

A07-0018/Z07-0054/PD07-0034/P08-0017/Diamond Dorado Retail Center – As approved by the Board of Supervisors on September 11, 2012

Findings

Based on the review of this project by staff and affected agencies, and supported by the staff report and evidence in the record, the following findings can be made:

1.0 GENERAL PLAN

1.1 General Plan Policies 2.1.1.7, 2.2.1.1, 2.2.1.2, 2.2.1.5, 2.2.3.2, 2.2.3.3, 2.2.5.3, 2.2.5.21, 2.4.1.2, 2.5.2.2, 2.5.2.3 (Land Use Element Policies Related to Commercial Development)

The project has been reviewed for consistency with the above policies that involve compatibility of the project and design efforts to meet the applicable development standards. The change of the land use designation and zone to Commercial and General Commercial-Planned Development would facilitate the proposed commercial retail center. The change of the land use and development of the site would remove approximately 27 acres of vacant underutilized industrial land. The proposed project site is located in a primarily industrial/commercial area with pockets of residential development, manufacturing and storage uses, and vacant industrial lots and is therefore, compatible with the surrounding land uses (2.2.3.3, 2.2.5.3, 2.2.5.21).

Public services and utilities-related infrastructure currently exists for the proposed project site. Implementation of the project would include additional infrastructure systems (such as wastewater and water connections) that would be designed to meet the needs of the project. Upon completion of the Diamond Springs Parkway, sufficient circulation infrastructure would be completed to effectively serve the commercial development (2.2.1.7).

The project is within the vicinity of existing commercial facilities located on Missouri Flat Road and on Pleasant Valley Road (SR-49), both less than 0.30 mile from the project site. The proximity of the project to existing commercial facilities serves to strengthen existing shopping locations while avoiding the potential for “strip commercial” to develop in the region. The project has been designed in order to place stores in clustered areas throughout a contiguous facility (2.5.2.2).

The project design is in accordance with the Missouri Flat Design Guidelines and applicable development standards of the Zoning Ordinance. The development would have on-site parking, landscaping, signs necessary to operate the shopping center. The proposed commercial retail center would have a Floor Area Ratio (FAR) of .20 and building coverage of 60% (2.2.1.5, 2.5.2.3).

**1.2 General Plan Policies 5.1.2.1, 5.2.1.2, 5.2.1.6, 5.4.1.1, 5.7.1.1, 5.7.2.1, 5.7.3.1
(Public Services and Utility Element)**

The applicable public services and utility providers were contacted regarding their ability to serve the project. With the implementation of mitigation measures in the EIR including PSU-1, the providers confirmed would have sufficient capability to serve the project. EID's water supply delivery system will be expanded adjacent to the project site during the development of the Diamond Springs Parkway. The DDRC will utilize the expanded waterlines as appropriate. Sufficient capacity exists or will be constructed to provide adequate emergency water to the project site pending the approval of a Facility Report Plan by the El Dorado Irrigation District (5.1.2.1, 5.2.1.2,).

Stormwater runoff from the project site would be directed to a network of storm drain piping and inlets throughout the site. Stormwater would eventually reach Weber Creek. A detention basin would be constructed to ensure post-development runoff levels are equal to or less than pre-development levels. Implementation of Mitigation Measure HYD-1 in the EIR would ensure that National Pollution Discharge Elimination System (NPDES) requirements are met and that a SWPPP is prepared. Implementation of Mitigation Measure BIO-2a, Mitigation Measure BIO-2b, and Mitigation Measure BIO-2c would reduce impacts to wetlands and riparian areas (5.4.1.1).

The Diamond Springs/El Dorado Fire Protection District has reviewed the project and provided recommendations for the construction of emergency water supply infrastructure, including fire hydrants. Implementation of Mitigation Measure PSU-1a and Mitigation Measure PSU-1b would ensure that the project is designed to allow for proper fire protection and emergency access (5.1.2.1, 5.2.1.2, 5.2.1.6, 5.7.1.1, 5.7.2.1).

The El Dorado County Sheriff's Department has been notified of the project has indicated that the number of calls for service for the Diamond Springs/Placerville area would increase as a result of project implementation. However, the Sheriff's department did not indicate that the ability to provide protection to existing development would be reduced below an acceptable level as a consequence. Implementation of Mitigation Measure PSU-2 would provide onsite security, thereby reducing the need for Sheriff Department services (5.7.3.10).

1.3 General Plan Policies 7.3.3.1, 7.3.3.4, 7.3.3.5, 7.3.4.1, 7.3.4.2 7.4.1.6, 7.4.4.2, 7.4.4.4, 7.4.4.5, 7.4.5.1 (Open Space and Conservation Element Policies)

Based on jurisdictional delineation was conducted for the project site, four USACE jurisdictional features occur onsite. This includes a 0.141 acre drainage feature under the jurisdiction of the U.S. Army Corps of Engineers (USACE) and 1.39 acres under the jurisdiction of the California Department of Fish and Game (CDFG). These drainage features have been completely altered by historical industrial and mining activity and adjacent development. These features will be further disturbed and modified to accommodate the Diamond Springs Parkway Project. Clearing and grading activities

required for construction of the project could result in the removal of up to 1.8 acres of valley foothill riparian habitat. Habitat loss and fragmentation of riparian habitat have been analyzed in the EIR and mitigation has been prescribed requiring applications for a USACE 404 permit and CDFG Streambed Alteration Agreement. The drainage features have minimal resource value due to the site's disturbed nature.

Implementation of Mitigation Measure BIO-2a would ensure project compliance with all agencies regulating assessment and mitigation of impacts to wetlands. Implementation of Mitigation Measure BIO-2b would protect water quality of avoided wetlands and other Waters of the U.S. that occur inside the project study area, as well as those that occur in proximity to the project study area, such as Weber Creek. Implementation of Mitigation Measure Bio-2c would require adequate applicable setbacks in accordance with USACE and CDFG standards and the protection of water quality for preserved seasonal and perennial drainages (7.3.3.1, 7.3.3.4, 7.3.3.5, 7.3.4.1, 7.3.4.2, 7.4.1.6, 7.4.2.2).

The project is in an area that has been previously disturbed and exists in a fragmented state. As such, habitat fragmentation that could occur as a result of the project would be minimal. Impacts to oak canopy are subject to consistency with provisions of the General Plan Policy 7.4.4.4. As discussed in the EIR, the development of the commercial project would result in the removal of 4.30 acres of oak woodland canopy.

Redesign of the project to comply with the retention standards of the policy is not feasible, due to the grading needs to meet large-scale commercial design criteria. The project will not proceed until the County adopts a new OWMP that provides for off-site mitigation or a re-design is considered. Grading or construction resulting in any oak tree removal is prohibited until a feasible alternative method of satisfying this policy is adopted by the County, consistent with Mitigation Measure BIO-3a (7.4.4.4, 7.4.5.1).

1.4 General Plan Policies 6.5.1.2, 6.5.1.3, 6.5.1.7, 6.5.1.9 (Health, Safety and Noise Element)

An Environmental Noise Assessment which includes recommended noise mitigation has been completed for the project. Noise impacts requiring mitigation (MM NOI-4b) to achieve applicable standards include the construction of a noise barrier to reduce sound levels at an existing residence along Lime Kiln Road.

1.5 General Plan Policies TC-Xa, TC-Xg, TC-Xe, TC-Xf, TC-Xd, TC-4e, TC-4i (Transportation and Circulation Element)

The project and subsequent revision has received thorough traffic impact analysis utilizing current standard protocols by the County. Impacted road segments and intersections analyzed in the EIR have been determined to either have less than significant impact or significant but reduced to less than significant with incorporation of specific mitigation measures (TC-Xa, TC-Xd, TC-Xe, TC-Xf, TC-Xg).

The design would include extensive landscaping and sidewalks are provided along project boundaries and pedestrian throughout the project site. Bicycle access to the site would be provided via a crosswalk on Diamond Springs Parkway, leading to the El Dorado Multi Use Trail, and bicycle parking would be provided throughout the project site (TC-4e, TC-4i).

1.6 General Plan Policies 6.7.7.1 and 6.7.6.2 (Air Quality Element Policies)

The project would include design features such as energy efficiency measures. The project would construct bus stops located at the future Diamond Springs Parkway and Throwita Way intersection and along State Route 49. The proposed commercial project is not considered a sensitive receptor, would not be exposed to significant odor impacts from the nearby Material Recovery Facility.

1.7 General Plan Policies 10.1.5.6 and Objective 10.1.6 (Economic Development Policies)

The proposed retail center would capture a greater share of retail and tourist dollars within the County by providing opportunities to establish new tourist-related commercial operations while promoting and maintaining existing tourist commercial operations. The proposed commercial development would also aid in providing employment opportunities for residents in the immediate area.

2.0 ZONING

2.1 The project is consistent with the General Commercial zone district as the proposed retail commercial center and anticipated uses are permitted by right under Section 17.32.170 and applicable standards in Title 17 including parking, landscaping and lighting. As the project is considered a Preliminary Planned Development, the project must obtain final Planned Development approval in accordance with Section 17.04 Conditions of approval and mitigation measures are imposed to ensure implementation of the project occurs in an orderly and safe manner, consistent with all applicable development standards of Title 17.

3.0 PLANNED DEVELOPMENT

3.1 The Development Plan is consistent with the General Plan.

Implementation of the project requires a change of the land use designation to Commercial and corresponding rezone to General Commercial-Planned Development. The project has been reviewed for consistency with applicable policies of the General Plan including compatibility, density, traffic and circulation, biological resource. Conditions of approval and mitigation measures are incorporated to ensure adequate construction and operation of the development as set forth in section 1.0 of these findings.

3.2 The proposed development is so designed to provide a desirable environment within its own boundaries.

Given its historic general location, the project site has been designed to meet applicable theme and architecture elements of the Missouri Flat Design Guidelines. Applicable development and construction standards in the Zoning Ordinance and DISM involving encroachment, access, pedestrian sidewalks and pathways, parking and loading, landscaping, and lighting shall be adhered to ensure orderly operation of the commercial development. Vegetative and landscape buffers shall be installed along the site perimeter to minimize the aesthetic and visual effects from adjacent industrial activities. A noise barrier shall be installed to minimize construction and operational noise effects on adjacent residential uses.

3.3 Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.

No specific deviations have been proposed with the project as submitted.

3.4 The site is physically suited for the proposed use.

The vacant site has been previously disturbed and used as ancillary storage and parking by adjacent industrial uses. The site is relatively flat and contains biological resources of limited significance. The project would have readily available utility hook-ups via connection to existing infrastructures in the immediate area. The proposed development would benefit from exposure and visibility along future major collector road (Diamond Springs Parkway) and State Highway 49 frontage.

3.5 Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.

The project is located within a built area of Diamond Springs that has existing services for water and sewage disposal provided by EID. Other dry utilities including power and telephone are also available. The project would be required to connect to these infrastructures. Affected roads, including Diamond Springs Parkway, will be constructed or improved as a condition for the project, prior to any construction taking place.

3.6 The proposed uses do not significantly detract from the natural land and scenic values of the site.

The vacant project site is within an area predominantly surrounded by industrial uses and some residential uses. The site is has been heavily disturbed by adjacent industrial activities, contains minimal quality of biological resource and lacks any natural or scenic values.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This General Plan Amendment, Rezone, and Preliminary Planned Development Permit are based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits H and I, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval.

The project consists of the following:

- A. General Plan Amendment amending 27.61 acres land use designation from Industrial (I) to Commercial (C);
- B. Rezone 27.61 acres from Industrial (I) to General Commercial-Planned Development (CG-PD); and
- C. Preliminary Development Plan, based on *Alternative 5: Existing MRF Access*, for the Diamond Dorado Retail Center (DDRC) consisting of seven (7) single-story commercial buildings ranging in size from 3,100 square feet to 160,572 square feet totaling 241,515 square feet.

Final Development Plan for Diamond Dorado Retail Center shall be based on the *Alternative 5: Existing MRF Access* version of the proposed project subject to review and consideration by the Planning Commission. The required application materials and exhibits, including any request for modification of development standards, shall consist of the updated site plan, preliminary grading and drainage plan, preliminary landscape plan, preliminary building elevations, sign plan, and preliminary outdoor lighting plan. 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 be consistent with the formal action taken on this plan, subject to the conditions of approval and mitigation measures approved for the project.

2. 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.

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 the above project request 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.

II. PROJECT CONDITIONS

Planning Services

3. Prior to building permit issuance, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
4. Prior to issuance of any permits, the applicant shall pay all Development Service fees, in accordance with the executed Agreement for Payment of Processing Form for the project.
5. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,919.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or parcel map filed until said fees are paid.
6. A meter award letter or similar document shall be provided by the water purveyor prior to filing the issuance of first building permit.
7. A final Planned Development plan, pursuant to Chapter 17.04 of the County Code, shall be submitted for County review and approval by the Planning Commission prior to issuance of building permits for any phase of the project. The plans shall be reviewed for consistency with this Preliminary Development Plan approval, adopted mitigation measures as identified in the Mitigation Monitoring Reporting Program, and applicable standards of Title 17, Zoning Code.
8. Prior to issuance of first occupancy permit, the applicant shall construct a trail path connecting from the project site to the El Dorado Multi-Use Trail (EDMUT) located north of the project site. Construction standards shall be based on the adopted EDMUT.
9. Prior to issuance of first occupancy permit, the applicant shall coordinate with El Dorado Transit and construct a bus turnout along the project frontage on Diamond Road/State Highway 49.
10. Prior to issuance of building permit, a reciprocal access and parking agreement shall be recorded for common use of access and parking.

Department of Transportation (DOT)

Project Specific Conditions

11. Missouri Flat/Highway 50 Interchange:

The Missouri Flat/Highway 50 Interchange consists of the following intersections that are impacted by the Project:

- Missouri Flat Road/Plaza Drive
- Missouri Flat Road/US-50 Westbound Ramps
- Missouri Flat Road/US-50 Eastbound Ramps
- Missouri Flat Road/Mother Load Drive

The County shall not issue a building permit to the Project applicant, until the County, in coordination with the State of California Department of Transportation (Caltrans) determines: 1) that there is adequate traffic capacity available at the Missouri Flat Road/Highway 50 Interchange for the Project as determined by an updated Traffic Impact Analysis, and 2) that the appropriate Interchange/Intersection Improvements to provide this necessary additional intersection and queuing capacity have been programmed for construction within the County's Capital Improvement Program (CIP). The implementation date for the necessary additional intersection and queuing capacity improvements shall be determined at the sole discretion of the County and pursuant to the updated Traffic Impact Analysis results, but not more than 10-years from the date of permit application. The amount of square footage permitted to be constructed per building permit shall not result in an exceedance of the identified capacity.

If the necessary additional intersection and queuing capacity improvements for the above mentioned intersections are programmed within the County's CIP prior to issuance of a building permit, then the Project applicant shall pay the traffic impact fees at time of building permit issuance, which will constitute full mitigation for the Project traffic impacts at the intersection locations.

12. Diamond Springs Parkway Improvements:

The Diamond Springs Parkway Project consists of the following segments and phases:

Diamond Springs Parkway (DSP) Segment

Missouri Flat Road east of Golden Center Drive to a new T intersection with State Route 49 south of Bradley Drive.

Phase I (DSP Phase I) - The construction of two lanes of DSP and the signalized intersection of the Parkway at existing SR 49.

Phase II (DSP Phase II) - Widening DSP to a four lane arterial roadway.

DSP Improvements:

Project applicant shall obtain the necessary approval from the County Engineer prior to commencing any right-of-way acquisition for Diamond Springs Parkway.

The required improvements shall be completed to the satisfaction of the County Engineer. Improvements at the intersection of DSP and SR 49 shall also be completed to the satisfaction of Caltrans.

The Project applicant, subject to the determination of the County Engineer, shall be responsible for the DSP improvements in one of the following options as applicable to the circumstances at the time of the building permit application:

A. In the event that the Project applicant applies for a building permit prior to the County constructing the improvements for DSP Phase I; prior to the issuance of a building permit, the Project applicant shall enter into a road improvement agreement and reimbursement agreement prior to proceeding with the required roadway construction, and shall cause to construct both DSP Phase I and II improvements. The Project applicant shall construct the roadway and intersection signal improvements of DSP from Missouri Flat Road to the intersection of SR 49 to the adopted alignment along the property frontage in accordance with DISM Standard Plan 101A and pursuant to the Diamond Springs Parkway Project Final Environmental Impact Report. All eligible reimbursements for the improvements shall be determined within a reimbursement agreement. The applicant shall adhere to the standard roadway geometrics with particular roadway and intersection improvements as follows:

- 110-ft right-of-way
- 5-ft PSE on either side of right-of-way
- 6.5-foot sidewalk measured from face of curb with Type 2 vertical curb and gutter on the south side of DSP
- 8-foot Type II Bike Lane/Shoulder along the southern side of DSP
- Two 12-foot AC travel lane on the southern side of DSP
- 20-ft median
- Two 12-ft AC travel lanes on the northern side of DSP
- 8-foot Type II Bike Lane/Shoulder Lane on the northern side of DSP
- 6.5-foot sidewalk measured from face of curb with Type 2 vertical curb and gutter on the northern side of DSP from bus turnout to Throwita Way signal.
- Construction of turn pockets as described on Diamond Springs Parkway Traffic Impact Study and the approved Diamond Dorado Retail Center
- Bus turnout locations as required by El Dorado Transit
- Traffic Signal at Diamond Springs Parkway and Throwita Way

Comment [p1]: Change the numbers to letters (A, B, C) to avoid confusion.

Comment [EWC2]: No Change: The Tentative Map does not show the current alignments required at Lime Kiln Road/Hwy 49

Comment [EWC3]: Legistar File #08-1264 Consent to Making of IOD, not accepted, limits unable to verify with applicant engineer. No Change

- Traffic Signal at Diamond Springs Parkway and SR 49

- B. In the event that the Project applicant applies for a building permit subsequent to the County constructing the improvements for DSP Phase I; prior to the issuance of a building permit, the Project applicant shall enter into a road improvement agreement and reimbursement agreement prior to proceeding with the required roadway construction, and shall cause to construct the DSP Phase II improvements. The Project applicant shall construct the remaining roadway and intersection signal improvements of DSP from Missouri Flat Road to the intersection of SR 49 to the adopted alignment along the property frontage in accordance with DOT Standards. All eligible reimbursements terms for the improvements shall be determined within a reimbursement agreement. The frontage improvements are not considered eligible for reimbursement.
- C. In the event that the Project applicant applies for a building permit subsequent to the County constructing the improvements for DSP Phase II, the Project applicant shall be responsible to design and cause to construct, in coordination and subject to the approval by the County Engineer, the required frontage improvements along the DSP alignment prior to the occupancy and pay the traffic impact fees at time of building permit issuance. The frontage improvements are not considered eligible for reimbursement.

13. **State Route 49 Improvements:**

SR 49 Segment

The SR 49 improvements consist of widening and improving SR-49 from the intersection with the new DSP to Pleasant Valley Road/(SR 49).

Phase I (SR 49 Phase I) - Includes improvements necessary to realign the existing two lane SR-49 from the new DSP alignment to Pleasant Valley Road/(SR 49) intersection as defined within the County's Capital Improvement Program (CIP) # 72375.

Phase II (SR 49 Phase II) - Includes the remaining improvements necessary to widen the realigned Phase I SR-49 CIP #72375 to a four lane configuration. Project applicant shall coordinate and obtain the necessary approvals with County Engineer and Caltrans prior to commencing any right-of-way acquisition for SR 49.

All improvements shall be completed to the satisfaction of the County Engineer and Caltrans.

All eligible reimbursements for the improvements shall be determined within a reimbursement agreement. The frontage improvements are not considered eligible for reimbursement.

The applicant shall construct an 8-foot sidewalk along the Project frontage of SR 49.

Prior to the Project applicant applying for a building permit, the Project applicant shall update the Project Development (PD07-0034) County approved Final Traffic Impact Report for the SR 49 roadway section from the intersection of the new DSP to intersection of Pleasant Valley Road/(SR 49) as follows:

Pursuant to the Department of Transportations' *Traffic Impact Study Protocols and Procedures*, complete AM/PM Peak-hour capacity LOS analysis and an Intersection Queuing Evaluation at the intersection of Pleasant Valley Road/(SR 49) at the time of application for:

- a. Existing Conditions within the Final Traffic Impact Report study area;
- b. Existing Conditions plus Approved Projects within the Final Traffic Impact Report study area;
- c. Existing Conditions plus Approved Projects within the Final Traffic Impact Report study area plus Proposed Project; and
- d. Cumulative within the Final Traffic Impact Report study area plus Proposed Project 2025 forecast.

The updated Traffic Impact Report shall provide a narrative of the traffic assumption with methodologies and compile the results from a-d within the following tables:

- e. AM/PM Peak-hour capacity LOS table that compares the County approved Final Traffic Impact Report study results with the results from (a-d);
- f. Intersection Queuing Evaluation table that compares the County approved Final Traffic Impact Report study results with the results from (a-d); and
- g. Table of updated traffic mitigation measures for the Phase II segment from Lime Kiln Road to Pleasant Valley Road/(SR 49) intersection, if required.

Based on the findings from the updated Traffic Impact Report, there are two cases that will apply at the time of application:

Case 1 - Updated Traffic Impact Report results demonstrate that the Project traffic impacts are within the accepted roadway and intersection LOS capacities as identified within the Final Environmental Impact Report for Project Development (PD07-0034) and the County Engineer and Caltrans accepts the updated Traffic Impact Report findings.

Case 2 - Updated Traffic Impact Report results demonstrate that the Project traffic impacts are not within the accepted roadway and intersection LOS capacities as

identified within the Final Environmental Impact Report for Project Development(PD07-0034) and the County Engineer and Caltrans accepts the updated Traffic Impact Report findings.

Therefore, the Project applicant, subject to the determination of the County Engineer, shall be responsible for the SR 49 improvements in one of the following options as applicable to the circumstances and subject to the updated Traffic Impact Report case at time of application:

Option A - In the event that the Project applicant applies for a building permit prior to the County constructing the improvements for SR 49 Phase I:

Case 1

Prior to the issuance of a building permit, Project applicant shall obtain a Caltrans approved improvement agreement with security satisfactory to Caltrans and enter into a County reimbursement agreement for the SR 49 Phase I work prior to proceeding with the required roadway construction. The Project applicant shall cause to construct only the Phase I improvements for SR 49 from Pleasant Valley Road to approximately 150-feet south of Bradley Drive to a two-lane, highway in accordance with the Caltrans Highway Design Manual and other applicable Caltrans standards

Case 2

Prior to the issuance of a building permit, the Project applicant shall obtain a Caltrans approved improvement agreement with security satisfactory to Caltrans and enter into a County reimbursement agreement for only the SR 49 Phase I work prior to proceeding with the required roadway construction. The Project applicant shall cause to construct both the SR 49 Phase I and Phase II improvements from Pleasant Valley Road to approximately 150-feet south of Bradley Drive to a four-lane, highway in accordance with the Caltrans Highway Design Manual and other applicable Caltrans standards.

Option B - In the event that the Project applicant applies for a building permit subsequent to the County constructing the improvements for SR 49 Phase I:

Case 1

The SR 49 Phase II improvements will not be required. However, the Project applicant shall pay their fair share for the Projects' future cumulative traffic impacts as identified within the Project Development (PD07-0034) County approved Final Traffic Impact Report related to the SR 49 Phase II mitigation improvements. The fair share fees will be determined by the County Engineer at the time of application based on the following fee calculation formula:

- Project generated trips divided by the total cumulative trips multiplied by the actual cost of designing and constructing the improvements.

Case 2

Prior to the issuance of a building permit, the Project applicant shall obtain a Caltrans approved improvement agreement with security satisfactory to Caltrans prior to proceeding with the required roadway construction and cause to construct the SR 49 Phase II improvements from Pleasant Valley Road to approximately 150-feet south of Bradley Drive to a four-lane, highway in accordance with the Caltrans Highway Design Manual and other applicable Caltrans standards.

- Option C - In the event that the Project applicant applies for a building permit subsequent to the County constructing the improvements for SR 49 Phase I, and should the County include the SR 49 Phase II improvements within the 20-year CIP prior to issuance of a building permit:

Case 1

The SR 49 Phase II improvements will not be required. However, the Project applicant shall pay their fair share for the Projects' future cumulative traffic impacts as identified within the Project Development (PD07-0034) County approved Final Traffic Impact Report related to the SR 49 Phase II mitigation improvements. The fair share fees will be determined by the County Engineer at the time of building permit application based on the following fee calculation formula:

- Project generated trips divided by the total cumulative trips multiplied by the actual cost of designing and constructing the improvements.

Case 2

Prior to the issuance of a building permit the Project applicant shall obtain a Caltrans approved improvement agreement with security satisfactory to Caltrans, enter into a County reimbursement agreement for the SR Phase II eligible improvements prior to proceeding with the required roadway construction, and cause to construct the SR 49 Phase II improvements from Pleasant Valley Road to approximately 150-feet south of Bradley Drive to a four-lane highway in accordance with the Caltrans Highway Design Manual and other applicable Caltrans standards.

14. **Deceleration Lanes:** The Project applicant shall construct deceleration lanes at the driveway encroachments onto Diamond Springs Parkway. The improvements shall be substantially completed as determined by the County Engineer prior to occupancy of any building. The improvements are not considered eligible for reimbursement.

Comment [p4]: Move this condition to a bullet under Cond. 2.

15. Traffic Signal Appurtenances Easements: The Project applicant shall provide traffic signal appurtenances easements for the signal infrastructure located within the Project site. The final location of the easements and infrastructure design shall be reviewed and approved by the County Engineer prior to its construction. The aforementioned easements shall not be subject to reimbursement.

16. Signal Coordination: The Project applicant, subject to the determination of the County Engineer, shall provide be responsible for the coordinated signal timings at two (2) intersections, DSP and Throwita Way and DSP and SR 49, as part of the DSP roadway work as part of the work associated and in accordance within Condition 12 “Diamond Springs Parkway Improvements”, in accordance with the construction Phase at the time of application. The improvements shall be completed to the satisfaction of Caltrans and the County Engineer, or the Project applicant shall obtain an approved improvement agreement with security satisfactory to Caltrans and the County Engineer, prior to issuance of building permit. The improvements are not considered eligible for reimbursement.

17. Off-Site Intersection Improvements: Prior to the issuance of building permits for the Project, the Project applicant shall design and cause to construct each off-site intersection mitigation improvement identified in Table 1 at the discretion of and pursuant to the approval of Caltrans for all SR 49 improvements and County Engineer for improvements within the County maintained roadway. The mitigation improvements shall be designed in accordance with Caltrans standards for SR 49 improvements and County standards for improvements within the County maintained roadway. On an intersection by intersection basis, should the County program capital improvements that incorporate the necessary mitigation measures at each location identified within Table 1 within the 20-year CIP prior to the Project applicant’s issuance of a building permit, then payment of the Project traffic impact fees at time of building permit issuance shall represent full mitigation for the Project traffic impacts at that location.

INTERSECTION DESCRIPTION		MITIGATION IMPROVEMENTS
Pleasant Valley Road (SR-49)	China Garden	Addition of a southbound right-turn lane from China Garden onto Pleasant Valley Road (SR49).
Pleasant Valley Road (SR49)	Forni Road	Addition of an eastbound left-turn lane from Pleasant Valley Road (SR49) onto Forni Road.
		Addition of left and right turn pockets on Forni Road onto Pleasant Valley Road (SR49)
Pleasant Valley	SR49 South	Addition of a northbound right-turn lane from SR49 onto Pleasant Valley Road (SR49)

Road (SR49)		Extension of the existing west-bound left turn pocket to a minimum of 250-feet on Pleasant Valley Road (SR49)
Missouri Flat Road	Forni Road	Addition of a southbound through lane on Missouri Flat Road.
Missouri Flat Road	China Garden	Addition of a westbound right-turn lane from Missouri Flat Road onto China Garden.
Missouri Flat Road	Enterprise Drive	Addition of a 50-foot eastbound right-turn flare.

- Applicant shall obtain encroachment permits for work in Caltrans and DOT's jurisdiction.
- The intersections are included in the Traffic Impact Mitigation (TIM) Program Item #75 "Other Projects, Traffic Signals, Operational and Safety Improvements."

18. Interior Traffic Analysis: The applicant shall provide a traffic analysis of the interior traffic lanes demonstrating that the traffic flow and turn movements are sufficient to accommodate the Project circulation volumes with the submittal of the Final Planned Development plan. The necessary improvements identified within the analysis shall be completed to the satisfaction of the County Engineer prior to occupancy.
19. Encroachment Permits: The applicant shall obtain an encroachment permit from the County Engineer and shall construct the four right-in and/or right out driveway encroachments in accordance with DISM Standard Plan 110. The improvements shall be completed to the satisfaction of the County Engineer prior to occupancy. All curb returns, at pedestrian crossings shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and 4-feet of sidewalk/landing at the back of the ramp.
20. Encroachment Permit (State Route 49): The applicant shall obtain an encroachment permit from Caltrans for the roadway improvements along State Route 49, the intersection improvements at Diamond Springs Parkway/State Route 49 and Lime Kiln Road/State Route 49, and for the driveway encroachment south of Parcel 10 prior to issuance of a building permit. Project applicant shall also demonstrate that said permit is active and valid at the time of the construction of the improvements.
21. Offer of Dedication: The applicant has provided and the County completed the Consent to Making of irrevocable offers of dedication, Board Item #08-1264 for the right-of-way and public service easement (PSE) for Diamond Springs Parkway, Highway 49 and portions of Lime Kiln Road. The dedications are only required for the segments of roadway within the project frontage. The dedications shall be recorded prior to issuance of a building permit. These dedications will be accepted by the County.
22. Maintenance Entity: The proposed project must form an entity for the maintenance of any shared or common: parking facilities, landscaping, and signs. DOT shall review the document forming the entity to ensure the provisions are adequate prior to issuance of Certificate of Occupancy for any Building Permit.

Comment [p5]: Add requirement for dedication for any additional ROW fro Throwita Way

23. Vehicular Access Restriction: Prior to issuance of a building permit if the map has not been recorded, the applicant shall record a vehicular access restriction along the frontage of Diamond Springs Parkway, Lime Kiln, and SR49 excluding road intersections and driveways shown on the tentative parcel map dated January 2010.
24. Community Facilities District Annexation: The owner shall enter into an agreement in recordable form with the County that obligates the property to participate in the Community Facilities District No. 2002-01 (Missouri Flat Area) (CFD), which is the financing district approved by the El Dorado County Board of Supervisors for the Missouri Flat Area, at such time in the future that the County processes an annexation of territory into the CFD. The agreement shall be executed by the property owner and approved by the County prior to the issuance of any building permits. The financing obligation shall run with the property's title and bind all future assignees and/or successors in interest in the subject property.

Should timing of building permit review process coincide with an annexation process underway by the County, the Project applicant may participate in said process in lieu of entering into an agreement, provided the annexation election has been held, the property owner, for subject application, voted in favor of being annexed, and the annexation election is successful.
25. Construction Easements: Within 14 days of written request from the County for temporary construction easement(s) needed along the property frontage for the Diamond Springs Parkway and SR49 CIP Projects, the Project applicant shall provide any required temporary construction easements for a term that extends through the County's Board of Supervisor acceptance of the CIP Projects.
26. Soil Remediation: The Project applicant shall remediate any contaminated soil as recommended by a geotechnical engineer and as approved by County Engineer. The soil remediation shall be completed prior to issuance of any building permits.
27. Roadway Access: The Project applicant shall construct an access road to the satisfaction of County Engineer and the owner of Parcel 051-250-47 prior to removal of the current access of parcel 051-250-47 to Bradley Drive, prior to issuance of a building permit.

DOT STANDARD CONDITIONS

28. Easements: All applicable existing and proposed easements shall be shown on the Project plans.
29. Drainage Easements: Drainage easements for closed conduits and appurtenances shall be no less than 10 feet in width and shall be shown on tentative map. Cross lot drainage is not permissible. Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans.

30. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" sign as required by the County Engineer prior to occupancy. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).
31. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
32. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the County Engineer, and pay all applicable fees prior to issuance of a building permit.
33. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
34. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the County Engineer. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the County Engineer shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the Project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
35. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the County Engineer. The County Engineer shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
36. **Soils Report:** At the time of the submittal of the grading or improvement plans, the Project applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation or Development Services (whichever is applicable). Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a

Comment [p6]: This is already included in the specific conditions for improvements to intersections.

Comment [p7]: Make sure this does not duplicate or conflict with any noise mitigation measures.

Comment [p8]: Already required under Cond. 2 & 3.

minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.

37. **Drainage Study / SWMP Compliance:** The Project applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the County Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation or Development Services (whichever is applicable).

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

- The site can be adequately drained;
- The development improvements shall be evaluated to determine if downstream conveyance facilities can accept and convey the runoff increases without negative impacts. The study shall also determine if existing regional stormwater storage facilities downstream of the development have the reserve capacity to accept the development runoff increases.
- The on-site drainage mitigation measures shall demonstrate that by being implemented in such a manner there shall be no increase to the downstream peak flow more than the pre-development 10-year storm event and shall not cause a hazard or public nuisance. Implementation of Detention or retention facilities on-site to attenuate peak runoff to a level that does not impact downstream facilities shall be required if said condition is not met or the study shall demonstrate that there are no downstream impacts and that the downstream facilities can accommodate the Project developed peak flows as required by the County's Drainage Manual.
- All on-site drainage facilities shall include hydraulic calculations to the ultimate drainage outfall of the Project.

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

38. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, the Project applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General National Pollutant Discharge Eliminated System (NPDES) Permit

for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

39. Storm Water Drainage BMPs: This project is located within the area covered by El Dorado County's municipal storm water quality permit, pursuant to the National Pollutant Discharge Eliminated System (NPDES) Phase II program. Project related storm water discharges are subject to all applicable requirements of said permit at the time of construction. Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment Best Management Practices (BMPs) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by County Engineer. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff in accordance with the NPDES Permit requirements at the time of construction.

With the Improvement Plans, the applicant shall verify that the proposed BMPs are appropriate to treat the pollutants of concern from this Project. A maintenance entity of these facilities shall be provided by the Project applicant. County Engineer shall review the document forming the entity to ensure the provisions are adequate with submittal of Improvement Plans

40. Water Quality Stamp: All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the County's standard drawing SD-1. All stamps shall be approved by the County inspector prior to being used.
41. Off-site Improvements (~~Security~~): Prior to approval of the Plan Development or the filing of a Parcel Map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of the County.
42. Off-site Improvements (~~Acquisition~~): As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the Project applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the Parcel Map or approval of the Plan Development, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any parcel map, the applicant shall submit the following to the County Engineer, and enter into an agreement pursuant to Government

Comment [EWC9]: No Change, Language required by County Counsel

Comment [SK10]: Building permits?

Comment [EWC11]: No Change, Language required by County Counsel

Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:

- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
- b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
- c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

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

Air Quality Management District (AQMD)

45. Prior to start of construction, the project shall comply with District Rules 223, 223-1, and 224 for the regulation of fugitive dust and asbestos. A Fugitive Dust Plan (FDP) application shall be submitted with appropriate fees to the District.
46. Project construction shall be in conformance with District Rule 215 for regulation of architectural coating. This condition shall be verified prior to issuance of building permit.
47. Prior to construction/installation of any new point source emissions units or non-permitted units (i.e. gasoline dispensing facility, boilers, internal combustion engines, etc) authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications, and emission factors.

Environmental Management-Hazardous Materials Division

48. Any existing Environmental Site Assessments (ESA) shall be submitted to EMD for review, prior to issuance of grading permit. If no ESA exist, the applicant must prepare a Phase I ESA in accordance with ASTM standard E 1527-00 and submitted to Hazardous Materials Division. If the Phase I conclude that the site is potentially impacted, a Phase II ESA shall be required and any site remediation implemented prior to site construction.

49. Prior to issuance of occupancy permit, the applicant shall apply for an Underground Storage Tanks (UST) permit for the installation of underground tanks. The installation shall comply with all applicable provisions of the California Code of Regulations (Underground Tank Regulations).
50. The following storm water standards shall be incorporated in the design of the gas station:
 - a. The gas station canopy shall have dimensions equal to or greater than the grade break. All runoff from the canopy shall not drain on the fueling area. The downspouts shall be routed so as to prevent drainage across the fueling area.
 - b. The fuel dispensing area shall be paved with Portland cement concrete, or an equally impervious surface. The use of asphalt concrete is prohibited.
 - c. The fuel dispensing area shall be sloped at 1.5% to 4% to promote drainage away from the dispensers.
 - d. The fuel dispensing area shall be separated from the surrounding area by a grade break to prevent storm water run on.
 - e. The concrete dispensing area must extend at least 6.5 feet beyond the corner of each dispenser, or one foot beyond the length at which the nozzle/hose assembly may be operated, whichever is less.
 - f. Owners/operators of all commercial facilities storing reportable quantities of hazardous materials (55 gallons, 500 lbs, 20 cubic feet) or generating hazardous materials business/hazardous waste generator management plan for the site. The plan shall be submitted to this Department for review and all applicable fees.

Environmental Management-Solid Waste Division

51. The Final Development Plan shall identify for each retail facility storage enclosures for both trash and recycling dumpsters. The location, quantity and design of the receptacles shall be verified at building permit review.

County Surveyor's Office

52. Situs addressing for the project shall be coordinated with the Diamond Springs Fire Department and the County Surveyor's Office prior to issuance of building permit.

Diamond Springs/El Dorado Fire Protection District

53. Fire hydrants shall be designed and installed with appropriate fire flow specifications prior to construction of combustible materials.
54. Prior to issuance of building permits, final site plan shall be verified for appropriate roadway and radius requirements.

55. All new buildings in excess of 3,600 square feet shall be equipped with fire sprinklers and monitoring system in accordance with the provisions of NFPA 13, NFPA 72, and Diamond Springs- El Dorado FPD Fire Code. Sprinkler plans shall be included as part of building permits applications.
56. A Knox Box shall be installed in each proposed building, prior to issuance of Occupancy Permit.
57. Prior to issuance of first building permit, the project site shall be annexed into the Community Facilities District (CFD) for the purpose of receiving public services provided by the Diamond Springs-El Dorado Fire Protection District. The applicant shall provide proof of the executed annexation to Development Services Department-Planning Services.

II. MITIGATION MONITORING REPORTING PROGRAM (MMRP)

In accordance with CEQA Guidelines Section 15074(d), specific project mitigation measures identified in the Mitigation Monitoring Reporting Program adopted for the project shall be implemented by the affected agencies. These measures are included as Exhibit B of Attachment 3.