationale: Finding 4.2 can be made. The project was reviewed by DOT for adequate road access, the EDH Fire for emergency vehicular access and required fire flow requirements, PG&E for electric infrastructure requirements, EID for public water and sewer infrastructure requirements, EDD for solid waste disposal requirements and Planning and Building Department staff for compliance with building and zoning requirements. All reviewing agencies determined that, as proposed and conditioned, the project site will be adequate in shape and size to accommodate proposed uses and other required features.



**4.3 That any exceptions to the development standards of the zone are justified by the design or existing topography.**

County staff reviewed project plans and analyzed the proposed exceptions to the CR zone development standards for minimum lot size, lot width, building setbacks and building height as shown in Table 1 of this report.

Rationale: Finding 4.3 can be made. Exceptions to development standards under the Development Plan including minimum lot size, lot width, building setbacks and building height may be allowed in order to allow clustering of proposed commercial buildings and best accommodate the physical dimensions of the site. Exceptions to the above development standards will allow for a uniform design concept and shared amenities including parking/traffic circulation, landscaping, pedestrian walkways and shared common areas.

**4.4 Adequate public services and facilities exist or will be provided to serve the proposed development including, but not limited to, water supply, sewage disposal, roads, and utilities.**

Staff analyzed the project for adequate public services and facilities as required by Finding 4.4.

Rationale: Finding 4.4 can be made. The project was reviewed by DOT staff for adequate road access and reviewed by EDH Fire for emergency vehicular access and required fire flow requirements. The project was further reviewed by PG&E, EDD and the EID for electric, solid waste and public water/sewer service. The above agencies and utility companies had no significant issues or concerns with the project and have determined, as proposed and conditioned, public services and utilities would be adequate to serve the project. To ensure the project will comply with applicable regulations for public service in perpetuity, each entity recommended standard conditions of approval which have been incorporated into the project.

**4.5 If mixed-use development is being proposed, the development conforms to the standards in section 130.40.180 (mixed use development) in article 4 (Specific Use Regulations) of this title.**

Staff reviewed the project plans for consistency with Finding 4.5.

Rationale: Required Finding 4.5 does not apply. Mixed-use development is not proposed for this project.

**4.6 The proposed development complies with the provisions of the –PD combining zone Section 130.28.010 (Planned Development (-PD) Combining Zone Established).**

Staff analyzed the project for consistency with Section 130.28.010.

Rationale: Finding 4.6 can be made. The project conforms to all applicable provisions of Section 130.28.010 as further explained in Finding 3.2 (Planned Developments) above.

**5.0 PARCEL MAP FINDINGS**

The Subdivisions Ordinance Section 120.44.030 (Findings requiring disapproval) requires the approving authority not approve a tentative map if the approving authority makes any of the following findings:

**5.1 That the proposed map is not consistent with applicable general and specific plans.**

Rationale: The project is consistent with all applicable General Plan policies. The project proposes to create 12 commercial parcels from an existing 16.85-acre parcel. Resulting lot sizes would range from 0.72 acres to 3.48 acres in size. The project parcel is located in the El Dorado Hills Community Region and the parcel's General Plan Land Use Designation is C. Accordingly, the proposed Parcel Map has been found to be consistent with the General Plan as set forth in Finding 2.2.

**5.2 That the design or improvement of the proposed division is not consistent with applicable general and specific plans.**

Rationale: The design or improvement of the proposed Parcel Map has been found to be consistent with all applicable General Plan policies as set forth in Finding 2.2 and as described in Finding 4.1 above.

**5.3 That the site is not physically suitable for the type of development.**

Rationale: The project is consistent with the allowed uses in the CR zone. In addition, the requested Planned Development Combining Zone under Chapter 130.28.010 (Planned Development [-PD] Combining Zone Established) will allow for flexible development standards, promote more efficient utilization of land, reflect the character, identity and scale of the local community and best utilize the site to minimize use compatibility issues and environmental impacts. Further, to ensure the Development Plan is compatible for the site and will adequately accommodate all existing and proposed uses, the project has been reviewed by all applicable County departments and local agencies for compliance with health and safety regulations, including DOT, EDH Fire, EID, PG&E, EMD, AQMD and the Planning Division. As proposed and conditioned, the above departments and agencies have determined the proposed Development Plan is physically suitable for the type of development proposed.

**5.4 That the site is not physically suitable for the proposed density of development.**

Rationale: The project is consistent with the density requirements of the CR zone.

**5.5 That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.**

Rationale: As further specified in the Project CEQA Findings Section 1.4.2 (CEQA Guidelines Section 15091 and 15092 Findings) (Exhibit AA), mitigation measures imposed as part of project approval would eliminate or substantially lessen identified environmental impacts. Therefore, the proposed subdivision would not be expected to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

**5.6 That the design of the division or the type of improvements is likely to cause serious public health hazards.**

Rationale: The project has been reviewed by all applicable County departments and local agencies for compliance with health and safety regulations, including DOT, the EDH Fire, EID, PG&E, EMD, AQMD and the Planning Division. As proposed and conditioned, all departments and agencies have determined the subdivision design and improvements will conform to all applicable health and safety regulations, and the project will not cause serious public health hazards.

**5.7 That the design of the division or the improvements are not suitable to allow for compliance of the requirements of Public Resources Code § 4291.**

Rationale: The proposed subdivision and associated improvements have been reviewed and approved by the EDH Fire as suitable to allow for compliance with Public Resources Code § 4291, applying to vegetative clearances and related fire protection measures to protect existing structures.

**5.8 That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.**

Rationale: Preliminary subdivision plans and easement documentation has been reviewed by the County's Surveyor's Office staff for potential conflicts with existing or proposed easements, and no conflicts have been found on the project parcels. To further ensure no potential easement conflicts will occur on the project site, the County's Surveyor's Office staff will conduct a final easement review of the project parcels, as part of standard procedure, prior to recordation of the final map.

**6.0 CONDITIONAL USE PERMIT FINDINGS**

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

Rationale: The proposed use is consistent with the General Plan, as discussed in detail in Finding 2.2 (General Plan consistency) above in this report.

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

Rationale: The proposed use would not be detrimental to the public health, safety and welfare or injurious to the neighborhood.

Conditional Use Permit S17-0015 would allow outdoor special events and office uses within existing Phase I and proposed Phase II of the Montano De El Dorado Master Plan. The proposed office uses are unlikely to impact public health, safety and welfare as office uses are

completely enclosed in a building and would be compatible with other uses allowed by right in the CR zone.

To ensure proposed outdoor special events are not detrimental to public health, safety and welfare or injurious to the neighborhood, all outdoor special events would be limited to the type, date range(s), number and locations as shown and described in the attached Outdoor Special Events Plan (Exhibit I). Further, any amplified music or speech at the proposed community pavilion (amphitheater) would be limited to no more than once per week. With the exception of once-weekly outdoor movie nights (April–September), concluding at 10:00 p.m., all events with amplified sound would be conditioned to conclude no later than 9:00 p.m. To reduce noise impacts to adjacent neighborhoods, the pavilion area would be constructed in the shape of a shallow bowl with a central platform at the bottom of the bowl (Exhibit H). Further, sound barrier walls will surround the central platform on three sides and heavy landscaping would help to block unwanted noise. In addition, the Phase II site will also include a combination of sound walls and landscape buffers along the entire eastern boundary to minimize noise and visual impacts from special events outside the community pavilion.

**6.3 The proposed use is specifically permitted by Conditional Use Permit.**

Rationale: Outdoor entertainment and office uses are included as uses allowed by CUP for the CR zone on Zoning Ordinance Table 130.22.020 (Allowed Uses and Permit Requirements for the Commercial Zones). Therefore, Finding 4.3 can be made.

## CONDITIONS OF APPROVAL

### **Rezone Z15-0002/Tentative Parcel Map P15-0006/Planned Development PD15-0004/ Conditional Use Permit S17-0015/Montano De El Dorado Phase I and II Master Plan Planning Commission/March 25, 2021**

#### **Project Description**

1. This Rezone, Parcel Map, Planned Development and Conditional Use Permit is based upon and limited to substantial conformance with the project description, the Staff Report Exhibits and Conditions of Approval as set forth below.
  - A. A Rezone (Z15-0002) to rezone the project parcels from Regional Commercial - Community Design Review Combining Zone (CR-DC) to Regional Commercial - Planned Development Combining Zone (CR-PD);
  - B. A Commercial Tentative Parcel Map (P15-0006) on Assessor's Parcel No. 118-010-012 to create a total of 12 commercial parcels from an existing 16.85-acre parcel, ranging from 0.72 acres to 3.48 acres in size, as part of proposed Phase II of the Montano De El Dorado Master Plan;
  - C. A Planned Development (PD15-0004) to establish an official Development Plan for the existing Montano De El Dorado Phase I development and the proposed Phase II expansion. Phase I consists of an existing commercial center, consisting of five buildings, on the 20.1-acre project site with a combined total of 39,645 square feet of floor area. Existing uses include retail stores, restaurants, and a bank. The proposed Phase II expansion consists of nine additional commercial buildings with a combined total of approximately 80,000 square feet of retail, restaurant, commercial and office uses, a 55,136 square foot, 100-room hotel, a small community pavilion and on-site parking, lighting, signage and landscaping as shown on the Preliminary Site Plan (Exhibit H);
  - D. A Conditional Use Permit (S17-0015) to allow office uses and outdoor special events within existing Phase I and proposed Phase II of the Montano De El Dorado Master Plan. Outdoor special events must be limited to the type, date range(s) and locations as shown and described in the Outdoor Special Events Plan (Exhibit I). All events at the proposed community pavilion would not conduct amplified music or speech more than once per week. With the exception of once-weekly outdoor movie nights (April–September), concluding at 10:00 p.m., all events with amplified sound will be concluded no later than 9:00 p.m.

Exhibit H.....	Preliminary Site Plan
Exhibit I .....	Outdoor Special Events Plan
Exhibit Q.....	Architectural Elevations
Exhibit R.....	Preliminary Landscape Planting Plan
Exhibit S.....	Outdoor Lighting Plan

Exhibit T .....Tentative Parcel Map  
Exhibit U.....Preliminary Water and Sanitary Sewer Plan  
Exhibit V.....Preliminary Grading, Drainage and Paving Plan

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 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 must be submitted for review and approval and shall be implemented as approved by the County.

**Planning Division**

2. **Mitigation Monitoring Reporting Program (MMRP):** The applicant shall implement the mitigation measures in the adopted EIR Mitigation Monitoring Reporting Program for the Montano Phase I and Phase II Master Plan, included as Exhibit L.
3. **Uniform Sign Program:** Within one year of project approval, the applicant shall submit a final Phase II Uniform Sign Program for review by the Planning Commission consistent with applicable provisions of Chapter 130.36 (Signs).
4. **Conditional Use Permit (Office Uses):** Office uses are currently allowed in the CR zone by CUP. If, at a future time, applicable section(s) of the Zoning Ordinance are amended to allow office uses by right in the CR zone, the provisions of CUP S17-0015 applying to office uses in Phase I and Phase II shall no longer apply to this project. Such provisions shall be of no further force and effect as of the effective date of such future ordinance amendment(s).
5. **Expiration:** Tentative Parcel Map P15-0006 shall expire 36 months from the date of approval unless a timely extension has been filed consistent with Section 120.74.020 (Expiration Period of Approved or Conditionally Approved Maps of the Subdivisions Ordinance. The Development Plan and Conditional Use Permit shall expire concurrently with the Tentative Parcel Map.
6. **Project Improvements in Conformance with Project Plans:** Project improvements including, but not limited to, building design, colors, building placement, freestanding and wall tenant signs, and parking lot improvements (e.g. lighting, landscaping, bicycle racks, trash enclosures) shall be completed in conformance with the plans submitted and

conditions of approval herein and shall substantially comply with all Montano De El Dorado Phase I and Phase II Master Plan Exhibits listed in Condition 1 above. Minor modifications may be approved through the Substantial Conformance Review by the Planning Director; however, any major changes that substantially deviate from the Development Plan shall require review and approval by the Planning Commission prior to issuance of a building permit.

7. **Reciprocal Access and Parking Agreement:** To ensure vehicular/emergency vehicle access and access to public utilities is shared and maintained in perpetuity for all project parcels, including resulting parcels associated with Tentative Parcel Map P15-0006, a reciprocal access, public utilities and parking agreement shall be recorded on the four existing project parcels prior to recordation of the Final Parcel Map.
8. **Shopping Center Maintenance Agreement:** Prior to issuance of a building permit, CC&Rs addressing responsibility and access rights for ongoing maintenance of parking lots, common areas, interior and perimeter fencing/walls, signs, lighting, landscaping, and exterior building colors/finishes must be recorded on all project parcels, including new lots associated with Tentative Parcel Map P15-0006.
9. **Solid Waste Collection Facilities:** All Phase II waste and recycling collection facilities (dumpsters) must be fully screened from view and located in close proximity to each proposed commercial building and as far from adjacent residential uses as practically feasible. Planning Division staff will review future building permit plans for compliance.
10. **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.



## **Department of Transportation**

### **Project-Specific Conditions**

11. **Latrobe Road Frontage Improvements:** Construct curb and gutter, and a ten (10) foot wide sidewalk on the east side of Latrobe Road along the project frontage from Monte Verde Drive to the south project entrance.
12. Construct curb and gutter, and six (6) foot wide sidewalk on the east side of Latrobe Road along the project frontage from the south entrance, connecting to the existing Phase I sidewalk on Latrobe Road.

Separate the sidewalks from the curb and gutter with a 2 foot wide buffer area.

Design the line of the curb and gutter to provide an eight (8) foot wide shoulder on Latrobe Road, measured from the edge of travelled way (ETW) to the Flowline of the new curb and gutter. Replace Class II Bike Lane Striping and Markings.

Construct accessible curb ramps at the project entrances.

13. **Access and Offsite Improvements:**
  - a) Construct the fiber optic interconnect (aka El Dorado County Intelligent Transportation System [ITS] Pilot Project) and perform signal coordination and timing modifications as necessary, between signalized intersections on Latrobe Road from the Golden Foothill Parkway (north) / Monte Verde intersection, to the Latrobe Road / US50 EB ramps, concurrent with the Primary Driveway Signal construction. All improvements are subject to review and approval by DOT. The fiber-optic interconnect and associated signal coordination may be reimbursable, if the El Dorado County ITS Pilot Program is approved by the Board of Supervisors.
  - b) Construct recommended roadway Improvements #2 and #4 (as discussed in Section 3.12.4, "Non-CEQA Operations Analysis" in the Project EIR), Latrobe Road / Town Center Blvd Intersection Improvements prior to issuance of any building permit.
    - Reconfigure the westbound approach to include one shared-left/through lane, and two right-turn lanes
    - Change the intersection signal timing to allow for a permitted/overlap phase for the westbound right-turn lanes.

These improvements may require further restriping or improvements to the western portion of Town Center Boulevard as well as potential improvements to the privately owned roadway to the west.

Building permits may be issued if the applicant has obtained improvement plan approval for the signal modifications, and entered into a road improvement agreement with the County for this work (including surety and insurance requirements of the County). Building permits may also be issued when the County has entered into a road improvement agreement with others for the construction of these improvements.

If any of the above listed Improvements are added to the 20-year CIP prior to development levels in the project site that would require this mitigation, payment of traffic impact fees would satisfy the project's fair share obligation towards those improvements.

If item 2.b (Improvement #'s 2 and 4) above is constructed by others, and not added to the TIM Fee program, the project shall pay its fair share towards construction of these improvements.

14. **Offer of Dedication:** Offer to dedicate a pedestrian easement of sufficient width to contain the Latrobe Road sidewalks, plus six inches. This condition may be waived by the County Engineer if sufficient width of the existing R/W is already documented.
15. **Encroachment Permit(s):** Obtain encroachment permit(s) or Road improvement agreement from DOT and construct the access driveways onto Latrobe Road to the satisfaction of DOT. Design the site improvements and landscaping to ensure adequate sight distance is provided from the project driveways on Latrobe Road.
16. **Left-Turn Access Restriction:** Design the southerly project access driveway as a right-in, right-out only access.

#### Standard Conditions

17. **Consistency with County Codes and Standards:** Comply with all County Codes and Standards, including, but not limited to, the County Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).
18. **Stormwater Management:** Construct post construction storm water mitigation measures to capture and treat the 85th percentile 24 hour storm event as outlined in the CA Phase II MS4 Permit and the County's West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan. Include detention and/or retention facilities on the project improvement plans to fully mitigate any increased runoff peak flows and volumes in accordance with the County Drainage Manual. As an alternative, the project may propose distributed source control measures to be constructed for various

impervious surfaces to achieve the same effect. The property owner is responsible for maintenance and operations of such facilities unto perpetuity.

19. **Water Quality Stamp:** Include a storm water quality message stamped into the concrete on all new or reconstructed drainage inlets. Use 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.
20. **Regulatory Permits and Documents:** Incorporate all regulatory permits and agreements between the project and any State or Federal Agency into the Project Improvement Plans prior to the start of construction of improvements.

Improvement plans for any phase may be approved prior to obtaining regulatory permits or agreements for that phase, but grading/construction of improvements may not proceed until the appropriate permits or agreements are obtained and the grading/improvement plans reflect any necessary changes or modifications to reflect them.

Incorporate the Project conditions of approval into the Project Improvement Plans when submitted for review.

### **Environmental Management Department**

#### **Solid Waste:**

21. **Construction and Demolition (C&D) Debris Recycling:** State Law mandates that a minimum of 65% of the waste materials generated from covered Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site. Please visit the following website to view El Dorado County's Construction and Demolition Debris Recycling Ordinance Program information and requirements: [https://www.edcgov.us/Government/emd/solidwaste/pages/construction\\_and\\_demolition\\_debris\\_recycling.aspx](https://www.edcgov.us/Government/emd/solidwaste/pages/construction_and_demolition_debris_recycling.aspx)
22. **Placement of garbage and recycling enclosure:** The franchise waste hauler for the location of the project is EDD. It is recommended that EDD is contacted before construction to discuss placement of the trash and recycling enclosures. This eliminates any confusion regarding placement of dumpsters and collection service once in business. EDD has guidance diagrams on their commercial services webpage: <http://www.eldoradodisposal.com/Commercial.aspx>. Their customer service department can be reached at (530) 626-4141.
23. **Waste Management and Recycling:** AB 341 (Mandatory Commercial Recycling) requires all commercial facilities (nonresidential) that generate at least 4 cubic yards of solid waste per week to recycle. The franchise waste hauler for the location of Montano de El Dorado Phase II is EDD. Before Montano de El Dorado Phase II opens property management should contact EDD to discuss commercial waste and recycling service.

EDD's Sustainability Coordinator can be reached at [taylor@wcnx.org](mailto:taylor@wcnx.org) or by calling (530) 313-8322. Here is a link to EDD's flyer on Mandatory Commercial Recycling: [http://www.eldoradodisposal.com/files/BIZ%20English\\_EI%20Dorado.pdf](http://www.eldoradodisposal.com/files/BIZ%20English_EI%20Dorado.pdf). Also, here is a link to the California State Department of Resources Recycling and Recovery's (CalRecycle) webpage on Mandatory Commercial Recycling: <http://www.calrecycle.ca.gov/recycle/commercial/>.

24. **Mandatory Commercial Organics Recycling (MORE):** AB 1826 (Mandatory Commercial Organics Recycling - "MORE") requires all commercial facilities (nonresidential) that generate specified amounts of organics waste to recycle their organic waste. MORE is being phased in based on amounts of organic and solid waste generated by facilities starting April 2016 - 2019 and on through 2021. The law requires that businesses arrange for organics recycling service for the following types of organic wastes: food waste, green waste, landscape and pruning waste, non-hazardous wood waste, and food-soiled paper.

The franchise waste hauler for the location of Montano de El Dorado Phase II is EDD. Their Sustainability Coordinator can be reached at [taylor@wcnx.org](mailto:taylor@wcnx.org) or by calling (530) 313-8322. She can help businesses determine how much waste they generate and when/if they exceed the waste amounts and must therefore comply with this law. Attached is an informational flyer on MORE recycling requirements. Below are two additional links with additional information.

- El Dorado County MORE details:

[https://www.edcgov.us/Government/emd/solidwaste/pages/mandatory\\_commercial\\_organics\\_recycling.aspx](https://www.edcgov.us/Government/emd/solidwaste/pages/mandatory_commercial_organics_recycling.aspx)

- California State Department of Resources Recycling and Recovery's (CalRecycle) webpage on MORE: <http://www.calrecycle.ca.gov/Recycle/Commercial/Organics/>.

### **El Dorado Irrigation District:**

25. **Meter Award Letter:** Prior to issuance of a building permit, the applicant shall complete required water, wastewater and recycled water improvements and easement dedications (if needed), including supporting documentation, to the satisfaction of the District as outlined in the District's Facility Improvement Letter No. DS0219-026, dated February 13, 2019 (Exhibit W).

### **Air Quality Management District**

The following standard conditions would apply to the project based on requirements of law:

26. **Fugitive Dust:** 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 (PM<sub>10</sub>) in the form of dust. The project shall adhere to the

regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if a Grading Permit is required from the Building Dept. (Rules 223 and 223.1)

27. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
28. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
29. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
30. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm> An applicability flow chart can be found here: [http://www.arb.ca.gov/msprog/ordiesel/faq/applicability\\_flow\\_chart.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf). Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
31. **New Point Source:** Prior to construction/installation of any new point source emissions units (e.g., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)
32. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with ARB. A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.
33. **Electric Vehicle Charging – Non-Residential:** The commercial portion of the project shall comply with the Non-Residential Mandatory Measures identified in the 2016 Cal Green Building Code §5.106.5.3 concerning installation of electric vehicle supply equipment (EVSE). Plans shall include; the location(s) and type of EVSE, a listed raceway capable of accommodating a 208/240-volt dedicated branch circuit originating at

a service panel with sufficient capacity to accommodate a minimum 40A dedicated circuit, and terminating in a suitable enclosure in close proximity to the proposed location of the charging equipment. Plans shall include wiring schematics and electrical calculations to verify the electrical system has sufficient capacity to simultaneously charge electric vehicles at their full rated amperage (Level 2 EVSE). Raceways shall be installed from the electrical service panel to the designated parking areas at the time of initial construction. Please refer to Cal Green Building Stds Code §5.106.5.3 for specific requirements<sup>1</sup>:

[http://www.edcgov.us/Government/Building/California\\_Building\\_Standards\\_in\\_Effect.aspx](http://www.edcgov.us/Government/Building/California_Building_Standards_in_Effect.aspx)

### **El Dorado Hills Fire Department:**

34. **Fire Flow:** The project shall be required to request a Fire Flow Letter from the El Dorado Hills Fire Department (EDH Fire) to determine the minimum required Gallons Per Minute (GPM) for the project site. The fire flow shall be determined in compliance with the CA Fire Code, Appendix B, based on the type of construction and square footage of each building. This Fire Flow Letter shall then be given to EID in order to produce a FIL which will state if the required amount of water can be supplied to the project. The Applicant has already requested and received a Fire Flow Letter from EDH Fire.
35. **Sprinklers:** All fire-flow numbers listed on the fire flow letter require all structures to install fire sprinklers in accordance with National Fire Protection Agency (NFPA) 13 and Fire Department requirements if they are 3,600 square feet or greater in size.
36. **Underground Private Fire Mains:** After installation, all rods, nuts, bolts, washers, clamps, and other underground connections and restraints used for underground fire main piping and water supplies, except thrust blocks, shall be cleaned and thoroughly coated with a bituminous or other acceptable corrosion retarding material. All private fire service mains shall be installed per NFPA 24, and shall be inspected, tested and maintained per NFPA 25.
37. **Hydrants:** This development shall install Dry Barrel Fire Hydrants which conform to El Dorado Irrigation District specifications for providing water for fire protection. The spacing between hydrants in this development shall not exceed 300 feet. The exact location of each hydrant on private roads and on main county maintained roadways shall be determined by the Fire Department.
38. **Hydrant Visibility:** To enhance nighttime visibility, each hydrant shall be painted with safety white enamel and mark the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.

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<sup>1</sup> Cal Green Building Code: <http://codes.iccsafe.org/app/book/content/2016%20California%20Codes/Green-2017%20Errata/Chapter%205%20Nonresidential%20Mandatory%20Measures.pdf>

39. **Fire Department Access:** Approved fire apparatus access roads and driveways shall be provided for every facility, building, or portion of a building. The fire apparatus access roads and driveways shall comply with the requirements of Section 503 of El Dorado Hills County Water District Ordinance 36 as well as State Fire Safe Regulations as stated below (but not limited to):
- a. Phasing may be allowed if all Fire Access requirements are met and approved by the Fire Code Official for each phase.
  - b. The fire apparatus access roads and driveways shall extend to within 150 feet of all portions of each facility and all portions of the exterior of the first story of the building as measured by an approved route around the exterior of the building or facility.
  - c. Driveways and roadways shall have unobstructed vertical clearance of 15' and a horizontal clearance providing a minimum 2' on each side of the required driveway or roadway width.
  - d. Depending on final heights of each building, the final layout of fire apparatus access roads shall be determined and approved by the fire code official with consideration of whether a ladder truck or ground ladders would be used for firefighting operations.
40. **Roadway Surface:** Roadways shall be designed to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide all-weather driving conditions. All-weather surfaces shall be asphalt, concrete or other approved driving surface. Project proponent shall provide engineering specifications to support design, if requested by the local AHJ (Authority Having Jurisdiction).
41. **Roadway Grades:** The grade for all private roads, streets, lanes and driveways shall not exceed 20%. Pavement/Concrete shall be required on all private roadway grades 12% or greater. For grades of 16% - 20%, a Type II Slurry Seal shall be applied to asphalt surfacing, and concrete roadways and driveways shall be textured to provide a coarse broom finish to improve vehicular traction.
42. **Traffic Calming:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway. All other proposed traffic calming devices shall require approval by the fire code official.
43. **Turning Radius:** The required turning radius of a fire apparatus access road/driveway shall be determined by the fire code official. Current requirements are 40' inside and 56' outside on through streets, and a minimum 50-foot radius from center point to face of curb for Cul-De-Sacs and Hammerhead turnarounds.

44. **Fire Access During Construction:** In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to combustibles being brought onto the site as specified by the Fire Department, Standard #B-003. A secondary means of egress shall be provided prior to any construction or the project can be phased.
45. **Fire Service Components:** Any Fire Department Connection (FDC) to the sprinkler system and all Fire Hydrant(s) outlets shall be positioned so as not to be obstructed by a parked vehicle.
46. **Fencing:** Lots that back up to wildland open space shall be required to use non-combustible type fencing.
47. **Parking and Fire Lanes:** All parking restrictions as stated in the current California Fire Code and the current El Dorado Hills County Water District Ordinance shall be in effect. All streets with parking restrictions will be signed and marked with red curbs as described in the El Dorado County Regional Fire Protection Standard #B-004 titled "No Parking-Fire Lane". All curbs in parking lot(s) that are not designated as parking spaces will be painted red and marked every 25 feet "No Parking - Fire Lane." There shall be a designated plan page that shows all Fire Lanes as required.
48. **Vegetative Fire Clearances:** Prior to June 1st each year, there shall be vegetation clearance around all EVA's (Emergency Vehicle Access), buildings, up to the property line as stated in Public Resources Code Section 4291, Title 19 as referenced in the CA Fire Code.

### **Surveyor's Office**

49. All survey monuments must be set prior to the filing the Parcel Map or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office prior to the filing of the Parcel Map.
50. Existing monuments disturbed by development activities shall be reset.
51. Situs addressing, including Suite Number Assignments, must be coordinated through the El Dorado County Surveyor's Office. Suite Numbers shall not be posted until they are approved through the Surveyor's Office.
52. 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 P 15-0006 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.