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TO: Planning Commission

FROM: Mel Pabalinas, Senior Planner 

DATE: June 8, 2016

RE: **Recommended Edits to Conditions of Approval
Agenda Item No.4 of June 9th Planning Commission
El Dorado Hills Memory Care Phase 1 Planned Development Permit
File No. PD15-0003**

After further review of the Staff Report and Initial Study for the above referenced project, staff recommends modifications of the following Conditions of Approval and associated mitigation measures.

1) Condition of Approval 28

Staff recommends the following text edits (shown in underline) to Condition of Approval 28:

Mitigation Measure BIO-4 (Indirect Impact to Riparian Areas): A Lake and Streambed Alteration Agreement, pursuant to Fish and Wildlife Code Section 1600 et seq, shall be obtained by the applicants, from the California Department of Fish and Game for the stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures shall be developed in coordination with CDFW in the context of the agreement process. These measures shall include construction measures detailed in the June 3, 2016 memorandum prepared by Madrone Ecological Consulting (Attachment 1).

Modification of this condition does not affect the analysis or conclusion in the Initial Study/Mitigated Negative Declaration.

2) Condition of Approval Number 29

Staff recommends removal of Condition of Approval Number 29:

Mitigation Measure BIO-5 (Indirect Impact to Riparian Areas): The applicant shall obtain a Water Quality Certification (Section 401 permit) from the California Regional Water Quality Control Board for applicable project improvements.

This Condition of Approval/Mitigation Measure was included in error. A Section 401 Permit is commonly applied on activities that result in the fill of wetlands. Given that the proposed project is avoiding existing wetland features, staff recommends the deletion of this Condition and the corresponding Mitigation Measure. Deletion of this condition does not affect the analysis or conclusion in the Initial Study/Mitigated Negative Declaration.

Attachment 1: Memorandum from Madrone Consulting (Proposed Creek and Wetland Protection Measures for the El Dorado Hills Memory Care Project)

Memo

To: Rommel Pabalinas, El Dorado County

From: Ginger Fodge, Principal

Date: June 3, 2016

Subject: Proposed Creek and Wetland Protection Measures for the El Dorado Hills
Memory Care Project

Per your request, I have prepared the following proposed creek and wetland protection measures for the El Dorado Hills Memory Care Project. The creek protection measures are based on conditions typically attached to Streambed Alteration Agreements issued by the California Department of Fish and Wildlife, and would be implemented during construction of the proposed clear-span road crossing of the creek channel. The wetland protection measures are similar to the creek protection measures, and include a physical barrier to be placed around the wetland to prevent encroachment by equipment and personnel.

Creek Protection Measures

1. Disturbance or removal of vegetation will not exceed the minimum necessary to complete construction of the road crossing of the creek. All cleared vegetation/material will be removed out of the riparian zone.
2. Silt barriers shall be installed along the creek bank in the vicinity of the crossing to prevent soil and construction debris from entering the creek channel. Best management erosion control practices, such as stabilizing all exposed/disturbed areas within the construction zone to the greatest extent possible, will be taken to minimize turbidity/siltation during construction and post-construction periods. Any non-biodegradable silt barriers utilized shall be removed after the disturbed areas have been stabilized with erosion control vegetation (usually after the first growing season).
3. No heavy equipment will operate, or any excavation will take place, below the ordinary high water line of the creek. Any equipment or vehicles driven and/or operated adjacent to the creek will be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat. If maintenance or refueling of vehicles or equipment must occur on-site, a designated area and/or a secondary containment area located away from the creek will be established to prevent the runoff of storm water and the runoff of spills. Drip pans or absorbent materials will be placed underneath vehicles and equipment when not in use. Equipment will be stored in areas where any possible contamination from the equipment would not flow or be washed into the creek channel.

4. Debris, soil, silt, sand, rubbish, construction waste, cement or concrete or washings thereof, asphalt, paint, oil, or other petroleum products or any other substances which could be hazardous to aquatic life, or other organic or earthen material from any construction work will not be stored where it could be washed into the creek channel or where it would cover aquatic or riparian vegetation. Staging and storage areas for equipment, materials, fuels, lubricants and solvents will be located more than 20 feet from the creek channel. All construction areas will have proper spill clean-up materials (absorbent pads, sealed containers, booms, etc.) to contain the movement of any spilled substances. All debris will be disposed of properly. Best Management Practices (BMPs) will be employed to accomplish these requirements.
5. All project-generated debris, construction materials, and rubbish will be removed from within 150 feet of the ordinary high water line of the creek, where such materials could potentially be washed into the creek following construction activities.
6. All exposed/disturbed areas and access points along the stream bank left barren of vegetation as a result of construction activities will be restored using locally-native grass and /or forb seeds, locally-native grass plugs, and/or a mix of quick-growing sterile non-native grass with locally-native grass/forb seeds. Seeded areas will be covered with broadcast straw and/or seeded erosion control blankets.

Wetland Protection Measures

1. Prior to initiation of construction activities, high visibility construction fencing will be installed around the perimeter of avoided wetland features to prevent equipment and/or personnel from entering the wetland area.
2. Any equipment or vehicles driven and/or operated adjacent to the wetland will be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or wetland habitat. If maintenance or refueling of vehicles or equipment must occur on-site, a designated area and/or a secondary containment area located away from the wetland will be established to prevent the runoff of storm water and the runoff of spills. Drip pans or absorbent materials will be placed underneath vehicles and equipment when not in use. Equipment will be stored in areas where any possible contamination from the equipment would not flow or be washed into the wetland area.
3. Debris, soil, silt, sand, rubbish, construction waste, cement or concrete or washings thereof, asphalt, paint, oil, or other petroleum products or any other substances which could be hazardous to aquatic life, or other organic or earthen material from any construction work will not be stored where it could be washed into the wetland. Staging and storage areas for equipment, materials, fuels, lubricants and solvents will be located more than 20 feet from the wetland. All construction areas will have proper spill clean-up materials (absorbent pads, sealed containers, booms, etc.) to contain the movement of any spilled substances. All debris will be disposed of properly. Best Management Practices (BMPs) will be employed to accomplish these requirements.
4. All project-generated debris, construction materials, and rubbish will be removed from within 150 feet of the wetland, where such materials could potentially be washed into the wetland area following construction activities.